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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

Dagoberto Marino Chun Aguilar,

Petitioner,

v.

Kevin RAYCRAFT, Field Office Director of
Enforcement and Removal Operations, Detroit
Field Office, Immigration and Customs
Enforcement; 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.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Mr. Chun Aguilar is in physical custody of Respondents at the North Lake Processing Center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Mr. Chun Aguilar is subject to mandatory detention.

2. Mr. Chun Aguilar is charged with, inter alia, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

3. Based on this allegation in Mr. Chun Aguilar's removal proceedings, DHS denied Mr. Chun Aguilar release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

5. Mr. Chun Aguilar's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Mr. Chun Aguilar who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole

or bond. That statute expressly applies to people who, like Mr. Chun Aguilar, are charged as inadmissible for having entered the United States without inspection.

6. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Mr. Chun Aguilar.

7. Accordingly, Mr. Chun Aguilar seeks a writ of habeas corpus requiring that he be released unless Respondents provide a bond hearing under § 1226(a) within seven days.

8. This Court has already decided over similar fact patterns in several decisions issued since September of 2025¹. Based on this, the Petitioner requests this Court to decide in the same way as before and grant relief for the Petitioner.

JURISDICTION

9. Mr. Chun Aguilar is in physical custody of Respondents. Mr. Chun Aguilar is detained at the North Lake Processing Center.

10. 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).

11. 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

12. 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 WESTERN DISTRICT OF MICHIGAN, the judicial district in which Mr. Chun Aguilar currently is detained.

¹ *Soto-Medina v. Lynch*, 2:25-cv-12486 (W.D. Mich. Jan. 21, 2026); *Rodriguez v. Raycraft*, 1:25-cv-1560 (W.D. Mich. Dec. 18, 2025); *Beltran v. Lynch*, 1:25-cv-1689 (W.D. Mich. Dec. 18, 2025); *Fernandez Vitoria v. Raycraft*, 1:26-cv-76 (W.D. Mich. Feb. 2, 2026).

13. 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 Western District of Michigan.

REQUIREMENTS OF 28 U.S.C. § 2243

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

15. 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

16. Mr. Chun Aguilar is a citizen of Guatemala who has been in immigration detention since October 30, 2025. After arresting Mr. Chun Aguilar, ICE did not set bond and the Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

17. Respondent Kevin Raycraft is the Director of the Detroit Field Office of ICE’s Enforcement and Removal Operations division. As such, Mr. Raycraft is Mr. Chun Aguilar’s

immediate custodian and is responsible for Mr. Chun Aguilar's detention and removal. He is named in his official capacity.

18. 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 Mr. Chun Aguilar's detention. Ms. Noem has ultimate custodial authority over Mr. Chun Aguilar and is sued in her official capacity.

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

20. 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.

21. 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.

LEGAL FRAMEWORK

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

23. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *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).

24. 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).

25. 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).

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

27. 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).

28. 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).

29. 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)).

30. 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.

31. 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.

32. 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.

33. 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.

34. 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

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

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).

35. 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*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 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*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588, at *1 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 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*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670, at *8 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 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); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566 at *2 (D. Neb. Sept. 3, 2025) (noting that "[t]he Court tends to agree" that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No.

4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

36. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Mr. Chun Aguilar.

37. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

38. 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). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). 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*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also* *Gomes*, 2025 WL 1869299, at *7.

39. 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.

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

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

FACTS

42. Mr. Chun Aguilar has resided in the United States since December 2004, and lives in Independence, Kentucky.

43. On October 27, 2025, Mr. Chun Aguilar was arrested by the Respondents while performing his job. Mr. Chun Aguilar is now detained at the North Lake Processing Center, in Baldwin, Michigan.

44. DHS placed Mr. Chun Aguilar in removal proceedings before the Detroit, Michigan, pursuant to 8 U.S.C. § 1229a. ICE has charged Mr. Chun Aguilar with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

45. Mr. Chun Aguilar was released on recognizance on February 7, 2005, with the obligation to attend his ICE check-in appointments.

46. Mr. Hun Aguilar is eligible for relief through his wife in her T visa petition.

47. Mr. Chun Aguilar is neither a flight risk nor a danger to the community. He has strong ties to his community in Independence, Kentucky, including a partner and his children. He has attended his ICE Check-in appointments and has shown strong ties with his employer.

48. Following Mr. Chun Aguilar's arrest and transfer to the North Lake Processing Center, ICE issued a custody determination to continue Mr. Chun Aguilar's detention without an opportunity to post bond or be released on other conditions.

49. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider Mr. Chun Aguilar's bond request.

50. As a result, Mr. Chun Aguilar remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his community and deeply affecting his employment.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

51. 8 U.S.C. § 1226(a) states that an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. 8 U.S.C. § 1226(a)(2) also established that aliens detained under section 1226 are entitled to a bond hearing. The Supreme Court on *Jennings v. Rodriguez* decided that §1226(a) governs those detentions of aliens already in the country and who are pending removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) see also *Morales Chavez v. Director of Detroit Field Office*, No. 4:25-cv-02061-SL, 2025 WL 2959617, at 4 (N.D. Ohio Oct. 20, 2025).

52. Mr. Chun Aguilar has resided in the United States since December 2004. Mr. Chun Aguilar was placed on removal proceedings and he was released on recognizance on February 7, 2005. Since then, his removal proceedings have been pending appeal for his asylum claim which comes with an automatic stay. Mr. Chun Aguilar's physical presence in the United States with pending relief at the moment of his arrests, makes him qualified under 8 U.S.C. § 1226(a) and

under the interpretation provided by the Supreme Court in *Jennings*.

53. Thus, Mr. Chun Aguilar is entitled to a bond hearing, and since there is not a feasible possibility of it due to *Matter of Yajure Hurtado*, as explained *supra*, Mr. Chun Aguilar respectfully requests to grant release.

COUNT II

Violation of Due Process

54. Mr. Chun Aguilar's Fifth Amendment rights have been violated by his detention and the futility of bond proceedings due to BIA's decisions and ICE directives and policies.

55. The Fifth Amendment guarantees that "No person shall be (...) deprived of life, liberty, or property, without due process of law". U.S. Const. amend. V. The Supreme Court has decided that noncitizens are entitled to due process under Fifth Amendment. *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025) citing *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025). These constitutional protections extend to non-citizens and courts shall apply the three-part balancing test set forth in *Matthews v. Eldridge*. *Singh v. Lewis*, No. 4:25-cv-96-RGJ, 2025 WL 2699219, at 3 (W.D. Ky. Sep. 22, 2025) see also *E.V. v. Raycraft*, No. 4:25-cv-2069, 2025 WL 2938594, at 7 (N.D. Ohio Oct. 16, 2025).

- i. The private interest that will be affected by the official action;
- ii. The risk of an erroneous deprivation of such interest through the procedures used; and
- iii. The United States' interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedure requirement would entail. *Singh*, No. 4:25-cv-96-RGJ, at 3 citing *Matthews v. Eldridge*, 424 U.S. 319, 335 (1976).

Private interest that will be affected by the official action

56. The interest of Mr. Chun Aguilar is clear in this case, as pointed by diversity of

courts. The Supreme Court has found that freedom from detention is not only clearly the most elemental of liberty interest, but also that it lies at the heart of what the Fifth Amendment protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) see also *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004). This interest has been recognized by several courts: *Singh*, No. 4:25-cv-96-RGJ (where an alien who entered without inspection in 2013 was detained by ICE on July 2, 2025 while his removal proceedings were pending), *E.V.*, No. 4:25-cv-2069 (where two Haitian women were detained by ICE on July 29, 2025 even though they were paroled into the United States during 2024), *Rodriguez Carmona*, No. 1:25-cv-1131 (where an alien who entered without inspection on September 4, 2023, who had an asylum pending with final hearing scheduled for December 2026, was detained on September 14, 2025 while playing basketball in Chicago as an alien applicant for admission to the United States), *Ballesteros*, No. 3:25-cv-594-RGJ (where Mr. Chun Aguilar entered the country on April 2024, was paroled, filed for asylum, but eventually was detained on June 9, 2025 after the Department moved for changing the standard removal proceedings for expedite removal proceedings).

57. Thus, it is in the best private interest of Mr. Chun Aguilar to face his appeal while in freedom.

Risk of erroneous deprivation of liberty

58. The absence of a bond hearing that determines whether Mr. Chun Aguilar is a risk for the community or a flight risk places a high probability of erroneous deprivation of Mr. Chun Aguilar's liberty. *Ballesteros*, No. 3:25-cv-594-RGJ at 5 see also *Rodriguez Carmona*, No. 1:25-cv-1131 at 8.

59. In this case, the absence of a proper, non-futile, bond hearing that could determine

if Mr. Chun Aguilar pose a flight risk or a danger to the community is the identical situation as in *Ballesteros* and *Rodriguez Carmona* – where the courts ended up granting the habeas corpus. Moreover, just as considered in *Rodriguez Carmona*, the risk of error is heightened by the fact that Mr. Chun Aguilar was released on recognizance on February 7, 2005, and he has attended his ICE check-in appointments since then.

60. Considering the prior, there is a high risk that Mr. Chun Aguilar is subjected to an erroneous deprivation of his liberty.

The United States' interest

61. Courts have recognized that it is in the best interests of the United States to ensure that “noncitizens do not harm their community and that appear for future immigration proceedings”. *Ballesteros*, No. 3:25-cv-594-RGJ at 5 citing *Sampiao v. Hyde*, No. 1:25-cv-11981-JEK, 2025 WL 2607924, at 12 (D. Mass. Sep. 9, 2025). Also, courts have decided that the Respondents must show that the United States’ interests “outweighs the first and second *Matthews* factors.” *Rodriguez Carmona*, No. 1:25-cv-1131 at 8.

62. Just as in *Ballesteros*, Mr. Chun Aguilar has no criminal history, and he was presenting himself to ICE check-in appointments and attending hearings. These factors demonstrate that Mr. Chun Aguilar *prima facie* is not a risk for his community or a risk of flight. This means that Mr. Chun Aguilar’s case should be ruled as it was in *Ballesteros* where the court held that “the United States’ interest without a proper bond hearing is low.” *Ballesteros*, No. 3:25-cv-594-RGJ at 5 citing *Ramirez Clavijo v. Kaiser*, No. 25-cv-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025).

63. Therefore, the three factors of the *Matthews* test are accomplished here. Consequently, we respectfully ask this Court to release Mr. Chun Aguilar or, alternatively, to grant him proper bond hearing.

Requested relief

64. In the same vein, and to safeguard the Petitioner's Fifth Amendment due process rights, the Petitioner respectfully requests that this Court order his immediate release and award fees under the Equal Access to Justice Act (EAJA) as applicable.

65. Immediate release is the appropriate remedy in this matter because the Executive Office for Immigration Review (EOIR) has instructed immigration judges to deny bonds based on alleged flight risk, regardless of the actual circumstances or conditions of the individual noncitizen. This blanket policy precludes the individualized assessment required by due process. In support of this contention, the Petitioner refers to Exhibit A, the affidavit of attorney Virab Khachatryan; Exhibit B, the affidavit of attorney Steven C. Thal; and Exhibit C, the affidavit of former immigration judge Lawrence O. Burman.

66. The Respondents' willful noncompliance has been documented by the Central District of California in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr et al.*. See Exhibit F, Order Granting Plaintiff Petitioner's Motion to Enforce Judgment, Page 6. The order dated February 18, 2026, stated that "Respondents' noncompliance with the Final Judgment has taken a toll on wrongfully detained noncitizens, courts, and government and Petitioners' attorneys." *Id.*

67. The Petitioner further emphasizes that his due process rights, as well as those of similarly situated individuals, are subject to an increased and concrete risk. In particular, the neutrality of Immigration Judges—the adjudicators tasked with deciding liberty interests—has

been called into question by recent actions of the Executive Office for Immigration Review (“EOIR”).

68. As reflected in Exhibit D, which is attached to the reply, the EOIR Immigration Judge Job Posting, recent job announcements no longer consistently refer to adjudicators as “Immigration Judges,” but instead employ the term “deportation judges.” While this reclassification may appear superficial at first glance, it reflects an institutional framing that risks undermining the appearance—and potentially the reality—of adjudicatory neutrality in immigration proceedings.

69. Furthermore, the Respondents' disregard for Fifth and Fourth Amendment rights is reinforced by the memorandum issued to ICE officers on May 12, 2025. (Exhibit E, ICE memorandum). These institutional shifts underscore the necessity of judicial intervention, as the administrative process can no longer be presumed to provide the impartial, individualized assessment that the Due Process Clause requires.

70. Where liberty interests are at stake, even the appearance of structural bias weighs heavily against continued detention. Given this context, the prospect of a bond hearing before an adjudicatory system increasingly characterized in enforcement-oriented terms—as evidenced by the “deportation judge” classification and recent ICE directives—raises serious concerns that the Petitioner’s Fifth Amendment liberty interest would be adjudicated under a biased framework.

71. Accordingly, to avoid further infringement of the Petitioner’s due process rights, this Court should find that the existing administrative remedies are constitutionally inadequate and order his immediate release.

72. For these reasons, the Petitioner respectfully requests that this Court order his immediate release and grant any further relief it deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Mr. Chun Aguilar prays that this Court grants the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Mr. Chun Aguilar shall not be transferred outside the Southern District 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 Mr. Chun Aguilar or, in the alternative;
- e. Declare that Mr. Chun Aguilar's detention is unlawful;
- f. Award Mr. Chun Aguilar 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.

DATED this 24 of February, 2026.

/s/Nazly Mamedova
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Counsel for Mr. Chun Aguilar

VERIFICATION

I, the undersigned attorney for Mr. Chun Aguilar, hereby verify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I have reviewed the foregoing Petition for Writ of Habeas

Corpus and, based on my knowledge, information, and belief formed after reasonable inquiry, the facts stated therein are true and correct to the best of my knowledge.

Respectfully Submitted

/s/Nazly Mamedova
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Counsel for Petitioner

PROPOSED ORDER

**UNITED STATES DISTRICT COURT
SOUTHER DISTRICT OF OHIO**

Dagoberto Marino Chun Aguilar,
Petitioner,

CASE No:

v.

Kevin Raycraft, Field Office Director of
Enforcement and Removal Operations,
Detroit Field Office, Immigration and
Customs Enforcement, **et al.**,

**ORDER GRANTING PETITION
FOR WRIT OF HABEAS CORPUS**

Respondents.

[PROPOSED] ORDER GRANTING PETITION FOR WRIT OF HABEAS CORPUS

Upon consideration of the Petition for Writ of Habeas Corpus filed by Petitioner, Dagoberto Chun Aguilar, pursuant to 28 U.S.C. § 2241, and the record before the Court, it is hereby:

ORDERED that the Petition is GRANTED; and it is further

ORDERED that the Respondent shall immediately release Petitioner from custody; and it is further

ORDERED that the Respondent shall not re-detain Petitioner absent a new lawful basis and full compliance with constitutional due process.

SO ORDERED.

DATED: _____, 2025

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this December 23 of 2025, I caused a true and correct copy of the **Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** and all accompanying documents to be served by electronic filing upon the following:

- **Kevin Raycraft**, Director, Detroit Field Office, U.S. Immigration and Customs Enforcement
333 Mt. Elliott Street
Detroit, MI 48207
- **Kristi Noem**, Secretary of the U.S. Department of Homeland Security
U.S. Department of Homeland Security
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Respectfully Submitted,

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