

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Saul Juarez Sanchez,

A 

Petitioner,

Case No.

v.

Matthew Elliston, in his official capacity as Acting
Field Office Director of Baltimore, Maryland Field
Office of ENFORCEMENT AND REMOVAL
OPERATIONS, IMMIGRATION AND CUSTOMS
ENFORCEMENT;

**PETITION FOR WRIT OF
HABEAS CORPUS**

Kristi NOEM, Secretary, U.S. Department of
Homeland Security;

U.S. DEPARTMENT OF HOMELAND
SECURITY;

Pamela BONDI, U.S. Attorney General;

EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW

Respondents.

INTRODUCTION

1. This petition seeks relief from immigration custody by United States Immigration and Customs Enforcement (“ICE”). Petitioner Saul Juarez Sanchez has been able to obtain only limited information about the purported basis for his detention. But this limited information indicates ICE has impermissibly detained him in the same manner as detailed in habeas petitions that have filled the dockets of this District and around the Nation: on information and belief, ICE detained Mr. Juarez Sanchez without a warrant and without probable cause, under auspices of a statutory provision that does not authorize his arrest and detention (8 U.S.C. § 1225), while depriving him of the bond hearing required by the statutory provision that arguably could permit his arrest under the circumstances (8 U.S.C. § 1226). Whether on this statutory basis, or the related affront to our Constitution, Mr. Juarez Sanchez’s detention cannot continue.

2. Mr. Juarez Sanchez seeks relief from this Court while still pursuing information about his detention, and while raising only a targeted set of legal arguments, so that he can file his petition today. Mr. Juarez Sanchez does so out of fear that he may soon join the innumerable other ICE detainees pinballed around the country from detention center to detention center. He accordingly seeks relief now so that he can file his habeas petition, and have it heard, in the jurisdiction where he was detained and where he and his family have made their home.

3. Mr. Juarez Sanchez is currently held in a locked and crowded room at the Baltimore ICE office, which is the subject of an ongoing lawsuit in this Court. *See, e.g., D.N.N. v. Bacon*, 1:25-cv-1613, Dkt. No. 127-1 (D. Md. Dec. 23, 2025) (preliminary injunction motion describing overcrowding, filthy conditions, and grossly inadequate medical care at Baltimore ICE office). Absent intervention from this Court, ICE will send Mr. Juarez Sanchez to a detention center far away from his community in Maryland.

4. Four days ago, on the morning of January 19, 2026, Mr. Juarez Sanchez did exactly what countless parents do every weekday morning: he took his daughter to school. He said goodbye, watched her enter the building, and then got back into his vehicle to head home. Minutes later, he was detained.

5. That was it. Mr. Juarez Sanchez was not fleeing law enforcement, committing a crime, or posing any threat to anyone.¹ He was a father completing a routine school drop-off in the community where he lives, works, worships, and has built a life. Yet that ordinary moment marked the beginning of his unlawful detention, one that now separates him from his family and deprives him of his liberty without the procedural protections Congress required.

6. Respondents apparently contend that Mr. Juarez Sanchez is subject to mandatory detention because he allegedly entered the United States without admission or inspection. Relying on a recent and unprecedented shift in agency interpretation, the Department of Homeland Security (“DHS”) and the Executive Office for Immigration Review (“EOIR”) appear to have concluded that this single allegation permanently strips him of any right to seek release on bond, no matter how long he has lived in the United States, how strong his community ties are, or how compelling his claim for relief may be. That conclusion is wrong.

7. For decades, individuals like Mr. Juarez Sanchez who are long-term residents apprehended in the interior of the United States and placed in standard removal proceedings, have been governed by 8 U.S.C. § 1226(a), a statute that expressly permits release on bond after an individualized custody determination. In July 2025, DHS abruptly abandoned that settled understanding, directing ICE officers to treat all individuals charged with being present in the United States without admission or parole under 8 U.S.C. § 1182(a)(6)(A)(i) as subject to

¹ For completeness, not only has Mr. Juarez Sanchez not been charged with committed any crime this past Thursday, he also has not been charged with (much less convicted of) any crimes during his time in the United States.

mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Two months later, the Board of Immigration Appeals (“Board” or “BIA”) compounded that error by issuing a precedential decision holding that immigration judges lack authority to conduct bond hearings for any person who ever entered the United States without inspection. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

8. As applied here, this new interpretation defies the text and structure of the Immigration and Nationality Act (“INA”), contradicts decades of agency practice, and results in the unnecessary detention of a man who presents no danger, no flight risk, and who has every incentive to appear for his immigration proceedings. Mr. Juarez Sanchez has no criminal record. He has a stable residence, deep family and community ties, and a pending asylum application for himself, his wife, and his ten-year-old daughter. Yet he is detained without any opportunity to be heard on whether his confinement is justified.

9. Absent intervention by this Court, Mr. Juarez Sanchez faces months—or longer—of confinement based solely on a flawed legal interpretation, separated from his child and family for no lawful purpose. The writ of habeas corpus exists precisely to prevent this kind of unjustified detention.

10. Accordingly, Mr. Juarez Sanchez respectfully asks this Court to order his immediate release. In the alternative, Mr. Juarez Sanchez requests that this Court order a bond hearing within seven days, with Mr. Juarez Suarez to be released if one is not held in that time.

JURISDICTION

11. Mr. Juarez Sanchez is in the physical custody of Respondents. Mr. Juarez Sanchez is detained at the George H. Fallon Federal Office Building, 31 Hopkins Plaza, 6th Floor, Baltimore, Maryland 21201, which is within the jurisdiction of the United States District Court for the District of Maryland. 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).

12. This Court has jurisdiction to adjudicate habeas corpus claims brought by foreign nationals who challenge the legality of their detention by U.S. immigration officials. *See Reno v. Flores*, 507 U.S. 292, 306 (1993) (“It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.”); *Rodriguez v. Perry*, 747 F. Supp. 3d 911, 915 (E.D. Va. 2024) (“The federal habeas corpus statute gives a district court jurisdiction to review immigration-related detention cases.”) (citing 28 U.S.C. § 2241(c)(3)).

13. 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

14. 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 District of Maryland, the judicial district in which Mr. Juarez Sanchez currently is detained.

15. 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 District of Maryland.

REQUIREMENTS OF 28 U.S.C. § 2243

16. Under 28 U.S.C. § 2243, 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. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

17. 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). “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

18. Petitioner Saul Juarez Sanchez is a citizen of Mexico who has been in immigration detention since February 19, 2026. Following Mr. Juarez Sanchez’s arrest, ICE did not set bond. Mr. Juarez Sanchez is presently in removal proceedings, and has an asylum application pending before the EOIR. During the entire pendency of those proceedings, Mr. Juarez Sanchez had been permitted to remain on release. Mr. Juarez Sanchez is unable to obtain review of his present custody by an Immigration Judge, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

19. Respondent Matthew Elliston is the Acting Field Office Director of Baltimore, Maryland Field Office of Enforcement and Removal Operations, Immigration and Customs Enforcement. As such, Mr. Elliston is Mr. Juarez Sanchez’s physical custodian and is responsible for Mr. Juarez Sanchez’s detention. Mr. Elliston is named in his official capacity.

20. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Mr. Juarez Sanchez’s detention. Ms. Noem has ultimate custodial authority over Mr. Juarez Sanchez and is sued in her official capacity.

21. Respondent DHS is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

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

23. Respondent EOIR is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

EXHAUSTION

24. The failure to exhaust administrative remedies does not bar Mr. Juarez Sanchez's claims unless "Congress specifically mandates" exhaustion. *Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022) (1993) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992)). Moreover, because Mr. Juarez Sanchez's continued detention violates his right to due process—a constitutional right—administrative exhaustion is excused. See *Guitard v. U.S. Sec'y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) ("Exhaustion of administrative remedies may not be required when . . . a plaintiff has raised a 'substantial constitutional question.'").

25. Although the Court may impose exhaustion requirements as a prudential matter, it should not do so in this case because further administrative exhaustion would be futile. Critically, as part of the Government's recent policy shift, the Board issued *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), concluding that noncitizens who entered the United States without inspection at any point are forever after considered to be "arriving aliens" who are "seeking admission" and thus subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Even though, as discussed below, this decision is legally erroneous, all immigration judges—including Appellate Immigration Judges at the BIA—are obligated to apply published Board precedent, and making any attempted bond request futile as a practical matter. 8 C.F.R. § 103.10(b).

FACTS

26. Petitioner, Saul Juarez Sanchez, is a citizen of Mexico who fled his home country due to [REDACTED]

[REDACTED]

27. [REDACTED]

[REDACTED] No one, including children, was safe from harm.

28. As conditions deteriorated, and the risk to his family became intolerable, Mr. Juarez Sanchez feared for the safety of their young daughter, who was eight years old at the time. To protect his child and family from kidnapping and violence, he made the difficult decision to leave Mexico. He entered the United States on February 13, 2024.

29. Upon his entry to the United States, Mr. Juarez Sanchez was issued a Notice to Appear for removal proceedings in Baltimore, Maryland, and he was released on his own recognizance to reside in Salisbury, Maryland with his family while those proceedings were underway.

30. Since his arrival in the United States over two years ago, Mr. Juarez Sanchez has continuously resided at [REDACTED] He has established deep ties to his community and family in Salisbury.



31. Mr. Juarez Sanchez, his wife, and his now ten-year-old daughter have pending asylum applications. Mr. Juarez Sanchez's application, filed on August 7, 2025, remains pending adjudication. *See* Ex. 1. They are scheduled for a Hearing on their application on November 17, 2026, at 10 a.m., in the exact same Fallon Office Building where Mr. Juarez Sanchez is now detained.

32. On Thursday, February 19, at approximately 7:50 a.m., Mr. Juarez Sanchez was driving his daughter and her cousin to school when an unidentified vehicle began following him from the street where he resides. The vehicle continued to follow Mr. Juarez Sanchez from his home all the way to his daughter's school, Prince Street Elementary. After Mr. Juarez Sanchez arrived at the school and dropped off the children, the same vehicle continued following him as he drove away.

33. Minutes later, Mr. Juarez Sanchez was then detained by ICE on the same street where the vehicle first began following him. The ICE officers provided no factual or legal explanation for his detention and if they displayed any warrant authorizing his arrest, it was not recognizable to him as such and has not since been provided to counsel. Since that arrest, Mr. Juarez Sanchez has not received a bond hearing.

34. Mr. Juarez Sanchez has no criminal record and no history of violence or substance abuse. He is known as a responsible and caring individual who assists others whenever possible.

35. Mr. Juarez Sanchez and his family are active members of their faith community. They attend Mass regularly at St. Elizabeth Church near Princess Anne, Maryland, and at St. Francis de Sales Church in Salisbury, Maryland.

36. Mr. Juarez Sanchez is not a danger to the community. He has no criminal convictions and has demonstrated good moral character. He has continuously resided at 
 He has strong family ties, a stable residence, steady community involvement, and a pending asylum application. He is committed to pursuing lawful status in the United States. His ten-year-old daughter resides in Salisbury and attends Prince Street Elementary. These factors demonstrate that he is not a flight risk and has every incentive to appear for all immigration proceedings.

37. Without relief from this court, Mr. Juarez Sanchez faces the prospect of months, or even years, in immigration custody, separated from his family and community.

LEGAL FRAMEWORK

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

39. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge. *See* 8 U.S.C. § 1229a. 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).

40. 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).

41. 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).

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

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

44. 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).

45. 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 pursuant to 8 U.S.C. § 1226(c). 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,”² claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). 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.

48. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

² Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

49. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

50. Even before ICE or the BIA introduced these nationwide policies, 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. There, 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*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

51. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, 804 F. Supp. 3d 265 (D. Mass. 2025); *Diaz Martinez v. Hyde*, 792 F. Supp. 3d 211, (D. Mass. 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. 2025); *Maldonado v. Olson*, 795 F. Supp. 3d 1134 (D. Minn. 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, 795 F. Supp. 3d 271 (D. Mass. 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, 803 F. Supp. 3d 409 (D. Md. 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957 (D. Minn. 2025) *Lopez-Campos v. Raycraft*, 797 F. Supp. 3d 771 (E.D. Mich. 2025); *Vasquez Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Zaragoza*

Mosqueda v. Noem, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, 799 F. Supp. 3d 14 (D. Mass. 2025); *see also*, e.g., *Palma Perez v. Berg*, 798 F. Supp. 3d 955, 960 (D. Neb. 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, 796 F.Supp.3d 584, 589 (D. Neb. 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

52. The District of Maryland has repeatedly and independently reached this conclusion. Most recently, in *Bautista Villanueva v. Bondi*, the court held that the petitioner was not subject to mandatory detention under § 1225 because she was not “arriving” at the time of detention, had been present in the United States for more than two years, and had previously been taken into custody and released. No. 25-CV-4152-ABA, 2026 WL 100595, at *1 (D. Md. Jan. 14, 2026). The court emphasized that § 1225(b)(1)(A)(iii) does not apply where the noncitizen has established two years of continuous presence, and that § 1225(b)(2) likewise does not apply to individuals who were previously apprehended and released. *Id.* Applying *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), the court declined to afford *Skidmore* deference to *Matter of Yajure Hurtado* and instead exercised independent judgment in assessing the statute’s meaning. *See id.*; *see also Afghan v. Noem*, No. 25-cv-4105-SAG, 2025 WL 3713732, at *2 (D. Md. Dec. 23, 2025).

53. Other recent decisions from this District are in accord. *See, e.g., Rivas-Munoz v. Noem*, No. 26-CV-00045-ABA, 2026 WL 123968 (D. Md. Jan. 16, 2026); *Reyes Lopez v. Bondi*, No. 26-CV-00009-ABA, 2026 WL 128901 (D. Md. Jan. 16, 2026); *Fonseca v. Noem*, No.

26-CV-00128-ABA, 2026 WL 128900, at *1 (D. Md. Jan. 16, 2026); *Villanueva Funes v. Noem*, No. CV 25-3860-TDC, 2026 WL 92860 (D. Md. Jan. 13, 2026).

54. The reasoning of these cases applies squarely here. Mr. Juarez Sanchez has been continuously present in the United States for more than two years. Although he was initially apprehended near the border and later released, he was not “arriving” at the time ICE re-detained him, and his detention occurred well after the statutory two-year window referenced in § 1225(b)(1)(A)(iii).

55. Section 1226(a) therefore applies by default. That provision governs detention “pending a decision on whether the alien is to be removed from the United States,” including for individuals charged as inadmissible. *See* 8 U.S.C. § 1226(a), (c)(1)(E). As numerous courts have explained, Congress’s creation of specific mandatory-detention exceptions confirms that, absent those exceptions, § 1226(a) applies and affords bond eligibility. *See Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1256–57 (W.D. Wash. 2025); *Gomes v. Hyde*, 804 F. Supp. 3d 265, 274–75 (D. Mass. 2025).

56. By contrast, § 1225(b) is a border-centric statute, premised on inspections of individuals who are seeking admission. As the Supreme Court has explained, its mandatory detention scheme applies “at the Nation’s borders and ports of entry.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). It does not govern individuals like Mr. Juarez Sanchez, who had already entered the country and established residence long before ICE apprehended him.

57. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Mr. Juarez Sanchez, who have already entered and were residing in the United States at the time they were apprehended. Mr. Juarez Sanchez is detained pursuant to 8 U.S.C. § 1226(a) and is entitled to a bond hearing before an immigration judge.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

58. Petitioner Saul Juarez Sanchez incorporates by reference the allegations of fact set forth in the preceding paragraphs.

59. 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. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to §§ 1225(b)(1), 1226(c), or 1231.

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

COUNT II

Violation of the Bond Regulations

61. Petitioner Saul Juarez Sanchez incorporates by reference the allegations of fact set forth in preceding paragraphs.

62. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were

eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

63. Further, and pursuant to *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr et al.*, “Individuals who are present in the United States and have not been inspected and authorized by an immigration officer are merely part of the broadly defined term ‘[noncitizen]’: any person not a citizen or national of the United States. §1101(a)(4). As the plain language of §1226(a) supports Petitioner’s interpretation, and ‘no insuperable textual barrier’ hinders this reading, . . . §1226(a) is the appropriate governing authority over Petitioners’ detention.” Order Granting Pet’rs’ Mot. Partial Summ. J., Case 5:25-cv-01873, at 14, ECF No. 81 (S.D. Cal. Nov. 20, 2025).

64. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and practice of applying § 1225(b)(2) to individual like Petitioner.

65. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III

Violation of Due Process

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

67. 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 (2001).

68. This protection extends to all persons within the United States, including noncitizens, regardless of their status or manner of entry. *Id.* at 693.

69. Petitioner has a fundamental interest in liberty and being free from official restraint. Civil immigration detention is constitutionally permissible only when it is narrowly tailored to serve legitimate regulatory purposes—ensuring appearance at proceedings and protecting the community—and only when accompanied by meaningful procedural safeguards. *Jennings*, 583 U.S. at 290–91.

70. By classifying Petitioner under 8 U.S.C. §1225(b)(2) and denying any opportunity for an individualized bond hearing, Respondents have imposed mandatory detention without process, thereby violating Petitioner’s substantive and procedural due process rights.

71. The application of § 1225(b)(2) to a long-term resident apprehended in the interior bears no rational relation to Congress’s stated objectives and results in an arbitrary deprivation of liberty. Substantively, detention that continues without individualized review ceases to serve a regulatory purpose and becomes punitive, contrary to *Zadvydas* and *Demore v. Kim*, 538 U.S. 510, 528 (2003).

72. Procedurally, Respondents’ categorical denial of a bond hearing fails the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test. The private interest at stake—freedom from unlawful confinement—is of the highest order. The risk of erroneous deprivation is acute where, as here, no hearing exists to assess flight risk or danger.

73. The government’s interests can be fully satisfied through individualized bond determinations that safeguard both liberty and the integrity of removal proceedings. *See Chogllo Chafra v. Scott*, 804 F.Supp. 3d 247, 264(D. Me. 2025) (“In sum, the *Mathews* factors weigh in favor of the Petitioners and compel a hearing on detention before an Immigration Judge where they may have the opportunity to be heard.”).

74. Petitioner has been gravely prejudiced by this misapplication of law and by the government's refusal to afford a bond redetermination hearing. His detention, despite strong family ties, community support, and an unblemished record, serves no lawful purpose and offends the fundamental guarantees of due process.

75. Petitioner respectfully requests that this Court declare his continued mandatory detention unconstitutional and order his immediate release or, in the alternative, direct Respondents to provide a prompt, individualized bond hearing.

COUNT IV

Violation of the Suspension Clause of the Constitution

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

77. The Suspension Clause of Article I, Section 9 of the Constitution provides that "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

78. This constitutional safeguard predates the Bill of Rights and stands as the fundamental guarantee that government officials may not imprison individuals without accountability to an independent judiciary. The Great Writ is not a mere procedural device; it is the constitutional mechanism through which the people ensure that executive detention remains subject to law. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Boumediene v. Bush*, 553 U.S. 723, 739–46 (2008).

79. By classifying Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)—a provision that forecloses any individualized custody determination and disclaims Immigration Judge jurisdiction—Respondents have effectively extinguished all statutory and administrative avenues for review of Petitioner's confinement.

80. The Board does not entertain bond appeals where the Immigration Judge finds no jurisdiction, and no other administrative process exists to test the legality of detention. Absent habeas review in this Court, Petitioner would have no forum in which to challenge the basis of his custody or the agency's misapplication of the law. Such a regime amounts to an unconstitutional suspension of the writ of habeas corpus.

81. The Supreme Court has consistently held that the writ must remain available to test the legality of executive detention, even in the immigration context. In *INS v. St. Cyr*, the Court reaffirmed that "a serious Suspension Clause issue would be presented if a federal court were denied jurisdiction to hear a pure question of law" regarding detention or removal. 533 U.S. at 305–06.

82. Likewise, in *Boumediene v. Bush*, the Court emphasized that the writ's core function is to ensure that the Executive does not detain individuals except in accordance with law. 553 U.S. at 779.

83. These decisions confirm that the constitution minimum requires a judicial forum capable of determining whether the Government has lawful authority to detain a person and to order release if that authority is lacking.

84. The post-*Hurtado* detention framework deprives Petitioner of that constitutional protection. EOIR and ICE have erected a system in which a noncitizen apprehended in the interior can be held indefinitely under § 1225(b)(2) without a bond hearing and without access to any reviewing tribunal.

85. This administrative black hole is precisely what the Framers sought to forbid: Executive imprisonment unreviewable by the judiciary. As Professor Kamin explains in *The Great Writ as Popular Sovereignty*, the Suspension Clause embodies the principle that the legitimacy of

government itself depends upon the continual availability of the writ to test the lawfulness of confinement. 77 *Stan. L. Rev.* 297 (2025). When the Government constructs a scheme that removes an entire category of persons from judicial review, it acts in derogation of the people's reserved right to demand legal justification for state restraint, and the principles of popular sovereignty. *See id.* at 302 (“[T]he principal purpose of American habeas is the vindication not of individual physical liberty, but of popular sovereignty. More simply put, we should understand American habeas as a Great Writ of Popular Sovereignty.”).

86. Petitioner's detention under § 1225(b)(2) thus violates not only the INA and the APA but the structural command of the Constitution. The Suspension Clause protects against exactly this scenario—where an individual is held by executive order with no opportunity to obtain judicial scrutiny of the detention's legality.

87. Because Respondents' actions have eliminated all practical means for Petitioner to challenge his confinement, the statutory scheme as applied to him constitutes an unconstitutional suspension of the writ of habeas corpus. Petitioner therefore respectfully requests that this Court (1) declare that the application of § 1225(b)(2) to his case violates the Suspension Clause; (2) exercise its habeas jurisdiction under 28 U.S.C. § 2241 to review the legality of his detention; and (3) order his immediate release or, at minimum, a prompt individualized bond hearing.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the District of Maryland while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this

Petition should not be granted within three days;

- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing within seven days;
- e. Declare that Petitioner's detention is unlawful;
- f. 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
- g. Grant any other and further relief that this Court deems just and proper.

Certification Pursuant to Local Standing Order 2025-01

I, Craig Smith, the undersigned, hereby certify pursuant to Fed. R. Civ. P. 11, as follows: (1) Based on my visit to ICE's Baltimore Hold Room, located at 31 Hopkins Plaza, 6th Floor, Baltimore, Maryland 21201, on February 20, and my conversation with Petitioner Saul Juarez Sanchez there at approximately 6:00 p.m., the Petitioner is presently detained at that facility; (2) emergency relief is necessary, because Petitioner Saul Juarez Sanchez is at immediate risk of unlawful removal from the United States; and (3) this Court has subject-matter jurisdiction over Petitioner Saul Juarez Sanchez pursuant to 28 U.S.C. § 2241, and no jurisdiction-stripping statute applies to prevent habeas corpus review of detention and unlawful removal.

DATED this 23rd day of February, 2026.

/s/ Craig Smith

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