

MATURANO & ASSOCIATES
BY: Antonio A. Maturano, III, Esquire
Pa. Identification No. 64391
616 DeKalb Street
Norristown, PA 19401
(610) 313-3120 (Office)
(610) 313-3221 (Fax)
amaturano@maturanolaw.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
CIVIL DIVISION

Carlos Daniel CISNEROS ROBLEDO

Petitioner,

v.

Brian MCSHANE, Field Office Director of
Enforcement and Removal Operations,
Philadelphia Field Office, Immigration and
Customs Enforcement; Kristi NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; The EXECUTIVE
OFFICE FOR IMMIGRATION REVIEW; and
J.L. JAMISON as Warden of the Philadelphia
Federal Detention Center

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

PETITION FOR WRIT OF HABEAS CORPUS

1. This is a petition for a writ of habeas corpus filed on behalf of Carlos Daniel CISNEROS ROBLEDO seeking relief to remedy his unlawful detention. Respondents are currently detaining Mr. Cisneros Robledo subject to initiation of immigration proceedings.

INTRODUCTION

2. Petitioner, Carlos Daniel Cisneros Robledo is in the physical custody of Respondents at the Philadelphia Federal Detention Center. He now faces unlawful detention as the Department of Homeland Security (“DHS”) and the Executive Office of Immigration Review (“EOIR”) have placed into operation procedures which meaningfully deprive Petitioner of release.

3. Petitioner was detained on or about March 3, 2026 by Immigration and Customs Enforcement (“ICE”) Enforcement Removal Operations (“ERO”) officers in Delaware while working at a job site.

4. This case presents a troubling example of the increasingly opaque detention practices employed by Respondents, practices which have the effect—whether by design or by indifference—of obstructing a detained individual’s ability to access counsel and to seek judicial review of his detention.

5. Petitioner was taken into custody by officers of U.S. Immigration and Customs Enforcement and Removal Operations (“ICE ERO”) on the morning of March 3, 2026, in the State of Delaware. From that moment forward, however, Respondents failed to provide accurate or consistent information regarding Petitioner’s location in federal custody, thereby significantly impeding counsel’s ability to locate and communicate with him.

6. Ordinarily, attorneys and family members are able to identify the location of a detained noncitizen through ICE’s publicly available *Online Detainee Locator System*

(“ODLS”), which permits searches using a detainee’s name or assigned Alien Registration Number (“A-Number”).¹

7. In the days following Petitioner’s arrest, counsel attempted—no fewer than twice per day—to locate Petitioner using the ODLS. These repeated searches yielded no results. As a result, counsel had no reliable means of determining where Petitioner was being held or how to communicate with him.

8. After several days of unsuccessful attempts to locate Petitioner through official channels, counsel contacted the ICE Field Office in Philadelphia on March 5, 2026, seeking assistance in identifying Petitioner’s place of detention. Officers at that office advised counsel that Petitioner was not in custody in Philadelphia and suggested that he was likely being held by the Dover Field Office in Delaware, where the initial arrest had occurred.

9. Counsel then placed numerous calls to the Dover Field Office over the course of several hours, yet was unable to reach any officer who could confirm whether Petitioner was in custody there or identify his physical location.

10. It was not until March 6, 2026, that Petitioner was permitted to place a call to his family updating them as to his whereabouts. During that call, Petitioner reported that he had been assigned an A number (A ) and had been told that he was unsure where he was but that officers had indicated he would be going to the Moshannon Valley Processing Center, but he did not know when.

11. Petitioner’s family immediately related this information to counsel. Using the newly assigned A number, counsel promptly searched the ICE detainee locator system, which

¹ U.S. Immigration & Customs Enft, Online Detainee Locator System (ODLS), <https://locator.ice.gov/odls/#/search> (last visited Mar. 6, 2026).

at that time reflected that Petitioner was indeed detained at the Moshannon Valley Processing Center.²

12. Counsel immediately contacted a case officer at Moshannon in an effort to speak with Petitioner and confirm his status. Shockingly, the case officer informed counsel that Petitioner was not in fact in custody at Moshannon. Subsequent investigation by counsel ultimately confirmed that Petitioner was instead being held at the Federal Detention Center in Philadelphia, Pennsylvania.³

13. The circumstances surrounding Petitioner's detention highlight a deeply troubling reality: the federal government forcibly took Petitioner into custody yet failed to provide accurate information regarding where he was being detained. Even After the detainee locator system began reflecting a location, that information proved to be inaccurate. These shifting and contradictory representations rendered it virtually impossible for counsel to locate Petitioner or establish meaningful contact with him, thereby frustrating his ability to pursue legal relief.

14. Such conduct does more than inconvenience counsel; it strikes at the core procedural safeguards that protect individuals from unlawful detention. Federal courts—including courts within this Circuit—have seen a substantial increase in habeas corpus litigation in recent months as Respondents' expanding detention and removal efforts have increasingly collided with the constitutional and statutory limits governing immigration

² U.S. Immigration & Customs Enft, Online Detainee Locator System (ODLS), Screenshot of Detainee Search Results for Petitioner (Mar. 6, 2026) (listing detention location as Moshannon Valley Processing Center), <https://locator.ice.gov/odls/#/search> (attached as Ex. 2).

³ Fed. Bureau of Prisons, Inmate Locator, Screenshot of Search Results for Petitioner (Mar. 6, 2026) (listing detention location as Philadelphia Federal Detention Center), <https://www.bop.gov/inmateloc/> (attached as Ex. 1).

detention. When the government detains an individual yet obscures his location, it undermines the very mechanisms through which detained persons are able to challenge unlawful custody.

15. For this reason, attorneys representing detained individuals must routinely rely on tools such as the ICE Online Detainee Locator System and direct communication with detention facilities to determine where a client is physically held to file a habeas petition in the appropriate federal district.

16. When Respondents fail to provide accurate and verifiable information regarding the location of a detainee, they effectively frustrate the ability of detained individuals to access the courts and seek relief from unlawful detention.

17. Under these circumstances, the “great writ” remains the final and essential mechanism through which Petitioner may seek judicial review of his detention.

18. Nevertheless, Respondents now seek to subject him to a sweeping mandatory detention framework more appropriately reserved—by statute and longstanding interpretation—for individuals who are entering at the border. Petitioner’s detention is not an isolated deviation; it reflects a broader enforcement posture that courts across the country have repeatedly scrutinized and rebuked.

19. On January 20, 2025, the President issued several executive actions relating to immigration, including the Executive Order entitled “Protecting the American People Against Invasion,” which articulated an expansive interior enforcement agenda. That Order directed the Secretary of Homeland Security “to take all appropriate action to enable” ICE, CBP, and

USCIS to prioritize civil immigration enforcement procedures, including through the use of mass detention.⁴

20. In late May 2025, Respondent Kristi Noem and White House Deputy Chief of Staff Stephen Miller reportedly met with ICE leadership and imposed an arrest quota of 3,000 individuals per day, threatening job consequences if officials failed to meet arrest quotas.⁵ Deputy Chief of Staff Miller remarked that “[u]nder President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day.”⁶

21. Following these directives, ICE personnel were reportedly instructed to “turn the creativity knob up to 11,” to “push the envelope,” and to pursue “collateral” arrests—stating that “[i]f it involves handcuffs on wrists, it’s probably worth pursuing.”⁷

22. The consequences of this enforcement environment have extended beyond those detained. An affidavit provided by former Immigration Judge Lawrence O. Burman, who served on the immigration bench for twenty-seven (27) years, underscores the departure from decades of established practice.⁸ Judge Burman attests that in his extensive experience, “bond

⁴ Exec. Order No. 14,159, Protecting the American People Against Invasion, 90 Fed. Reg. 8,447 (Jan. 20, 2025); *Protecting the American People Against Invasion*, The White House (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

⁵ Julia Ainsley, et al., A sweeping new ICE operation shows how Trump’s focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), <https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigrationreshape-federal-lawenforcement-rcna193494> (last visited Nov. 26, 2025); Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at <https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller> (last visited Nov. 26, 2025).

⁶ Hannity, Sean, “Stephen Miller says the admin wants to create the strongest immigration system in US History”, FOX NEWS (May 28, 2025), <https://www.foxnews.com/video/6373591405112> (last visited Nov. 26, 2025).

⁷ Olivares, José, “US immigration officers ordered to arrest more people even without warrants,” The Guardian (Jun 4, 2025) <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests>

⁸ Affidavit of Lawrence O. Burman (Feb. 14, 2026) (attached as Ex. 3)

was not denied solely due to a person’s manner of entry into the United States...[s]uch factors were never the main reason for denial, and generally not considered at all.”⁹

23. Respondent’s’ present detention theory rests precisely on that premise. Judge Burman stated that “[s]ince January 2025, I have observed a troubling trend of Immigration Judges being terminated without explanation or notice. In all my years on the bench, I have never witnessed such a high level of turnover.”¹⁰

24. The judge recounts experienced other judges being removed abruptly—even “in the middle of their morning dockets”—and describes “increasing concern among members of the bench about institutional intimidation and the perceptions that decision[s] unfavorable to the government could negatively affect judicial tenure.”¹¹

25. In such an environment—where immigration judges are allegedly removed without notice, where jurisdiction is frequently curtailed by administrative interpretation, and where institutional pressure coincides with publicly declared arrest quotas—it is difficult to conceive how Petitioner could obtain meaningful custodial review before the Immigration Court.

26. When the executive branch has announced daily numerical arrest targets, encouraged aggressive collateral apprehensions, and reshaped detention classifications to maximize custody, the promise of neutral adjudication becomes illusory. Habeas corpus exists precisely to safeguard against such structural distortions of liberty.

27. The gravity of these concerns is further amplified by sworn testimony presented before Congress. On February 23, 2026, former Assistant Chief Counsel Ryan Schwank

⁹ Affidavit of Lawrence O. Burman ¶12 (Feb. 14, 2026) (attached as Ex. 3).

¹⁰ Burman Aff. ¶ 18 (Ex. 3).

¹¹ *Id.* at ¶ 17, 20.

testified regarding internal ICE practices.¹² He stated that DHS representation about officer training were misleading, that graduates were rapidly deployed with minimal supervision, and that internal directives authorized conduct inconsistent with constitutional protections. Mr. Schwank described being instructed to review a memorandum asserting that ICE officers could enter homes without a judicial warrant—conduct he characterized as “the chief evil against which the wording of the Fourth Amendment is directed.” He further testified that he was required to review the memorandum in secret and made to understand that disobedience could jeopardize his employment, concluding that ICE was teaching cadets to violate constitutional safeguards while attempting to cloak such directives in secrecy.¹³

28. Petitioners continued detention must be evaluated within this broader context. When executive directives emphasize mass arrests, when long-settled statutory interpretations are recast to expand mandatory detention, when experienced immigration judges report institutional intimidation, and when sworn testimony raises concerns about constitutional compliance within enforcement ranks, meaningful relief before the agency becomes structurally compromised. Under these circumstances, habeas review by this Court is not merely appropriate—it is indispensable to ensure that executive detention tethered to statute, the Constitution, and the rule of law itself.

JURISDICTION

29. Petitioner is in the physical custody of Respondents. Petitioner is presently being held at the Philadelphia Federal Detention Center in Philadelphia, Pennsylvania.

¹² Testimony of Ryan Schwank, Former Assistant Chief Counsel, U.S. Immigration & Customs Enforcement, Before the , House Oversight Committee, 119th Cong. (Feb. 23, 2025) (statement of Ryan Schwank) (“ICE is teaching cadets to violate the Constitution, and they were attempting to cloak it in secrecy by demanding that I like about it. I am here to convey the public danger that is being created at the ICE Academy.”), video recording available at <https://youtu.be/v6HkNJlIwvc?si=5TS43gXbZzvreMmt>.

¹³ *Id.*

30. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause). 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.

31. 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.

VENUE

32. 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 Eastern District of Pennsylvania, the judicial district in which Petitioner currently is detained.

33. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) as Respondent 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 Eastern District of Pennsylvania.

REQUIREMENTS OF 28 U.S.C. § 2243

34. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petition is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondent must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

35. 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) (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).

PARTIES

36. Petitioner Carlos Daniel Cisneros Robledo is a citizen and national of Mexico who is presently in physical custody of Respondents. Following the arrest of Petitioner in Delaware, ICE placed Petitioner into custody in the Philadelphia Federal Detention Center pending removal proceedings.

37. Respondent, Brian McShane is the Director of the Field Office of ICE’s Enforcement and Removal Operations division which oversees the Philadelphia Office and immigrant detention at the Philadelphia Federal Detention Center. As such, Director McShane is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

38. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (“INA”), and oversees ICE, which is responsible for Petitioner’s detention. Secretary Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

39. Respondent Department of Homeland Security (“DHS”) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

40. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration

Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

41. Respondent Executive Office for Immigration Review (“EOIR”) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redetermination in bond hearings.

42. Respondent J.L. Jamison, as Warden of the Philadelphia Federal Detention Center, where Petitioner is detained is named in their official capacity having immediate physical custody of Petitioner. They are sued in their official capacity.

LEGAL FRAMEWORK

43. The Fourth Amendment protects “[t]he right of the people to be secure in their persons...against unreasonable searches and seizures.” U.S. Const. amend. IV.

44. Immigration detention is a form of civil confinement that “constitutes a significant deprivation of liberty that requires due process protection.”¹⁴ Immigration officers may arrest an individual without a warrant in limited circumstances.¹⁵

45. The INA permits warrantless arrest if an immigration officer has reason to believe that a noncitizen (1) is in the United States in violation of the immigration laws and (2) “is likely to escape before a warrant can be obtained for his arrest.”¹⁶

46. ICE officers are bound not only by statute and due process, but also by its national policy adopted pursuant to settlement agreement in *Castanon Nava et al. v. Dep’t of Homeland Sec.*¹⁷ Under this policy, ICE officers must consider a delineated list of factors before making

¹⁴ *Addington v. Texas*, 441 U.S. 418, 425 (1979).

¹⁵ *See Arizona v. United States*, 567 U.S. 387, 407-08 (2012) (conferring the preference of Congress, as expressed in the INA, for immigration arrests to be based on warrants).

¹⁶ 8 U.S.C. § 1357(a)(2); 8 C.F.R. § 287.8(c)(2)(i)-(ii).

¹⁷ No. 18-cv-3757 (N.D. Ill.).

an arrest, including (a) the officer's ability to determine the individual's identity; (b) knowledge of the individual's prior escapes or evasions of immigration authorities; (c) the individual's attempts to flee to avoid being discovered by immigration; and (d) the individual's ties to the community, such as a family, home, or employment.¹⁸

47. Civil immigration detention must rest on lawful, individualized determination that detention is justified under the statutory framework as established by Congress. It cannot be imposed as the byproduct of a generalized enforcement campaign or arbitrary numerical targets.

48. Yet the circumstances surrounding Petitioner's arrest and continued detention strongly indicate that his custody is not the result of a particularized assessment, but rather flowed from a broader enforcement posture designed to maximize arrests and detention irrespective of individualized risk.¹⁹

49. Such seizures raise serious constitutional concerns. When enforcement practices become quota-driven, the risk of arbitrary detention increases substantially, eroding the constitutional boundary between permissible civil enforcement and impermissible dragnet policing.

50. The facts of this case reflect the predictable consequences of that policy environment. Petitioner has been present in the United States for nearly five (5) years.

¹⁸ Settlement Agreement, *Castanon Nava et al. v. Dep't of Homeland Sec.*, No. 18-cv-3757 (N.D. Ill.), available at https://immigrantjustice.org/sites/default/files/content-type/page/documents/2025-01/Nava_Settlement_ICE_Warrantless_Arrest-Vehicle_Stop_Policy_2021.pdf.

¹⁹ Elizabeth Findell, et al., The White House Marching Orders That Sparked the L.A. Migrant Crackdown, *The Wall Street Journal* (June 9, 2025), <https://www.wsj.com/us-news/protests-losangeles-immigrants-trump-f5089877>; Julia Ainsley, et al., A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement, *NBC News* (June 4, 2025), <https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focusimmigration-reshape-federal-lawenforcement-rcna193494>; Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, *Axios* (May 28, 2025), available at <https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller>.

Petitioner had taken steps with immigration counsel to pursue lawful pathways via a U-Visa as the victim of crime cooperating with authorities in subsequent investigation. The Petitioner has no record, nor history which would support a finding that he is a risk to the community or a risk of flight.

51. The constitutional concerns raised by Petitioner's arrest are not merely theoretical; they are compounded by the government's subsequent misapplication of the statutory detention scheme in what is now a nationwide issue of mass mandatory detention.

52. Even assuming *arguendo* that Petitioner's initial apprehension was lawful, his continued detention must still comport with the framework Congress enacted in the Immigration and Nationality Act ("INA"). That framework requires individualized custody determination and carefully distinguishes between discretionary and mandatory detention.

53. Rather than adhere to those statutory limits, Respondents have attempted to reclassify broad categories of long-term resident as "applicants for admission," thereby subjecting them to mandatory detention and stripping immigration judges of their traditional custody authority.

54. Understanding the structure of the INA's detention provisions is therefore essential, as it demonstrates that Petitioner's ongoing confinement is not only constitutionally suspect, but also contrary to the plain text, history, and settled application of the governing statute.

55. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

56. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge ("IJ"). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R.

§§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

57. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2). This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

58. Lastly, the INA also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings.²⁰

59. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996.²¹

60. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a).²²

61. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearing, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer.²³

²⁰ *See* 8 U.S.C. § 1231(a)-(b).

²¹ Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996. Pub. L. No. 119-1, 139 Stat. 3 (2025).

²² *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

²³ *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

62. For the first time since the enactment of IIRIRA, Respondents now take the position through a series of precedential decisions by the Board of Immigration Appeals (“BIA”) that non-citizens presently residing within the interior of the United States are not entitled to a custody redetermination (or bond hearing) before an Immigration Judge.

63. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

64. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, or in the instant Petitioner’s case, even decades.

65. In May of 2025, the BIA in *Matter of Q. Li*, held that a non-citizen who had been apprehended at the border and released into the interior of the United States subject to a grant of parole under § 1182(d)(5)(A) (§ 212(d)(5)(A)) is now subject to mandatory detention without a possibility of bail upon re-detention, pursuant to 8 U.S.C. § 1225(b), regardless of whether such re-detention occurs years later.²⁴

66. On September 5, 2025, ICE, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. The Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and holding them ineligible to seek bond in immigration court.²⁵

²⁴ *Matter of Q-Li*, 29 I&N Dec. 66 (BIA 2025).

²⁵ See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

67. In effect, the BIA transformed the government's contested enforcement position into a categorical jurisdictional bar, foreclosing individualized custody determinations for a broad class of noncitizens historically deemed bond-eligible under § 1226(a).

68. Under Respondent's current posture, even when a petitioner succeeds in obtaining a bond hearing and prevails before an Immigration Judge—often by establishing eligibility for discretionary detention under § 1226(a)—DHS responds by reflexively filing an appeal to the BIA.²⁶

69. The filing of a Notice of Intent to Appeal and subsequent appeal automatically stays the Immigration Judge's bond order, guaranteeing that the petitioner remains detained throughout the pendency of the appeal. In practice, this detention routinely lasts for months.

70. This strategy does not reflect case-specific judgment as the statute clearly contemplates, but rather, it presents a blanket policy by the Respondents to appeal bond grants in all cases where it has been ordered, circumventing the INA's authority and nullifying the effect of federal court relief recognizing bond eligibility. The Department has transformed discretionary appellate review into a mechanism of categorical detention—achieving through procedure what it cannot lawfully obtain through statute.

71. Compounding this issue, Department of Homeland Security ("DHS") appeals these bond grants to the very adjudicatory body that has already aligned itself with the Department's contested interpretation of the detention statutes. The BIA has issued precedential decisions adopting Respondents' position and depriving judges of jurisdiction over custody redeterminations for individuals who entered without inspection. As a result, the appeals

²⁶ Redacted Example of Notice of Intent to Appeal (Form EOIR-43) (attached as Ex. 4).

process offers no meaningful opportunity for relief, rather, it serves as a foregone conclusion that prolongs detention while preserving the appearance of administrative process.²⁷

72. The cumulative effect of this regime acts to trap petitioners in a procedural morass that could only be described as death by a thousand cuts. This closed circuit—self-reinforcing and outcome-determinative—functions as a form of administrative ouroboros, consuming the very relief federal courts have declared petitioners are entitled to receive. Petitioners are left to run a short and futile race toward administrative relief while standing on a plank that has been deliberately shortened by agency design.

73. Habeas corpus exists precisely to address this type of structural deprivation of liberty. Where the government’s coordinated use of stays, appeals, and BIA precedent ensures continued detention regardless of individualized findings or federal court declarations, administrative remedies are not merely inadequate—they are illusory.

74. Continued detention under these circumstances is not authorized by statute, is inconsistent with the separation of powers, and violates fundamental principles of due process. Accordingly, this Court’s intervention is necessary to enforce the rule of law and to prevent DHS from nullifying federal judicial relief through procedural gamesmanship.

EXHAUSTION AND FUTILITY OF ADMINISTRATIVE REMEDIES

75. Exhaustion is not required where the agency’s controlling precedent forecloses relief as a matter of law.²⁸

76. EOIR has instructed immigration judges to refuse jurisdiction over custody determinations, and DHS has appealed the bond order that was properly issued before that

²⁷ Redacted Example of BIA Decision Applying *Matter of Yajure Hurtado* on DHS Appeal of Bond Grant (attached as Ex. 5)

²⁸ See *El Rescate Legal Servs., Inc. v. EOIR*, 959 F.2d 742, 747 (9th Cir. 1991).

directive, ensuring continued detention despite an individualized judicial finding that release is warranted.

77. Taken together, Respondent EOIR's directive that Immigration Judges lack jurisdiction to conduct bond hearings for individuals like Petitioner, Respondent DHS' systematic practice of staying and appealing any bond grants, and the BIA's continued adherence to *Matter of Yajure-Hurtado* establish that administrative processes administered by Respondents are incapable of providing Petitioner with timely or effective relief from detention.

78. That jurisdictional foreclosure is dispositive. Where the Immigration Judge is instructed that they cannot exercise custody authority, and where Respondent DHS systematically appeals or stays any grant of bond, there remains no meaningful administrative path forward.

79. Exhaustion does not require pursuit of remedies that are foreclosed in advance or structurally incapable of providing relief. Under these circumstances, administrative review is not simply unlikely to succeed; it is functionally unavailable.

80. Under these circumstances, further administrative pursuit of relief is not merely inadequate—it is futile.

81. Accordingly, this Court should expeditiously grant this petition, and order Petitioner's release from detention.

STATEMENT OF FACTS

82. Petitioner, Carlos Daniel Cisneros Robledo is a citizen and national of Mexico who has been present in the United States for approximately five (5) years. During this time, Petitioner has established deep family, economic, and community ties. Petitioner had

previously retained immigration counsel to seek relief after being the victim of a crime in the United States.

83. Petitioner is eligible to seek lawful status under NA § 101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(U), which would allow him to pursue status and remain as the victim of a qualifying crime who further assisted law enforcement.

84. On or about March 3, 2026, Petitioner was apprehended by officers of U.S. Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”), while working in Delaware. He was taken into immigration custody and is presently being held at the Philadelphia Federal Detention Center.

85. Prior to this arrest, Petitioner had not been the subject of any immigration enforcement action in the United States. Petitioner has no criminal history that would render him subject to mandatory detention. Rather, Petitioner's record of presence in the United States is starkly devoid of any adverse interactions.

86. Petitioner is not subject to mandatory detention under any provision of the Immigration and Nationality Act (“INA”), including INA § 236(c) or INA § 241, 8 U.S.C. §§ 1226(c), 1231.

87. Petitioner's continued detention is not based on any statutory mandate, any criminal history, or any individualized finding of danger or flight risk, but solely on the government's present political posture.

CLAIM FOR RELIEF

COUNT I

Violation of the Fourth Amendment of the United States Constitution Unreasonable Seizure

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. Except at the border and its functional equivalents, the Fourth Amendment to the U.S. Constitution prohibits Respondents from conducting a detained stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States. Moreover, the Fourth Amendment prohibits Respondents from making an arrest without probable cause to believe that a person is a noncitizen unlawfully in the United States.
3. Petitioner was detained by Respondents despite a lack of reasonable suspicion based on articulable facts that Petitioner was unlawfully in the United States. Further, Petitioner was arrested despite lack of probable cause to believe that Petitioner was a flight risk.

COUNT II

Violation of the INA:

Violation of the INA 8 U.S.C. § 1226

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. Where Respondents have seized and detained a noncitizen whom Respondents have previously released from an initial period of detention pursuant to INA § 1226, Respondents are required by § 1226 to make an individualized determination as to the noncitizen's risk of flight and danger to the community.
3. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended in the interior. Such

noncitizens are detained under § 1226, unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

4. Respondents' failure to make individualized determinations regarding Petitioner's possible risk of flight, and possible danger to the community violates the Immigration and Nationality Act, 8 U.S.C. § 1226.

COUNT III

Violation of Due Process

5. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
6. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).
7. Petitioner has a fundamental interest in liberty and being free from official restraint.
8. The government's detention of Petitioner without meaningful access to bond redetermination to determine whether he is a flight risk or danger to others violates his right to due process.

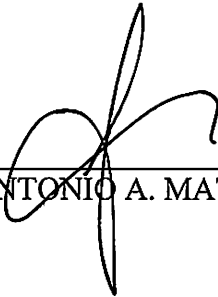
PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

d. Grant any other and further relief that this Court deems just and proper.

DATED this 6th of March, 2026.

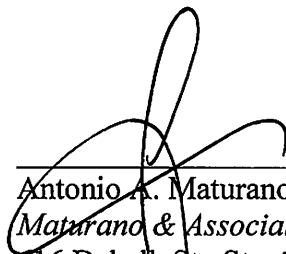


ANTONIO A. MATURANO

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Antonio A. Maturano, III, submit this verification on behalf of the Petitioner as an attorney for Petitioner. I, or immigration counsel, have discussed with Petitioner's family the events described here-in. Based on those discussions, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date: March 6, 2026



Antonio A. Maturano, III
Maturano & Associates
616 Dekalb St., Ste. 1
Norristown, PA 19401
Office: (610) 313-3120
amaturano@maturanolaw.com

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CARLOS DANIEL CISNEROS ROBLEDO

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Maturano & Associates
616 Dekalb St., Norristown, PA 19401 Ph: 6103133120**DEFENDANTS**BRIAN MCSHANE, J.L. JAMISON, KRISTI NOEM,
PAMELA BONDI, U.S. DHS, EOIRCounty of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney for Eastern District of Pennsylvania
615 Chestnut Street, Philadelphia, PA 19106**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habes Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 2241Brief description of cause:
Alien detained by respondents without due process of law.**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/06/2026

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

TABLE OF EXHIBITS

EXHIBIT	DESCRIPTION
1	Fed. Bureau of Prisons, Inmate Locator, Screenshot of Search Results for Petitioner (Mar. 6, 2026) (listing detention location as Philadelphia Federal Detention Center), https://www.bop.gov/inmateloc/
2	U.S. Immigration & Customs Enf't, Online Detainee Locator System (ODLS), Screenshot of Detainee Search Results for Petitioner (Mar. 6, 2026) (listing detention location as Moshannon Valley Processing Center), https://locator.ice.gov/odls/#/search
3	Affidavit of Lawrence O. Burman (Feb. 14, 2026)
4	Redacted Example of Notice of Intent to Appeal (Form EOIR-43)
5	Redacted Example of BIA Decision Applying <i>Matter of Yajure Hurtado</i> on DHS Appeal of Bond Grant

EXHIBIT 1

Find an inmate.

Locate the whereabouts of a federal inmate incarcerated from 1982 to the present. Due to the First Step Act, sentences are being reviewed and recalculated to address pending Federal Time Credit changes. As a result, an inmate's release date may not be up-to-date. Website visitors should continue to check back periodically to see if any changes have occurred.

If an individual is listed as "Released" or "Not in BOP Custody" and no facility location is indicated, the inmate is no longer in BOP custody, however, the inmate may still be in the custody of some other correctional/criminal justice system/law enforcement entity, or on parole or supervised release.

Find By Number**Find By Name**

First

Middle

Last

Carlos

CISNEROS-ROB

Race

Age

Sex

**1 Result for search Carlos CISNEROS-ROBLEDO**[Clear Form](#)**Search****CARLOS DANIEL
CISNEROS-ROBLEDO**

Register Number:



Age: 24

Race: Asian

Sex: Male

Located at: [Philadelphia FDC](#)

Release Date: UNKNOWN

Related Links[Facility Information](#)[Call or email](#)[Send mail/package](#)[Send money](#)[Visit](#)[Voice a concern](#)[About the inmate locator & record availability](#)

EXHIBIT 2

← → ↻ locator.ice.gov/odls/#/results

Official Website of the Department of Homeland Security



U.S. Immigration
and Customs
Enforcement

Report Crimes: Email or Call 1-866-DHS-2-ICE

Home Who We Are **What We Do** Newsroom Information Library Contact ICE

Search Results: 1

CARLOS DANIEL CISNEROS-ROBLEDO

Country of Birth : Mexico

Status : In ICE Custody

State: PA

Current Detention Facility: [MOSHANNON VALLEY ICE PROCESSING CENTER](#)

** Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

Related Information

Helpful Info

[Status of a Case](#)
[About the Detainee Locator](#)
[Brochure](#)
[ICE ERO Field Offices](#)
[ICE Detention Facilities](#)
[Privacy Notice](#)

External Links

[Bureau of Prisons Inmate Locator](#)



[DHS.gov](#) [USA.gov](#) [OIG](#) [Open Gov](#) [FOIA](#) [Metrics](#) [No Fear Act](#) [Site Map](#) [Site Policies & Plug-Ins](#)

EXHIBIT 3

AFFIDAVIT OF LAWRENCE O. BURMAN

I, Lawrence O. Burman, swear under penalty of perjury, that the following information is true and correct to the best of my knowledge, information, and belief:

Experience

1. I am over 18 years of age, and a citizen of the United States.
2. I was admitted to the Maryland Bar in November 1978 and have maintained active status since that time.
3. I was employed by the United States Department of Justice from September 1988 until my retirement on December 31, 2025.
4. I served as an Immigration Judge from my appointment in April 1998 until my retirement.
5. Before that, I worked as an assistant district counsel for the former Immigration and Naturalization Service (INS) in Baltimore, Maryland, from 1991 to 1998 – a role now absorbed by the Department of Homeland Security.
6. Prior to that, from 1990 to 1991, I served as assistant general counsel at INS Headquarters in Washington, D.C.
7. From 1988 to 1990, I worked as a general attorney for INS in Baltimore.

Experience as an Immigration Judge

8. During my 27 years as an Immigration Judge, I presided over both detained and non-detained dockets in Memphis TN and Northern Virginia. I also heard detained cases on detail to detention facilities in Texas, California, New Mexico, Louisiana and Pennsylvania. I was assigned to the Annandale VA detained docket most recently in December 2025 for a short period to cover judges who were on leave.
9. While presiding over the detained docket, I adjudicated requests for custody redetermination (also known as bond hearings). In making these adjudications, I considered whether the alien was a flight risk or a danger to the community.
10. I have been asked to prepare this affidavit to explain my decades of experience as an Immigration Judge regarding the application of “flight risk” when denying a bond, as well as my professional observations regarding recent adjudicatory patterns and their potential implications.
11. Over my time on the bench, I found that concerns about flight risk were usually addressed by setting an appropriate bond amount. It was rare for a bond to be denied solely based on flight risk; more often, a higher bond amount was imposed to ensure the individual’s appearance at future hearings.
12. In my experience, bond was not denied solely due to a person’s manner of entry into the United States or because they had not yet applied for relief before being encountered by immigration officials. Such factors were never the main reason for denial, and generally not considered at all.

13. It was also extremely rare to see a bond denial based on flight risk where the alien had a fixed address, a job, a proposed application for relief, or family ties to the United States.
14. In my experience, bonds in excess of \$15,000 were relatively uncommon on the dockets on which I served. This is largely because a person's ability to pay a bond should be considered when adjudicating a bond request, and because immigration delivery bonds generally require payment of the full amount to post.
15. Earlier in my tenure, judges typically maintained a regular detained docket. In the last decade, the Immigration Court in Annandale, Virginia, assigned certain judges to detained matters on a full-time basis, while others would substitute when needed.
16. Since around 2017, Immigration Judges Raphael Choi and Karen Donoso-Stevens had been assigned to the detained dockets. IJ Choi was previously the Chief Counsel of the Office of Principal Legal Advisor for Arlington, Virginia, and IJ Donoso-Stevens was a senior attorney for the detained docket for the Office of Principal Legal Advisor for Arlington, Virginia
17. I recently learned that both IJ Choi and IJ Donoso-Stevens were abruptly removed from the detained docket in January 2026, in the middle of their morning dockets, and were replaced by newly-appointed judges.

Concerns about the Immigration Court System

18. Since January 2025, I have observed a troubling trend of Immigration Judges being terminated without explanation or notice. In all my years on the bench, I have never witnessed such a high level of turnover.
19. From conversations within the immigration bench and professional organizations, including the National Association of Immigration Judges (of which I was an officer), it is clear that judges were removed for their strong commitment to due process for those appearing before them.
20. Although immigration judges are expected to act as neutral adjudicators, I have noticed increasing concern among members of the bench about institutional intimidation and the perception that decisions unfavorable to the government could negatively affect judicial tenure.
21. I am concerned that the notable rise in bond denials and adverse case outcomes undermines due process and erodes confidence in the Immigration Court system.

Signed this 14th day of February 2026 in the County of Arlington, Commonwealth of Virginia.

February 14, 2026


Lawrence O. Burman

EXHIBIT 4

Notice of ICE Intent to Appeal Custody Redetermination

Alien Name: _____

4. The stay shall lapse if ICE does not file a notice of appeal along with appropriate certification within ten business days of the issuance of the order of the Immigration Judge, or upon ICE's withdrawal of this notice, or as set forth in 8 C.F.R. §1003.6(c)(4) and (5).
- See 8 C.F.R. §1003.6(c)(1).

Antonio Alberto Maturano, Esquire, on July 30, 2025.
(Respondent or Respondent's Representative) (Date)

Form EOIR-43
Rev. Oct. 2006

Uploaded on: 07/31/2025 at 04:51:22 PM (Eastern Daylight Time) Base City: ELZ

U.S. Department of Justice
Executive Office for Immigration Review

**Notice of ICE Intent to Appeal Custody
Redetermination**

Date: July 31, 2025

Alien Number: [REDACTED]

Alien Name: [REDACTED]

1. Immigration and Customs Enforcement (ICE) has:

☒ a. Held the respondent without bond.

☐ b. Set the respondent's bond at \$ _____.

2. The Immigration Judge on July 31, 2025

(Date)

☐ a. Authorized the respondent's release.

☒ b. Redetermined the ICE bond to \$ 5,000

3. Filing this form on July 31, 2025 automatically stays the
(Date)

Immigration Judge's custody redetermination decision. See 8 C.F.R. §1003.19(i)(2).

4. The stay shall lapse if ICE does not file a notice of appeal along with appropriate certification within ten business days of the issuance of the order of the Immigration Judge, or upon ICE's withdrawal of this notice, or as set forth in 8 C.F.R. §1003.6(c)(4) and (5).

See 8 C.F.R. §1003.6(c)(1).

[REDACTED]
ICE Counsel

I, [REDACTED], served the Notice of ICE Intent to Appeal Custody Redetermination on
(Name)

Alexis Price, Esq., on July 31, 2025.
(Respondent or Respondent's Representative) (Date)

[REDACTED]
Signature

Uploaded on: 01/12/2026 at 05:02:01 PM (Eastern Standard Time) Base City: ELZ

U.S. Department of Justice
Executive Office for Immigration Review

Notice of ICE Intent to Appeal Custody
Redetermination

Date: 1/12/2026

Alien Number: [REDACTED]

Alien Name: [REDACTED]

1. Immigration and Customs Enforcement (ICE) has:

☒ a. Held the respondent without bond.

☐ b. Set the respondent's bond at \$ _____.

2. The Immigration Judge on _____ (Date)

☐ a. Authorized the respondent's release.

☒ b. Redetermined the ICE bond to \$ 5,000.00.

3. Filing this form on 1/12/2026 (Date) automatically stays the

Immigration Judge's custody redetermination decision. See 8 C.F.R. §1003.19(i)(2).

4. The stay shall lapse if ICE does not file a notice of appeal along with appropriate certification within ten business days of the issuance of the order of the Immigration Judge, or upon ICE's withdrawal of this notice, or as set forth in 8 C.F.R. §1003.6(c)(4) and (5).

See 8 C.F.R. §1003.6(c)(1).

ICE Counsel

I, [REDACTED], served the Notice of ICE Intent to Appeal Custody Redetermination on
(Name)

Alexis Price- VIA ECAS, on 1/12/26
(Respondent or Respondent's Representative) (Date)

EOIR - 1 of 1

Signature

EXHIBIT 5



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041



[REDACTED]
616 Dekalb St. Suite 1
Norristown PA 19401

DHS/ICE Office of Chief Counsel - ELZ
625 Evans Street, Room 135
Elizabeth NJ 07201

Name: [REDACTED]

A [REDACTED]

Date of this Notice: 10/31/2025

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

A handwritten signature of John Seiler is located below the word "Sincerely,".

John Seiler
Acting Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

[REDACTED]

Respondent

FILED

Oct 31, 2025

ON BEHALF OF RESPONDENT:

[REDACTED]

ON BEHALF OF DHS: [REDACTED] Assistant Chief Counsel

IN BOND PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Elizabeth, NJ

Before: Gemoets, Appellate Immigration Judge

GEMOETS, Appellate Immigration Judge

The respondent is a native and citizen of [REDACTED]. The Department of Homeland Security appeals from the Immigration Judge's July 30, 2025, bond order granting the respondent a \$12,000 bond. On August 15, 2025, the Immigration Judge issued a bond memorandum memorializing his decision. The respondent opposes the appeal. The appeal will be sustained, and the Immigration Judge's order will be vacated.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under the de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

In intervening precedent, we held that, pursuant to section 235(b)(2)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 225 (BIA 2025). We find no error in the Immigration Judge's finding that the respondent is present in the United States without admission (IJ Bond Mem. at 1; Exh. B2 at 1). On this record, the Immigration Judge lacked jurisdiction to hear the respondent's motion for a bond because he is an applicant for admission and therefore subject to mandatory detention.

We disagree with the respondent's argument that *Matter of Yajure Hurtado* cannot be retroactively applied to his case because it was issued after the Immigration Judge's bond order (Respondent's Br. at 7-10). The application of our interpretation of the INA's detention statutes in *Matter of Yajure Hurtado* "is not subject to retroactivity concerns because an alien's eligibility (or continued eligibility) for release on bond should be considered a form of prospective relief in the context of" *Landgraf v. USI Film Products*, 511 U.S. 244 (1994). *Matter of Valdez*,

[REDACTED]

21 I&N Dec. 703, 710 (BIA 1997). The INA “does not give detained aliens any *right* to release on bond.” *Matter of D-J*, 23 I&N Dec. 572, 575 (BIA 2003) (citing *Carlson v. Landon*, 342 U.S. 524, 534 (1952)). As such, application of *Matter of Yajure Hurtado* to the respondent does not “impair rights [he] possessed when he acted, increase [his] liability for past conduct, or impose new duties with respect to transactions already completed.” *Matter of Valdez*, 21 I&N Dec. at 709-10 (quoting *Landgraf*, 511 U.S. at 280). The respondent’s inability to seek release on bond before an Immigration Judge does not have any effect on the immigration consequences of his unlawful entry into the United States, such as whether he is removable from the United States or eligible for relief from removal. It “at most creates a practical disadvantage, not an impairment of protected rights.” *Id.* at 711.

Accordingly, the following orders will be entered.

ORDER: The appeal is sustained.

FURTHER ORDER: The Immigration Judge’s July 30, 2025, custody order is vacated, and the respondent is ordered detained without bond.