

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. A 

Ruben Castillo Concepcion,

Petitioner,

v.

The United States Department of Homeland Security,

(DHS), Kristi Noem, The United States Department of

Immigration and Customs Enforcement (ICE), Todd

Lyons, and Frank Izquierdo, as warden.

Respondents.

_____ /

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. SECTION 2241

Personal Information

1. (a) Petitioner's full name: Ruben Castillo Concepcion, date of birth is 



(b) Other names Petitioner has used: none.

2. Place of Confinement:

(a) **Name of Institution**: The Petitioner is detained at the Broward Transitional Center, at Pompano Beach Florida, since December 15, 2025. The immigration court (Miami Krome Immigration Court) on 02/05/2026 issued

an order denying the motion for bond, stating that the immigration court presently does not have jurisdiction under current case law (Exhibit "A");

(b) **Address:** Petitioner's last known whereabouts is Broward Transitional Center in Pompano Beach, Florida 33073. The court declined to hear the motion for bond, based on lack of jurisdiction.

(c) **Petitioner's Identification Number:** # 

3. Petitioner is currently being held on orders by: Federal authorities State authorities other: Petitioner is being held by: United States Immigration and Customs Enforcement (ICE), and the U.S. Department of Homeland Security.
4. Petitioner is currently being held due to:
- A pretrial detainee (waiting trial on criminal charges)
- Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime. If serving a sentence provide: (a) name and location of court that sentenced you: _____, (b) Docket Number of criminal case: _____, (c) Date of sentencing: _____.
- Being held on an immigration charge.
- Other. _____.

Decision or Action You Are Challenging

5. What is being challenged in this petition:
- How the sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good Time *credits)
- Pretrial detention
- Immigration detention: The Petitioner is in removal proceedings

___ Detainer

___ The validity of the conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

___ Disciplinary proceedings

___ Other:

6. Provide more information about the decision or action that is being challenged:

(a) Name and location of the agency or court: The U.S. Department of Homeland Security, and The U.S. Department of Immigration and Customs Enforcement.

(b) **Docket number, Case number, or opinion number:** The order of the immigration judge, declining to hear the motion for bond or conditional release, due to lack of jurisdiction, is dated 02/05/2026. The court order is attached hereto as Exhibit "A".

(c) Decision or action that is being challenged: (for disciplinary proceedings specify the penalties imposed): The court stated that it lacks authority to redetermine Respondent's custody status because he is present in the United States without admission, and is subject to mandatory detention under Section 235(b)(2)(A) of the INA. And, *Matter of Yajure Hurtado*, ID #4125. The court further stated that as such, therefore the court lacks jurisdiction to address custody.

(d) Additionally, the court denied bond to Petitioner, due to his arrest on 12/14/2025 for Petit Theft. The judge denied bond based on the Laken Riley Act and Section 236(c) of the INA. However, the petit theft charge is pending

and Petitioner has not been adjudicated of any crime. Further, Petitioner did not have the intention to commit a crime. He was transporting vehicles in his trailer and one vehicle's Tag came up with issues, as the arresting officer ran the Tag in the computer systems. This led to Petitioner's arrest. This issue is being dealt with at the Broward County courts.

(e) Date of the decision or action: **February 05, 2026.**

Petitioner's Earlier Challenges to the Decision or Action

7. First Appeal: Did Petitioner appeal the decision, file a grievance, or seek an administrative remedy? ___ yes __**X**__ no

(a) If "yes" provide:

1. Name of the authority, agency, or court:
2. Date of filing:
3. Docket number, case number, or opinion number:
4. Result:
5. Date of result:
6. Issues raised:
7. Other:

(b) If Petitioner answered "No" explain why Petitioner did not appeal:

Second Appeal: After the first appeal, was there a second appeal to a higher authority, agency or court? ___ yes __**X**__ no. There was no first nor second appeal.

8. If 'yes" provide:

___ name of the authority, agency or court:

___ date of filing:

__ Docket number, case number, or opinion number:

__ Result:

__ Date of result:

__ Issues raised:

If "no" explain why you did not file a second appeal:

9. Third appeal: After the second appeal, was there a third appeal to a higher authority, agency, or court? ____ yes no

If "yes" provide:

__ name of the authority, agency or court:

__ date of filing:

__ Docket number, case number, or opinion number:

__ Result:

__ Date of result:

__ Issues raised:

If "no" explain why you did not file a third appeal: There were no first, second, nor third appeals filed.

10. Motion under 28 U.S.C. Section 2255

In this petition are you challenging the validity of your conviction or sentenced as imposed? ____ yes no.

If "yes" answer the following: (a) have you already filed a motion under 28 U.S.C. Section 2255 that challenges the conviction or sentence? ____yes no.

If "yes" provide:

__ Name of court:

__ Case number:

__ Date of filing:

__ Result:

__ Date of result:

__ Issues raised:

11. Has Petitioner ever filed a motion in a United States Court of Appeals under **28 U.S.C. Section 2244(b) (3) (A)** seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence? ___ yes **_X_** no.

If "yes" provide:

__ Name of court:

__ Case number:

__ Date of filing:

__ Result:

__ Date of result:

__ Issues raised:

12. Explain why the remedy under 28 U.S.C. Section 2255 is inadequate or ineffective to challenge the conviction or sentence: because this involves an immigration case.

13. Appeals of Immigration Proceedings:

Does this case concern immigration proceedings? **_X_** yes ___ no.

If "Yes" provide:

(a) **Date Petitioner was taken into immigration custody:** November 20, 2025.

(b) Date of the removal or reinstatement order: no removal orders have been issued, but only the motion denying bond, as to Petitioner.

(c) Did you file an appeal with the Board of Immigration Appeals? ___ yes
X no.

If 'yes" provide:

___ date of filing

___ Case number:

___ Result:

___ Date of result:

___ Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals? ___ yes
X no.

If "yes" provide:

___ name of court

___ date of filing

___ Case number

___ Result

___ Date of result

___ Issues raised

14. **Other appeals:** Other than the appeals listed above, have other petitions, applications, or motions been filed about the issues raised in this petition? ____
yes **X** no.

If "yes" provide:

- (a) Kind of petition, motion, or application
- (b) Name of the authority, agency, or court
- (c) Date of filing:
- (d) Docket number, case number, or opinion number
- (e) Result:
- (f) Date of result
- (g) Issues raised:

Grounds for Petitioner's Challenge in this Petition

15. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in separate memorandum.

Ground One:

- (a) **Supporting facts:** (be brief – do not cite cases or law): The Petitioner was born in Dominican Republic, Santo Domingo. He arrived into the United States on September 11, 2022, at or near San Luis, Arizona. The Petitioner had been released on conditional release circumstances. The Petitioner has a pending I-589 *Application for Asylum and Withholding of Removal.* The

Petitioner has loved ones to stay with and who can provide support throughout his proceedings. He has ties to the community and is not a flight risk.

- (b) The petitioner had a bond hearing and was heard by the Miami Krome Immigration Court. The immigration judge denied the bond motion, holding that Mr. Ruben Castillo Concepcion is an arriving alien and therefore, the court lacks jurisdiction under *Matter of M-S-27* I&N Dec. 509 (A.G. 2019) and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
- (c) In declining to consider the motion for bond, the immigration court reasoned that bond was being denied because respondent appears to be present in the United States without admission and is subject to mandatory detention under Section 235 (b) (2) (A) of the INA and *Matter of Yajure Hurtado*, ID #4125, The court determined that it lacked jurisdiction to address custody. The immigration court based its determination that it lacks jurisdiction due primarily to the case of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

(d) A person who arrives at a U.S. border or Port and lacks an entry document such as a visa, is considered an “arriving alien” and such persons, when later encountered by ICE and placed in removal proceedings, have regularly been denied bond by the immigration courts. This denial of bond to persons deemed “arriving aliens” is based upon the case of *Yajure Hurtado*, I&N Dec. 216 (BIA 2025). However, due to a recent new ruling, the Respondent may be considered for bond determination.

(e) The Respondent qualifies as a member of a class of persons who may be considered for bond determination, under *Lazaro Maldonado Bautista et al v. Ernesto Santa Cruz Jr et al*, Case 5:25-cv-01873-SSS-BFM (U.S. Dist. Ct. C.D. Calif. 2025). There, four persons were arrested in Southern California in June 2025, when they were not inspected at the U.S. border. They were held at a detention center and denied bond, following a change in Department of Homeland Security (DHS) policy that occurred in July 8, 2025. The Respondents sued for Habeas Corpus relief in Federal court at the Central District Court of California. Judge Sunshine Suzanne Sykes found the new DHS policy unlawful and unconstitutional; and the Respondents were granted hearings and released from detention. The court also entered a class action order, certifying a class of similarly eligible persons for release on bond under Section 236 of the INA. Thus, under this new ruling, noncitizens who entered the U.S. without inspection can now seek bond relief from the courts, reversing prior mandatory detention policies.

The new ruling allows the following persons to request bond from the immigration courts:

- a. Non-citizens
- b. Entered without inspection
- c. Not apprehended at entry
- d. Not subject to mandatory detention

Section 236 of the INA governs the detention and bond process for non-citizens eligible for release, replacing Section 235 (b) (2) (A) of the INA.

Judge Sykes at the Central District Court in California, certified a class granting relief to immigrants nationwide who “who have entered or will enter the U.S. without inspection, and those who were not initially detained when they came into the country.”

The judge reasoned that the July 8, 2025 DHS policy directed ICE to treat anyone in the U.S. as an “applicant for admission” under Section 8 U.S.C. Section 1225 (b)(2) (A); and this resulted in an expansive and improper reading of the term “applicants for admission”. The judge reasoned that this resulted in treating people already living in the U.S. as if they were arriving at the border; and this tended to “collapse” 8 U.S.C. Section 1226 into “nonexistence”.

Petitioner, Ruben Castillo Concepcion, therefore may be considered for bond by the immigration court.

The Respondent may be released on conditional parole or a low bond in that he is not a flight risk, is not a danger to the community, and presents a viable claim for Political Asylum and withholding of removal. See, 8 C.F.R. Section 1003 19 (d) (h).

1. Mr. Ruben Castillo Concepcion is not a flight risk

The Respondent is not a flight risk. He has no prior immigration or history of nonappearance at immigration proceedings. He has maintained a steady address; and if released he would be reunited with his family in South Florida.

Mr. Ruben Castillo Concepcion has family members and friends with lawful status in the United States who will support him as he complies with the terms of his immigration process.

2. The Respondent is not a danger to Society

If released the Petitioner intends to pursue legal relief in the form of Political Asylum, Withholding of Removal, and protection under the Convention Against Torture. Additionally, Petitioner's wife filed on his behalf a spousal petition (I-130) with the immigration service, being that she is a legal resident.

When Petitioner was arrested he had a valid driver's license and had valid work authorization. Petitioner was transporting vehicles in a trailer, for a living. He was arrested due to a tag that was displayed on a vehicle that he was transporting, that apparently came up with issues when the officer ran it in his systems. The petit theft charge is pending in the Broward County Courts system.

The Petitioner is not a danger to the community; and does not have any criminal convictions.

A. Conclusion

In that Petitioner is not a flight risk, will not fail to appear before the court, and presents no threat to the safety of the community, then he should be allowed conditional parole; Alternatively, he should be released on a low bond.

(f) Did you present Ground One in all appeals that were available to you? ___ yes
X no.

Request for Relief:

16. State exactly what you want the court to do: We want the court to order that Petitioner Ruben Castillo Concepcion have a proper bond hearing to determine whether he may be released from detention on his own recognizance, on conditional release, or alternatively on a low bond. The immigration judge denied bond on the basis of lack of jurisdiction. However, under current case law, the court should order that these grounds are insufficient to deny bond to Petitioner.
17. Further, The arrest for petit theft is not sufficient grounds to deny bond to Petitioner. The Petitioner has no criminal convictions for crimes or offenses. He only has the pending petit theft charge, due to the TAG issue involving the vehicle that was on his trailer. He has been detained in very difficult conditions.
18. The Petitioner will not violate his obligation to appear before the immigration court, nor before the Criminal Courts in Broward County, Florida. Petitioner is aware that he must be responsible in his matters which also will affect his wife who is in New Jersey, and his new-born son, and his family thus needs his financial and emotional support.
19. The Petitioner, a Dominican Republic native who is presenting a viable asylum claim, and who is a beneficiary of the I-130 petition for alien relative that his wife has filed, should be released so that he can be with his wife, and his new-born son, while he waits for the hearing on his application for relief which is to be heard by the immigration court; as well

as he awaits his hearing on the petit theft charge filed in Broward County, Florida.

20. Petitioner qualifies to be released on conditional release or a low bond, being that he has no criminal convictions, is not a flight risk, and has family in New Jersey.

21. Further, we ask that Petitioner not be moved from his current location, until further order of the court.

Declaration Under Penalty of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the attorney for the petitioner, I have read this petition, and the information in this petition is true and correct. I understand that a false statement of material fact may serve as the basis for prosecution for perjury.

Date: February 19, 2026

Respectfully Submitted,

By: **Juan C. Perez Esq. /s/**

LAW OFFICE JUAN CARLOS PEREZ

ATTORNEY AT LAW PA

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Habeas Corpus has been delivered via the court's e-portal, and via U.S. mail, and/or hand delivery to The U.S. Department of Homeland Security (DHS), Kristi Noem, The U.S. Department of Immigration and Customs Enforcement (ICE), Todd Lyons, on or about February 20, 2026.

Juan C. Perez, Esq. /s/