

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

RICARDO LEONEL OSORTO BARRIENTOS,

Case No. 0:26-cv-60593

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 Ricardo Leonel Osorto Barrientos (“Petitioner” or “Mr. Osorto Barrientos”) brings this Petition for a Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2241 to challenge his ongoing unlawful detention and to seek enforcement of his rights as a member of the Bond Eligible Class certified in *Lazaro Maldonado Bautista et al. v. Noem et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025).
2. Petitioner is currently in the physical custody of Respondents at the Broward Transitional Center (“BTC”).
3. Mr. Osorto Barrientos now faces unlawful detention because the Department of Homeland Security (“DHS”) and the Executive Office of Immigration Review (“EOIR”) continue to detain him under a statutory interpretation that federal courts have rejected. Further, Respondents have failed to comply with binding federal court orders issued in *Lazaro Maldonado Bautista et al. v. Noem et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.). In *Maldonado Bautista*, the United States District Court for the Central District of California certified a nationwide Bond Eligible Class, granted partial summary judgment, issued declaratory relief holding that detention under 8 U.S.C. § 1225(b)(2) was unlawful for class members, entered Final Judgment on **December 18, 2025**, and subsequently granted a Motion to Enforce Judgment on **February 18, 2026**, expressly vacating Matter of *Yajure-Hurtado* as contrary to law under the Administrative Procedure Act (“APA”). See **Exhibit 1**.
4. Petitioner has remained detained without being provided an individualized bond hearing, based on Respondents’ continued misapplication of detention standards that the Courts, including the Southern District of Florida, have already determined to be inconsistent with the governing statutory framework. See e.g., *Aguilar Merino v. Ripa*, No. 25-23845-CIV-MARTINEZ, 2025 WL 2941609, at *3, 8 (S.D. Fla. Oct. 15, 2025)(“section 1226(a), not section 1225(b)(2), governs Petitioner’s detention”); *Gil v. Paulino v. Sec’y of the U.S. Dep’t of Homeland Sec.*, 25-24292-CIV-WILLIAMS, ECF No. 41 (S.D. Fla. Oct, 2025)(“Section 1226 governs Petitioner’s detention); *Hernandez*

Alvarez v. Acting Warden Roger Morris, et al., Case No. 25-24806-CIV-WILLIAMS, ECF No. 6 (S.D. Fla. Oct. 27, 2025)(agreeing with petitioner that “detention is governed by 8 U.S.C. section 1226(a), which allows for the release of noncitizens on bond ... not section 1225(b)(2), applicable to noncitizen “applicant[s] for admission” to the United States.)

5. *Habeas corpus* is fundamentally “a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). A writ may be issued to a petitioner who demonstrates that he is being held in custody in violation of the constitution or federal law. *See* 28 U.S.C. section 2241(c)(3). The Court’s jurisdiction extends to challenges involving immigration-related detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
6. Accordingly, this Court should grant Mr. Osorto Barrientos’s petition for a writ of *habeas corpus* and order Respondents to release him immediately.

JURISDICTION

7. The petitioner is in the physical custody of Respondents. He is detained at BTC in Pompano Beach, Florida, where he has remained continuously confined since **November 2025**.
8. 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).
9. 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.
10. 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).
11. Petitioner has now been detained for more than three (3) months. During his detention, Petitioner filed a motion for bond, which was denied by the Immigration Court for lack of

jurisdiction pursuant to *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), which has now been held to be stricken as violating the Administrative Procedures Act (hereinafter, “APA.”)

12. Petitioner’s continued confinement constitutes prolonged civil detention in violation of the Due Process Clause of the Fifth Amendment. Because he has been denied a meaningful and individualized bond hearing, judicial review is therefore necessary to safeguard his fundamental liberty interests.

VENUE

13. 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 **November 27, 2025**.
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 Southern District of Florida, the judicial district in which Petitioner 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 Southern District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court should grant the petition for writ of *habeas corpus* “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.
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). “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. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

18. Petitioner's detention has already been adjudicated as unlawful for class members under *Maldonado Bautista*, and further delay exacerbates ongoing constitutional and irreparable harm.


PARTIES

19. Petitioner Mr. Ricardo Leonel Osorto Barrientos is a citizen of Honduras who has been in immigration detention since **November 27, 2025**. After Petitioner was arrested, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On **January 14, 2026**, Petitioner was denied bond by an IJ at the Miami Immigration Court located at BTC because he was deemed an "applicant for admission." See **Exhibit 2**. Petitioner has resided in the United States since approximately 2020, more than five (5) years.
20. Respondents are detaining Mr. Osorto Barrientos at BTC in Pompano Beach, Florida, pending removal proceedings. While in Respondents' custody, Mr. Osorto Barrientos is subject to the authority, control, and detention policies implemented and enforced by Respondents.
21. 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.
22. Respondent **Todd M. Lyons** is the ICE Director, responsible for the overall administration of all ICE detention facilities, including BTC.
23. Respondent **Juan Agudelo** is the Interim Field Office Director for the Miami ICE Field Office and has administrative jurisdiction over Petitioner's case.
24. 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.
25. 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;

26. 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.
27. 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.
28. Each of these Respondents is a legal custodian of Petitioner and is named in his/her official capacities.

FACTUAL AND PROCEDURAL HISTORY

29. Mr. Osorto Barrientos is a native and citizen of Honduras, born on , as reflected in his passport. *See Exhibit 3.*
30. Petitioner entered the United States in or about 2020 and has resided continuously in this country since that time. At the time of his entry, he was not apprehended, inspected, or admitted by immigration authorities. Since his arrival, he has lived openly and continuously in the interior of the United States for approximately five (5) years, during which he developed personal and social stability and established significant ties to the community.
31. Petitioner maintains strong family ties in the United States, including his father, who is a Lawful Permanent Resident, and his brother, who is a United States citizen. Since approximately 2020, Petitioner has worked in his father's auto repair business, contributing to the family enterprise and demonstrating stability and responsibility.
32. Petitioner currently has two (2) pending Petitions for Alien Relative (Form I-130) before U.S. Citizenship and Immigration Services ("USCIS"). These petitions are supported by official documentation evidencing his qualifying family relationships. The existence of these pending family-based petitions underscores Petitioner's strong incentive to remain

in compliance with all immigration proceedings and his potential eligibility for future relief from removal. *See Exhibit 4.*

33. On **November 27, 2025**, after approximately five (5) years of continuous presence in the United States, ICE apprehended Petitioner and placed him into immigration detention. Mr. Osorto Barrientos was placed in removal proceedings pursuant to 8 U.S.C. § 1229a and charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for entry without inspection. He has remained continuously detained since **November 27, 2025**, and remains detained to date.
34. Prior to this detention, Petitioner had never been arrested in the United States. At the time of his apprehension, Petitioner had a pending family petition.
35. Petitioner timely sought a custody redetermination hearing before the Immigration Court pursuant to 8 C.F.R. § 1236, submitting extensive evidence demonstrating his eligibility for bond, lack of dangerousness, lack of flight risk, and substantial community ties. *See Exhibit 5.*
36. Petitioner presented undisputed evidence of strong community ties and stability. Nevertheless, on **January 14, 2026**, the IJ denied Petitioner's request for bond, concluding that Matter of *Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), was controlling and that the Immigration Court lacked jurisdiction to conduct a bond hearing. *See Exhibit 2.* As a result of this ruling, the IJ declined to conduct any meaningful, individualized assessment of Petitioner's risk of flight, potential danger to the community, or suitability for release under INA § 236(a).

LEGAL ARGUMENTS: RESPONDENT IS BEING UNLAWFULLY DETAINED

A. Exhaustion of Remedies: Petitioner has exhausted his remedies before the Immigration Courts and the lack of appeal to the BIA should be excused as futile.

The exhaustion requirement under 8 USC section 1252(d)(1) "is not jurisdiction," 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 US 411, 413 (2023). Thus, administrative "exhaustion is not required where no genuine opportunity for adequate

relief exists ... or an administrative appeal would be futile[.]” *Lindfors v. United States*, 673 F.2d 332, 334 (11th Cir. 1982.)

Here, the Petitioner requested a bond hearing, which was denied for lack of jurisdiction by the IJ given the recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In *Yajure Hurtado*, the BIA rejected the precise argument Petitioner raises here, concluding that “aliens who are present in the United States without admission are applicable for admission under ... 8 U.S. C. section 1225(b)(2)(A), and must be detained for the duration of their removal proceedings.” 29 I&N Dec. at 220. Because this is BIA precedent, any appeal to the BIA would serve no purpose. 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)(“Since the result of Petitioner’s custody redetermination and any subsequent bond appeal to the BIA is nearly a foregone conclusion under *Matter of Yajure Hurtado*, any prudential exhaustion requirements are excused for futility.”; *Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sep. 8, 2025) (waiving exhaustion as “the most recent BIA decision on [whether section 1225 or 1226 applies] has adopted the legal interpretation of the new DHS policy that petitioners challenge.”))

Further, on February 18, 2026, the United States District Court for the Central District of California in *Lazaro Maldonado Bautista et al. v. Kristi Noem et al.* set aside *Matter of Yajure-Hurtado*, holding that it was issued in violation of the Administrative Procedure Act. See Order dated February 18, 2026. Nevertheless, despite the Court’s clear ruling vacating *Yajure-Hurtado*, Immigration Judges have continued to deny bond hearings to similarly situated individuals, reportedly indicating that they are awaiting further guidance from EOIR leadership. As a result, Petitioner remains detained without the bond hearing to which he is statutorily and constitutionally entitled.

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

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

I. 8 USC 1225

Section 1225 governs the inspection, detention, and removal of applicants for admission. *See* 8 USC section 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 ensure that they may be admitted into the country consistent with U.S. immigration law.” *Jennings v. Rodriguez*, 583 US 281, 287 (2018). To that end, US immigration law authorizes the Government to detain certain aliens seeking admission into the country under section 1225(b)(1) and (b)(2).” *Id.* at 289 (emphasis added).

“Section 1225(b)(1) applies to all aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.” *Id.* Such non-citizens are subject to expedited removal “without further hearing or review.” 8 U.S.C. section 1225(b)(1). However, if the noncitizen expresses “an intention to apply for asylum” or a fear of persecution, “the statute requires referral to an interview with an immigration officer. *Id.* Section 1225(b)(1)(A)(ii). If the immigrant officer finds a “credible fear,” the non-citizen “shall be detained for further consideration of the application for asylum.” *Id.*

“Section 1225(b)(2) is broader” and “serves as a catchall provision that applies to all applicants for admission not covered by section 1225(b)(1).” *Jennings*, 583 US at 287. Non-citizens covered under section 1225(b)(2) are detained for removal proceedings “if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted” into the country. 8 U.S.C. section 1225(b)(2)(A). Importantly, detention under section 1225(b)(2) is mandatory. *See Gomes v. Hyde*, No. 25-cv-11571, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025).

II. 8 USC 1226

Federal immigration law “also authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings.” *Jennings*, 583 U.S. at 289 (emphasis added). Section 1226(a) provides that when a noncitizen has been “arrested and detained pending a decision on whether the alien is to be removed from the United States,” the

Attorney General may either continue to detain the individual or release them on bond or conditional release. *See* 8 USC section 1226(a). The statute thus “establishes a discretionary detention framework.” *Gomes*, 2025 WL 1869299, at *2.

III. 1226 Applies to Mr. Osorto Barrientos

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

Petitioner entered the United States without inspection in or about 2020, was not apprehended upon arrival, and lived openly in the interior of the United States for approximately five (5) years before being detained by ICE in November 2025. Under these circumstances, detention is governed by 8 U.S.C. § 1226, not § 1225.

Nevertheless, the IJ denied bond based on *Matter of Yajure-Hurtado*, concluding that the Immigration Court lacked jurisdiction because Petitioner was deemed an “applicant for admission.” *See Exhibit 2*.

Countless courts have uniformly rejected the Government’s expansive interpretation of § 1225 in cases involving individuals who entered without inspection and were later apprehended in the interior of the United States. *See e.g., Gil-Paulino v. Sec’y of the US Dep’t of Homeland Sec.*, 25-cv-24292, DE 41, (S.D. Fla. Oct. 10, 2025) (respondent’s interpretation of the INA “directly contravenes the statutes” and “disregards decades of settled precedent”); *see also Pizarro Reyes*, 2025 WL 2609425, at *7 (“Finally, the BIA’s decision to pivot from three decades of consistent statutory interpretation and call for Pizarro Reyes’ detention under section 1225(b)(2)(A) is at odds with every District Court that has been confronted with the same questions of statutory interpretation.”) *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).

CLAIMS FOR RELIEF

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

37. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
38. Petitioner Mr. Osorto Barrientos 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

39. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
40. 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

41. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
42. 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

43. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
44. 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*.

45. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
46. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release under 8 USC section 1226(a).
47. 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.
48. 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.”
49. Respondents are parties to *Maldonado Bautista* and bound by the Court's judgment.
50. 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*.

51. On **November 20, 2025**, the United States District Court for the Central District of California granted partial summary judgment in favor of the named plaintiffs, holding that similarly situated noncitizens are detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A). See *Lazaro Maldonado Bautista et al. v. Noem et al.*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025). On **November 25, 2025**, the court certified a nationwide Bond Eligible Class and extended declaratory relief to the class. *Id.* at *9. Thereafter, on **December 18, 2025**, the court entered final judgment granting classwide declaratory relief consistent with its prior rulings
52. Following his apprehension, Mr. Osorto Barrientos was placed in removal proceedings pursuant to 8 U.S.C. § 1229a and charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for entry without inspection. Respondents are bound by the judgment issued in *Maldonado Bautista*.
53. However, Petitioner has not received meaningful 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

54. 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. Osorto Barrientos 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. Declare that Respondents’ continued detention of Petitioner without a meaningful and individualized bond hearing violates the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act;

3. Order Respondents to immediately release Petitioner from DHS custody;
4. Order Respondents to cease detaining Petitioner in violation of the Constitution and laws of the United States;
5. Retain jurisdiction to ensure compliance with the Court's order; and
6. Grant such other and further relief as the Court deems just and proper.

EXHIBITS

- Exhibit 1 – Orders in *Lazaro Maldonado Bautista et al. v. Noem et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.);
- Exhibit 2 – Immigration Judge's Order Denying Bond dated January 14, 2026;
- Exhibit 3 – Copy of Petitioner's Honduran Passport;
- Exhibit 4 – Form I-130 Receipt Notices (Pending Family Petitions);
- Exhibit 5 – Motion for Custody Redetermination (Bond Motion) Filed Before the Immigration Court.

Dated: March 2, 2026

Respectfully submitted,

By: /s/ Magdalena Cuprys, Esq.
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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.



Signature Petitioner

Ricardo Leonel
Osorto Barrientos

Dated: January 19, 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.

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