

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jordy Jose Rodriguez Mezquita

(b) County of Residence of First Listed Plaintiff Philadelphia (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Michael S. Henry, Henry & Grogan, LLC, 100 South Broad Street, Suite 1605, Philadelphia, PA 19110, 215-568-1500

DEFENDANTS

Brian McShane, Kristi Noem, Department of Homeland Security, Pamela Bondi, Executive Office for Immigration Review, and J.L. Jamison

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) U.S. Attorneys Office, 615 Chestnut St #1250, Philadelphia, PA 19106

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 440 Other Civil Rights, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 2241(c)(5). Brief description of cause: Habeas Corpus

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE February 20, 2026

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia

RELATED CASE IF ANY: Case Number: Judge:

- 1. Does this case involve property included in an earlier numbered suit? Yes
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes
5. Is this case related to an earlier numbered suit even though none of the above categories apply? Yes

I certify that, to the best of my knowledge and belief, the within case is / is not related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Wage and Hour Class Action/Collective Action
6. Patent
7. Copyright/Trademark
8. Employment
9. Labor-Management Relations
10. Civil Rights
11. Habeas Corpus
12. Securities Cases
13. Social Security Review Cases
14. Qui Tam Cases
15. Cases Seeking Systemic Relief \*see certification below\*
16. All Other Federal Question Cases. (Please specify):

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify):
7. Products Liability
8. All Other Diversity Cases: (Please specify):

I certify that, to the best of my knowledge and belief, that the remedy sought in this case does / does not have implications beyond the parties before the court and does / does not seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

[X] Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

[ ] None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Jordy RODRIGUEZ MEZQUITA,

:

Petitioner

:

Case No.

:

v.

:

**PETITION FOR WRIT  
OF HABEAS CORPUS**

:

Brian MCSHANE, Acting Field Office  
Director of Enforcement and Removal  
Operations, Philadelphia Field Office  
United States Immigration and Customs  
Enforcement; Kristi NOEM, Secretary  
Department of Homeland Security;  
EXECUTIVE OFFICE FOR  
Immigration Review; Pamela BONDI,  
U.S. Attorney General; J.L. JAMISON,  
Warden of the Federal Detention Center,  
Philadelphia

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Respondents

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**INTRODUCTION**

1. Petitioner, Jordy RODRIGUEZ MEZQUITA, is a native and citizen of the Dominican Republic, who entered the United States without inspection in approximately January 2024.

2. After entering the United States, Petitioner was apprehended by U.S. Immigration and Customs Enforcement ("ICE").

3. Petitioner was released contingent on enrollment and successful participation in ICE's Alternatives to Detention (ATD) program.

4. Petitioner was also ordered by ICE to present regularly for check ins.

5. Petitioner has appeared at every check-in and complied with all ICE reporting requirements.

6. Since his release from custody, Petitioner has settled in Philadelphia, Pennsylvania and lives with his uncle, who employs Petitioner at his store.

7. Petitioner is in an asylum seeker with a pending asylum claim before the Philadelphia Immigration Court.

8. On February 18, 2026, Petitioner was arrested by U.S. Immigration and Customs Enforcement ("ICE") when he reported for a scheduled ICE check-in at the Philadelphia Field Office for United States Immigration and Customs Enforcement (ICE).

9. Petitioner had previously appeared at all his scheduled check-in appointments and complied with all of the terms of his supervised release.

10. Petitioner has no criminal history.

11. Petitioner is currently being detained by Respondents at the Federal Detention Facility, Philadelphia and now faces unlawful and indefinite detention pursuant to the June 8, 2025 Department of Homeland Security ("DHS") policy instructing all ICE employees to consider anyone inadmissible under 8 U.S.C. §

1182(a)(6)(A)(i) subject to detention without eligibility for bond, pursuant to 8 U.S.C. §1225(b)(2) regardless of whether they are attempting to enter the country or have been present here for years.

12. Any bond motion filed by Petitioner would be denied based upon the September 5, 2025, decision by the Board of Immigration Appeals, Matter of Jonathan Javier YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025), which adopts the above referenced DHS policy.

13. Indeed, the DHS policy states it was issued “in coordination with the Department of Justice (DOJ).”

14. Petitioner’s detention on this basis violates the plain language of the Immigration and Nationality Act because Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States.

15. Instead, such individuals are subject to a different statute, 8 U.S.C. § 1226(a), that allows for release on conditional parole or bond.

16. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

17. Respondents’ new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

18. Accordingly, Petitioner now seeks habeas relief requiring that he be released unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within fourteen days.

### **JURISDICTION**

19. Petitioner is in the physical custody of Respondents at the Federal Detention Center, Philadelphia. See Exhibit A.

20. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

21. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

### **VENUE**

22. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Eastern District of Pennsylvania, the judicial district in which Petitioner currently is detained according to respondent.

23. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and

because a substantial part of the events or omissions giving rise to the claims occurred in the Eastern District of Pennsylvania.

### **REQUIREMENTS OF 28 U.S.C. § 2243**

24. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243.

25. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

26. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” Fay v. Noia, 372 U.S. 391, 400 (1963) (emphasis added).

27. “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” Yong v. I.N.S., 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

## **PARTIES**

28. Petitioner Jordy Rodriguez Mezquita is a citizen of the Dominican Republic who has been in immigration detention since February 18, 2026, when he was arrested by ICE.

29. Respondent Brian McShane is the Director of the Philadelphia Field Office of ICE's Enforcement and Removal Operations division. As such, Brian McShane, is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

30. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

31. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

32. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

33. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

34. Respondent J.L. Jamison is employed as Warden of the Federal Detention Center, Philadelphia, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

### **LEGAL FRAMEWORK**

35. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

36. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. See 8 U.S.C. § 1229a.

37. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

38. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

39. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–(b).

40. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

41. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585.

42. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

43. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

44. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible.

45. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

46. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

47. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory detention provision under § 1225(b)(2)(A).

48. The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

49. In a September 5, 2025 decision, Matter of Jonathan Javier YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025) from the Board of Immigration Appeals (BIA), EOIR adopts the same position.

50. ICE and EOIR have adopted this position even though federal courts have rejected this exact conclusion.

51. For example, after IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not §1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. Rodriguez Vazquez v. Bostock, --- F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025); see also Gomes v. Hyde, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at \*8 (D. Mass. 11 July 7, 2025) (granting habeas petition based on same conclusion).

52. DHS's and DOJ's interpretation defies the INA.

53. As the Rodriguez Vazquez court explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

54. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.”

55. These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

56. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E).

57. Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a).

58. As the Rodriguez Vazquez court explained, “[w]hen Congress creates “specific exceptions” to a statute’s applicability, it “proves” that absent those exceptions, the statute generally applies. Rodriguez Vazquez, 2025 WL 1193850, at \*12 (citing Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010)).

59. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

60. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States.

61. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A).

62. Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government

must determine whether a[] [noncitizen] seeking to enter the country is admissible.”  
Jennings v. Rodriguez, 583 U.S. 281, 287 (2018).

63. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

**CLAIMS FOR RELIEF  
COUNT I  
Violation of the INA**

64. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

65. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility.

66. As relevant here, it does not apply to those who previously entered the country and were released from DHS custody under supervision after being placed into formal removal proceedings under 8 U.S.C. §1229a.

67. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

68. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

**COUNT II**  
**Violation of Due Process**

69. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

70. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” Zadvydas v. Davis, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

71. Petitioner has a fundamental interest in liberty and being free from official restraint.

72. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

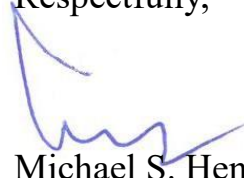
**PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that Respondents release Petitioner or provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 14 days;
- c. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- d. Grant any other and further relief that this Court deems just and proper.

DATED this 20<sup>th</sup> day of February, 2026

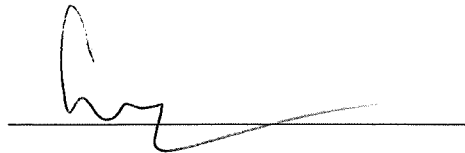
Respectfully,



Michael S. Henry  
Pa. Supreme Court ID: 49518  
HENRY & GROGAN, LLC  
Land Title Building, Suite 1605  
100 S. Broad Street  
Philadelphia, Pennsylvania 19110  
(215) 568-1500  
mshenry@henrygrogan.com  
Attorney for Petitioner

**VERIFICATION**

I verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties relating to unsworn falsification to authorities under federal law.

A handwritten signature in black ink, appearing to read "Michael S. Henry", is written over a solid horizontal line.

Michael S. Henry

Date: 2 - 20 - 2026

**A**

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Clio Calendar USCIS FOIA EService I-94 USPS EOIR Case Portal

Official Website of the Department of Homeland Security



**U.S. Immigration and Customs Enforcement**

Report

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### Search Results: 1

**JORDY JOSE MEZQUITA**

Country of Birth : Dominican Republic

A-Number: 

Status : In ICE Custody

State: PA

**Current Detention Facility:** Philadelphia Federal Detention Center

*\* Click on the Detention Facility name to obtain facility contact information*

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**BACK TO SEARCH >**