

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

LOPES-FERREIRA SOUZA, CLEITON,

Petitioner,

v.

KRISTI NOEM, in her Official Capacity,
Secretary of the U.S. Department of
Homeland Security;

PAMELA BONDI, in her Official Capacity,
Attorney General of the United States;

CAMMILLA WAMSLEY, in her Official
Capacity, Philadelphia Office Director for
Enforcement and Removal Operations, U.S.
Immigration and Customs Enforcement;

J.L. JAMISON, in his Official Capacity as
Warden of Federal Department of Corrections
Philadelphia;

Respondents.

Case No. (To be Assigned)

Judge: Hon. _____

Magistrate Judge: _____

No request for jury trial

**EMERGENCY PETITION FOR WRIT
OF HABEAS CORPUS AND
COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

ICE ARRESTED PETITIONER THIS MORNING AT 8:00AM AT HIS HOME AT



PETITIONER CALLED

**UNDERSIGNED COUNSEL AFTER BEING TAKEN INTO CUSTODY AND
TRANSPORTED TO 114 N 8TH ST, PHILADELPHIA, PA 19107. HE REPORTED THAT
ICE CAME TO HIS HOUSE AND ARRESTED HIM IN FRONT OF HIS 13-YEAR-OLD
SON AS HE WAS PREPARING HIM FOR SCHOOL. THE SON WAS LEFT ALONE AT
THE HOUSE IN TEARS AFTER SEEING HIS FATHER TAKEN AWAY. ICE
KNOWINGLY ABANDONED THE CHILD. WE ARE IN THE PROCESS OF SENDING
SOMEONE TO THE HOUSE TO RETRIEVE HIS SON SO HE CAN STAY IN OUR**

OFFICE. WE ASK FOR THE IMMEDIATE RELEASE OF PETITIONER WITH CONFIRMATION BY THE GOVERNMENT DUE BY 5:00PM ET TODAY.

Petitioner, LOPES-FERREIRA SOUZA, CLEITON, brings this Verified EMERGENCY Petition for Writ of Habeas Corpus and Complaint for Injunctive and Declaratory Relief pursuant to 28 U.S.C. § 2241; the All Writs Act, 28 U.S.C. § 1651; the Immigration and Nationality Act (“INA”) and regulations thereunder; the Administrative Procedure Act; and the Suspension Clause of the Constitution, U.S. Const. Art. I § 9, cl. 2. The efforts to remove Petitioner constitute a “severe restraint” on his individual liberty such that Petitioner is “in custody” of the Respondents in violation of the . . . laws of the United States. *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241, including the Immigration Nationality Act, 8 U.S.C. § 1101 et seq.; the Administrative Procedure Act, 5 U.S.C. § 701 et seq.; and the Due Process Clause of the Fifth Amendment of the United States Constitution.

AT 8:00AM ET ON FEBRUARY 25, 2026, ICE ARRESTED PETITIONER AT HIS HOME WHILE HE WAS PREPARING HIS 13-YEAR-OLD SON FOR SCHOOL. AN NTA IS NOT YET FORMALLY ISSUED AND THERE IS NO COURT DATE LISTED. HE IS CURRENTLY DETAINED AT EITHER 114 N 8TH ST, PHILADELPHIA, PA 19107, OR FDC PHILADELPHIA AT 700 ARCH STREET, PHILADELPHIA, PA 19106.

PETITIONER IS MARRIED TO A USC AND UNDERSIGNED COUNSEL IS PREPARING HIS I-130 AND I-485. PETITIONER WAS PREVIOUSLY IN IMMIGRATION PROCEEDINGS; THE IMMIGRATION JUDGE ORDERED DISMISSAL ON MARCH 22, 2023. *SEE EXHIBIT A (COURT DECISION)*.

Petitioner has no criminal history. Depending upon how Immigration Judges interpret the latest Order in *Baustista*, Petitioner may ultimately be deemed eligible for a bond hearing in

immigration court. However, in each previous iteration of *Bautista*, Immigration Judges have been instructed to evade enforcement from their superiors. *See Exhibit B (email from Chief Immigration Judge Teresa Riley)*. **THE ONLY APPROPRIATE REMEDY IS IMMEDIATE RELEASE.**

At this stage, we must conclude that IJ's will continue to deem Respondents such as Petitioner ineligible for bond. Even if IJ's find jurisdiction, a bond hearing in Immigration Court would be an inadequate remedy. Increasingly, IJ's are denying even-bond eligible individuals by finding that virtually everyone is a flight risk, regardless of (1) the length of time they have been in the United States a (2) the strength of basis for underlying relief. As personally witnessed by Undersigned Counsel, IJ's are regularly imposing exorbitant bond amounts of up to \$30,000. Undersigned Counsel has experienced this twice while a colleague witnessed a \$40,000 bond.

Pursuant to this Court's inherent powers in habeas corpus proceedings, Petitioner respectfully requests that this Court enjoin Respondents from effectuating his removal from Philadelphia and order his IMMEDIATE release from custody. His continued detention, for ANY amount of time, does not serve any legitimate governmental purpose and is arbitrary and punitive, in violation of the Due Process Clause of the Fifth Amendment.

PARTIES

PETITIONER is currently detained at either 114 N 8th St, Philadelphia, PA 19107 FDC Philadelphia's address is 700 Arch St, Philadelphia, PA 19106.

Respondent, KRISTI NOEM, is the Secretary of the U.S. Department of Homeland Security ("DHS"), the federal agency responsible for enforcing Petitioner's arrest, detention and removal. Respondent Noem's address is 2707 Martin Luther King Jr. Ave, SE Washington, DC 20528-0485.

Respondent PAMELA BONDI is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review, pursuant to section 103(g) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1103(g). She routinely transacts business in the Eastern District of Pennsylvania, is legally responsible for administering Petitioner’s removal proceedings and the standards used in those proceedings, and as such, is the legal custodian of Petitioner. Respondent Bondi’s address is U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, District of Columbia 20530.

Respondent CAMMILLA WAMSLEY, in her Official Capacity, as the Philadelphia Office Director for Enforcement and Removal Operations, U.S., who has immediate authority over the Petitioner. Respondent WAMSLEY’s office address is 114 N 8th St, Philadelphia, PA 19107.

Respondent J.L. JAMISON, is his Official Capacity as Warden of Federal Department of Corrections Philadelphia, as the individual responsible for the management and operation of the facility where Petitioner is detained (assuming he has been transferred from the temporary ICE holding facility several blocks away). FDC Philadelphia’s address is 700 Arch St, Philadelphia, PA 19106.

JURISDICTION & VENUE

The Court has jurisdiction under the Suspension Clause. The Suspension Clause provides, "The privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. Art. I § 9, cl. 2. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. §§ 2241 *et seq.*, as protected under Art. I § 9, cl. 2 of the United States Constitution (Suspension Clause), and federal question jurisdiction

under 28 U.S.C. § 1331. This case arises under the United States Constitution; the INA, 8 U.S.C. §§ 1101 *et seq.*; the APA, 5 U.S.C §§ 701 *et seq.*; the Due Process Clause of the Fifth Amendment and the Fourth Amendment. Petitioner’s current detention as enforced by Respondents constitutes a “severe restraint[] on [Petitioner’s] individual liberty,” such that Petitioner is “in custody in violation of the . . . laws . . . of the United States.” *See Hensley*, 411 U.S. at 351 (1973); 28 U.S.C. § 2241(c)(3). The petitioner is also subject to prolonged physical detention.

While the courts of appeals have jurisdiction to review removal orders directly through petitions for review, *see* 8 U.S.C. § 1252, federal district courts have jurisdiction under 28 U.S.C. § 2241(d) to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of Respondents’ conduct. *See Demore v. Kim*, 538 U.S. 510, 516–517 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). No Supreme Court or Third Circuit precedent applicable to immigration detainees, nor the habeas statute, indicate that venue is not proper in the Eastern District Court of Pennsylvania. *See* 28 U.S.C. § 2241. Venue is proper in the United States Eastern of Pennsylvania because a substantial part of the events and omissions giving rise to this action occurred in the District. 28 U.S.C. § 1391(b)(2). Namely, Petitioner was detained in and is currently being held in Philadelphia.

FACTS GIVING RISE TO THE HABEAS PETITION

The Petitioner is currently detained in Philadelphia. If released he will return to his fixed address in Philadelphia where he lives with his USC wife and USC minor child. He has the support of his family, friends, and colleagues. Undersigned Counsel has worked with Petitioner for nearly one year.

**PETITIONER REMAINS IN ICE CUSTODY DESPITE SUBSTANTIAL
EQUITIES THAT WARRANT RELEASE. HIS IMMIGRATION CASE WAS CLOSED
IN 2023. HE HAS NO CRIMINAL HISTORY. HE HAS COMPLIED WITH ALL LEGAL
OBLIGATIONS AND HAS CONSISTENTLY DEMONSTRATED GOOD MORAL
CHARACTER. HE WAS DETAINED IN THE PRESENCE OF HIS 13-YEAR-OLD SON
AT THEIR HOME. ICE AGENTS LEFT THE SON BEWILDERED AND IN TEARS AS
THEY TOOK HIS FATHER AWAY.**

REQUIREMENTS OF 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. 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.* In this instance, where the facts and case law are clear, and where the consequences of delay could be removal from the United States, Respondents should not be granted additional time.

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, 83 S. Ct. 822, 9 L. Ed. 2d 837 (1963), overruled by Wainwright v. Sykes, 433 U.S. 72, 97 S. Ct. 2497, 53 L. Ed. 2d 594 (1977), and abrogated by Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2d 640 (1991) (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).

APPLICABLE LAW

A. Petitioner’s Continued Detention Violates the Fifth Amendment’s Due Process Clause

1. The Due Process Clause applies to all persons in the United States, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. at 693; *see also Yick Wo v. Hopkins*, 118 U.S. 356 (1886). The Supreme Court declared “that the Due Process Clause protects individuals against two types of government action” giving rise to distinct claims of substantive and procedural due process violations. *United States v. Salerno*, 481 U.S. 739, 746 (1987). Thus, “the touchstone of due process is protection of the individual against arbitrary action of government ... whether the fault lies in the denial of fundamental due process fairness [procedural due process] ... or in the exercise of power without any reasonable justification in the service of a legitimate government objective [substantive due process]...” *City of Sacramento v. Lewis*, 523 U.S. 833 (1998) (citations and internal quotations omitted).

2. Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment. *See Matthews v. Eldridge*, 424 U.S. 319, 332 (1976); *see also Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally-protected interest). Infringing upon a protected interest triggers a right to a hearing before that right is deprived, and a right to meaningful process afforded at a meaningful time. *See Bd. of Regents v. Roth*, 408 U.S. 564, 569–70 (1972). “‘Substantive due process’ prevents the government from engaging in conduct that ‘shocks the conscience,’ ... or interferes with rights ‘implicit in the concept of ordered liberty.’” *Salerno*, 481 U.S. at 746. (internal citations omitted).

3. Respondents' power to detain and deport someone is not limitless, nor is it shielded from judicial review. *See Calderon v. Sessions*, 330 F. Supp. 3d 944, 950 (S.D.N.Y. 2018) *appeal withdrawn sub nom. Villavicencio Calderon v. Sessions*, No. 18-2926, 2018 WL 6920377 (2d Cir. Oct. 5, 2018) (ordering a stay of removal and release from detention to permit the Petitioner to continue with the provisional waiver process afforded by the government); *You Xiu Qing v. Nielsen*, 321 F.Supp.3d 451 (S.D.N.Y. 2018) (ordering a stay of removal and release from detention to permit the Petitioner to continue with the provisional waiver process and a motion to reopen); *S.N.C. v. Sessions*, No. 18 2018 WL 6175902, (S.D.N.Y. Nov. 26, 2018); *Compere v. Nielsen*, 2019 WL 332193, at *9 (D.N.H. Jan. 24, 2019) (granting a stay of removal for petitioner because deportation to Haiti would vitiate his ability to pursue an appeal to the BIA of the IJ's denial for a motion to reopen); *Lin v. Nielsen*, 2019 WL 1958569 at *15 (D. Md. May 2, 2019) (court found that a preliminary injunction was "in the public interest, as it requires DHS to comport with its own rules and regulations, and bars arbitrary and capricious action towards vulnerable undocumented immigrants."); *see also Martinez v. Neilsen*, 341 F.Supp.3d 400 (D.N.J. Sept. 14, 2018); *Fatty v. Nielsen*, 2018 WL 3491278 at *2 (W.D. Wash. Jul. 20, 2018); *Gutierrez-Soto v. Sessions*, 317 F. Supp. 3d 917, 933-35 (W.D. Tex. 2018); *Jimenez v. Nielsen*, No. CV 18-10225-MLW, 2018 WL 4539687 (D. Mass. Sept. 21, 2018); *Sied v. Nielsen*, 2018 WL 1142202 (N.D. Cal. Mar. 2, 2018); *Ragbir v. Sessions*, 2018 WL 623557 (S.D.N.Y. Jan. 29, 2018); *Ibrahim v. Acosta*, No. 17-CV-24574, 2018 WL 582520 (S.D. Fla. Jan. 26, 2018); *Chhoeun v. Marin*, 306 F. Supp. 3d 1147 (C.D. Cal. 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017).

4. "Habeas corpus is at its core, an equitable remedy." *Schlup v. Delo*, 513 U.S. 298, 319 (1995). Judges have "broad discretion" to fashion an appropriate remedy. It may extend

beyond simply ordering the release of a petitioner, *Carafas v. La Vallee*, 391 U.S. 234 (1968), and is to “be administered with the initiative and flexibility essential to ensure that miscarriages of justices within its reach are surfaced and corrected.” *Harris v. Nelson*, 394 U.S. 286, 291 (1969). Habeas corpus “never has been a static, narrow, formalistic remedy; its scope has been to achieve its grand purpose - the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty.” *Jones v. Cunningham*, 371 U.S. 236, 243 (1963). At its historical core, habeas corpus “has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.” *Rasul v. Bush*, 542 U.S. 466, 474 (2004) (citations omitted). These protections extend fully to noncitizens subject to an order of removal. *See I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001); *see also Martinez v. McAleenan*, 385 F.Supp.3d 349, 355 (“Due to its talismanic significance in protecting individual liberty from unlawful detention, habeas corpus is fundamentally governed by equity. The Supreme Court has granted the writ when justice has so required.”) (citing *Munaf v. Grren*, 128 S.Ct. 2207 (2008) and *Carafas v. LaVallee*, 392 U.S. 234 (1968)). The Supreme Court has noted the writ’s “scope and flexibility--its capacity to reach all manner of illegal detention--its ability to cut through barriers of form and procedural mazes.” *Harris*, 394 U.S. at 291.

5. In the present case, there is no indication that Petitioner’s detention is temporary or limited to a brief period necessary to effectuate removal. To the contrary, Petitioner has no pending court date and his detention may continue for an indefinite period. In addition, it demonstrates the significant hardship that his removal would impose on his USC family members (wife and 2 children) , who rely on his presence and support.

B. Respondents’ Conduct Violates the Administrative Procedure Act (5 U.S.C. §§ 701–706).

6. The Administrative Procedure Act (“APA”) forbids agencies from acting in a manner that is “arbitrary, capricious, [or] an abuse of discretion,” especially where— as here—an agency’s deviation from settled practice imposes severe restraints on liberty. Accordingly, Respondents’ detention of Petitioner must be set aside under 5 U.S.C. § 706(2) as unlawful agency action taken “in excess of statutory jurisdiction” and “without observance of procedure required by law,” and this Court should order his IMMEDIATE release.

CLAIMS FOR RELIEF

**VIOLATION OF THE FIFTH AMENDMENT
(SUBSTANTIVE AND PROCEDURAL DUE PROCESS)**

7. RESPONDENTS’ DETENTION OF PETITIONER VIOLATES THE FIFTH AMENDMENT BY SUBJECTING HIM TO ARBITRARY, UNNECESSARY, AND PROLONGED INCARCERATION. THE GOVERNMENT’S REFUSAL TO CONSIDER LESS RESTRICTIVE ALTERNATIVES, AND THE ARBITRARY NATURE OF THE ARREST OF SOMEONE WHOSE IMMIGRATION CASE WAS DISMISSED SEVERAL YEARS AGO AND IS NOW PREPARING AN I-130 AND I-485 BASED UPON MARRIAGE TO HIS USC SPOUSE SHOCKS THE CONSCIENCE. ICE HAS ENTERED THE “SEARCH AND DESTROY” PHASE OF SEEKING INDIVIDUALS TO DETAIN FOR NO OTHER REASON THAN TO FILL ARTIFICIALLY SET QUOTAS.

REQUEST FOR RELIEF

8. Pending the adjudication of this Petition, Petitioner respectfully requests that the Court use its authority under 28 U.S.C. §2243 to order the Respondents to file a return within three days. *See* 28 U.S.C. §2243. (Order to show cause why a petition for a writ of habeas

corpus should not be granted should be “returned within three days unless for good cause additional time, not exceeding twenty days, is allowed”).

9. Petitioner respectfully requests that Respondents be restrained from removing him from Philadelphia pending adjudication of his removal proceedings. Premature removal would preclude him from pursuing the forms of relief for which he is eligible and would undermine his ability to seek protection under applicable immigration laws.

10. Without this Court’s intervention, the Respondents will seek to remove Petitioner in violation of law and inflict further cruel and unnecessary harm on Petitioner. Petitioner requests that this Court issue an order that Respondents must notify the Court and Petitioner’s counsel five days prior to any removal of Petitioner.

11. Furthermore, Petitioner respectfully requests to be released from detention pending resolution of his immigration proceedings. Continued detention imposes significant hardship and interferes with his ability to meaningfully prepare and present his claims for relief.

12. Without this Court’s intervention, the Respondents will seek to remove Petitioner in violation of law and inflict further cruel and unnecessary harm. Petitioner respectfully requests that this Court issue an order requiring Respondents to notify the Court and Petitioner’s counsel at least five days prior to any attempt to remove him from the United States.

EXHAUSTION OF REMEDIES

13. Petitioner’s claims regarding the constitutionally inadequate process and unlawful deprivation of liberty are not subject to any statutory requirement of administrative exhaustion. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). To the extent that prudential concerns might lead the Court to consider exhaustion as a discretionary matter, Petitioner has taken all reasonable steps available to him within the administrative framework. *See Exhibit B*.

14. Petitioner is currently, or will be imminently, in removal proceedings before the Immigration Court and is represented by Undersigned Counsel. His case was previously closed in 2023.

15. Moreover, neither the Immigration Judge nor the Board of Immigration Appeals has jurisdiction to adjudicate the constitutional claims raised in this habeas petition. These claims fall squarely within the purview of this Court.

16. Finally, Petitioner faces irreparable harm in the form of continued detention, psychological trauma, and the risk of premature removal before he can pursue the legal remedies available to him. Respondents have the authority to parole Petitioner under 8 C.F.R. §§ 235.3(b)(2)(iii), 1235.3(b)(2)(iii), yet have declined to do so despite his eligibility (given that they decided to detain him without cause). Further, the administrative process offers no meaningful opportunity for relief due exorbitant bonds and artificially stratospheric standards to meet the burden of not being deemed a flight risk in Immigration Court, exhaustion of remedies is not required. See *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992) (exhaustion excused where administrative remedies are inadequate or futile); *INS v. St. Cyr*, 533 U.S. 289, 314 (2001).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus on the ground that Petitioner's continued detention violates the Due Process Clause and order Petitioner's IMMEDIATE release;
3. In the alternative, issue injunctive relief ordering Respondents to IMMEDIATELY release Petitioner on the ground that his continued detention violates the Due Process Clause;
4. Enjoin Respondents from removing Petitioner from the United States;
5. Order Respondents file a return within three days pursuant to 28 U.S.C. § 2243.
6. Declare that the process as applied to Petitioner by Respondents violates the Suspension Clause, the Due Process Clause of the Fifth Amendment, the Fourth Amendment, the INA, the APA, and federal regulations;
7. Issue a writ of habeas corpus directing Respondents to pursue a constitutionally adequate process to justify adverse immigration actions against Petitioner;
8. Order Respondents to provide five days of notice to the Court and Petitioner of his imminent removal;
9. Order Respondents to comply with all applicable rules, regulations, laws, and constitutional protections in relation to pending removal proceedings;
10. Award Petitioner his costs and reasonable attorney's fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. §2412, or other statutes;
11. Grant such further relief as the Court deems just and proper.

Dated: February 25, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld
R&G Legal Solutions
3662 N 21st Street
Philadelphia, PA 19140
215.779.6443
eric@rglegalsolutions.com



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Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

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Automated Case Information

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Next Hearing Information



There are no future hearings for this case.



Court Decision and Motion Information

The immigration judge ordered **DISMISSAL**.

DECISION DATE

March 22, 2023

COURT ADDRESS

900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107



BIA Case Information

No appeal was received for this case.



Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS

900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107

PHONE NUMBER

(215) 656-7000

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5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041



EOIR | Automated Case Information

From: Riley, Teresa (EOIR) <Teresa.Riley2@uscdoj.gov>

Sent: Tuesday, January 13, 2026 3:09 PM

Subject: Guidance

Good afternoon/evening ACLJs:

Please provide the following guidance to all Immigration Judges forthwith:

Maldonado Bautista is not a nationwide injunction and does not purport to vacate, stay, or enjoin *Yajure Hurtado*. Therefore, *Yajure Hurtado* remains binding precedent on agency adjudicators. For clarification, declaratory judgments differ from injunctions in that the former clarifies parties' legal rights and relationships without ordering specific action, while the latter is a court order compelling a party to do or stop doing a specific act. A declaratory judgment is not an equitable remedy and does not, by itself, have the effect of compelling specific action by a party.

Thank you for your attention in this matter.

Sincerely,

Teresa L. Riley
Chief Immigration Judge

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

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J.L. JAMISON, in his Official Capacity as
Warden of Federal Department of Corrections
Philadelphia;

Respondents.

Case No. (To be Assigned)

Judge: Hon. _____

Magistrate Judge: _____

No request for jury trial

PROPOSED ORDER

**EMERGENCY PETITION FOR WRIT
OF HABEAS CORPUS AND
COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

PROPOSED ORDER

AND NOW, this ____ day of _____, 2026, upon consideration of Petitioner's EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF, it is hereby ORDERED as follows:

1. Respondents must IMMEDIATELY release Petitioner from Custody;
2. Respondents are ENJOINED from removing Petitioner from Philadelphia, Pennsylvania pending the conclusion of these proceedings;

This Order shall remain in effect pending further order of the Court.

IT IS SO ORDERED.

Hon. Judge _____

**UNITED STATES DISTRICT COURT FOR THE
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Respondents.

Case No. (To be Assigned)

Judge: Hon. _____

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No request for jury trial

CERTIFICATE OF SERVICE

**EMERGENCY PETITION FOR WRIT
OF HABEAS CORPUS AND
COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

CERTIFICATE OF SERVICE

On February 25, 2026, Undersigned Counsel filed the accompanying document through CM/ECF. All Respondents participate in CM/ECF.

Dated: February 25, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld
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