

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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**CARLOS COC GARCIA**

Petitioner,

Case No.:

v.

MICHAEL ROSE, in his official capacity as ICE Field Office Director; KRISTI NOEM, in her official capacity as Secretary of Homeland Security, and TODD M. LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement, JAMAL LAWRENCE JAMISON, Warden of the Philadelphia Federal Detention Center, and PAMELA BONDI, in her official capacity as Attorney General of the United States,

**VERIFIED PETITION FOR HABEAS  
CORPUS**

Respondents.

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**INTRODUCTION**

1. Petitioner Carlos Coc Garcia (hereinafter “Mr. Coc” or Petitioner) is a native and citizen of Guatemala who entered the United States without inspection around 2003 and has not left the United States since.
2. Mr. Coc is eligible for legal permanent residency through consular processing as he is in possession of an approved Form I-130, Petition for Alien Relative and an approved Form I-601A, Provisional Unlawful Presence Waiver.
3. Immigration and Customs Enforcement (“ICE”) agents detained Mr. Coc while appearing in court regarding a pending criminal matter on March 17, 2026. Mr. Coc was brought to the Federal Detention Center in Philadelphia, Pennsylvania where he has been detained since.

4. On or about September 5, 2025, the Board of Immigration Appeals (the “Board”) has issued decisions, including *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which have said that those who are classified as “entry without inspection” are now “applicants for admission” under 8 U.S.C. § 1225(b) and not eligible to apply for bond in front of an immigration judge, even if they are not caught near the border and have been in the United States for an extended period of time. Historically, these individuals were subject to the detention rules under 8 U.S.C. § 1226(a), which permitted them to apply for a bond in front of an immigration judge.

5. Until September 5, 2025, Mr. Coc would otherwise have been eligible to apply for a bond in front of an immigration judge. He is now not eligible for any bond and must stay detained for the duration of his immigration court proceedings, including any appeal if he loses.

6. In addition, DHS violated Mr. Coc’s due process rights under the Fifth Amendment of the U.S. Constitution by detaining him without conducting an individualized assessment to determine if his detention was warranted. Detention for those detained under 8 U.S.C. § 1226(a) is used to ensure that an individual will show up to court and is not a danger to persons or property. DHS has not demonstrated that Mr. Coc, who did not require detention before under either of those categories now poses a flight risk or is a danger to persons or property.

7. For these reasons, Mr. Coc requests that the Court declare that DHS has violated his due process rights by detaining him under 8 U.S.C. § 1225(b) and declare that he is detained under 8 U.S.C. § 1226(a) and either (1) order his immediate release as DHS has violated his due process rights, (2) order that he receive a bond hearing with the burden on the government to prove by clear and convincing evidence that he is either a danger persons or property and/or a flight risk and that there is no combination of alternatives to detention that could mitigate those risks.

### **JURISDICTION**

8. This action arises under the Constitution of the United States, the APA, and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

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

10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

### **VENUE**

11. Venue is proper because Petitioner was detained at the Philadelphia Federal Detention Center (“FDC”) in Philadelphia, Pennsylvania, which is within the jurisdiction of this District when this action was originally filed.

12. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rise to Petitioner’s claims occurred in this District, and Petitioner resides in this District. There is no real property involved in this action. 28 U.S.C. § 1391(e).

### **REQUIREMENTS OF 28 U.S.C. § 2243**

13. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

14. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

#### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

15. To the extent required, Petitioner has exhausted his administrative remedies as required by law and his only remedy is by way of this judicial action. In addition, the administrative agency has already predetermined that Petitioner is not eligible for any relief through the agency. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Therefore, any attempt to seek relief through the agency would be futile.

#### **PARTIES**

16. Petitioner is currently detained by the Department of Homeland Security. He was at the Philadelphia Federal Detention Center when he filed his habeas petition with this Court.

17. Respondent, Michael Rose, is the ICE Field Office Director for the ICE Philadelphia Field Office. He was the Petitioner’s immediate custodian at the time this habeas was filed, and, upon information and belief, resides in the Eastern District of Pennsylvania.

18. Respondent Todd Lyons is sued in his official capacity as Acting Director of the United States Immigration and Customs Enforcement. In this capacity, Respondent Lyons oversees all detention of noncitizens held in ICE custody and is a legal custodian of petitioner with the authority to release him.

19. Respondent Kristi Noem is sued in her official capacity as Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for

the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, the component agency responsible for Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.

20. Respondent is Jamal Lawrence Jamison, Warden of the Federal Detention Center in Philadelphia, Pennsylvania. Respondent is a legal custodian of Petitioner.

21. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals.

#### **STATEMENT OF FACTS**

22. Petitioner is a native and citizen of Guatemala.

23. Petitioner entered the United States without inspection around November 2003.

24. DHS Detained Mr. Coc on March 17, 2026, while attending court regarding a pending criminal matter, and initiated removal proceedings through the issuance of a Notice to Appear.

25. Mr. Coc is eligible for legal permanent residency through consular processing as a result of an approve Form I-130, Petition for Alien Relative filed by his U.S. citizen wife and an approved Form I-601A Provisional Unlawful Presence Waiver.

26. Upon information and belief, Petitioner is currently being held in ICE's custody in the Eastern District of Pennsylvania at the Federal Detention Center or was at the FDC when this habeas petition was required.

27. Upon information and belief, Petitioner's only criminal conviction is a 2024 DUI

for which he completed all necessary requirements.

28. Upon information and belief, neither DHS nor its sub-agencies have made any claim that he is a danger to persons or property or a flight risk.

29. Upon information and belief, DHS did not perform an individual assessment prior to or contemporaneously with the decision to detain Petitioner.

### **LEGAL BACKGROUND**

#### **PETITIONER'S DETENTION VIOLATES PETITIONER'S DUE PROCESS RIGHTS UNDER THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION.**

##### **I. This Court has jurisdiction to hear this matter.**

30. As noted above, "Federal courts have jurisdiction to review habeas petitioners filed by immigration detainees who assert that they are 'in custody in violation of the Constitution or laws or treaties of the United States.'" *Artiga v. Genalo*, No. 25-CV-5208 (OEM), 2025 U.S. Dist. LEXIS 196847, at \*8 (E.D.N.Y. Oct. 5, 2025) quoting 28 U.S.C. § 2241(c)(3). Therefore, this Court has jurisdiction to hear this matter.

##### **II. Petitioner is not required to exhaust his administrative remedies.**

31. Petitioner is not required to exhaust his administrative remedies by seeking a bond or requesting discretionary parole.

32. While courts generally require exhaustion of administrative remedies before detainees may challenge their detention in court via a petition for a writ of habeas corpus, exhaustion is a prudential matter, not a statutory requirement. *See eg. Pereira v. O'Neill*, 2025 WL 3516665 (E.D. Pa. Dec. 8, 2025) (*Marston, J.*); *Conde v. Jamison*, 2025 WL 3499256 (E.D. Pa. Dec. 5, 2025) (*Brody, J.*); *Suspes v. Rose*, 2025 WL 3492820 (E.D. Pa. Dec. 5, 2025) (*Brody, J.*); *Hidalgo et al. v. O'Neill*, No. 25-cv-6775 (E.D. Pa. Dec. 5, 2025) (*Diamond, J.*); *Delgado Villegas v. Bondi*, No.

25-cv-6143 (E.D. Pa. Dec. 4, 2025) (Diamond, J.); *Nogueira-Mendes v. McShane*, 2025 WL 3473364 (E.D. Pa. Dec. 3, 2025) (Slomsky, J.); *Juarez v. O'Neill*, 2025 WL 3473363 (E.D. Pa. Dec. 3, 2025) (Henry, J.); *Yilmaz v. Warden of Fed. Det. Ctr. Philadelphia*, 2025 WL 3459484 (E.D. Pa. Dec. 2, 2025) (Rufe, J.). Further, the Board of Immigration Appeals (BIA) does not have jurisdiction to adjudicate constitutional issues. See *Qatanani v. Att’y Gen. of the US*, 144 F 4<sup>th</sup> 485, 500 (3d Cir. 2025). Therefore, any administrative proceedings would be futile because Petitioner raises a constitutional due process claim. *Qatanani*, 144 F 4<sup>th</sup> at 500.

33. Next, this petition raises a substantial constitution question, i.e., whether DHS has violated his due process rights under the U.S. Constitution in detaining him. Therefore, Petitioner should not be required to exhaust his administrative remedies.

### **III. PETITIONER IS DETAINED UNDER 8 U.S.C. § 1226(a).**

34. The next issue is to determine what section of the Immigration and Nationality Act (“INA”) governs Petitioner’s detention.

35. Petitioner’s detention is governed by 8 U.S.C. § 1226(a).

#### **A. Background of 8 U.S.C. §§ 1225 and 1226.**

36. Two sections of Immigration and Nationality Act govern detention of non-citizens who have not received a final order of removal: 8 U.S.C. § 1225 and 8 U.S.C. § 1226.

37. 8 U.S.C. § 1225 governs those who are considered “applicants for admission.” 8 U.S.C. § 1225(a)(1). This section states that “[a]n alien present in the United States who has not been admitted or who arrives in the United States. . . shall be deemed for purposes of this chapter an applicant for admission.”

38. Applicants for admission under 8 U.S.C. § 1225 are divided into two subsections: those covered by 8 U.S.C. § 1225(b)(1) and those covered by 8 U.S.C. § 1225(b)(2).

39. 8 U.S.C. § 1225(b)(1) generally applies to those noncitizens “initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.” This section also applies to other aliens who receive a special designation by the Attorney General of the United States. 8 U.S.C. § 1225(b)(1)(A)(iii). These individuals are subject to what is commonly known as “expedited removal.”

40. Noncitizens who fall under 8 U.S.C. § 1225(b)(1) are subject to immediate removal unless they make a fear-based claim. Upon making that claim, if they pass a credible fear interview, they are put into removal proceedings where their fear-based application is considered. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Noncitizens who either do not make a fear-based claim or do not make a credible fear-based claim are detained until removal. 8 U.S.C. §§ 1225(b)(1)(A)(ii), (B)(iii)(IV). Those who make a fear-based claim are detained while an immigration court considers the non-citizen’s claim. *Jennings*, 583 U.S. at 287 citing 8 U.S.C. § 1225(b)(1)(B)(ii).

41. The next category of individuals fall under 8 U.S.C. § 1225(b)(2). This is a general “‘catchall provision’ that applies to all other applicants.” *J.U. v. Maldonado*, No. 25-CV-04836 (OEM), 2025 U.S. Dist. LEXIS 191630, at \*12 (E.D.N.Y. Sep. 29, 2025) quoting *Jennings*, 583 U.S. at 285. Those detained under this section are commonly known as “arriving aliens.”

42. 8 U.S.C. § 1225(b)(2)(A) provides that: “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained” while the non-citizen is in removal proceedings under 8 U.S.C. § 1229a.

43. Detention is mandatory under 8 U.S.C. § 1225. But DHS may grant anyone who falls under 8 U.S.C. § 1225(b) temporary parole on a case-by-case and individualized basis. But



when the purposes of the parole have been accomplished and/or the terms of that parole are concluded, the individual is returned to detention. *J.U.*, 2025 U.S. Dist. LEXIS 191630, at \*13-14. Those designated as applicants for admission are not eligible to apply for a bond from an immigration judge.

44. Historically, these individuals are noncitizens who go to a border checkpoint crossing and request entry.

45. The next category of individuals fall under 8 U.S.C. § 1226. Noncitizens detained under this section are then classified under one of two subsections here as well: 8 U.S.C. § 1226(a) and 8 U.S.C. § 1226(c).

46. “Section 1226(a) governs a separate non-mandatory detention scheme and provides for the ‘*default rule*’ for detaining and removing aliens ‘already present in the United States.’” *J.U.*, 2025 U.S. Dist. LEXIS 191630, at \*14 quoting *Jennings*, 583 U.S. at 303.

47. This section provides that “on a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a).

48. “While that decision is pending, the Attorney General may “continue to detain the arrested alien,” “release the alien on bond of at least \$1,500,” or “release the alien on conditional parole.” 8 U.S.C. § 1226(a)(1)-(2).

49. 8 U.S.C. § 1226(c) contains several “exceptions [to 8 U.S.C. § 1226(a)] for persons ‘who fall[ ] into one of the enumerated categories involving criminal offenses and terrorist activities.’” *J.U.*, 2025 U.S. Dist. LEXIS 191630, at \*14 quoting *Jennings*, 583 U.S. at 303. Detention is mandatory for those who fall under 8 U.S.C. § 1226(c).

50. But even those detained under 8 U.S.C. § 1226(c) can file a petition for a writ of

habeas corpus for prolonged detention in violation of the Due Process Clause of the Fifth Amendment of the U.S. Constitution. A federal judge can then order that an immigration judge conduct a bond hearing with the burden on the government to show by clear and convincing evidence that the individual is a danger to persons or property or a flight risk and that no alternatives to detention exist that could mitigate that risk for the detention to continue. *See Black v. Dir. Thomas Decker*, 103 F.4th 133 (2d Cir. 2024); *Cantor v. Freden*, 761 F. Supp. 3d 630, 635-41 (W.D.N.Y. 2025).

51. An NTA issued by the DHS can indicate the non-citizen's detention status. The NTA has specific boxes for those who fall under 8 U.S.C. § 1225(b)(1) and (b)(2). Those under 8 U.S.C. § 1225(b)(1) fall under the box that states, "Section 235(b)(1) order was vacated pursuant to: [ ] 8 CFR 208.30 [ ] 8 CFR 235.3(b)(5)(iv)." Those under 8 U.S.C. 1225(b)(2) fall under the box that states, "You are an arriving alien." Finally, those who fall under 8 U.S.C. § 1226(a) fall under the box entitled "You are an alien present in the United States who has not been admitted or paroled."

**B. Petitioner is detained pursuant to 8 U.S.C. § 1226(a).**

52. Petitioner is detained pursuant to 8 U.S.C. § 1226(a) for several reasons.

53. Upon information and belief, Petitioner has been charged as alien present without parole or admission under INA 240.

54. Petitioner, to our knowledge, has never committed an aggravated felony that would subject him to mandatory detention nor is he subject to mandatory detention provisions under the Laken Riley Act.

55. In addition, Petitioner does not fall into any other category.

56. DHS makes no allegation that he ever was under expedited removal under 8 U.S.C.

§ 1225(b)(1), which is referred to generally as “expedited removal.” In addition, since he arrived in 2005, he cannot be subject to expedited removal as a noncitizen must be in the country for less than two years to qualify for expedited removal. *See Make the Road New York v. Noem*, No. 25-190, 2025 WL 2494908, at \*23 (D.D.C. Aug. 29, 2025).

57. In addition, Petitioner cannot be subject to mandatory detention under 8 U.S.C. § 1225(b)(2) because he has already in the United States several years and is not presently “seeking admission” to the United States. *See Kashranov v. Jamison*, 2025 WL3188399 (E.D. Pa. Nov 14 2025)(Wolson, J.) (explaining that the terms “arriving” and “seeking admission” are present-tense words and do not apply to an individuals who have been in the country for several years).

58. To the extent that Respondent argues that Petitioner is detained under 8 U.S.C. § 1225(b) as an applicant for admission pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), this argument fails.

59. In *Yajure Hurtado*, the Board of Immigration Appeals held that anyone who is classified as an “inadmissible alien who establishes that he or she has been present in the United States for over 2 years” can be detained under 8 U.S.C. § 1225(b)(2) and “shall be detained for a proceeding under section 240.” *Id.* at 219-220. The consequence of this decision is that individuals who were historically classified as entry without inspection or EWI and eligible to apply for a bond before an immigration judge under 8 U.S.C. 1226(a) are now ineligible for an immigration judge-issued bond. But the Board’s reversal of historical practice and newly revised interpretation of the detention statutes are not entitled to any deference. *See Loper Bright Ent. v. Raimondo*, 603 U.S. 369, 412-13 (2024). Numerous courts around the country have rejected the reasoning in *Yajure Hurtado* and held that those who have been in the United States longer than two years are classified under 8 U.S.C. § 1226(a) were, at minimum, entitled to a bond hearing before an immigration

judge. *Artiga*, 2025 U.S. Dist. LEXIS 196847, at \*15-24; *Orellana v. Moniz*, Civil Action No. 25-cv-12664-PBS, 2025 U.S. Dist. LEXIS 196282, at \*13-14 (D. Mass. Oct. 3, 2025) (collecting cases).

60. Furthermore, the government's policy in *Yajure Hurtado* renders other statutes, e.g., 8 U.S.C. § 1226(c) and the Laken Riley Act, superfluous. *J.U.*, 2025 U.S. Dist. LEXIS 191630, at \*22-24.

61. Petitioner was not, at the time of arrest, paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A), and, therefore, Petitioner could not "be returned" under that provision to mandatory custody under 8 U.S.C. § 1225(b). Petitioner is therefore not subject to mandatory detention under § 1225 for this reason as well.

62. In addition, Petitioner is not lawfully subject to mandatory detention under 8 U.S.C. § 1226(c), including because he has not been convicted of any crime that triggers such detention. *See Demore v. Kim*, 538 U.S. 510, 513-14, 531 (2003) (allowing mandatory detention under § 1226(c) for brief detention of persons convicted of certain crimes and who concede removability).

63. Accordingly, Petitioner is subject to discretionary detention under 8 U.S.C. § 1226(a) based on Respondents' treatment of Petitioner and the plain text of the statute.

64. As a person detained under 8 U.S.C. § 1226(a), Petitioner must, upon his request, receive a custody redetermination hearing (colloquially called a "bond hearing") with strong procedural protections. 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

65. If the Court does not release Petitioner outright, Petitioner respectfully requests a bond hearing with the burden on the government to prove by clear and convincing evidence that he is not a danger to the public or property and not a flight risk and to likewise demonstrate by clear and convincing evidence that no alternatives to detention can mitigate the risk of flight or

danger.

**IV. Petitioner's Arrest and Detention Violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution.**

66. The Due Process Clause of the Fifth Amendment of the U.S. Constitution prevents the "Government from depriving any person of 'life liberty or property, without due process of law.'" *J.U.*, 2025 U.S. Dist. LEXIS 191630, at \*27. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

67. It is well-established that the Due Process clause "applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

68. DHS arrested and detained Petitioner without an individualized assessment as to whether he is a flight risk and/or a danger to the community in violation of the Due Process Clause of the Fifth Amendment of the U.S. Constitution.

**CLAIMS FOR RELIEF**

**COUNT ONE**

**Violation of Fifth Amendment Right to Due Process  
(Unlawful Arrest and Detention)**

69. Petitioner alleges and incorporates all prior paragraphs above.

70. DHS detained Petitioner with no process, no showing of changed circumstances and no opportunity for Petitioner to respond to its decision to detain him.

71. This violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution.

72. Petitioner's arrest and continued detention is therefore unlawful.

73. Petitioner's continuing detention is therefore unlawful.

74. Therefore, Petitioner requests immediate release from custody.

**COUNT TWO**

**Violation of Fifth Amendment Right to Due Process  
(Failure to Provide Bond Hearing Under 8 U.S.C. § 1226(a))**

75. Petitioner alleges and incorporates all prior paragraphs above.

76. Because Petitioner is a person arrested inside the United States and is subject to detention, if at all, under 8 U.S.C. § 1226(a).

77. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

78. Petitioner's continued detention is therefore unlawful.

79. Under the Due Process Clause of the Fifth Amendment to the United States Constitution, 8 U.S.C. § 1226(a), and 8 C.F.R. 236.1(d) & 1003.19(a)-(f), if the Court does not order Petitioner's immediate release, he is entitled to receive a bond hearing before an immigration judge with strong procedural protections.

80. Therefore, if the Court does not release Petitioner outright, Petitioner requests a court order that he is entitled to a bond hearing in front of an immigration judge with the burden on the government to prove by clear and convincing evidence that he is not a danger to the public or property and not a flight risk and to likewise demonstrate by clear and convincing evidence that no alternatives to detention can mitigate the risk of flight or danger or on conditions the Court deems just and proper.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;

2. Order that Petitioner shall not be transferred outside the Commonwealth of Pennsylvania.

3. Adjudicate this petition pursuant to 28 U.S.C. § 1657 which requires that the Court expedite consideration of any action brought under 28 U.S.C. Chapter 153, which governs habeas petitions.

4. Declare that Petitioner's detention is unlawful.

5. Issue an order requiring Respondents to release Petitioner immediately, or, in the alternative, to provide Petitioner with a bond hearing with the burden on the government to prove by clear and convincing evidence that he is not a danger to the public or property and not a flight risk and to likewise demonstrate by clear and convincing evidence that no alternatives to detention can mitigate the risk of flight or danger or on conditions the Court deems just and proper.

6. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

7. Grant any further relief this Court deems just and proper.

Dated: March 17, 2026  
Philadelphia, PA

Respectfully submitted,

/s/ Fiona Powell

Fiona Powell  
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*Attorney for Petitioner*

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

I represent Petitioner, Carlos Coc Garcia, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 17<sup>th</sup> Day of March, 2026.

/s/ Fiona Powell  
Fiona Powell



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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**CARLOS COC GARCIA**

Petitioner,

Case No.:

v.

MICHAEL ROSE, in his official capacity as  
ICE Field Office Director; KRISTI NOEM,  
in her official capacity as Secretary of Homeland  
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capacity as Acting Director of Immigration and  
Customs Enforcement, JAMAL LAWRENCE  
JAMISON, Warden of the Philadelphia Federal  
Detention Center, and PAMELA BONDI,  
in her official capacity as Attorney General of  
the United States,

Respondents.

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**EXHIBITS**

- A. PETITIONER'S APPROVED I-130, PETITION FOR ALIEN RELATIVE
- B. PETITIONER'S APPROVED I-601A, PROVISIONAL UNLAWFUL  
PRESENCE WAIVER

JS 44 (Rev. 04/21)

**CIVIL COVER SHEET**

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

**I. (a) PLAINTIFFS**

CARLOS COC GARCIA

**DEFENDANTS**

ROSE, et. al.

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

County of Residence of First Listed Defendant Philadelphia  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

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

Solow, Hartnett & Galvan, 1601 Walnut St., Suite 1200,  
Philadelphia, PA 19102 215-330-5244

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                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 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                                                                                |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance                                               | <input type="checkbox"/> 310 Airplane                                   | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 422 Appeal 28 USC 158                         | <input type="checkbox"/> 375 False Claims Act                                                 |
| <input type="checkbox"/> 120 Marine                                                  | <input type="checkbox"/> 315 Airplane Product Liability                 | <input type="checkbox"/> 690 Other                                       | <input type="checkbox"/> 423 Withdrawal 28 USC 157                     | <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))                                         |
| <input type="checkbox"/> 130 Miller Act                                              | <input type="checkbox"/> 320 Assault, Libel & Slander                   |                                                                          | <b>INTELLECTUAL PROPERTY RIGHTS</b>                                    | <input type="checkbox"/> 400 State Reapportionment                                            |
| <input type="checkbox"/> 140 Negotiable Instrument                                   | <input type="checkbox"/> 330 Federal Employers' Liability               |                                                                          | <input type="checkbox"/> 820 Copyrights                                | <input type="checkbox"/> 410 Antitrust                                                        |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment       | <input type="checkbox"/> 340 Marine                                     |                                                                          | <input type="checkbox"/> 830 Patent                                    | <input type="checkbox"/> 430 Banks and Banking                                                |
| <input type="checkbox"/> 151 Medicare Act                                            | <input type="checkbox"/> 345 Marine Product Liability                   |                                                                          | <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application | <input type="checkbox"/> 450 Commerce                                                         |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) | <input type="checkbox"/> 350 Motor Vehicle                              | <b>LABOR</b>                                                             | <input type="checkbox"/> 840 Trademark                                 | <input type="checkbox"/> 460 Deportation                                                      |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits           | <input type="checkbox"/> 355 Motor Vehicle Product Liability            | <input type="checkbox"/> 710 Fair Labor Standards Act                    | <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016          | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations                   |
| <input type="checkbox"/> 160 Stockholders' Suits                                     | <input type="checkbox"/> 360 Other Personal Injury                      | <input type="checkbox"/> 720 Labor/Management Relations                  | <b>SOCIAL SECURITY</b>                                                 | <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)                            |
| <input type="checkbox"/> 190 Other Contract                                          | <input type="checkbox"/> 362 Personal Injury - Medical Malpractice      | <input type="checkbox"/> 740 Railway Labor Act                           | <input type="checkbox"/> 861 HIA (1395ff)                              | <input type="checkbox"/> 485 Telephone Consumer Protection Act                                |
| <input type="checkbox"/> 195 Contract Product Liability                              |                                                                         | <input type="checkbox"/> 751 Family and Medical Leave Act                | <input type="checkbox"/> 862 Black Lung (923)                          | <input type="checkbox"/> 490 Cable/Sat TV                                                     |
| <input type="checkbox"/> 196 Franchise                                               |                                                                         | <input type="checkbox"/> 790 Other Labor Litigation                      | <input type="checkbox"/> 863 DIWC/DIWW (405(g))                        | <input type="checkbox"/> 850 Securities/Commodities/Exchange                                  |
|                                                                                      |                                                                         | <input type="checkbox"/> 791 Employee Retirement Income Security Act     | <input type="checkbox"/> 864 SSID Title XVI                            | <input type="checkbox"/> 890 Other Statutory Actions                                          |
| <b>REAL PROPERTY</b>                                                                 | <b>CIVIL RIGHTS</b>                                                     | <b>IMMIGRATION</b>                                                       | <input type="checkbox"/> 865 RSI (405(g))                              | <input type="checkbox"/> 891 Agricultural Acts                                                |
| <input type="checkbox"/> 210 Land Condemnation                                       | <input type="checkbox"/> 440 Other Civil Rights                         | <input type="checkbox"/> 462 Naturalization Application                  | <b>FEDERAL TAX SUITS</b>                                               | <input type="checkbox"/> 893 Environmental Matters                                            |
| <input type="checkbox"/> 220 Foreclosure                                             | <input type="checkbox"/> 441 Voting                                     | <input type="checkbox"/> 465 Other Immigration Actions                   | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)       | <input type="checkbox"/> 895 Freedom of Information Act                                       |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                                  | <input type="checkbox"/> 442 Employment                                 |                                                                          | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609               | <input type="checkbox"/> 896 Arbitration                                                      |
| <input type="checkbox"/> 240 Torts to Land                                           | <input type="checkbox"/> 443 Housing/Accommodations                     |                                                                          |                                                                        | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
| <input type="checkbox"/> 245 Tort Product Liability                                  | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment          |                                                                          |                                                                        | <input type="checkbox"/> 950 Constitutionality of State Statutes                              |
| <input type="checkbox"/> 290 All Other Real Property                                 | <input type="checkbox"/> 446 Amer. w/Disabilities - Other               |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <input type="checkbox"/> 448 Education                                  |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <b>PRISONER PETITIONS</b>                                               |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <input type="checkbox"/> 463 Alien Detainee                             |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <input type="checkbox"/> 510 Motions to Vacate Sentence                 |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <input type="checkbox"/> 530 General                                    |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <input type="checkbox"/> 535 Death Penalty                              |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <b>Other:</b>                                                           |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <input type="checkbox"/> 540 Mandamus & Other                           |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <input type="checkbox"/> 550 Civil Rights                               |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <input type="checkbox"/> 555 Prison Condition                           |                                                                          |                                                                        |                                                                                               |
|                                                                                      | <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement |                                                                          |                                                                        |                                                                                               |

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

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

**VI. CAUSE OF ACTION**

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

23 USC 2243

Brief description of cause:

Habeas Corpus

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

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

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

3/17/2026

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

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 <input type="checkbox"/> |
| 2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit?                              | Yes <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit?                 | Yes <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual?   | Yes <input type="checkbox"/> |
| 5. Is this case related to an earlier numbered suit even though none of the above categories apply?<br>If yes, attach an explanation. | Yes <input type="checkbox"/> |

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.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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**CARLOS COC GARCIA**

Petitioner,

Case No.:

v.

MICHAEL ROSE, in his official capacity as  
ICE Field Office Director; KRISTI NOEM,  
in her official capacity as Secretary of Homeland  
Security, and TODD M. LYONS, in his official  
capacity as Acting Director of Immigration and  
Customs Enforcement, JAMAL LAWRENCE  
JAMISON, Warden of the Philadelphia Federal  
Detention Center, and PAMELA BONDI,  
in her official capacity as Attorney General of  
the United States,

**VERIFIED PETITION FOR HABEAS  
CORPUS**

Respondents.

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**HABEAS ORDER**

Upon consideration of the pleadings in this case and oral argument held on \_\_\_\_\_ and for  
good cause, it is hereby ordered that a writ of habeas corpus should issue and that Petitioner shall be  
immediately released from detention.

Dated: \_\_\_\_\_

\_\_\_\_\_  
U.S.D.C.J

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

---

**CARLOS COC GARCIA**

Petitioner,

Case No.:

v.

MICHAEL ROSE, in his official capacity as ICE Field Office Director; KRISTI NOEM, in her official capacity as Secretary of Homeland Security, and TODD M. LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement, JAMAL LAWRENCE JAMISON, Warden of the Philadelphia Federal Detention Center, and PAMELA BONDI, in her official capacity as Attorney General of the United States,

Respondents.

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**PROOF OF SERVICE**

I, Adam Solow, hereby certify that in accordance with Federal Rule of Civil Procedure, I caused to be served Petitioner's Petition for Writ of Habeas Corpus, civil cover sheet, exhibits, by electronic mail and via Certified Mail on the U.S. Attorney for the Eastern District of Pennsylvania, and on each Respondent in this action as follows:

**1. Respondent, Michael Rose, Field Office Director,**

Immigration and Customs Enforcement  
Philadelphia Field Office  
114 N. 8<sup>th</sup> Street  
Philadelphia, PA 19107

**2. Respondent, Jamal Lawrence, Federal Detention Center:**

Warden, Federal Detention Center (FDC) Philadelphia

700 Arch Street  
Philadelphia, PA 19107

Sent by email to [Philadelphia.outreach@ice.dhs.gov](mailto:Philadelphia.outreach@ice.dhs.gov)

**3. Respondent Todd Lyons, US Attorney General:**

Acting Director, Immigration and Customs Enforcement  
500 12<sup>th</sup> Street  
Washington, DC 20536

**4. Kristi Noem, Secretary of the Department of Homeland Security**

Kristi Noem  
Secretary of the Department of Homeland Security  
2707 Martin Luther King Jr. Ave, SE  
Washington, DC, 20528

**5. Pamela J. Bondi, Attorney General of the United States:**

Pamela J. Bondi  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-0001

**Dated: March 17, 2026**

/s/Fiona Powell

Fiona Powell  
PA Bar: 338413  
1601 Walnut St, Suite 1200  
Philadelphia, PA 19102  
Tel: (215) 330-5244  
[fiona@shglawpa.com](mailto:fiona@shglawpa.com)  
Attorney for the Petitioner



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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**CARLOS COC GARCIA**

Petitioner,

Case No.:

v.

MICHAEL ROSE, in his official capacity as ICE Field Office Director; KRISTI NOEM, in her official capacity as Secretary of Homeland Security, and TODD M. LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement, JAMAL LAWRENCE JAMISON, Warden of the Philadelphia Federal Detention Center, and PAMELA BONDI, in her official capacity as Attorney General of the United States,

Respondents.

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**ORDER TO SHOW CAUSE AND PRELIMINARY INJUNCTION**

AND NOW, this \_\_\_\_\_ day of March, 2026, upon consideration of the Verified Petition for a Writ of Habeas Corpus and Motion for Preliminary Injunction filed by Petitioner Carlos Coc Garcia and it appearing that the petition raises substantial questions concerning the legality of Petitioner's continued detention under 8 U.S.C. § 1225(b), and that immediate judicial review is necessary under 28 U.S.C. § 2243 and the Due Process Clause of the Fifth Amendment, it is hereby ORDERED as follows:

1. ORDER TO SHOW CAUSE: The Respondents shall show cause in writing on or before the \_\_\_\_\_ day of March, 2026 (within seven (7) days) from the date of this Order, why the relief requested in the Petition should not be granted.
2. RESPONSE DEADLINE: Respondents' return shall be accompanied by a memorandum of law and all relevant portions of Petitioner's immigration and detention records.
3. PRELIMINARY INJUNCTION / TEMPORARY STAY OF REMOVAL: Pending resolution of this action or further order of the Court:
  - a. Respondents are temporarily enjoined from transferring Petitioner out of the jurisdiction of the Commonwealth of Pennsylvania; and
  - b. Respondents shall not remove Petitioner from the United States while this habeas corpus proceeding remains pending.
4. PETITIONER'S REPLY: Petitioner may file a reply memorandum within three (3) days of Respondents' filing of



their return.

5. SERVICE: Petitioner's counsel shall promptly serve a copy of this Order, together with the Petition for Writ of Habeas Corpus and all supporting exhibits, upon the United States Attorney's Office for the Eastern District of Pennsylvania, by hand, electronic, or overnight service, and shall file proof of service with the Clerk of Court.

SO ORDERED.

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United States District Judge