

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CESILIO AGUILAR PEREZ,

Case No.0:26cv60590

Petitioner,

v.

MARCOS CHARLES, Immigration and Customs
Enforcement (ICE) Enforcement and Removal
Operations (ERO) Acting Executive Associate
Director;

JUAN AGUDELO, Interim Miami Field Office Director.

CHARLES WALL, Principal Legal Advisor for ICE's
Office of the Principal Legal Advisor;

PAMELA BONDI, U.S. Attorney General;

KRISTI NOEM, U.S. Secretary of the Department
of Homeland Security;

TODD M. LYONS, Senior Official Performing the
Duties of the Director of US Immigration and
Customs Enforcement;

JOHN DOE, Warden of the Broward Transitional Center.

Respondents.

_____ /

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

INTRODUCTION

1. Petitioner Cesilio Aguilar Perez (“Petitioner” or “Mr. Aguilar Perez”) is a native and citizen of Mexico, born on [REDACTED], as evidenced in his passport. *See Exhibit 1.*

2. Mr. Aguilar Perez entered the United States without inspection in 1998 and has resided in this country continuously for nearly three (three) decades.

3. On **August 26, 2025**, Petitioner was arrested by local law enforcement following a routine traffic stop and was subsequently transferred to immigration custody. He has remained continuously detained since that date and is currently held at the Broward Transitional Center (hereinafter, “BTC”) within this District.

4. DHS thereafter initiated removal proceedings by issuing a Notice to Appear (hereinafter, “NTA”) and placing Petitioner in removal proceedings before the Immigration Court. *See Exhibit 2.*

5. Petitioner defensively applied for asylum and related relief.

6. On **November 4, 2025**, the Immigration Judge (“IJ”) denied asylum and ordered removal.

7. Petitioner timely appealed the removal order to the Board of Immigration Appeals (hereinafter, “BIA”). The appeal remains pending. *See Exhibit 3*

8. Because the appeal is pending, the removal order is not administratively final. Accordingly, Petitioner remains detained pursuant to 8 U.S.C. § 1226, not § 1231.

9. While removal proceedings were pending, Petitioner requested a bond redetermination hearing before the Immigration Court.

10. On **December 5, 2025**, the IJ denied bond, concluding that Petitioner was an “applicant for admission” detained under INA § 235 (8 U.S.C. § 1225) and that the Court therefore lacked jurisdiction to redetermine custody. In reaching this conclusion, the Immigration Judge relied on the Matter of *Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).

11. On **December 18, 2025**, the United States District Court for the Central District of California, in *Lazaro Maldonado Bautista et al. v. Kristi Noem et al.*, Case No. 5:25-cv-01873-SSS-BFM, entered final judgment declaring that similarly situated noncitizens are detained under 8 U.S.C. § 1226(a), not § 1225(b)(2), and are entitled to bond hearings. The

Court further vacated the underlying DHS policy under the Administrative Procedure Act and certified a nationwide class of Bond Eligible Class members, of which Petitioner is a member.

12. Subsequently, on February 18, 2026, the Court granted Petitioners' Motion to Enforce Judgment and expressly vacated Matter of *Yajure-Hurtado* as contrary to law under the Administrative Procedure Act, confirming that the interpretation relied upon by immigration judges to deny bond hearings is no longer controlling. *See Exhibit 4*

13. As a result of that classification, Petitioner has never received a meaningful, individualized bond hearing under 8 U.S.C. § 1226(a).

14. Petitioner was apprehended well within the interior of the United States after many years of residence and was not detained upon arrival at or near the border.

15. Petitioner is a member of the nationwide Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873 (C.D. Cal.), in which the United States District Court for the Central District of California held that noncitizens apprehended in the interior of the United States after entry without inspection are detained under 8 U.S.C. § 1226(a), not § 1225(b), and are therefore entitled to a meaningful, individualized bond hearing.

16. Despite his prolonged detention, strong family ties, absence of any criminal history, and significant humanitarian equities—including his role as the primary emotional and financial support for his United States citizen son, who suffers from serious and documented cardiac conditions requiring ongoing medical supervision—Petitioner has been categorically denied bond based solely on an erroneous statutory classification. Petitioner's son's medical records. The Immigration Judge never evaluated these individualized circumstances because the Court concluded it lacked jurisdiction under INA § 235. *See Exhibit 5*.

17. Petitioner has now been detained for almost seven (7) months without a lawful custody determination consistent with the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

JURISDICTION

18. The petitioner is in the physical custody of Respondents. Petitioner is detained at the Broward Transitional Center ("BTC") in Pompano Beach, Florida.

19. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

20. 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.

21. Mr. Aguilar Perez is detained in the custody of Respondents at BTC, where he has remained continuously confined since **August 2025**.

22. Jurisdiction is proper under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the lawfulness of his detention. Congress has preserved judicial review of challenges to civil immigration detention. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018).

23. Petitioner has been detained since **August 26, 2025**, for more than six (6) months. He timely filed a motion for custody redetermination pursuant to 8 C.F.R. § 1236. On December 7, 2025, the Immigration Judge denied bond, concluding that the Court lacked authority to redetermine custody because Petitioner was subject to mandatory detention under INA § 235(b)(2)(A), relying on Matter of *Yajure Hurtado*, ID #4125. See **Exhibit 6**.

24. As a result, the Immigration Court declined to conduct any meaningful, individualized assessment of Petitioner's risk of flight, danger to the community, or eligibility for release under INA § 236(a). Because Petitioner has never received a bond hearing on the merits, his continued civil detention is unreasonably prolonged and violates the Due Process Clause of the Fifth Amendment.

VENUE

25. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. § 1391 because Petitioner is physically detained at BTC in Broward County, Florida. He has remained in immigration custody continuously since August 2025.

26. 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 Southern District of Florida, the judicial district in which Petitioner is currently detained and has remained in custody since August 2025.

27. 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 Southern District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

28. *Habeas* relief is warranted forthwith. *Habeas corpus* is intended to provide a swift and imperative remedy for unlawful restraint. *Fay v. Noia*, 372 U.S. 391, 400 (1963). Petitioner's detention has already been adjudicated as unlawful for class members under *Maldonado Bautista*, and further delay exacerbates ongoing constitutional harm.

PARTIES

29. Respondent **Kristi Noem** is the Secretary of the United States DHS and is responsible for the administration of immigration laws, 8 U.S.C. § 1103(a). Secretary Noem is a legal custodian of Petitioner and is named in her official capacity.

30. Respondent **Todd M. Lyons** is the ICE Director, responsible for the overall administration of all ICE detention facilities, including BTC.

31. Respondent **Juan Agudelo** is the Interim Field Office Director for the Miami ICE Field Office and has administrative jurisdiction over Petitioner's case.

32. Respondent **Pamela Bondi** is the Attorney General of the United States and the senior official in the DOJ. She delegates authority over removal cases to the Executive Office for Immigration Review (hereinafter, "EOIR"), which administers the Immigration Courts and the Board of Immigration Appeals (hereinafter, "BIA"). She is named in her official capacity.

33. Respondent **Marcos Charles** is the Acting Executive Associate Director of ICE ERO. In this capacity, he leads the division responsible for the identification, arrest, detention, and removal of noncitizens. He has direct authority over the ERO policies that govern Petitioner's detention and is a legal custodian of the Petitioner.

34. Respondent **Charles Wall** is the Principal Legal Advisor for ICE. In this capacity, he leads the Office of the Principal Legal Advisor (hereinafter, "OPLA"), which serves

as the exclusive representative of DHS in immigration court proceedings. He has final authority over the legal positions taken by ICE attorneys regarding Petitioner's custody and removal. He is a legal custodian of the Petitioner and is named in his official capacity.

35. Respondent **John Doe** is the Warden of BTC and is Petitioner's immediate custodian. As Warden, Respondent **John Doe** exercises day-to-day control over Petitioner's physical custody and is therefore a proper respondent in this *habeas* action.

36. Each of these Respondents is a legal custodian of Petitioner and is named in his/her official capacities.

LEGAL ARGUMENTS: PETITIONER IS BEING UNLAWFULLY DETAINED

A. Exhaustion of Remedies: Petitioner has exhausted available remedies or exhaustion should be excused as futile.

The exhaustion requirement under 8 U.S.C. § 1252(d)(1) "is not jurisdictional," but rather prudential. *Kemokai v. U.S. Att'y Gen.*, 83 F.4th 886, 891 (11th Cir. 2023) (acknowledging the abrogation of prior Eleventh Circuit precedent interpreting section 1252(d)(1) as a jurisdictional bar by *Santos-Zavaria v. Garland*, 598 U.S. 411, 413 (2023)). Thus, administrative exhaustion "is not required where no genuine opportunity for adequate relief exists ... or an administrative appeal would be futile." *Linfors v. United States*, 673 F.2d 332, 334 (11th Cir. 1982)

Here, Petitioner has not received a meaningful individualized bond hearing because the Immigration Judge declined jurisdiction under INA § 235. Petitioner remains detained solely based on DHS and ICE custody, without any individualized custody determination by a neutral adjudicator. Under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), Immigration Judges lack jurisdiction to provide bond hearings where DHS asserts detention under 8 U.S.C. § 1225(b)(2)(A). In *Yajure Hurtado*, the BIA concluded that "aliens who are present in the United States without admission are applicants for admission under 8 U.S.C. § 1225(b)(2)(A) and must be detained for the duration of their removal proceedings." *Id.* at 220. Although *Matter of Yajure Hurtado* has since been vacated in *Maldonado Bautista v. Santacruz*, DHS continues to apply that interpretation in practice, and Immigration Judges routinely decline jurisdiction where DHS

asserts detention under § 1225(b)(2). As a practical matter, therefore, any request for a bond hearing or appeal to the BIA would remain futile. Courts have consistently excused exhaustion where BIA precedent forecloses relief. See, e.g., *Puga v. Assistant Field Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535, 2025 WL 2938369, at *3–6 (S.D. Fla. Oct. 15, 2025); *Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sep. 8, 2025). Accordingly, exhaustion should be excused because Petitioner has no meaningful opportunity to obtain relief through administrative proceedings, and habeas corpus review is necessary to remedy his unlawful detention.

B. Relevant Immigration Statutes: Section 1226 governs Petitioner’s detention, and this Court should order his immediate release or a bond hearing.

Two (2) statutes principally govern the detention of noncitizens: 8 U.S.C section 1225 and 1226.

I. 8 U.S.C 1225

Section 1225 governs the inspection, detention, and removal of applicants for admission. See 8 U.S.C. § 1225 et seq. Applicants for admission are defined as noncitizens “present in the United States who have not been admitted” or those “arriving in the United States.” *Id.* All applicants for admission must be inspected by immigration officers to determine admissibility under U.S. immigration law. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

U.S. immigration law authorizes detention of certain noncitizens seeking admission under § 1225(b)(1) and § 1225(b)(2). *Id.* at 289. Section 1225(b)(1) applies to certain noncitizens subject to expedited removal, including those who lack valid entry documents or who obtained admission through fraud or misrepresentation. Such individuals may be removed without further hearing or review unless they express a fear of persecution or an intention to apply for asylum. 8 U.S.C. § 1225(b)(1)(A)(ii). If a credible fear is established, the noncitizen is referred for further proceedings.

Section 1225(b)(2) serves as a catchall provision for applicants for admission not covered by § 1225(b)(1). *Jennings*, 583 U.S. at 287. Non-citizens subject to § 1225(b)(2) may be detained pending removal proceedings. However, this provision applies primarily to individuals seeking admission at a port of entry or otherwise treated as applicants for admission.

II. 8 U.S.C 1226

Federal immigration law also authorizes the Government to detain noncitizens who are already physically present in the United States pending the outcome of removal proceedings. *Jennings*, 583 U.S. at 289.

Section 1226(a) provides that when a noncitizen has been arrested and detained pending a decision on removal, the Government may either continue detention or release the individual on bond or conditional parole. See 8 U.S.C. § 1226(a). This statute establishes a discretionary detention framework and requires an individualized custody determination.

Noncitizens detained under § 1226(a) are entitled to a bond hearing before an Immigration Judge to determine whether continued detention is justified.

III. 1226 Applies to Mr. Aguilar Perez

The primary issue here is whether section 1225 or 1226 governs this Petitioner's detention.

Petitioner is physically present within the United States and is currently detained by DHS and ICE pending removal proceedings. Petitioner entered the United States without inspection in approximately 1998 and has resided continuously in the United States for nearly three decades. Since arriving in his early twenties, he has established deep roots in this country, including long-term residence, steady employment, and strong family ties.

Section 1226(a) provides for release on bond or conditional parole and requires an individualized custody determination before an Immigration Judge. Despite this statutory requirement, Petitioner has not received a meaningful individualized bond hearing because the Immigration Judge declined jurisdiction under INA § 235 and held that noncitizens physically present in the United States and detained pending removal proceedings are governed by § 1226. *See, e.g., Puga*, No. 25-24535, 2025 WL 2938369, at *3-6; *Merino v. Ripa*, No. 25-23845, 2025 WL 2941609, at *3 (S.D. Fla. Oct. 15, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025); *Harsh Patel v. Crowley*, No. 25-11180, 2025 U.S. Dist. LEXIS 209958, at *9-12 (N.D. Ill. Oct. 24, 2024); *Esquivel-Ipina v. Larose*, No.

25-cv-2672, 2025 U.S. Dist. LEXIS 210275, at *9-12 (C.D. Cal. Oct. 24, 2025); *Carmona v. Noem*, No. 25-cv-1131, 2025 U.S. Dist. LEXIS 209629, at *14-17 (W.D. Mich. Oct. 24, 2025); *Lopez v. Hyde*, 25-12680, 2025 U.S. Dist. LEXIS 209916, at *4-5 (D. Mass. Oct. 24, 2025); *Guerra v. Joyce*, No. 25-cv-00534, 2025 WL 2986316, at *3 (D. Me. Oct. 23, 2025); *Lomeau v. Soto*, 25-cv-16589, 2025 WL 2981296, at *7-8 (D.N.J. Oct. 23, 2025); *Maldonado v. Cabezas*, No. 25-13004, 2025 WL 2985256, at *4 (D.N.J. Oct. 23, 2025); *Aparicio v. Noem*, 2025 U.S. Dist. LEXIS 208898, at *12-13 (D. Nev. Oct. 23, 2025); *Loa Caballero v. Baltazar*, No. 25-cv-03120, 2025 WL 2977650, at *5-6 (D. Colo. Oct. 22, 2025).

In addition, the United States District Court for the Central District of California has certified a nationwide Bond Eligible Class and entered declaratory and enforcement relief in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). In that case, the court held that detention of class members under 8 U.S.C. § 1225(b)(2) is unlawful and that such individuals are detained pursuant to 8 U.S.C. § 1226(a). The court further vacated *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as contrary to law under the Administrative Procedure Act and granted a Motion to Enforce Judgment confirming that Respondents must comply with that ruling. As a member of the Bond Eligible Class, Petitioner's continued detention under § 1225(b)(2), or reliance on *Yajure Hurtado* to deny a bond hearing, directly contravenes a binding federal court judgment.

Because Petitioner is detained under § 1226(a), he is entitled to an individualized bond hearing before an Immigration Judge. Respondents' failure to provide such a hearing violates the statute and the Due Process Clause of the Fifth Amendment.

C. Petitioner's Continued Detention Violates the Due Process Clause of the Fifth Amendment

I. Procedural Due Process

Procedural due process requires that before the Government deprives an individual of liberty, it must provide notice and a meaningful opportunity to be heard before a neutral decisionmaker. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). In the context of civil

immigration detention, due process requires an individualized custody determination at which the Government bears the burden of justifying continued detention. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Here, Petitioner has been detained since **August 26, 2025** and has remained continuously confined for over six (6) months without receiving a meaningful, individualized custody determination. IJ declined to conduct a bond hearing based solely on a statutory classification under INA § 235(b)(2)(A), without evaluating any of Petitioner's individual circumstances. No neutral adjudicator has considered that Petitioner entered the United States without inspection in approximately 1998 and has resided continuously in this country for nearly three decades. Since arriving in his early twenties, he has established deep and substantial ties to the United States, including long-term residence, steady employment, and strong family relationships. He is the father of a United States citizen son who suffers from serious and documented cardiac conditions and depends significantly on Petitioner for emotional and financial support. None of these factors were weighed in any custody determination. The Government has made no individualized showing that Petitioner poses a flight risk or danger to the community. The complete absence of any meaningful procedural safeguard violates Petitioner's right to procedural due process under the Fifth Amendment.

II. Substantive Due Process

Substantive due process prohibits government action that is arbitrary, excessive, or not reasonably related to a legitimate governmental purpose. *County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). Although immigration detention is civil in nature, it must remain regulatory rather than punitive. *Zadvydas*, 533 U.S. at 690. Petitioner entered the United States without inspection in approximately 1998 and has resided continuously in this country for nearly three decades. He has established deep and substantial ties to the United States, including long-term residence, steady employment, and strong family relationships. Despite these significant equities, he remains detained without any individualized assessment of necessity. Under these circumstances, Petitioner's continued confinement bears no reasonable relationship to any legitimate regulatory purpose. Instead, it has become excessive and punitive in effect. The Government's reliance on an erroneous statutory classification to justify mandatory detention,

without any individualized review, renders Petitioner's continued detention arbitrary and unconstitutional. Accordingly, Petitioner's detention violates both procedural and substantive due process under the Fifth Amendment.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF – Violation of Fifth Amendment Procedural Due Process.

1. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. Petitioner Mr. Aguilar Perez has been subjected to prolonged civil immigration detention without a meaningful and individualized bond hearing, in violation of the Due Process Clause of the Fifth Amendment. Although Petitioner filed a motion for bond, the Immigration Court denied jurisdiction pursuant to *Matter of Yajure-Hurtado*, thereby refusing to conduct any individualized assessment of whether Petitioner's continued detention is justified under INA § 236(a). The absence of a meaningful custody determination renders Petitioner's detention unconstitutional.

SECOND CLAIM FOR RELIEF – Violation of Fifth Amendment Substantive Due Process

3. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
4. Petitioner's continued detention is excessive, arbitrary, and punitive in effect, and bears no reasonable relationship to any legitimate governmental purpose. Immigration detention is civil in nature, yet Respondents have imposed prolonged confinement without individualized justification, in violation of Petitioner's substantive due process rights under the Fifth Amendment.

THIRD CLAIM FOR RELIEF – Unlawful Detention Beyond Statutory Authority

5. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
6. Respondents lack statutory authority to detain Petitioner under INA §§ 1225(b)(1), 1226(c), and 1231. Petitioner's detention is governed, if at all, by INA § 236(a), which requires an individualized custody determination and eligibility for release on bond. By continuing to detain Petitioner without providing such a determination, Respondents are acting beyond their statutory authority and in violation of federal law.

FOURTH CLAIM FOR RELIEF – Arbitrary and Unreasonable Detention

7. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
8. Petitioner's continued detention is arbitrary and unreasonable, lacking any individualized finding of flight risk or danger to the community. Such detention violates fundamental principles of due process and exceeds the bounds of lawful civil confinement.

FIFTH CLAIM FOR RELIEF – Violation of the INA: Request for Relief Pursuant to *Maldonado Bautista*.

9. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
10. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release under 8 U.S.C section 1226(a).
11. The order granting summary judgment in *Maldonado Bautista* holds that Respondents violated the INA in applying the mandatory detention statute at section 1225(b)(2) to class members. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.” Respondents are parties to *Maldonado Bautista* and bound by the Court's judgment.
12. By asserting that the Petitioner is subject to mandatory detention under section 1225(b)(2), Respondent violated Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

13. On **November 20, 2025**, the district court granted partial summary judgment in favor of the named plaintiffs, and on **November 25, 2025**, certified a nationwide class and extended declaratory relief to the certified class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment); *id.* at *9 (order certifying the proposed nationwide Bond Eligible Class and extending declaratory relief). The court determined that members of the Bond Eligible Class are detained under 8 U.S.C. § 1226(a), and therefore may not be denied consideration for release on bond under 8 U.S.C. § 1225(b)(2)(A). *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861, at 11 (C.D. Cal. Nov. 20, 2025). On **December 18, 2025**, the court entered final judgment granting classwide declaratory relief consistent with its prior orders.
14. Following his apprehension, Mr. Aguilar Perez was placed in removal proceedings pursuant to 8 U.S.C. § 1229a and charged as inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I). Respondents are bound by the judgment issued in *Maldonado Bautista*.
15. However, Petitioner has not received the bond consideration to which he is entitled as a member of the Bond Eligible Class and remains detained without an individualized custody determination as required by law.

SIXTH CLAIM FOR RELIEF – Attorney’s Fees Under the Equal Access to Justice Act

37. If Petitioner prevails in this action, he respectfully requests an award of reasonable attorney’s fees and costs pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, as amended, as Petitioner is the prevailing party and the Government’s position would not be substantially justified.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Mr. Aguilar Perez respectfully requests that this Honorable Court:

1. Exercise jurisdiction over this Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2241;

2. Order Petitioner's immediate release from DHS custody, with or without reasonable conditions of supervision;
3. Issue a Writ of *Habeas Corpus* requiring Respondents to justify Petitioner's continued detention;
4. Declare that Petitioner's prolonged civil immigration detention violates the Due Process Clause of the Fifth Amendment;
5. Declare that the conditions under which Petitioner is detained at BTC render his continued confinement punitive in effect and unconstitutional under the Fifth Amendment's Due Process Clause;
6. Order Respondents to cease detaining Petitioner in violation of the Constitution;
7. Retain jurisdiction to ensure compliance with the Court's order; and
8. Grant such other and further relief as this Court deems just and proper.

EXHIBITS

- Exhibit 1- Copy of Petitioner's Mexican Passport.
- Exhibit 2- Notice to Appear (Form I-862).
- Exhibit 3- BIA Appeal Receipt / EOIR Receipt Notice Confirming Pending Appeal.
- Exhibit 4- Order Granting Motion to Enforce Judgment in Maldonado Bautista v. Santacruz, No. 5:25-CV-01873 (C.D. Cal. Feb. 18, 2026).
- Exhibit 5- Medical Records of Petitioner's United States Citizen Son.
- Exhibit 6- Immigration Judge's Order Denying Bond (Dec. 7, 2025).

Dated: March 2, 2026

Respectfully submitted,

By: /s/ Magdalena Cuprys, Esq.

FL Bar No.: 22460

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Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of *Habeas Corpus* are true and correct to the best of my knowledge, information, and belief.

/s/ Cesilio Aguilar Perez
Cesilio Aguilar Perez

Dated: March 2, 2026.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 2, 2026, a true and correct copy of the foregoing was filed using the Court's CM/ECF system, which will send notice of electronic filing to all counsel of record.

Respectfully submitted,

March 2, 2026.

By: /s/ Magdalena Cuprys, Esq.

FL Bar No.: 22460

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