

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

ADAN GARCIA,

Petitioner,

v.

MATTHEW MORDANT, Warden, Florida Soft
Side South Detention Facility, in his official capacity;
and

PETITION FOR A WRIT OF
HABEAS CORPUS PURSUANT TO
28 U.S.C. § 2241

TODD M. LYONS, Acting Director, U.S
Immigration and Customs Enforcement; in his
official capacity,

Respondents.

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INTRODUCTION

1. This is a petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. Petitioner Adan Garcia is a native and citizen of Mexico who has lived in the United States for more than twenty-three years, since 2002, and is currently detained by Respondents at the Florida Soft Side South Detention Facility in Ochopee, Florida.
2. Petitioner is the father of four U.S. citizen children. He has no criminal convictions.
3. Petitioner is being held under mandatory detention without eligibility for a bond hearing under the recently-decided Board of Immigration Appeals (BIA) decision *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). He asks this Court to order Respondents to grant him a bond hearing before an Immigration Judge, where he can

demonstrate that he is not a flight risk and not a danger to the community, as required by the statutes and regulations governing immigration.

4. *Matter of Yajure Hurtado*, decided September 5, 2025, overturned decades of established immigration court practice. Petitioner contends the decision reflects enforcement policy, not the best reading of the governing statutes.
5. This BIA decision is erroneous, violates the Immigration and Nationality Act's detention framework codified at 8 U.S.C. §§ 1225(b) and 1226, violates the Due Process Clause of the Fifth Amendment to the United States Constitution, and conflicts with international law norms relating to the treatment of refugees.
6. Under the Supreme Court's recent decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), federal courts must independently interpret the meaning and scope of 8 U.S.C. §§ 1225(b) and 1226 using the traditional tools of statutory construction. Because the BIA's decision in *Matter of Yajure Hurtado* deviates from longstanding interpretation, is not contemporaneous guidance tied to enactment, and contradicts the statutory interpretations of numerous federal courts, a habeas court should give it no weight under *Loper Bright*.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, which grants federal courts authority to hear habeas corpus petitions from individuals held in custody in violation of the Constitution or laws of the United States. Jurisdiction is also proper under 28 U.S.C. § 1331.

8. Venue is proper in the Middle District of Florida because Petitioner is detained at the Florida Soft Side South Detention Facility in Ochopee, Florida, which is located within this judicial district.

PARTIES

9. Petitioner **Adan Garcia** (A ) is a citizen of Mexico currently detained at the Florida Soft Side South Detention Facility in Ochopee, Florida.
10. Respondent **Matthew Mordant** is the Warden of Florida Soft Side South Detention Facility who has direct supervisory authority over Petitioner's detention. The Warden is sued in his official capacity.
11. Respondent **Todd M. Lyons** is the Acting Director of U.S. Immigration and Customs Enforcement (ICE) and is sued in his official capacity.

FACTUAL ALLEGATIONS

12. Petitioner is a native and citizen of Mexico who has resided continuously in the United States for more than twenty-three years after entering the United States without inspection in 2002. He is the father of four U.S. citizen children and works in roof construction. He has established deep and permanent ties to the United States and has lived as a law-abiding, productive member of his community. He has no criminal convictions.
13. Petitioner filed an application for asylum and related protection from removal and is awaiting adjudication of that claim. He is also eligible for Cancellation of Removal as relief from deportation because of his lengthy time in the US and his four USC children.

14. On February 24, 2026, Petitioner was taken into ICE custody following a traffic stop.

Respondents continue to hold Petitioner in mandatory detention, refusing to grant him an individualized bond hearing before an Immigration Judge while he pursues his legal relief.

15. Respondents rely upon the BIA decision in *Matter of Yajure Hurtado* to justify detention without a bond hearing. Consequently, Petitioner is being denied the opportunity to demonstrate that he is neither a flight risk nor a danger to the community, as required by the immigration statutes and regulations.

FUTILITY OF REQUESTING A BOND HEARING WITH AN IMMIGRATION JUDGE / EXHAUSTION

19. Exhaustion of administrative remedies is not jurisdictional in § 2241 cases,

Santiago-Lugo v. Warden, 785 F.3d 467, 475 (11th Cir. 2015). Immigration Judges and the Board of Immigration Appeals are bound by controlling BIA precedent. As a result of *Matter of Yajure Hurtado*, immigration judges lack authority to hold bond hearings in cases classified as falling under 8 U.S.C. § 1225(b)(2), even where the statutory interpretation is contested.

20. Petitioner's claim presents a pure question of statutory authority, whether detention is governed by 8 U.S.C. § 1225(b)(2) or 8 U.S.C. § 1226(a). Because the Immigration Judge is bound by controlling BIA precedent and cannot provide the statutory relief requested, requiring administrative litigation as a prerequisite to federal habeas review would not serve the purposes of prudential exhaustion and would only delay judicial resolution of a purely legal question.

LEGAL CLAIMS

COUNT I: VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

23. Petitioner re-alleges and incorporates by reference the preceding paragraphs.

24. The Immigration and Nationality Act establishes two distinct statutory categories for the treatment and detention of noncitizens:

a. 8 U.S.C. § 1225: This section governs the admission of noncitizens who arrive in the United States or are at the border seeking admission. It generally requires mandatory detention in specified circumstances.

b. 8 U.S.C. § 1226: This section applies to noncitizens who are apprehended within the United States (in the interior). It allows for bond hearings for eligible noncitizens who may seek release by demonstrating they are not a danger to the community or a flight risk.

25. The Board of Immigration Appeals, in its September 5, 2025 decision *Matter of Yajure Hurtado* held that noncitizens who entered without authorization are subject to detention under 8 U.S.C. § 1225 as “applicants for admission,” regardless of their length of stay or ties to the United States, and that Immigration Judges therefore lack authority to conduct bond proceedings in such cases.

26. Federal courts have consistently held that 8 U.S.C. § 1226, not 8 U.S.C. § 1225(b)(2), authorizes the detention of noncitizens who previously entered without inspection and were apprehended in the interior of the country long after entry.

27. There are several reasons why the BIA's expansive interpretation of 8 U.S.C. § 1225(b)(2) misreads the statute:

a. As the Supreme Court recognized in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), 8 U.S.C. § 1225(b) is concerned “primarily [with those] seeking entry,” and is generally imposed “at the Nation’s borders and ports of entry.”

b. Throughout its text, 8 U.S.C. § 1225 refers to “inspections,” a term that typically connotes an examination upon or soon after physical entry. This is further supported by the statutory framing of § 1225 (titled “Inspection by immigration officers”) and § 1225(d)(1) (authorizing searches of certain conveyances where noncitizens “are being brought into the United States”).

c. Consistent with this focus, 8 U.S.C. § 1225(b)(2) is limited to those in the process of “seeking admission.” Petitioner in this case is patently in the country (for more than twenty-three years) and is not seeking admission at the time of his apprehension. Similarly, the implementing regulations at 8 C.F.R. § 1.2 address noncitizens who are presently “coming or attempting to come into the United States.” The statutory and regulatory text’s use of the present and present progressive tenses excludes noncitizens apprehended in the interior like Petitioner, because they are no longer in the process of arriving in the United States.

28. The statutory structure confirms that 8 U.S.C. § 1226 also reaches individuals who have not been admitted and entered without inspection.

29. For example, 8 U.S.C. § 1226(c) expressly references certain categories of noncitizens inadmissible under 8 U.S.C. § 1182(a)(6)(A), including persons who entered without being admitted. If 8 U.S.C. § 1226(a) did not apply to inadmissible noncitizens present in the United States, the carve-outs and amendments in 8 U.S.C. § 1226(c) would be rendered superfluous.
30. The statutory history also supports a limited reading of 8 U.S.C. § 1225(b)'s reach. When Congress amended § 1225(b)'s predecessor, legislators expressed concerns about recent arrivals lacking documents to remain. There was no suggestion Congress intended to subject all people present in the United States after an unlawful entry to mandatory detention and thereby "sweep millions of noncitizens into" 8 U.S.C. § 1225(b).
31. Under *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), federal courts must independently interpret the meaning and scope of 8 U.S.C. §§ 1225(b) and 1226 using traditional tools of statutory construction. Because the BIA's decision in *Matter of Yajure Hurtado* deviates from longstanding interpretation and contradicts numerous federal court interpretations, a habeas court should give it no weight.
32. Petitioner entered the United States in 2002 and was apprehended in the interior in February 2026, more than twenty-three years after entry. He was undoubtedly not "in the process of entering or just entered the United States." This factual context places his detention under 8 U.S.C. § 1226, not 8 U.S.C. § 1225(b)(2). As a result, Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). He is subject to the provisions of 8 U.S.C. § 1226(a), which permits release on bond upon showing that he is

not a danger or a flight risk and requires an individualized custody determination procedure.

COUNT II: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT AND INTERNATIONAL LAW

34. Petitioner re-alleges and incorporates by reference the preceding paragraphs.

35. The Fifth Amendment's Due Process Clause provides that no person shall be deprived of liberty without due process of law. This protection applies to all persons within the United States, regardless of immigration status.

36. Freedom from imprisonment lies at the heart of the liberty protected by habeas corpus. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). In civil proceedings, including deportation cases, detention is justified only in certain special and narrow nonpunitive circumstances, where a sufficiently strong justification outweighs the individual's constitutionally protected interest in avoiding physical restraint.

37. The Supreme Court has repeatedly held that nonpunitive detention violates the Constitution unless it is strictly limited and accompanied by a prompt individualized hearing before a neutral decisionmaker. *United States v. Salerno*, 481 U.S. 739, 750–51 (1987).

38. Petitioner's continued mandatory detention without a bond hearing is unconstitutional, especially given the lack of any criminal conviction. His mandatory detention under the BIA's *Matter of Yajure Hurtado* interpretation serves no legitimate governmental purpose sufficient to justify unreviewed civil confinement and therefore violates the Fifth Amendment.

39. Furthermore, the United States is a signatory to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. These instruments reflect fundamental norms against arbitrary detention and reinforce the need for an individualized assessment of flight risk and danger for individuals pursuing protection from removal, rather than categorical detention without a hearing.

COUNT III: MALDONADO BAUTISTA CLASS MEMBERSHIP (SUPPORTING STATUTORY ENTITLEMENT)

40. Petitioner re-alleges and incorporates by reference the preceding paragraphs.

41. In *Lazaro Maldonado Bautista, et al. v. Ernesto Santacruz Jr., et al.*, No.

5:25-cv-01873-SSS-BFM (C.D. Cal.), the United States District Court for the Central District of California certified a nationwide class of detained noncitizens challenging detention under 8 U.S.C. § 1225(b)(2) based on the government's post-July 2025 detention policy and the interpretation adopted in *Matter of Yajure Hurtado*.

42. On December 18, 2025, the court entered final judgment declaring that members of the "Bond Eligible Class" are detained under 8 U.S.C. § 1226(a), are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and are entitled to consideration for release on bond and, if not released, a custody redetermination hearing before an Immigration Judge pursuant to the governing detention regulations. The court also vacated the Department of Homeland Security's July 8, 2025 Interim Guidance Regarding Detention Authority for Applicants for Admission under the Administrative Procedure Act. On February 18, 2026, the Central District of California granted a motion to enforce that judgment.

44. Petitioner alleges that he falls within the Bond Eligible Class definition described in *Maldonado Bautista* because he entered without inspection, is detained by ICE, and is being denied a bond hearing based on Respondents' position that he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) as interpreted in *Matter of Yajure Hurtado*.

45. As a member of that certified class, Respondents are bound to treat Petitioner as detained under 8 U.S.C. § 1226(a), not § 1225(b)(2). Continued detention without access to bond procedures on the sole basis of *Matter of Yajure Hurtado* is therefore unlawful.

46. Petitioner does not seek enforcement of another court's injunction through contempt proceedings. Rather, he seeks habeas relief from this Court based on his independent statutory entitlement to bond procedures under 8 U.S.C. § 1226(a), consistent with the binding class judgment entered in *Maldonado Bautista*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Assume jurisdiction over this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.
- B. Order Respondents to justify the legality of Petitioner's continued mandatory detention within six days.
- C. Issue a Writ ordering Respondents to release Respondent because of his unlawful mandatory detention.

D. In the alternative, order Respondents to provide Petitioner an individualized bond hearing before an Immigration Judge, where he can demonstrate that he is neither a danger to the community nor a flight risk, in accordance with the procedures in effect prior to September 5, 2025 and consistent with 8 U.S.C. § 1226(a).

E. Grant such other and further relief as this Court may deem just and proper.

Dated: March 6, 2026

Respectfully submitted,

/s/Robert Sheldon
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