

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
CIVIL DIVISION**

|                                                                  |   |                           |
|------------------------------------------------------------------|---|---------------------------|
| <b>MENDOZA CRUZ, Jose</b>                                        | ) | <b>PROPOSED ORDER</b>     |
|                                                                  | ) | <b>GRANTING PETITION</b>  |
|                                                                  | ) | <b>FOR WRIT OF HABEAS</b> |
| <b>v.</b>                                                        | ) | <b>CORPUS</b>             |
|                                                                  | ) |                           |
|                                                                  | ) | <b>No. 2:26-cv-01234</b>  |
| <b>WARDEN, Philadelphia Federal Detention<br/>Center, et al.</b> | ) |                           |
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On February 25, 2026, Plaintiff-Petitioner Jose Mendoza Cruz filed a Petition for Writ of Habeas Corpus for Immigrant Detainee. *See* Dkt. No. 1. Petitioner requested      Petitioner served Respondents and filed a Certificate of Service on the same day. *See* Dkt. No. 2. On February 27, 2026, Respondents filed an Answer. *See* Dkt. No. 4. Pleadings are now closed and the matter comes before this Court for a decision.

AND NOW, this \_\_\_\_ day of \_\_\_\_, 2026, this Court, having considered Petitioner Jose Mendoza Cruz’ Petition for Writ of Habeas Corpus (Dkt. No. 1), the Government’s Answer (Dkt. No. 4), and for the reasons stated in the accompanying Memorandum, it is ORDERED that the Petition (Dkt. No. 1) is GRANTED as follows:

1. Mendoza Cruz is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and is instead subject to detention, if at all, pursuant to the discretionary provisions of 8 U.S.C. § 1226(a);
  
2. The government shall RELEASE Mendoza Cruz from custody immediately and shall certify compliance with this Memorandum Opinion and Order by filing on the docket no later than 5 P.M. EST on \_\_\_\_\_, 2026;

3. The Government is temporarily enjoined from re-detaining Mendoza Cruz for seven days following his release from custody;
4. If the Government chooses to pursue re-detention of Mendoza Cruz after that seven-day period, it must first provide him with a bond hearing, at which a neutral immigration judge shall determine whether detention is warranted pending the resolution of any removal proceedings; and,
5. Pending the ordered bond hearing, the Government cannot remove, transfer, or otherwise facilitate the removal of Mendoza Cruz from the Eastern District of Pennsylvania before the ordered bond hearing. If the Immigration Judge determines that Mendoza Cruz is subject to detention under 8 U.S.C. § 1226(a), the Government may request permission from this Court to move Mendoza Cruz if unforeseen or emergency circumstances arise that require him to be removed from the District. Any such request must include an explanation for the request as well as a proposed destination. The Court will then determine whether to grant the request and permit transfer of Mendoza Cruz.

IT IS SO ORDERED.

BY THE COURT:

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U.S. District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

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