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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

VISHAL PATEL

Petitioner,

v.

John E. Rife, Acting 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;
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW;

Jamal LAWRENCE, Warden of FEDERAL
DETENTION CENTER PHILADELPHIA

Respondents.

Case No. 2:26-cv-1566

**PETITION FOR WRIT OF
HABEAS CORPUS**

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INTRODUCTION

1. Petitioner Vishal Patel is in the physical custody of Respondents at the Federal Detention Center - Philadelphia¹. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

2. Petitioner is charged with, *inter alia*, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

3. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner's release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

¹Undersigned counsel represents that Petitioner is currently being detained at the Federal Detention Center – Philadelphia at the time of filing this complaint. Undersigned counsel spoke with Petitioner via telephone at about 1:55PM on 03/11/2026, at which time Petitioner was being processed at the ICE ERO Philadelphia Field Office. Petitioner told counsel that Petitioner had been informed he would be transferred to the Federal Detention Center Philadelphia, and then to the Moshannon Valley Processing Center in the Western District of PA in 2-3 days.

1 5. Petitioner’s detention on this basis violates the plain language of the Immigration
2 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
3 entered without inspection, were never detained or apprehended following their initial arrival in
4 the United States and remained therein. Instead, upon re-arrest and detention by ICE of someone
5 already residing in the interior of the United States, such individuals are subject to § 1226(a),
6 which allows for release on conditional parole or bond. That statute expressly applies to people
7 who, like Petitioner, are charged as inadmissible for having entered the United States without
8 inspection and are residing inside the United States.

9 6. Respondents’ new legal interpretation is plainly contrary to the statutory
10 framework and contrary to decades of agency practice applying § 1226(a) to people like
11 Petitioner.

12 7. Furthermore, Respondents’ unlawful detention of Petitioner violates his rights to
13 substantive and procedural due process. Detention of noncitizens who are subject to § 1226(a),
14 like Petitioner, without any individualized hearing does not “bear a reasonable relation to the
15 purpose for which the individual was committed.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
16 Moreover, application of the *Mathews v. Eldridge* balancing test shows that a bond hearing is
17 necessary to protect Petitioner from an unnecessary deprivation of liberty. 424 U.S. 319, 335
18 (1976). Respondents’ detention of Petitioner raises a substantive, constitutional question of law
19 regarding his deprived liberty interest while detained and without access to an individualized
20 hearing, in direct contradiction to § 1226(a), which will otherwise lack meaningful review and
21 remedy if not addressed by this Court in the instant proceeding.

22 8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be
23 immediately released.

21. 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.

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

23. Respondent Jamison Lawrence, the Warden of the Federal Detention Center Philadelphia, a private prison, is employed by the Bureau of Prisons and is the Warden of the facility where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

FACTS

24. Petitioner is a 33-year-old citizen and national of India.

25. Petitioner has resided in the United States since September 02, 2023, and lives in Phoenixville, Pennsylvania, with his wife and son.

26. On September 02, 2023, Petitioner entered the United States without inspection or admission. Petitioner was apprehended by ICE at the border, pursuant to 8 U.S.C. § 1226(a), and released on his own recognizance. Petitioner was apprehended at his regularly scheduled check-in on March 11, 2026. Petitioner is now detained at the Federal Detention Center in Philadelphia, PA.

27. DHS placed Petitioner in removal proceedings before the Philadelphia Immigration Court pursuant to 8 U.S.C. § 1229a on or about September 05, 2023, shortly after Petitioner was initially apprehended by immigration officials. ICE has charged Petitioner with,

1 *inter alia*, being inadmissible under 8 U.S.C. §1182(a)(6)(A)(i) as someone who entered the
2 United States without inspection. Petitioner's net immigration court hearing date was set to take
3 place on July 14, 2028, with the Philadelphia Immigration Court at the time he was most recently
4 apprehended.

5 28. The documents provided to Petitioner when he was first apprehended by ICE in
6 September 2023 clearly indicate he was arrested, detained, and released on his own recognizance
7 pursuant to 8 U.S.C. § 1226(a).

8 29. ICE detained him without explanation on March 11, 2026. Petitioner's removal
9 proceedings and asylum application remain pending with the immigration court.

10 30. Petitioner has lived with his wife and son, in Phoenixville, PA since his arrival in
11 the United States. He has never been criminally arrested or apprehended by law enforcement,
12 apart from his immigration arrest, and has become a valued member of his community.
13 Petitioner filed a timely application for asylum on or about March 06, 2024, evincing his
14 eligibility for relief before the immigration court. Petitioner is neither a flight risk nor a danger to
15 the community.

16 31. Following Petitioner's arrest and transfer to Federal Detention Center, ICE issued
17 a custody determination to continue Petitioner's detention without an opportunity to post bond or
18 be released on other conditions.

19 32. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
20 Petitioner's bond request because he entered the United States without inspection.

21 33. As a result, Petitioner remains in detention. Without relief from this court, he
22 faces the prospect of months, or even years, in immigration custody, separated from his family
23 and community.

LEGAL FRAMEWORK

I. Section 1226(a) Governs the Detention of People Like Petitioner Who are Detained in the United States and Have Not Previously Been Admitted

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

35. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an 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).

36. 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).

37. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

38. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

39. 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, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).

40. 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). *See* Inspection and Expedited

1 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
2 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

3 41. Thus, in the decades that followed, most people who entered without inspection
4 and were placed in standard removal proceedings received bond hearings, unless their criminal
5 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent
6 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”
7 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)
8 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply
9 “restates” the detention authority previously found at § 1252(a)). Even individuals who were
10 apprehended at the border and not immediately detained but placed in standard removal
11 proceedings under 8 U.S.C. § 1229a, would historically have been considered detained under
12 § 1226(a) should they alter been detained in the interior of the U.S., and thus eligible for bond
13 before an immigration judge.

14 42. On July 8, 2025, ICE, “in coordination with” DOJ, abruptly changed course and
15 announced a new policy that rejected well-established understanding of the statutory framework
16 and reversed decades of practice, stating that DHS had “revisited” its legal position and believed
17 that § 1225, not § 1226, governs the detention of noncitizens who are present in the United States
18 without having been admitted. *Diaz Martinez*, 2025 WL 2084238, at *4.

19 43. The new policy, entitled “Interim Guidance Regarding Detention Authority for
20 Applicants for Admission,”² claims that all persons who entered the United States without
21 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The
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24 ² Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applicants-for-admission> (last visited Jan. 21, 2026).

1 policy applies regardless of when a person is apprehended and affects those who have resided in
2 the United States for months, years, and even decades.

3 44. On September 5, 2025, the BIA adopted this same position in a published
4 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the
5 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are
6 ineligible for IJ bond hearings.

7 45. This followed a May 15, 2025, decision by the BIA holding an applicant for
8 admission arrested without a warrant while arriving in the United States and subsequently placed
9 into removal proceedings is detained under 8 U.S.C. § 1225(b). *Matter of Q. Li*, 29 I&N Dec. 66
10 (BIA 2025).

11 46. Since Respondents adopted their new policies, dozens of federal courts have
12 rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected
13 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

14 47. Subsequently, court after court has adopted the same reading of the INA's
15 detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Anirudh v.*
16 *McShane*, No. 25-6458, 2025 WL 3527528 (E.D. Penn. Dec. 9, 2025); *Rodriguez Vazquez v.*
17 *Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK,
18 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, ---
19 F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-
20 02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and*
21 *recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz.
22 Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588
23 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL

2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same). This is just a sample of the courts who have ruled on this issue. To date, there are at least 294 decisions in courts across the country that have found in favor of petitioners on this very issue. *See* Exh. A.

48. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. As these decisions explain, the BIA’s decision in *Matter of Yajure Hurtado*

1 defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not §
2 1225(b), applies to people like Petitioner.

3 49. Section 1226(a) applies by default to all persons “pending a decision on whether
4 the [noncitizen] is to be removed from the United States.” *See Jennings v. Rodriguez*, 583 U.S.
5 281, 288 (2018) (describing 1226(a) as the “default rule” for detention of noncitizens pending
6 removal). These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or
7 deportability of a[] [noncitizen].” *See* 8 U.S.C. § 1229a(a)(1).

8 50. Section 1226(a) does not govern the underlying decision or motivation to detain
9 an individual; rather, it “governs the *process* of arresting and detaining” individuals that have
10 entered the United States and have pending removal proceedings. *See Jennings*, 583 U.S. at 288.
11 (emphasis added). Section 1226(a), however, is collateral to removal proceedings because it
12 merely provides the process or means by which DHS executes an underlying decision to detain
13 an individual, in addition to its inclusion of bond or conditional parole eligibility for those
14 detained individuals subject to it. *See* 8 C.F.R. 1003.19(d) (“custody or bond under this section
15 shall be separate and apart from, and shall form no part of, any deportation or removal hearing or
16 proceeding”). *See also E.O.H.C. v. Sec’y, U.S. Dep’t of Homeland Sec.*, 950 F.3d 177, 186 (3d
17 Cir. 2020) (noting no jurisdictional bar to matters “wholly collateral” to removal proceedings);
18 *Khalil v. President, United States of America*, Nos. 25-2162 & 25-2357, 2026 WL 111933, at
19 *12 (3d Cir. Jan. 15, 2026) (distinguishing *Miranda v. Garland*, 34 F.4th 338, 347, 353 n.6 (4th
20 Cir. 2022) as concerning challenges of bond procedures only, to dismiss petitioner’s contention
21 that habeas petition may challenge decision to detain).

22 51. The text of § 1226 also explicitly applies to people charged as being inadmissible,
23 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). In 2025, Congress
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1 enacted subparagraph (E) in the Laken Riley Act to exclude certain noncitizens who entered
2 without inspection from § 1226(a)'s default bond provision. Subparagraph (E)'s reference to
3 such people makes clear that, by default, such people are afforded a bond hearing under
4 subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific
5 exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute
6 generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic*
7 *Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299,
8 at *7.

9 52. Section 1226 therefore leaves no doubt that it applies to people who face charges
10 of being inadmissible to the United States, including those who are present without admission or
11 parole.

12 53. Under the BIA’s interpretation, all noncitizens subject to inadmissibility grounds
13 are detained without the opportunity for a bond hearing under 8 U.S.C. § 1225(b). *Matter of*
14 *Yajure Hurtado*, 29 I&N Dec. at 220; *see* 8 U.S.C. § 1182(a)(6) (making people who are present
15 without having been admitted inadmissible); 8 U.S.C. § 1101(a)(14) (defining an admission).
16 Therefore, this interpretation would render all the grounds of mandatory detention in § 1226(c)
17 applying to inadmissible noncitizens, including the recently passed Laken Riley Act,
18 superfluous. *Gomes*, 2025 WL 1869299, at *7; *Rodriguez*, 779 F. Supp. 3d at 1258; *see Marx v.*
19 *Gen. Revenue Corp.*, 568 U.S. 371, 386 (2103) (“[T]he canon against surplusage is strongest
20 when an interpretation would render superfluous another part of the same statutory scheme.”).
21 This statutory structure demonstrates that Congress did not intend to make § 1226(a)
22 inapplicable to all inadmissible noncitizens but rather viewed it as the default bond provision for
23 people arrested within the United States.

1 54. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
2 recently entered the United States. The statute’s entire framework is premised on inspections at
3 the border of people who are “seeking admission” to the United States. 8 U.S.C.
4 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
5 applies “at the Nation’s borders and ports of entry, where the Government must determine
6 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
7 U.S. 281, 287 (2018).

8 55. The BIA’s interpretation “would render the phrase ‘seeking admission’ in 8
9 U.S.C. § 1225(b)(2)(A) mere surplusage.” *Lopez Benitez*, 2025 WL 2371588, at *6. That section
10 applies to people who are (1) applicants for admission; (2) seeking admission; and (3) not clearly
11 and beyond a doubt entitled to be admitted. 8 U.S.C. § 1225(b)(2)(A); *Lopez Benitez*, 2025 WL
12 2371588, at *6; *Diaz Martinez*, 2025 WL 2084238, at *2. The BIA’s interpretation makes all
13 applicants for admission subject to mandatory detention, leaving the “seeking admission”
14 criterion unnecessary and violating the rule against surplusage. *Lopez Benitez*, 2025 WL
15 2371588, at *6; *Diaz Martinez*, 2025 WL 2084238, at *6.

16 56. Instead, the phrase “seeking admission” indicates that § 1225(b)(2)(A) applies to
17 people who are taking “some sort of present-tense action,” in other words, coming or attempting
18 to come into the United States. *Diaz Martinez*, 2025 WL 2084238, at *6; *see also Matter of M-C-*
19 *D-V-*, 28 I&N Dec. 18, 23 (BIA 2020) (stating that “the use of the present progressive tense . . .
20 denotes an ongoing process”). Therefore, § 1226(a), not § 1225(b)(2)(A), governs the detention
21 of people detained within the United States who are not actively seeking admission, as required
22 by the statute.

57. Immigration officials and the Department of Justice (DOJ) have long taken the position that immigration officials have broad discretion not to apply the detention and expedited removal procedures § 1225(b), and whether to classify individuals encountered inside the United States shortly after crossing the border as subject to § 1225(b) detention or § 1226(a) detention. *See* Brief for Petitioners at 4-7 (No. 21-954), *Biden v. Texas*, 597 U.S. 785 (2022). The DOJ has stated, “[t]he INA affords DHS multiple options for processing applications for admission,” and that includes arrest and detention pursuant to § 1226(a). *See id.* at 4-5.

58. Finally, as discussed below, the BIA’s interpretation of § 1225(b)(2)(A) to mandate detention without a bond hearing for all noncitizens present in the United States without having been admitted presents serious constitutional concerns. Therefore, to the degree that the statute remains ambiguous, the Court should presume that Congress “did not intend the alternative which raises serious constitutional doubts” and reject that construction. *Clark v. Martinez*, 543 U.S. 371, 381-82 (2005). Therefore, § 1226(a), which permits bond hearings, not § 1225(b)(2)(A), which does not, governs the detention of people like Petitioner.

II. The BIA’s Application of Mandatory Detention to Noncitizens Like Petitioner Violates Substantive and Procedural Due Process

59. “It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also id.* at 718 (Kennedy, J., dissenting) (“Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.”). This fundamental due process protection applies to all noncitizens within the United States, including both removable and inadmissible

1 noncitizens. *See id.* at 693; *Plyler v. Doe*, 457 U.S. 202, 212 (1982); *Wong Wing v. United States*,
2 163 U.S. 228, 238 (1896).

3 60. Absent adequate procedural protections, substantive due process requires a
4 “special justification” that “outweighs the individual’s constitutionally protected interest in
5 avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690; *accord, e.g., Torralba v. Knight*, No.
6 2:25-cv-1366, 2025 WL 2581792, at *12 (D. Nev. Sept. 5, 2025) (describing the standard for a
7 substantive due process violation); *Fernandez v. Lyons*, No. 8:25-cv-506, 2025 WL 2531539, at
8 *4 (D. Neb. Sept. 3, 2025) (same). In the immigration context, the Supreme Court has
9 recognized only two valid purposes for civil detention—to mitigate the risks of danger to the
10 community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528. Thus, to withstand constitutional
11 scrutiny, the nature and duration of mandatory immigration detention must be reasonably related
12 to these purposes.

13 61. In *Demore*, the Supreme Court upheld the constitutionality of § 1226(c) against a
14 facial challenge, specifically citing evidence that had been before Congress about noncitizens
15 with criminal convictions. 538 U.S. at 518-520. This justification does not apply, however, to
16 noncitizens with no criminal record whatsoever who have lived in the community for years. The
17 broad policy set forth in *Matter of Yajure Hurtado* is not reasonably related to the purposes of
18 prevent danger to the community or flight risk and violates substantive due process.

19 62. Additionally, procedural due process protects noncitizens against deprivation of
20 liberty without adequate procedural protections, including notice and the opportunity to be heard.
21 *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367 (2025); *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025);
22 *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). In determining the proper procedure
23 to protect a detained noncitizen’s procedural due process rights under the Fifth Amendment,
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1 courts apply the three-part balancing test in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976),
2 weighing (1) “the private interest that will be affected by the official action;” (2) “the risk of an
3 erroneous deprivation of such interest through the procedures used, and the probable value, if
4 any, of additional or substitute procedural safeguards;” and (3) “the Government’s interest,
5 including the function involved and the fiscal and administrative burdens that the additional or
6 substitute procedural requirement would entail.” *Black v. Decker*, 103 F.4th 133, 147-48 (2d Cir.
7 2024); *Gayle v. Warden Monmouth C’ty Corr. Facility*, 12 F. 4th 321, 331 (3d Cir. 2021);
8 *Hernandez-Lara*, 10 F.4th at 28; *Velasco Lopez*, 978 F.3d at 851 (all quoting *Mathews*, 424 U.S.
9 at 335). Here, the BIA’s interpretation of the statute to require detention of all people in the
10 United States without having been admitted deprives them of their liberty without any
11 individualized process to determine whether such detention is necessary to prevent flight risk or
12 danger to the community and therefore violates due process.

13 63. First, the “importance and fundamental nature” of an individual’s liberty interest
14 is well-established. *United States v. Salerno*, 481 U.S. 739, 750 (1987); *see also Ashley*, 288 F.
15 Supp. at 670 (“[F]reedom from confinement is a liberty interest of the highest constitutional
16 import.”). For people “who can face years of detention before resolution of their immigration
17 proceedings, ‘the individual interest at stake is without doubt particularly important.’” *Linares*
18 *Martinez v. Decker*, No. 18-cv-6527 (JMF), 2018 WL 5023946 at *3 (S.D.N.Y. Oct. 17, 2018).

19 64. Weighing this factor in *Velasco Lopez*, the Second Circuit found the private
20 interest to be “on any calculus, substantial,” observing that the petitioner, “could not maintain
21 employment or see his family or friends or others outside normal visiting hours. The use of a cell
22 phone was prohibited, and he had no access to the internet or email and limited access to the
23 telephone.” 978 F.3d at 851-52. Similarly, the First Circuit found a substantial private liberty
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1 interest for the petitioner in *Hernandez-Lara*, noting that the petitioner there was incarcerated
2 “alongside criminal inmates” at a jail where “she was separated from her fiancé and unable to
3 maintain her employment.” 10 F.4th at 28.

4 65. Second, absent any individualized bond hearing, people will be detained despite
5 not being a danger to the community or a flight risk, because there is no mechanism to determine
6 whether their detention is necessary. *See, e.g., Günaydin v. Trump*, No. 25-cv-1151, 2025 WL
7 1459154, -- F. Supp. 3d --, at *8 (D. Minn. May 21, 2025) (noting that lack of consideration of
8 “individualized or particularized facts . . . increases the potential for erroneous deprivation of
9 individuals’ private rights”); *Ashley*, 28 F. Supp. 2d at 670 (finding a procedural due process
10 violation because “the Government has not proved that Petitioner presents an identified and
11 articulable threat to an individual or the community so as to justify his continued detention”). A
12 bond hearing would have significant value because it is designed to assess the individualized
13 facts of each case and determine whether less restrictive measures can fulfill the same goals.

14 66. Finally, the burden on the government of returning to the longstanding practice of
15 holding bond hearings for people like Petitioner does not outweigh the liberty interest at stake.
16 To the contrary, the government has an interest in “minimizing the enormous impact of
17 incarceration in cases where it serves no purpose.” *Velasco Lopez*, 978 F.3d at 854; *see also*
18 *Hernandez-Lara*, 10 F.4th at 33 (noting that “limiting the use of detention to only those
19 noncitizens who are dangerous or a flight risk may save the government, and therefore the
20 public, from expending substantial resources on needless detention”). Additionally, “unnecessary
21 detention imposes substantial societal costs. . . . The needless detention of those individuals thus
22 separates families and removes from the community breadwinners, caregivers, parents, siblings
23 and employees. Those ruptures in the fabric of communal life impact society in intangible ways
24

1 that are difficult to calculate in dollars and cents.” *Hernandez-Lara*, 10 F.4th at 33 (citation and
2 internal quotation marks omitted). The cost to the government and society of detaining people
3 unnecessarily for long periods of time is greater than the cost of providing individualized
4 hearings, and weighs in favor of additional procedural protections.

5 67. At these bond hearings, due process requires that the Government bear the burden
6 of proof by clear and convincing evidence. *See Gayle*, 12 F.4th at 332 (“[W]hen such a severe
7 deprivation is at issue, the Government must bear the burden of proof.”). “A standard of proof
8 serves to allocate the risk of error between the litigants and reflects the relative importance
9 attached to the ultimate decision.” *German Santos v. Warden Pike C’ty Corr. Facility*, 965 F.3d
10 203, 213 (citing *Addington v. Texas*, 441 U.S. 418, 423 (1979)). Therefore, when the Third
11 Circuit has ordered a constitutionally-required bond hearing, it is placed the burden on the
12 government by clear and convincing evidence. *German Santos*, 965 F.3d at 214; *Guerrero-*
13 *Sanchez v. Warden York C’ty Prison*, 905 F.3d 208, 224 & n.12 (3d Cir. 2018), *abrogated on*
14 *other grounds by Johnson v. Arteaga-Martinez*, 596 U.S. 572 (2022). Other circuit courts have
15 similarly held that due process requires this allocation of the burden in bond hearings for
16 noncitizens like petitioner, who were then detained under § 1226(a). *Hernandez-Lara*, 10 F.4th
17 at 39-40; *Velasco Lopez*, 978 F.3d at 855-56. Thus, although § 1226(a) requires the government
18 to afford the opportunity for an individualized custody or bond hearing to detained individuals
19 subject to it, due process requires a hearing at which the government bears the burden by clear
20 and convincing evidence.

21 68. Once present in the United States, due process requires that a person like
22 Petitioner receive a hearing before a neutral decisionmaker to determine whether detention is
23
24

1 justified, and whether the person is a flight risk or danger to the community. *Goldberg v. Kelly*,
2 397 U.S. 254, 267 (1970); *Zadvydas*, 533 U.S. at 690.

3 69. Consistent with this principle, detained individuals have a liberty interest in being
4 free from unlawful detention. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

5 70. Such liberty is protected by the Fifth Amendment because, “[f]reedom from
6 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
7 the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

8 71. To guarantee against unlawful detention and to guarantee the right to liberty, due
9 process requires “adequate procedural protections” that ensure the government’s asserted
10 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
11 protected interest in avoiding physical restraint.” *Id.*

12 72. Due process thus guarantees notice and an individualized hearing before a neutral
13 arbitrator to assess danger or flight risk before the revocation of an individual’s release.
14 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
15 is the opportunity to be heard at a meaningful time in a meaningful manner.” (citation
16 modified)).

17 73. Several courts have recognized that these principles apply with respect to the
18 unlawful application of mandatory detention to the many noncitizens that DHS has begun taking
19 into custody, often after such persons have resided in the United States for years, if not decades,
20 forming community ties through family, work, friends, all the while being law-abiding citizens.

21 74. In *Crespo Tacuri*, the U.S. District Court for the Eastern District of New York
22 applied the test set forth in *Mathews v. Eldridge*, decided that the petitioner’s unlawful detention
23 under misplaced mandatory detention authority violated procedural due process, and ordered
24

1 immediate release. *Crespo Tacuri v. Genalo*, No. 25-CV-06896 (NCM), 2026 WL 35569 (E.D.
2 N.Y. Jan. 6, 2026). In ordering immediate release, the Court reasoned that petitioner's due
3 process rights were violated because of his summary detention without "a deliberative process
4 prior to, or contemporaneous with, the initial decision to strip [him] of the freedom that lies at
5 the heart of the Due Process Clause." *See id.* at *7 (quoting *Rocano Buestan v. McShane*, No. 25-
6 cv-08544, 2025 WL 3496361, at *6 (S.D.N.Y. Dec. 5, 2025) (internal citation omitted)).

7 75. Finally, the Court reasoned that "government's interest in continued detention is
8 slight insofar as petitioner was detained without an individualized custody determination that
9 evaluated dangerousness and flight risk or any articulated change in circumstances." *Id.* at *7. As
10 a result, *inter alia*, the Court ordered the petitioner's immediate release. *Id.* at *7-*8.

11 76. The same framework and principles apply here and compel Petitioner's
12 immediate release.

13 CLAIMS FOR RELIEF

14 COUNT I 15 Violation of the INA

16 77. Petitioner incorporates by reference the allegations of fact set forth in the
17 preceding paragraphs.

18 78. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to
19 noncitizens residing in the United States who entered the United States without inspection, were
20 not apprehended following their arrival, and remained in the United States thereafter. As
21 relevant here, it does not apply to Petitioner, who previously entered the United States without
22 inspection, was never apprehended, and has resided inside the United States before their
23 detention. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1),
24 § 1226(c), or § 1231, none of which apply to Petitioner.

1 79. Petitioner is detained under § 1226(a) and is eligible for release on bond.

2 80. Respondents' unlawful application of § 1225(b)(2) to Petitioner violates the INA.

3 **COUNT II**

4 **Violation of the Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19**

5 81. Petitioner incorporates by reference the allegations of fact set forth in preceding
6 paragraphs.

7 82. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-
8 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.
9 Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the
10 agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present
11 without having been admitted or paroled (formerly referred to as [noncitizens] who entered
12 without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323
13 (emphasis added). The agencies thus made clear that individuals who had entered without
14 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §
15 1226 and its implementing regulations.

16 83. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and
17 practice of applying § 1225(b)(2) to individual like Petitioner.

18 84. The regulation at 8 C.F.R. § 1003.19 lays out bond procedures, and
19 § 1003.19(h)(2) delineates categories of noncitizens who are subject to mandatory detention and
20 not entitled to a bond hearing. The fact that noncitizens within the United States who are subject
21 to inadmissibility grounds are not included on this list shows that the agencies did not intend
22 them to be subject to mandatory detention. The BIA's interpretation thus violates the regulations
23 and unlawfully denies Petitioner a bond hearing.
24

1 85. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
2 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

3 **COUNT III**
4 **Violation of Substantive Due Process under the Fifth Amendment**

5 86. Petitioner repeats, re-alleges, and incorporates by reference each and every
6 allegation in the preceding paragraphs as if fully set forth herein.

7 87. The government may not deprive a person of life, liberty, or property without due
8 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government
9 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the
10 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Substantive due process requires
11 that immigration detention without a bond hearing be reasonably related to the goals of ensuring
12 the appearance of noncitizens at future proceedings and preventing danger to the community.
13 *Zadvydas*, 533 U.S. at 690.

14 88. The BIA’s application of mandatory detention under § 1225(b)(2) is not
15 reasonably related to those goals and thus violates substantive due process. Petitioner has a
16 fundamental interest in liberty and being free from official restraint. Likewise, Petitioner has
17 resided in the United States for almost 4 years. In that time, he has developed considerable ties to
18 his community by way of family, friends, and gainful employment. His U.S. Citizen daughter
19 relies on him for emotional and financial support. He has also never been criminally arrested
20 anywhere in the world, and there is no evidence his release would pose a danger to the
21 community.

22 89. The government’s detention of Petitioner without a bond redetermination hearing
23 to determine whether he is a flight risk or danger to others violates his right to due process.
24

COUNT IV**Violation of Procedural Due Process under the Fifth Amendment**

90. Petitioner re-alleges and incorporates by reference the above paragraphs.

91. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V. Courts apply the *Mathews v. Eldridge* balancing test to determine what procedures the due process clause requires. *Gayle*, 12 F.4th at 331.

92. The first factor is the private interest that will be affected by the official action. *Id.* Here, the deprivation of Petitioner’s liberty is a particularly weighty interest. It is well established that individuals have a liberty interest against unlawful detention and freedom from restraint. *Salerno*, 481 U.S. at 750; *see also Ashley*, 288 F. Supp. at 670. This is especially true given the fact that Petitioner has resided in the United States for over 15 years without any immigration contact or criminal encounters. He relied on this interest in his liberty by finding gainful employment, renting a house to live in, becoming a parent, and becoming a value member of his community. This freedom from unlawful restraint is the heart of the liberty interest protected by the Fifth Amendment.

93. The second factor is the risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional safeguards. *Id.* Here, there is a great risk of unnecessary detention because the BIA’s interpretation of the statute does not permit any individualized determination of whether detention during removal proceedings is necessary. *See Ashley*, 288 F. Supp. 2d at 670. At a hearing, Petitioner could show that his detention is not necessary because he is not a danger to the community and is not a flight risk, which will be demonstrated by the lack of any criminal record or record of additional immigration violations, in addition to positive equities such as the value he brings to his

1 community through family, friends, and gainful employment demonstrate. Similarly, these
2 positive relationships will further demonstrate that he has no reason to be a flight risk; instead, he
3 has every reason to seek a legal pathway to remaining in the United States. A hearing at which
4 the government bears the burden of proof by clear and convincing evidence would protect the
5 substantial liberty interest at stake. *German Santos*, 965 F.3d at 213-14.

6 94. The final factor is the Government's interest. *Gayle*, 12 F.4th at 331. The
7 government has no legitimate interest in detaining Petitioner when detention is not necessary to
8 ensure appearance at future hearings or protect the community, and less restrictive measures like
9 a reasonable bond would serve those purposes. *Hernandez-Lara*, 10 F.4th at 32-33; *see Ousman*
10 *D. v. Decker*, No. 20-9646, 2020 WL 5587441, at *4 (holding that due process requires
11 consideration of less restrictive alternatives to detention that would address the government's
12 legitimate purpose); *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 241-42 (W.D.N.Y. 2019)
13 (same). Therefore, the government does not have an interest in detaining Petitioner without a
14 bond hearing that outweighs his substantial liberty interest in such an individualized
15 determination.

16 95. Due process does not permit the government to strip Petitioner of his liberty
17 without written notice and a hearing before a neutral decisionmaker to determine whether
18 detention is warranted based on danger or flight risk.

19 96. Respondents deprived Petitioner of liberty without providing him any written
20 notice or meaningful opportunity to be heard by neutral decisionmaker prior to his detention.

21 97. Accordingly, Petitioner's detention, without any hearing to determine whether
22 that detention is necessary, violates the Due Process clause of the Fifth Amendment.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Eastern District of Pennsylvania while this habeas petition is pending;
- c. Order that the Petitioner not be ordered removed from United States during the pendency of these proceedings;
- d. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- e. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner from custody immediately and permanently enjoining his detention absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that he is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks, or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- f. Declare that Petitioner is detained pursuant to 8 U.S.C. § 1226(a);
- g. Declare that Petitioner's detention violates the Immigration and Nationality Act, the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;
- h. 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

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

2 **VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT**
3 **TO 28 U.S.C. § 2242**

4 I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's
5 attorneys, and I have discussed the claims with Petitioner's legal team. Based on those discussions,
6 I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are
7 true and correct to the best of my knowledge.

8 DATED this 11th of March 2026.

9 /s/ Brendan M. Ryan
10 Brendan M. Ryan, Esq. (PA 326057)
11 Global Immigration Legal Team
12 150 Strafford Avenue, Suite 115
13 Wayne, PA 19087
14 Telephone: 610-975-4599
15 Fax: 610-687-2100
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17 *Attorney for Petitioner*
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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

Vishal Patel

v.

Case No. 2:26-cv-1566

RIFE , ET AL.

**PETITION FOR WRIT OF
HABEAS CORPUS**

EXHIBIT LIST

Exhibit

Page

- | | | |
|-----------|--|-------|
| A. | Appendix of District Court Cases Finding Mandatory Detention Unlawful for Noncitizens Residing in U.S.; | 1-27 |
| | | |
| B. | Petitioner's Notice of Custody Determination and Release on Recognizance, issued by DHS when Petitioner was apprehended in September 2023. | 28-29 |

JS 44 (Rev. 08/18)

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

Vishal PATEL

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

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

Global Immigration Legal Team
150 Strafford Ave. Suite 115
Wayne, PA 19087 (610)-975-4599

DEFENDANTS John E. Rife, Act. FOD ICE ERO, Philadelphia;
Kristi Noem, Sec. of DHS; Pamela Bondi, U.S. Att'y Gen.; Jamison
Larence, Warden FDC Phila.; EOIR; DHS

County 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)

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	PERSONAL INJURY ☐ 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	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	☐ 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 ☐ 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 ☒ Habeas 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	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	FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	

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 ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 2241
Brief description of cause:
Habeas Corpus petition for Immigration Detainee

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

03/11/2026

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

10/2024

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia, PA

RELATED CASE IF ANY: Case Number: _____ Judge: _____

- | | |
|---|------------------------------|
| 1. Does this case involve property included in an earlier numbered suit? | Yes ☐ |
| 2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? | Yes ☐ |
| 3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? | Yes ☐ |
| 4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? | Yes ☐ |
| 5. Is this case related to an earlier numbered suit even though none of the above categories apply?
If yes, attach an explanation. | Yes ☐ |

I certify that, to the best of my knowledge and belief, the within case ☐ is / ☒ **is not** related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☒ 10. Civil Rights
- ☒ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. Cases Seeking Systemic Relief *see certification below*
- ☐ 16. All Other Federal Question Cases. (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: (Please specify) _____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ does / ☒ **does not** have implications beyond the parties before the court and ☐ does / ☒ **does not** seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

☒ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☐ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

**DISTRICT COURT CASES FROM AROUND THE U.S. FINDING DETENTION
FOR LONG-TIME RESIDENTS IN THE U.S. UNLAWFUL UNDER 8 U.S.C. §1225 AND
APPLYING 8 U.S.C. 1226(a)¹**

CASES GRANTING IMMEDIATE AND UNCONDITIONAL RELEASE

1. *Savane v. Francis*, No. 1:25-cv-6666, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025) **(Petitioner arrested pursuant to 1225 which was improper; habeas petition granted, and immediate release ordered within one business day);**
2. *J.U. v. Maldonado*, No. 25-CV-04836, 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025) given the deprivation of Petitioner's liberty, the absence of any deliberative process prior to or contemporaneous with the deprivation, and the statutory and constitutional rights implicated, immediate release ordered.);
3. *Cuevas Guzman v. Andrews*, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025), (petitioner entered without inspection more than 30 years ago, detained pursuant to 1225, **court found 1226(a) applied based on statutory language; PI granted and court ordered release**);
4. *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025) (granting petition for writ of habeas corpus ordering immediate release or bond hearing, where, for 30 years, **courts have applied section 1226(a) to noncitizens like the petitioner who was already in the United States but facing removal, rejecting the government's argument that section 1225 applied so no bond hearing was required**);

¹ Last updated: January 13, 2026. Note, undersigned counsel read the cases which have () remarks but has not yet fully read all of these cases cited herein; they were obtained from a credible source at the American Immigration Lawyers Association. Some were Writ of Habeas cases granted in full, some TRO's or PT's.

5. *Ye v. Maldonado*; 25-CV-6417; 2025 WL 3521298 (EDNY Dec. 8, 2025) (**Court grants habeas, orders immediate release.**)
6. *Ibarra v. Warden of the Federal Detention Center Philadelphia*; 25-cv-6312; 2025 WL 3294726, (E.D. Pa. Nov. 25,) (Grants habeas and **orders release.**)
7. *Buele Morochó v. Jaminson*, 5:25-cv-05930; 2025 WL 3296300 (E.D. Pa. Nov. 26, 2025). (Grants habeas and orders **immediate release**. If redetained, government must afford him due processing, including a bond hearing upon request.)
8. *Ousmane Soumare v. Jamal L. Jamison*; CV 25-6490; 2025 WL 3461542 (E.D. Pa. Dec. 2, 2025) (Grants habeas, **orders immediate release.**)
9. *Yilmaz v. Warden of Fed. Det. Ctr. Philadelphia*; CV 25-6572; 2025 WL 3459484 (E.D. Pa. Dec. 2, 2025). (**Court orders immediate release, finding no flight risk or danger.**)
10. *Anirudh v. McShane*, No. 25-6458, 2025 WL 3527528 (E.D. Penn. Dec. 9, 2025). (Grants habeas and **orders release**).
11. *Alberto Picon v. O'Neill*; CV 25-6731, 2025 WL 3634212 (E.D. Pa. Dec. 15, 2025). (Grants habeas and orders **immediate release**).
12. *Arizmendi v. Noem*, No. 25-CV-7056, 2025 WL 3723960 (E.D.N.Y. Dec. 24, 2025) (ordering **immediate release** in a TRO).
13. *Gonzalez v. Joyce*, No. 25 Civ. 8250, 2025 WL 2961626 (S.D.N.Y. Oct. 19, 2025) (ordering **immediate release** after unlawful immigration court arrest).
14. *Munoz Materano v. Arteta*, 25 Civ. 6137, 2025 WL 2630826 (S.D.N.Y. Sep. 9, 2025) (ordering **immediate release after unlawful immigration court arrest**).
15. *Valdez v. Joyce*, 25 Civ. 4627, 2025 WL 1707737 (S.D.N.Y. Jun. 18, 2025) (ordering **immediate release after unlawful immigration court arrest**).

16. *Mendes v. Hyde*, No. 25-CV-627-JJM-AEM, 2025 WL 3496546, at *2 (D.R.I. Dec. 5, 2025) (finding **immediate release appropriate** “because the Government has put forth no evidence to suggest that Mr. Mendes poses a flight risk or is a danger to the community.”).
17. *Barrera Rodriguez v. Hyde*, No. 25-cv-607-JJM-PAS, 2025 WL 3274606, at *2 (D.R.I. Nov. 25, 2025) (finding **immediate release appropriate** because the Government has put forth no evidence to suggest flight risk or danger to the community).
18. *Cordova v. Ladwig*, No. 1:25-CV-03037-TLP-JAY, 2025 WL 3679764, at *7 (W.D. Tenn. Dec. 18, 2025) (finding petitioner subject to the discretionary bond process but ordering immediate release pending the bond hearing).
19. *Flores-Boziere v. Bondi et al.*, 5:24-cv-1853-JKP, 2026 U.S. Dist. LEXIS 1859 *12, 2026 LX 29597 (WDTX January 5, 2026) (finding that because Petitioner cannot be detained under 1225(b)(2) and Respondents do not assert that they are detaining Petitioner under 1226, the Court should order **outright release**).
20. *Quijaba Cordoba v. Knight*, 1:25-cv-00605-BLW, --- F.Supp.3d ----, 2025 WL 3228945 (D. Id., Nov. 19, 2025) (Court ordering immediate release as the remedy. “In many circumstances akin to the present case, a bond hearing would indeed be sufficient to rectify the violation of Petitioner's unlawful detention.” See *E.C. v. Noem*, No. 2:25-cv-01789, 2025 WL 2916264, at *12 (D. Nev. Oct. 14, 2025); see also *Hernandez-Lara v. Lyons*, 10 F.4th 19, 45-46 (1st Cir. 2021). Here, however, Respondents have failed utterly to articulate a legitimate interest in the Petitioner being detained. There is no evidence that he is a flight risk or poses a danger to the community. To the contrary, Petitioner's lack of criminal record, residence in the United States in the past year without incident,

and familial ties to the United States all indicate that he is neither a danger nor a flight risk") (emphasis added).

21. *Camacho v. Hollinshead*, No. 1:25-cv-00593-BLW, 2025 WL 3228998 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
22. *Elias v. Knight*, No. 1:25-cv-00594-BLW, 2025 WL 3228262 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
23. *Casares v. Thompson*, No. 1:25-cv-00596-BLW, 2025 WL 3228988 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
24. *Ibarra v. Knight*, No. 1:25-cv-00597-BLW, 2025 WL 3228968 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
25. *Torres v. Hollinshead*, No. 1:25-cv-00599-BLW 2025 WL 3228974 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
26. *Rodriguez v. Knight*, No. 1:25-cv-00600-BLW, 2025 WL 3228285 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
27. *Esparza v. Knight*, 1:25-cv-00601-BLW (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
28. *Gonzalez v. Knight*, No. 1:25-cv-00602-BLW, 2025 WL 3228975 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
29. *Elias v. Knight*, No. 1:25-cv-00604-BLW, 2025 WL 3229013 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
30. *Rangel v. Knight*, No. 1:25-cv-00607-BLW, 2025 WL 3229000 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);

31. *Rodriguez v. Hollinshead*, No. 1:25-cv-00609-BLW, 2025 WL 3228972 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
32. *Martinez v. Knight*, No. 1:25-cv-00610-BLW, 2025 WL 3228987 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
33. *Lopez v. Anderson*, No. 1:25-cv-00621-BLW, 2025 WL 3228997 (D. Id., Nov. 19, 2025) (same as *Quijaba Cordoba v. Knight*);
34. *Jose Alejandro v. Olson*, No. 1:25-cv-02027-JPH-MKK, 2025 WL 2896348 (TRO/PI obtained by undersigned counsel for a noncitizen who has lived in the U.S. for approximately 24 years after entering without inspection. **“Respondents’ argument that § 1225(b)(2)(A) applies to all noncitizens present in the United States without admission is unpersuasive; Respondents’ interpretation of the statute (1) disregards the plain meaning of § 1225(b)(2)(A); (2) disregards the relationship between §§ 1225 and 1226; (3) would render a recent amendment to § 1226(c) superfluous²; and (4) is inconsistent with decades of prior statutory interpretation and practice**);
35. *Javier De Jesus Aguilar v. English*, No. 3:25-CV-898 DRL-SJF, 2025 WL 3280219 (N.D. Ind., Nov. 25, 2025) (Granting immediate release without bond to a Petitioner detained under 8 U.S.C. § 1225(b)(2) who has been in the country for 19 years and twice bonded in immigration proceedings in the past. “All this begs the question whether the court should order immediate release or a hearing. The court is uninclined to order a hearing

² Referring to the recent amendments based on the Laken-Riley Act that added certain offenses to the mandatory detention category. If, as Respondents contend, all noncitizens illegally present are “applicants for admission” and “arriving aliens”, almost all noncitizens (other than those who arrived with a visa and overstay) are subject to mandatory detention and those amendments would not be necessary.

consistent with the procedures under §1226(a) and give the government a pass for not securing a warrant before Mr. De Jesús Aguilar's arrest, particularly when the government has not asserted this a basis for his continued detention" ... [where there is no] "basis for his continued detention today or extraordinary circumstances or some likelihood of his escape (perhaps a tough position when he has been in the country for 19 years and twice bonded in immigration proceedings)." ... "The simple matter is this: the government has not established a lawful basis for detention— or, otherwise put, Mr. De Jesús Aguilar has established his detention is today unlawful— and the government must live by the rules that Congress has instituted." These cases demonstrate that federal courts are exercising their equitable habeas powers to grant the only meaningful remedy for a fundamentally unlawful detention: unconditional release, which is the appropriate remedy in this case due to the unlawful arrest and lack of any legitimate reason for Petitioner's detention.")

GRANTING IMMEDIATE RELEASE FOLLOWED BY A BOND HEARING

36. *Singh v. Lewis*, No. 4:25-cv-96-RGJ, 2025 WL 2699219, at *3, *5 (W.D. KY. Sept. 22, 2025) (stating that petitioner present in the United States for over 12 years was not "seeking admission" into the United States and was therefore under the purview of section 1226, subsequently finding that the petitioner's detention via an automatic stay violated his due process rights);
37. *Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025) (granting habeas petition under § 1226(a) ordering immediate release followed by a bond hearing);

38. *Sanchez Ballestros v. Noem*, No. 3:25-cv-594-RGJ, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025) (ordering immediate release followed by a bond hearing);
39. *Zarco Lopez v. Olson*, No. 3:25-cv-654-DJH (W.D. Ky. Nov. 18, 2025) (ordering immediate release followed by a bond hearing);
40. See *Reyes-Godenes v. Lewis*, No. 4:25-cv-169-RGJ, 2026 WL 74566 (W.D. Ky. Jan. 9, 2026) (ordering immediate release followed by a bond hearing);
41. *Arroyo Rodriguez v. Woosley*, No. 4:25-cv-168-RGJ (W.D. Ky. Jan. 6, 2026) (ordering immediate release followed by a bond hearing);
42. *Roman Ariza v. Noem*, No. 4:25-cv-165-RGJ, 2025 WL 3722014 (W.D. Ky. Dec. 23, 2025) (ordering immediate release followed by a bond hearing);
43. *Reyes-Martinez v. Woosley*, 4:25-cv-150-RGJ, 2025 WL 3680330 (W.D. Ky. Dec. 18, 2025) (ordering immediate release followed by a bond hearing);
44. *Ramirez v. Lewis*, 4:25-cv-143-RGJ, 2025 WL 3553676 (W.D. Ky. Dec. 11, 2025) (ordering immediate release followed by a bond hearing);

GRANTING HABEAS BY ORDERING A BOND HEARING

45. *Guerrero Lepe v. Andrews*, No. 1:25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025) (“seeking” means “asking for” or “trying to acquire or gain” and implies some kind of affirmative action on the part of the applicant; (holding that petitioner was likely to succeed under the merits that he was not subject to section 1225 and was wrongfully denied a bond hearing pursuant to section 1226(a), stating “[t]he Court is not bound by Matter of Yajure Hurtado’s interpretation of sections 1225 and 1226[.]” and may look to

the “longstanding practice of government” and “the BIA’s interpretations of the INA for guidance, but [it] must not defer to the agency.”);

46. *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025) (finding **detention under § 1225(b)(2) ultra vires where petitioner entered years before arrest**);
47. *Edward Ted Luna Quispe v. Crawford*, No. 1:25-CV-1471-AJT-LRV, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025) (**ordering release where ICE applied § 1225(b)(2) to long-term resident**);
48. *Echevarria v. Bondi*, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025), entered without inspection in 2001, arrested in 2025 under 1225(b); **the 24 year period petitioner resided in the U.S. made the plain language of 1225(b) was inapplicable to him, at the time of arrest an immigration officer was not “examining” him and he was not “seeking” admission; Based on *Jennings* and *Nielsen*, statutory scheme of 1226(a) applies**);
49. *Ozuna Carlon v. Kramer*, No. 4:25CV3178, 2025 WL 2624386, at *2-3 (D. Neb. Sept. 11, 2025) (holding petitioner under section 1226 was unlawfully detained by an ultra vires stay during appeal of petitioner’s bond approval, and was entitled to release pursuant to bond hearing where (1) the government itself charged petitioner as an “alien present in the United States who has not been admitted or paroled”, i.e. section 1226, instead of an “arriving alien”, i.e. section 1225; (2) **petitioner was being held in county jail with criminal inmates and without her family pursuant to a stay challenging an authorized bond**; and (3) **the government made no showing of any special justification or compelling interest that would justify depriving petitioner of her ordered liberty**);

50. *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025) (the phrase “seeking admission” means that a noncitizen must be actively “seeking” “lawful entry”)
- “This understanding accords with the plain, ordinary meaning of the words “seeking” and “admission.” **For example, someone who enters a movie theater without purchasing a ticket and then proceeds to sit through the first few minutes of a film would not ordinarily then be described as “seeking admission” to the theater. Rather, that person would be described as already present there.** Even if that person, after being detected, offered to pay for a ticket, one would not ordinarily describe them as “seeking admission” (or “seeking” “lawful entry”) at that point—one would say that they had entered unlawfully but now seek a lawful means of remaining there. As § 1225(b)(2)(A) applies only to those noncitizens who are actively “seeking admission” to the United States, it cannot, according to its ordinary meaning, apply to Mr. Lopez Benitez, because he has already been residing in the United States for several years.” *Lopez Benitez v. Francis*, --- F.Supp.3d at ----, 2025 WL 2371588, at *7.
51. *Maldonado Vazquez v. Feeley*, 2025 WL 2676082 (D. Nev. Sept. 17, 2025) (entered without inspection over 20 years ago; detained July 2025; **court help petitioner held pursuant to 1226(a) not as the government contends 1225(b)(2); Yajure Hurtado renders requiring prudential exhaustion futile**; PI granted and release ordered on IJ bond);
52. *Rodriguez Vazquez v. Bostock*, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025) (**court granted summary judgement** on behalf of a class of people without lawful status held in Tacoma who entered without inspection and not apprehended upon arrival, court held

plain text of 1226(a) applies rather than 1225(b) and issues a detailed statutory analysis);

53. *Guzman Alfaro v. Wamsley*, 2025 WL 2822113 (W.D. Wash. Oct. 2, 2025) (court granted similar relief as a class member of *Rodriguez Vasquez*);
54. *Garcia Cortes v. Noem*, No. 1:25-cv-02677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025) (Court held 1226(a) and not 1225(b)(2) authorizes detention; procedural due process violated under *Mathews*, habeas granted);
55. *Mena Torres v. Wamsley*, No. C25-5772 TSZ, 2025 WL 2855379 (W.D. Wash. Oct. 8, 2025) (Petitioner arrived without inspection in 2016, DEA encountered him in an unrelated search warrant and detained him under 1225(b)(2), court found that detention governed by 1226(a);
56. *Jimenez v. FCI Berlin, Warden*, No. 1:25-cv-00326, 2025 WL 2639390 (D.N.H. Sept. 8, 2025) (detained under § 1226, and continued detention without a bond hearing before an IJ is unlawful);
57. *Kostak v. Trump*, No. 3:25-cv-01093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025) (granting a TRO for a native Ukraine citizen, who entered the U.S. without being inspected by an immigration officer and applied for asylum, because her due process rights were violated without a bond hearing pursuant to section 1225(a));
58. *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *4-5 (E.D. Mich. Sept. 9, 2025) (granting petition for writ of habeas corpus for petitioner for government's failure to conduct a bond hearing pursuant to section 1226(a), rejecting the government's argument that section 1225 applied because petitioner did not enter lawfully so was still "seeking admission", where the petitioner had been living in the United States since 2005

and the amendment to section 1226 via the Laken Riley Act would have been redundant were section 1225 to apply);

59. *Hernandez Marcelo v. Trump*, No. 3:25-cv-00094, 2025 WL 2741230 (S.D. Iowa Sept. 10, 2025) (refusing to apply BIA's Yajure Hurtado decision finding that all applicants for admission are necessarily "seeking admission" for purposes of warranting application of section 1225, because "the legislative history and congressional intent of the Immigration and Nationality Act do not support mandatory detention for all noncitizens present in the United States" as further supported by the "weight of caselaw");
60. *Zaragoza Mosqueda et al. v. Noem*, No. 5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at *4–5, 7 (C.D. Cal. Sep. 8, 2025) (holding that the petitioners are entitled to an individual bond hearing by an immigration judge if the government chooses to continue to detain petitioners, agreeing that the plain text of section 1226(a) applies to the petitioners);
61. *Quispe-Ardiles v. Noem*, No. 1:25-cv-01382-MSN-WEF, 2025 WL 2783800, at *1, 10 (E.D. Va. Sep. 30, 2025) (finding that the noncitizen petitioner was subject to section 1226(a) because he was detained after entering the U.S. illegally, issued an order of recognizance, and placed in immigration removal proceedings; therefore, his detention by ICE was unlawful unless he was released on bond);
62. *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, 2025 WL 2712427, at * (N.D. Iowa Sept. 23, 2025) (ordering petitioner was entitled to bond hearing under section 1226, pursuant to the Dataphase factors, because applying section 1225 would act to require "mandatory detention of every unadmitted alien" even if the alien falls within an exception provided, where petitioner had built a life and presence in the community in the United States for

two decades, and requiring the government to hold a bond hearing had limited imposition on government's interest in controlling aliens in the United States);

63. *Aguilar Lares v. Bondi*, No. 1:25-cv-01562 (ED VA, Oct. 19, 2025) (1226 applies to Guatemalan who entered the country in 2005; statutory distinction between noncitizens who are detained upon arrival into the United States and those who are detained after they have already entered the country, legally or otherwise (citing *Abreu v. Crawford*, 2025 WL 51475, at *3 (E.D. Va. Jan 8, 2025); analysis of SCOTUS *Jennings v. Rodriguez*).
64. *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (“[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention);
65. *Hasan v. Crawford*, No. 1:25-cv-1408 (LMB/IDD), 2025 WL 2682255, at *1, 13 (E.D. Va. Sep. 19, 2025) (finding that due process was required for a noncitizen from Bangladesh who entered the U.S. without inspection, applied for asylum, and was released on his own recognizance because he was detained by ICE without due process).
66. *Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025) (holding that long-term interior residents fall under § 1226(a), not § 1225(b)(2));
67. *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025) (granting petitioner's habeas corpus petition, who was released on his own recognizance and in immigration removal proceedings, ordering the government to provide the petitioner with a bond hearing pursuant to section 1226(a));
68. *Singh v. Andrews*, No. 1:25-cv-00801-KES-SKO (HC), 2025 WL 1918679, at *1, 10 (E.D. Cal. July 11, 2025) (granting preliminary injunction in favor of releasing an asylum seeker who was in immigration removal proceedings and detained by ICE because he cannot be

detained without due process, which would be a bond hearing to decide if he is a danger to the community or a flight risk);

69. *J.A.M. v. Streeval*, No. 25-cv-342, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) (The phrase “seeking admission” is not synonymous with “present in the United States who has not been admitted.” It requires an active attempt to gain lawful entry, not mere presence. The statutory scheme and headings of § 1225 focus on inspection and admission at the border or upon arrival, not on long-term residents apprehended in the interior; rejected the BIA’s interpretation in *Yajure Hurtado* as inconsistent with statutory text and canons of construction; Harmonizing §§ 1225 and 1226, the court held that § 1226(a) applies to aliens arrested in the interior who are not actively seeking admission, entitling them to a bond hearing);
70. *Rojano Gonzalez v. Sterling*, No. 1:25-cv-6080, 2025 WL 3145764 (N.D. Ga. Nov. 3, 2025) (Detention governed by § 1226(a), Petitioner to be provided with a bond hearing within 3 days or released; Government ENJOINED from rearresting Petitioner, unless she has committed a new violation of any federal, state, or local law, or has failed to attend any properly noticed immigration or court hearing or is subject to detention pursuant to a final order of removal);
71. *Aguirre Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025) (R&R), *report and recommendation adopted*, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025). (detention of long-term residents apprehended in the interior is governed by § 1226(a), not mandatory detention under § 1225(b); *Yajure Hurtado* rejected; Petitioner entitled to immediate release subject to the prior bond order or without conditions if the bond order cannot be reinstated);

72. *Jose Augusto Alves da Silva v. U.S. Immigr. & Customs Enf't*, No. 25-CV-284-LM-TSM, 2025 WL 2778083 (D.N.H. Sept. 29, 2025) (granting habeas relief and ordering bond hearing);
73. *Merino v. Ripa*, No. 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025) (EWI in 2016 Honduran national's detention is governed by 1226; Yajure Hurtado's interpretations of 1225 are at odds with the statutory text, inconsistent with earlier BIA decisions and renders superfluous the recent Laken Riley Act).
74. *Alvarez Puga v. Assistant Field Office Director*, No. 25-24535-CIV, 2025 WL 2938369 (S.D. Fla. Oct. 15, 2025).
75. *Roman v. Noem*, No. 2:25-CV-01684-RFB-EJY, 2025 WL 2710211, at *6 (D. Nev. Sept. 23, 2025) (same);
76. *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *13 (W.D. Tex. Sept. 22, 2025) (collecting authorities requiring bond hearings for long-term residents);
77. *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025);
78. *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025);
79. *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025);
80. *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025);
81. *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025);

82. *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025);
83. *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025);
84. *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025);
85. *Hernandez Nieves v. Kaiser*, No. 25-cv-06921-LB, 2025 WL 2533110, at *4–5 (N.D. Cal. Sep. 3, 2025);
86. *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same);
87. *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same);
88. *Salazar v. Dedos*, No. 1:25-CV-00835-DHU-JMR, 2025 WL 2676729, at *9 (D.N.M. Sept. 17, 2025) (granting bond hearing under § 1226(a));
89. *Ledesma Gonzalez v. Bostock*, No. 2:25-cv-01404, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025);
90. *Ortiz Martinez v. Wamsley*, No. 2:25-cv-01822, 2025 WL 2899116 (W.D. Wash. Oct. 10, 2025);
91. *Mendoza Gutierrez v. Baltasar*, No. 1:25-cv-2720, 2025 WL 2962908 (D. Colo. Oct. 17, 2025);
92. *Moya Pineda v. Baltasar*, No. 1:25-cv-2966 (D. Colo. Oct. 20, 2025);
93. *Loa Caballero v. Baltazar*, No. 25-cv-03120, 2025 WL 2977650 (D. Colo. Oct. 22, 2025);
94. *Gamez Lira v. Noem*, No. 1:25-cv-00855, 2025 WL 2581710 (D.N.M. Sept. 24, 2025);

95. *Garcia Domingo v. Castro*, No. 1:25-cv-00979, 2025 WL 2941217 (D.N.M. oct. 15, 2025);
96. *Martinez v. Hyde*, No. 1:25-cv-11613, 2025 WL 2084238 (D. Mass. July 24, 2025);
97. *Diaz Diaz v. Mattivelo*, No. 1:25-cv-12226, 2025 WL 2457610 (D. Mass. Aug. 27, 2025);
98. *Doe v. Moniz*, No. 1:25-cv-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025);
99. *Encarnacion v. Moniz*, No. 25-12237 (D. Mass. Sept. 5, 2025);
100. *Hilario Rodriguez v. Moniz*, No. 25-12358 (D. Mass. Sept. 18, 2025);
101. *Romero-Nolasco v. McDonald*, No. 25-cv-12492, 2025 WL 2778036 (D. Mass. Sept. 29, 2025);
102. *Inlago Tocagon v. Moniz*, No. 25-cv-12453, 2025 WL 2778023 (D. Mass. Sept. 29, 2025);
103. *Rocha v. Hyde*, No. 25-cv-12584, 2025 WL 2807692 (D. Mass. Oct. 2, 2025);
104. *Guerrero Orellana v. Moniz*, No. 25-cv-12664, 2025 WL 2809996 (D. Mass. Oct. 3, 2025);
105. *Da Silva v. Bondi*, No. 25-cv-12672, 2025 WL 2969163 (oct. 21, 2025, D. Mass);
106. *Chogllo Chafila v. Scott*, No. 2:25-cv-00437, 2:25-cv-00438, 2:25-cv-00439, 2025 WL 2688541 (D. Me. Sept. 2, 2025);
107. *Chang Barrios v. Shepley*, No. 1:25-cv-00406, 2025 WL 2772579 (D. Me. Sept. 29, 2025);
108. *Chiliquinga Yumbillo v. Stamper*, No. 2:25-cv-479, 2025 WL 2783642 (D. Me. Sept. 30, 2025);
109. *Perez Pina v. Stamper*, No. 2:25-cv-00509-SDN, 2025 WL 2939298 (D. Me. Oct. 16, 2025);
110. *Ayala Casun v. Hyde*, No. 25-cv-427, 2025 WL 2806769 (D.R.I. oct. 2, 2025);
111. *Rivera Zumba v. Bondi*, No. 2:25-cv-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025);
112. *Macancela Buestan v. Chu*, No. 25-cv-16034, 2025 WL 2972252 (D.N.J. oct. 21, 2025);
113. *Mugliza Castillo v. Lyons*, No. 25-cv-16219, 2025 WL 2940990 (D. N.J. October 10, 2025);
114. *Del Cid Del Cid v. Bondi*, No. 3:25-cv-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025);

115. *Maldonado de Leon v. Baker*, No. 1:25-cv-3084, 2025 WL 2968042 (D. Md. Oct 21, 2025);
116. *Singh v. Lyons*, No. 1:25-cv-01606, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025);
117. *Teyim v. Perry*, No. 1:25-cv-01615, 2025 WL 2950183 (E.D. Va. Oct. 15, 2025);
118. *S.D.B.B. v. Johnson*, No. 1:25-cv-882, 2025 WL 2845170 (M.D.N.C. Oct. 7, 2025);
119. *Lopez Santos v. Noem*, No. 3:25-cv-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025);
120. *Gonzalez Martinez v. Noem*, No. EP-25-cv-430, 2025 WL 2965859 (W.D. Tex. Oct. 21, 2025);
121. *Buenrostro Mendez v. Bondi*, No. No. 4:25-cv-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025);
122. *Padron Covarrubias v. Vergara*, 5:25-CV-112 (S.D. Tex. Oct. 8, 2025);
123. *Casio-Mejia*, No. 2:25-cv-13032, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025);
124. *Contreras-Cervantes, et al., v. Raycraft*, No. 2:25-cv-13073, 225 WL 952796 (E.D. Mich. Oct. 17, 2025);
125. *Sanchez Alvarez v. Noem*, No. 1:25-cv-1090, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025);
126. *Morales Chavez v. Director*, No. 4:25-cv-02061, 2025 WL 2959617 (N.D. Ohio Oct. 20, 2025) (report and recommendation);
127. *H.G.V.U. v. Smith*, No. 25-cv-10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2025);
128. *Ochoa Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779, (N.D. Ill. Oct. 16, 2025);
129. *Mariano Miguel v. Noem*, No. 25-cv-11137, 2025 WL 2976480 (Oct. 21, 2025);
130. *Brito Barrajas v. Noem*, No. 4:25-cv-00322, 2025 WL 2717650 (S.D. Iowa Sept. 23, 2025);
131. *Santiago Helbrum v. Williams*, No. 4:25-cv-00349 (S.D. Iowa Sept. 30, 2025);
132. *Francisco T. v. Bondi*, No. 0:25-cv-03219, 2025 WL 262839 (D. Minn. Aug. 29, 2025);
133. *A.A. v. Olson*, No. 25-3381, 2025 WL 2866729 (D.Minn.);

134. *Herrera Avila v. Bondi*, No. 25-cv-03741 (D. Minn. Oct. 21, 2025);
135. *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162, 2025 WL 2374223 (D. Neb. Aug. 14, 2025);
136. *Carmona-Lorenzo v. Trump*, No. 4:25-cv-03172, 2025 WL 2531521 (D. Neb. Sept. 3, 2025);
137. *Cortes Fernandez v. Lyons*, No. 8:25-cv-00506, 2025 WL 2531539 (D. Neb. Sept. 3, 2025);
138. *Lorenzo Perez v. Kramer*, No. 4:25-cv-03179, 2025 WL 2624387 (D. Neb. Sept. 11, 2025);
139. *Genchi Palma v. Trump*, No. 4:25-cv-03176, 2025 WL 2624385 (D. Neb. Sept. 11, 2025);
140. *Duenas Arce v. Trump*, No. 8:25-cv-00520, 2025 WL 2675934 (D. Neb. Sept. 18, 2025);
141. *Ortiz Donis v. Chestnut*, No. 1:25-cv-01228, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025);
142. *J.S.H.M. v. Wofford*, No. 1:25-CV-01309, 2025 WL 2938808 (E.D. Cal. Oct. 16, 2025);
143. *Sabi Polo v. Chestnut*, No. 1:25-cv-01342, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025);
144. *Menjivar Sanchez v. Wofford*, No. 1:25-cv-1187, 2025 WL 2959274 (C.D. Cal. Oct. 17, 2025);
145. *Caicedo Hinestroza v. Kaiser*, No. 3:25-cv-07559, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025);
146. *Salcedo Aceros v. Kaiser*, No. 3:25-cv-06924, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025);
147. *Pablo Sequen v. Kaiser*, No. 25-cv-06487, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025);
148. *Castellanos v. Kaiser*, No. 25-cv-07962, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025);
149. *Oliveros v. Kaiser*, No. 25-cv-07117, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025);
150. *Roa v. Albarran*, No. 25-cv-07802, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025);
151. *Valencia Zapata v. Kaiser*, No. 25-cv-07492, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025);
152. *Cordero Pelico v. Kaiser*, No. 25-cv-07286-EMC, 2025 WL 2822876 (N.D. Cal. oct. 3, 2025);
153. *Alvarez Chavez v. Kaiser*, No. 25-cv-06984-LB, 2025 WL 2909526 (N.D. Cal.);

154. *Martinez Lopez v. Noem*, No. 3:25-cv-02734 (S.D. Cal. Oct. 23, 2025) (Minute Entry);
155. *Rico-Tapia v. Smith*, No. 25-cv-379, 2025 WL 2950089 (D. Haw. Oct. 10, 2025);
156. *Carlos v. Noem*, No. 2:25-cv-01900, 2025 WL 2896156 (D. Nev.);
157. *E.C. v. Noem*, No. 2:25-cv-01789, 2025 WL 2916264 (D. Nev.);
158. *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913 (D. Mass. July 28, 2025) was likewise erroneously concluded. Pena is distinguishable, however, as Pena did not appear to raise § 1226 and instead relied on an approved I-130 petition to support his adjustment of status. Other courts, including the same court from the District of Massachusetts distinguished Pena, noting the court was focused on other issues and did not analyze the precise question of which statute applied to his detention.
159. *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924, at *7 (D. Mass. Sept. 9, 2025),
160. *dos Santos v. Noem*, 2025 WL 2370988 (D. Mass. Aug. 14, 2025).
161. *Elias Escobar v. Hyde*, 2025 WL 2823324 (D. Mass. Oct. 3, 2025).
162. *Lema Zamora v. Noem*, No. 1:25-12750-NMG, 2025 WL 2958879 (D. Mass Oct. 17, 2025), which addresses this issue directly and concludes that 1226(a) not 1225(b) controls.
163. *Aguilar Guerra v. Joyce*, No. 2:25-cv-00534, 2025 WL 2986316 (D. Me. Oct. 24, 2025)
164. *Cesario Souza v. Hyde*, No. 25-CV-12461, 2025 WL 2997670 (D. Mass. Oct. 24, 2025)
165. *Chanaguano Caiza v. Scott*, No. 1:25-CV-00500, 2025 WL 3013081 (D. Me. Oct. 28, 2025)
166. *Tomas Elias v. Hyde*, No. 25-cv-540-JJM-AEM, 2025 WL 3004437 (D.R.I. Oct. 27, 2025)
167. *J.G.O. v. Francis*, No. 1:25-cv-07233, 2025 wl 3040142 (S.D.N.Y. Oct. 28, 2025)
168. *Tumba Huamani v. Francis*, No. 25-cv-8110, 2025 WL 3079014 (S.D.N.Y. Nov. 4, 2025)
169. *Romero Perez v. Francis*, No. 25-cv-8112, 2025 WL 3110459

170. *Alvarez Ortiz v. Freden*, No. 1:25-CV-960, 2025 WL 3085032 (W.D.N.Y. Nov. 4, 2025)
171. *Bethancourt Soto v. Soto*, No. 25-cv-16200, 2025 WL 2976572 (D.N.J. Oct. 22, 2025)
172. *De Fatima Lomeu v. Soto*, No. 25-cv-16589, 2025 WL 2981296 (D.N.J. Oct. 23, 2025)
173. *Lopez Lopez v. Soto*, No. 2:25-cv-16303, 2025 WL 2987485 (D.N.J. Oct. 23, 2025)
174. *Contreras Maldonado v. Cabezas*, No. 2:25-cv-13004, 2025 WL 2985256 (D.N.J. Oct. 23)
175. *Patel v. Almodovar*, No. 2:25-cv-15345, 2025 WL 3012323 (D.N.J. Oct. 28, 2025)
176. *Ayala Amaya v. Bondi*, No. 25-cv-16428, 2025 WL 3033880 (D.N.J. Oct. 30, 2025)
177. *Vargas Ramos v. Rokosky*, No. 25-cv-15892, 2025 WL 3063588 (D.N.J. Nov. 3, 2025)
178. *Cantu-Cortes v. O'Neill*, No. 25-cv-6338, 2025 WL 3171639 (E.D. Pa. Nov. 13, 2025)
179. *Santana-Rivas v. Warden*, No. 3:25-cv-01896, (Nov. 13, 2025) (report and recommendation)
180. *Pineda Velasquez v. Noem*, No. 25-cv-3215, 2025 WL 3003684 (D. Md. Oct. 27, 2025)
181. *Hernandez Hernandez v. Crawford*, No. 1:25-cv-01565-AJT-WBP, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025)
182. *Flores Pineda v. Simon*, No. 1:25-cv-01616, 2025 WL 2980729 (E.D. Va. Oct. 21, 2025)
183. *Yobani v. Noem*, No. 1:25-cv-01666, 2025 WL 2997507 (E.D. Va. Oct. 24, 2025)
184. *Duarte Escobar v. Perry*, No. 25-cv-758, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025)
185. *Boquin Oliva v. Noem*, No. 25-cv-1592, 2025 WL 3145712 (E.D. Va. Oct. 29, 2025)
186. *Sarmiento v. Perry*, No. 1:25-cv-01644, 2025WL 3091140 (E.D. Va. Nov. 5, 2025)
187. *Diaz Garcia v. Noem*, No. 25-cv-1712, (E.D. Va. Nov. 6, 2025)
188. *Ventura Martinez v. Trump*, No. 3:25-cv-01445, (W.D. La. Oct. 22, 2025)
189. *Pineda Parada v. Rice*, No. 1:25-cv-1660, 2025 WL 3146250 (W.D. La. Nov. 4, 2025)

190. *Godinez-Lopez v. Ladwig*, No. 2:25-CV-02962, 2025 WL 3047889 (W.D. Tenn. Oct. 31, 2025)
191. *Hernandez-Alonso v. Tindall*, No. 3:25-CV-652-DJH, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025)
192. *Gimenez Gonzalez v. Raycroft*, No. 25-CV-13094, 2025 WL 3006185, at *1 (E.D. Mich. Oct. 27, 2025)
193. *Hernandez Capote v. Secretary of U.S. DHS*, No. 25-cv-13128, 2025 WL 3089756 (E.D. Mich. Nov. 5, 2025)
194. *Morales-Martinez v. ICE*, No. 2:25-cv-13303, 2025 WL 3124695 (E.D. Mich. Nov. 7, 2025)
195. *Mauricio Diego v. Raycraft*, No. 5:25-cv-13288, 2025 WL 3159106 (E.D. Mich. Nov. 12) (Levy)
196. *Rodriguez Carmona v. Noem*, No. 1:25-cv-1131, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025)
197. *Puerto-Hernandez v. Lynch*, No. 1 :25-CV-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025)
198. *Cervantes Rodriguez v. Noem*, No. 1:25-CV-1196, 2025 WL 3022212 (W.D. Mich. Oct. 29, 2025)
199. *Marin Garcia v. Noem*, No. 1:25-CV-1271, 2025 WL 3017200 (W.D. Mich. Oct. 29, 2025)
200. *Rodriguez Serrano v. Noem*, No. 25-cv-1320, 2025 WL 3122825 (W.D. Mich. Nov. 7, 2025)
201. *G.Z.T. v. Smith*, No. 1:25-cv-12802 (N.D. Ill. Oct. 21, 2025)
202. *Perez Padilla v. Noem*, No. 25-cv-12462, 2025 WL 2977742 (N.D. Ill. Oct. 22, 2025)
203. *Patel v. Crowley*, No. 25-C-11180, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025)
204. *Maldonado v. Crowley*, No. 1:25-cv-12762 (N.D. Ill. Oct. 24, 2025)

205. *Amigon Sanchez v. Olson*, No. 25-cv-12453, 2025 WL 3004580 (N.D. Ill. Oct. 27, 2025)
206. *Corona Diaz v. Olson*, No. 25-CV-12141, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025)
207. *Rosales Ponce v. Olson*, No. 25-cv-13037, 2025 WL 3049785 (N.D. Ill. Oct. 31, 2025)
208. *Loza Valencia v. Noem*, No. 25-CV-12829, 2025 WL 3042520 (N.D. Ill. Oct. 31, 2025)
209. *Flores v. Olson*, No. 25-cv-12916, 2025 WL 3063540 (N.D. Ill. Nov. 3, 2025)
210. *D.E.C.T. v. Noem*, No. 25-cv-12463, 2025 WL 3063650 (N.D. Ill. Nov. 3, 2025)
211. *Galvis Cortes v. Olsen*, No. 25-cv-6293, 2025 WL 3063636 (N.D. Ill. Nov. 3, 2025)
212. *Reyes Arizmendi v. Noem*, No. 25-cv-13041, 2025 WL 3089107 (N.D. Ill. Nov. 5, 2025)
213. *Guartazaca Sumba v. Noem*, No. 1:25-cv-13034, 2025 WL 3126512 (N.D. Ill. Nov. 9, 2025)
214. *Lira Perez v. Noem*, No. 1:25-cv-13442, 2025 WL 3140692 (N.D. Ill. Nov. 10, 2025)
215. *Ramirez Martinez v. Noem*, No. 25-CV-12029, 2025 WL 3145103, at *7 (N.D. Ill. Nov. 11, 2025)
216. *Ramirez Valverde v. Olson*, No. 25-CV-1502, 2025 WL 3022700 (E.D. Wis. Oct. 29, 2025)
217. *Garcia Picazo, v. Sheehan*, No. C25-4057-LTS-MAR, 2025 WL 3006188 (N.D. Iowa Oct. 27, 2025)
218. *Lopez Lopez v. Sheehan*, No. 25-CV-4052-CJW-KEM, 2025 WL 3046183 (N.D. Iowa Oct. 30, 2025)
219. *Ruiz Yarleque v. Noem*, No. 5:25-CV-02836, 2025 WL 3043936 (C.D. Cal. Oct. 31, 2025)
220. *J.A.C.P. v. Wofford*, No. 1:25-CV-01354, 2025 WL 3013328 (E.D. Cal. Oct. 27, 2025)
221. *Lopez v. Lyons*, No. 2:25-cv-03174, 2025 WL 3124116 (E.D. Cal. Nov. 7, 2025)
222. *Perez-Gonzalez v. LaRose*, No. 25-cv-2727, (S.D. Cal. Oct. 30, 2025)
223. *Beltran v. Noem*, No. 5cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025)
224. *Garcia Magadan v. Noem*, No. 3:25-cv-2889, 2025 WL 3090089 (S.D. Cal. Nov. 5, 2025)

225. *Dominguez-Lara v. Noem*, No. 2:25-CV-01553, 2025 WL 2998094 (D. Nev. Oct. 24, 2025)
226. *BAUTISTA-AVALOS v. BERNACKE*, No. 2:25-CV-01987, 2025 WL 3014023 (D. Nev. Oct. 27, 2025)
227. *ARCE-CERVERA v. NOEM*, No. 2:25-CV-01895, 2025 WL 3017866 (D. Nev. Oct. 28, 2025)
228. *Hernandez-Luna v. Noem*, No. 2:25-cv-01818, 2025 WL 3102039 (D. Nev. Nov. 6, 2025)
229. *L.A.E. v. WAMSLEY*, No. 3:25-cv-01975, 2025 WL 3037856 (D. Or. Oct. 30, 2025)
230. *Del Valle Castillo v. Wamsley*, No. 2:25-cv-02054, 2025 WL 3094057 (W.D. Wash. Nov. 5, 2025)
231. *Molina Ochoa v. Noem*, No. 1:25-cv-00881, 2025 WL 3125846 (D.N.M. Nov. 7, 2025)(R&R)
232. *Alvarez Varela v. Dedos*, No. 1:25-cv-01085 (D.N.M. Nov. 11, 2025)
233. *Hinojosa Garcia v. Noem*, No. 2:25-cv-00879, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025)
234. *E.L.C. et al. v. Warden*, No. 4:25-cv-288 (cases consolidated), 2025 WL 3158802 (Nov. 4, 2025)
235. *Ortega Jimenez v. Warden*, No. 25-cv-5650, FCI Atlanta (N.D. Ga. Nov. 6, 2025)
236. *R.E. v. Bondi*, No. 0:25-cv-3946, 2025 WL 3146312 (D. Minn. Nov. 4, 2025)
237. *Sena Gomes v. Wesling*; 1:25-cv-13727-FDS, 2025 WL 363712 (D. Mass Dec. 16, 2025)
238. *Y-C- v. Genalo*; 25-cv-06558; 2025 WL 3653496 (E.D.N.Y. Dec. 17, 2025).
239. *Barco Mercado v. Francis*; 1:25-cv-6582; 2025 WL 3295903 (S.D.N.Y. Nov. 26, 2025).
240. *Liu v. Almodovar*; 25-cv-9256; 2025 WL 3458633 (S.D.N.Y. Dec. 2, 2025).
241. *Villareal Obregon v. Francis*; 1:25-cv-9465; 2025 WL 3465517 (S.D.N.Y. Dec. 2, 2025).
242. *Rocano Buestan v. McShane*; 25-CV-8544; 2025 WL 3496361 (S.D.N.Y. Dec. 5, 2025)
243. *Quispe-Sulcaray, v. Noem*; 25-CV-09908; 2025 WL 3501207 (S.D.N.Y. Dec. 7, 2025)
244. *Rivera Esperanza v Francis*; 1:25-cv-08727; 2025 WL 3513983 (SDNY Dec. 8).

245. *Campbell v. Almodovar*, 25-cv-9509 (S.D.N.Y. Dec. 10, 2025)
246. *Yang v. Almodovar*, 25-CV-10265; 2025 WL 3564496 (S.D.N.Y. Dec. 12, 2025).
247. *Yao v. Almodovar*; 25-cv-9982; 2025 WL 3653433 (S.D.N.Y. Dec. 17, 2025).
248. *Garcia-Alvarado v. Warden*; 25-cv-16109; 2025 WL 3268606 (D.N.J. Nov. 24, 2025).
249. *Geovanny Mejia v. Cabezas*; CV 25-17094; 2025 WL 3294405 (D.N.J. Nov. 26, 2025).
250. *Diaz Rudecindo v. Florentino*; 25-cv-16942, 2025 WL 3470299 (D.N.J. Dec. 3, 2025).
251. *Patel v. Soto*, No. CV 25-17096, 3:25-cv-17096; 2025 WL 3485716 (D.N.J. Dec. 4, 2025).
252. *Chen v. Soto*; 25-cv-17198; 2025 WL 3527239 (D.N.J. Dec. 9, 2025).
253. *Fuentes Velasquez v. Noem*; 25-cv-16797; 2025 WL 3653657 (D.N.J. Dec. 17, 2025).
254. *Portillo Quintanilla, v. Lyons*; 25-cv-17660; 2025 WL 3653868 (D.N.J. Dec. 17, 2025).
255. *Diallo v. O'Neill*; CV 25-6358; 2025 WL 3298003, at *2 (E.D. Pa. Nov. 26, 2025).
256. *M-L-Z v. Noem*; 25-cv-5479; 2025 WL 3470046 (E.D. Pa. Dec. 2, 2025).
257. *Rodriques Pereira v. O'Neil*, No. 25-6543-KSM; 2025 WL 3516665 (E.D. Penn. Dec. 8, 2025). (Grants habeas and orders release; government is enjoined from re-detaining under 1225(b)(2)(A); government is enjoined from detaining Petitioner for 7 days so as to effectuate the habeas order).
258. *Santana-Rvias v. Warden, Clinton Cty Corr Fac*; 3:25-CV-01896; 2025 WL 3513152 (MD Pa Dec 8, 2025)
259. *Patel v. Oneil*, 3:25-cv-2185, 2025 WL 3516865 (MD Penn. Dec. 8, 2025).
260. *Chimborazo Cunin v. McShane*; 3:25-cv-1887 2025 WL 3542999 (M.D. Pa. Dec. 10, 2025).
261. *Paredes Quispe v. Rose*; 3:25-cv-2276, 2025 WL 3537279 (M.D. Pa. Dec. 10, 2025).
262. *Vasquez Mejia v. Noem*; 25-cv-333; 2025 WL 3546427 (W.D. Pa. Dec. 11, 2025).(Grants habeas and orders bond hearing).

263. *Calzado Diaz v. Noem*; 3:25-CV-00458; 2025 WL 3628480 (W.D. Pa. Dec. 15, 2025).
(Grants habeas and orders bond hearing).
264. *Dolmo Martinez v. Rice*; CV 25-1780 SEC P; 2025 WL 3554620 (W.D. La. Dec. 11, 2025).
(Court grants TRO, govt ordered to provide bond hearing.)
265. *Moreno Madrid v. Acuna*, 3:25-CV-01572 (W.D. La. Dec. 12, 2025). (Grants habeas and orders Bond Hearing).
266. *Amelia C.P. v. Noem*; 25-cv-2872; 2025 WL 3653872 (N.D. Tex. Dec. 17, 2025). (Grants petition and orders BH with burden on govt to justify detention by clear and convincing evidence)
267. *Espinoza Andres v. Noem*; H-25-cv-5128; 2025 WL 3458893 (S.D. Tex. Dec. 2, 2025).
(Grants petition and orders either IJ bond reinstated or new Bond Hearing).
268. *Cabrera-Hernandez v. Bondi*; 25-cv-197; (S.D. Tex. Dec. 2, 2025). (Grants petition and orders either IJ bond reinstated or new Bond Hearing).
269. *Shi v. Lyons*; 1:25-CV-274; 2025 WL 3637288 (S.D. Tex. Dec. 12, 2025). (Court grants PI and TRO, stating petitioner is entitled to bond hearing and appeal if denied bond.)
270. *Arredondo-Silva v. Raycraft*; 2:25-CV-13674; 2025 WL 3625781 (E.D. Mich. Dec. 15, 2025).
(Grants petition and orders Bond Hearing.)
271. *Rodriguez Martinez v. Raycraft*; 25-cv-1504; (W.D. Mi. Dec. 8, 2025). (Grants petition and orders release subjected to conditions that existed under prior 212(d)(5) parole).
272. *Macias v. Raycraft*; 4:25-cv-2642; 2025 WL 3525262 (N.D. Ohio Dec. 9, 2025). (Grants petition and orders Bond Hearing.)
273. *Leal Patino v. Ladwig*; 25-cv-569; 2025 WL 3628450 (E.D. Tenn. Dec. 15, 2025). (Grants petition and orders Bond Hearing.)

274. *Monge-Nunez v. Acting Director of The New Orleans Field Office*; 2:25-CV-03043; 2025 WL 3565348 (W.D. Tenn. Dec. 12, 25). (Grants habeas, orders bond hearing within 7 days, and release from detention pending bond hearing, respondents enjoined from pursuing detention under 1225(b)(2)(A).
275. *Mejia Diaz v. Noem*; 3:25-CV-960; 2025 WL 3640419 (N.D. Ind. Dec. 16, 2025). (Grants habeas and order release on conditions in place before the detention).
276. *Mata Fuentes v. Olson*; 25-cv-4456; 2025 WL 3524455 (D. Minn. Dec. 9, 2025). (Grants TRO, orders 1226(a) bond hearing within 7 days, orders govt to provide status update within 8 days.)
277. *Alvarez v. Lyons*; 8:25-CV-672; 2025 WL 3564733 (D. Neb. Dec. 12, 2025).
278. *Elizarraraz Zavala v. Noem*; 25-cv-2686; 2025 WL 3514086 (C.D. Cal. Dec. 4, 2025).
279. *Tanasache v. Noem*; 5:25-cv-3159; 2025 WL 3641173 (C.D. Cal. Dec. 16, 2025).
280. *O.A.C.S. v Wofford*; 2025 WL 3485221 (E.D. Cal. Dec. 4, 2025), 2025 WL 3485221 (E.D. Cal. Dec. 4, 2025).
281. *Orejuela Gutierrez v. Chestnut*; 25-cv-1515; 2025 WL 3514495 (ED Cal Dec. 8, 2025).
282. *FSSM v. Wofford*, 25-cv-1518; 2025 WL 3526671 (ED Cal Dec. 9, 2025).
283. *Singh Singh v. Andrews*; 25-cv-1438; 2025 WL 3563221 (E.D. Cal. Dec. 12, 2025).
284. *Godinez Sales v. Warden, Otay Mesa Detention Center*; 25-cv-3125; 2025 WL 3625867 (S.D. Cal. Dec. 12, 2025).
285. *Arias Hernandez v. Bondi*; 1:25-cv-3320-LL-DEB 2025 WL 3633040 (S.D. Ca. Dec. 15, 2025).
286. *N-E-M-B v. Wamsley*; 3:25-cv-989 2025 WL 3527111 (D. Or. Dec. 9, 2025).
287. *H.L.P.F. v. Wamsley*; 6:25-cv-01899; 2025 WL 3539252 (D. Or. Dec. 10, 2025).

288. *Jimenez Facio v. Baltazar*; 25-cv-3592; 2025 WL 3559128 (D. Colo. Dec. 12, 2025).
289. *Florez Marin v. Baltazar*; 25-cv-3697; 2025 WL 3677019 (D. Colo. Dec. 18, 2025).
290. *Cortez-Gonzalez v. Noem*, No. 2:25-CV-00985-MLG-KK, 2025 WL 3485771 (D.N.M. Dec. 4, 2025).
291. *Hernandez-Parrilla v. Anda-Ybarra*; 2:25-cv-1224; 2025 WL 3632769 (D.N.M. Dec. 15, 2025).
292. *Shambhubhai Patel v. Hardin*; 2:25-cv-870; 2025 WL 3442706 (M.D. Fla. Dec. 1, 2025).
(Grants habeas and orders Bond Hearing)
293. *Gutierrez Ortiz v. Noem*; 3:25-cv-01386; 2025 WL 3653217 (M.D. Fla. Dec. 17, 2025).
(Grants habeas and orders Bond Hearing).
294. *Castanon-Nava v. U.S. Dep't of Homeland Sec.*; 25-3050; 2025 WL 3552514 (7th Cir. Dec. 11, 2025).

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: VISHAL LALABHAI PATELA-File Number: [REDACTED]Date: 09/05/2023Event ID: [REDACTED]Subject ID: [REDACTED]FIN: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- ☐ Detained by the Department of Homeland Security.
- ☒ Released (check all that apply):
- ☐ Under bond in the amount of \$ _____
- ☒ On your own recognizance.
- ☐ Under other conditions. [Additional document(s) will be provided.]

NOE M HERNANDEZ
Date: 2023.09.05 09:20 -07:00
0703345445.CBP

09/05/2023 0652Name and Signature of Authorized OfficerDate and Time of Custody DeterminationActing/Patrol Agent in ChargeYuma, ArizonaTitleOffice Location/Address

You may request a review of this custody determination by an immigration judge.

- ☒ I acknowledge receipt of this notification, and
- ☐ I do request an immigration judge review of this custody determination.
- ☒ I do not request an immigration judge review of this custody determination.

[Signature]Signature of Alien09/05/2023Date

The contents of this notice were read to VISHAL LALABHAI PATEL in the HINDI language.

(Name of Alien)(Name of Language)

JAVIER A HERNANDEZ VARGAS
Date: 2023.09.05 09:27 -07:00
0156616056.CBP

HERNANDEZ, JAVIER6800943Name and Signature of OfficerName or Number of Interpreter (if applicable)Border Patrol AgentTitle

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)

Name:

Patel, Vishal Lalabhai

File No.:

Date: 09/5/2023

- ☒ Que no se asocie con pandilleros conocidos, asociados criminales, ni se asocie con ninguna actividad de este tipo.
- ☐ Que se registre en un programa de abuso de sustancias dentro de los 14 días y proporcione a ICE una prueba escrita de ello dentro de los 30 días.
- ☐ Que se registre en un programa de asesoramiento sobre desviaciones sexuales dentro de los 14 días y proporcione a ICE una prueba escrita de ello dentro de los 30 días. Debe proporcionar a ICE el nombre del programa, la dirección del programa, la duración y los objetivos del programa, así como el nombre de un consejero.
- ☐ Que se registre como delincuente sexual, si corresponde, dentro de los 7 días de haber sido puesto en libertad, con la(s) agencia(s) correspondiente(s) y proporcione a ICE una prueba escrita de ello dentro de los 10 días.
- ☐ Que no comete ningún delito mientras tenga esta Orden de puesta en libertad bajo palabra.
- ☐ Que informe a cualquier oficial de libertad condicional o libertad condicional según se requiera dentro de los 5 días hábiles y proporcione a ICE una verificación por escrito del nombre, la dirección, el número de teléfono y los requisitos de informe del oficial.
- ☐ Que continúe siguiendo las órdenes prescritas por un médico, ya sean médicas o psicológicas, incluida la toma de medicamentos prescritos.
- ☐ Que proporcione al ICE copias escritas de solicitudes a Embajadas o Consulados solicitando la emisión de un documento de viaje.
- ☒ Que proporcione al ICE respuestas por escrito de la Embajada o Consulado con respecto a su solicitud.
- ☒ Cualquier violación de las condiciones anteriores dará lugar a la revocación de su documento de autorización de empleo.
- ☒ Cualquier violación de estas condiciones puede resultar en que usted sea detenido por ICE y sea procesado penalmente.

Otro: Su liberación depende de su inscripción y participación exitosa en un programa de Alternativas a la Detención (ATD) según lo designado por el Departamento de Seguridad Nacional de los EE. UU. Como parte del programa ATD, estará sujeto a monitoreo electrónico y puede estar sujeto a un toque de queda. El incumplimiento de los requisitos del programa ATD resultará en una redeterminación de las condiciones de su liberación o su arresto y detención. Si está equipado con una tobillera de rastreo GPS del Servicio de Inmigración y Control de Aduanas de EE. UU., no manipule ni quite el dispositivo. Según la ley federal, es un delito dañar o intentar dañar intencionalmente la propiedad de los Estados Unidos. Dañar o intentar dañar la tobillera de rastreo GPS o cualquiera de sus equipos asociados (incluidos, entre otros, la estación de carga, las baterías, los cables de alimentación, etc.) puede resultar en su arresto, detención y enjuiciamiento según 18 U.S.C. § 1361 y/o 18 U.S.C. § 641, cada uno punible con una multa, hasta diez años de prisión, o ambos.

- ☐ Al momento de la inscripción, la tecnología no está disponible o la tecnología disponible no es apropiada para un no ciudadano debido a las circunstancias que rodean al participante.
- En lugar de la inscripción en tecnología, se le recomienda que se comunique con el Centro de acceso de participantes (PAC) dentro de los 7 días posteriores a la liberación de la custodia.

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

**ORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)**

File No.:

Name: Patel, Vishal LalabhaiDate: 09/5/2023

- ☒ That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Release on Recognizance.
- ☐ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.
- ☒ Other: Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention. If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.
- ☐ At time of enrollment technology is not available, or available technology is not appropriate for a non-citizen due to the circumstances that surround the participant.
In lieu of technology enrollment, you are advised to contact the Participant Access Center (PAC) within 7 days of release from custody.
The PAC phone number is 1-877-495-1195. Call between 8 am and 4 pm, Monday through Friday, to continue enrollment into ISAP.