

Spencer C. Lee
Smith, Alston, Darner & Lee, PLC
2210 N. 7th Street
Phoenix, AZ 85006
spencer@salfirm.com
602-595-2040
AZ Bar No. 032991

Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Juan Pablo Santoyo-Garcia,

Petitioner,

v.

Luis Rosa Jr., Warden, Central Arizona Florence
Correctional Complex;

Christopher McGregor, Field Office Director of
Phoenix Office of Detention and Removal, U.S.
Immigrations and Customs Enforcement; U.S.
Department of Homeland Security;

Todd M. Lyons, Acting Director, Immigration and
Customs Enforcement, U.S. Department of Homeland
Security;

Kristi Noem, in her Official Capacity, Secretary, U.S.
Department of Homeland Security; and

Pamela Bondi, in her Official Capacity, Attorney
General of the United States;

Respondents.

Case No.

A-

**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful Detention
Under 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Juan Pablo Santoyo-Garcia is a Mexican national who has lived

1 in the United States for approximately twenty-eight years without any encounters with
2 immigration authorities. Petitioner entered the United States in or about 1997 and thereafter
3 established deep and longstanding ties to this country. For approximately twenty-eight
4 years, he has lived openly in the interior of the United States and was never encountered,
5 detained, or processed by U.S. immigration officials.

6 2. In or about March 2026, Petitioner was encountered by Immigration and
7 Customs Enforcement (“ICE”) as part of a civil immigration enforcement action, not as a
8 result of any criminal arrest, conviction, or alleged criminal conduct. He was encountered
9 in the interior of the United States, long after his entry, and was placed into removal
10 proceedings based solely on alleged civil immigration violations.

11 3. Despite these undisputed facts, Respondents have detained Petitioner
12 without affording him a bond hearing, asserting that he is subject to mandatory detention
13 pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That position as well
14 as the holding in *Yajure Hurtado* is contrary to the Immigration and Nationality Act and
15 decades of settled law. Individuals like Petitioner—who entered the United States years
16 ago, are encountered in the interior, and are not arriving at or near the border—are governed
17 by 8 U.S.C. § 1226(a), which authorizes discretionary detention and entitles them to an
18 individualized bond hearing before an immigration judge.

19 4. By detaining Petitioner without such a hearing, Respondents have exceeded
20 their statutory authority and violated fundamental principles of due process. This Petition
21 seeks a writ of habeas corpus ordering Respondents to release Petitioner from custody, or
22 alternatively, provide him with a prompt bond hearing under § 1226(a).

23 JURISDICTION & VENUE

24 5. This Court has jurisdiction under 28 U.S.C. §§ 2241 *et seq.*; the Declaratory
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1 Judgment Act, 28 U.S.C. §§ 2201 *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the
2 Fifth Amendment to the United States Constitution.

3 6. Federal district courts have jurisdiction to hear habeas claims by non-
4 citizens challenging the lawfulness of their detention. *See Zadvydas v. Davis*, 533 U.S. 677
5 (2001).

6 7. Federal courts also have federal question jurisdiction, through the APA, to
7 “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of
8 discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims
9 are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action
10 under the APA may proceed by “any applicable form of legal action, including actions for
11 declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus”).
12 The APA affords a right of review to a person who is “adversely affected or aggrieved by
13 agency action.” 5 U.S.C. § 702.
14

15 8. Venue is proper in this district and division pursuant to 28 U.S.C. §
16 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this
17 district at the Central Arizona Florence Correctional Complex. Furthermore, a substantial
18 part of the events or omissions giving rise to this action occurred and continue to occur at
19 ICE’s Phoenix Field Office in Phoenix, Arizona, within this division.
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21 **PARTIES**

22 9. Petitioner Juan Pablo Santoyo-Garcia is a native and citizen of Mexico. He is
23 currently detained at the Central Arizona Florence Correctional Complex.
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25 10. Respondent Luis Rosa Jr. is, upon information and belief, the Acting
26 Warden of the Central Arizona Florence Correctional Complex, where Petitioner is being
27 detained. He is Petitioner’s immediate legal custodian and thus a proper respondent in this
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1 matter. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004).

2 11. Respondent Christopher McGregor is the Field Office Director of the ICE
3 Enforcement and Removal Operations (ERO) Phoenix Field Office and is the federal agent
4 charged with overseeing all ICE detention centers in Arizona, including the Eloy Detention
5 Center. Mr. McGregor is responsible for Petitioner's detention, and thus a legal custodian
6 of Petitioner.

7 12. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and
8 Customs Enforcement (ICE) and is the federal agent charged with overseeing all ICE
9 operations. He is sued in his official capacity.

10 13. Respondents Pamela Jo Bondi and Kristi Noem are, respectively, the
11 Attorney General of the United States and the Secretary of Homeland Security. As such,
12 they are responsible for maintaining the immigration detention system. They are thus the
13 ultimate legal custodians of Petitioner.
14

15 STATEMENT OF FACTS

16 14. Petitioner entered the United States in or about 1997. He was not
17 encountered by immigration authorities upon entry remained in the United States without
18 any immigration-related incident until he was first encountered by ICE in or about March
19 2026.
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21 15. Petitioner was first taken into immigration custody in or about March 2026
22 as a result of civil immigration enforcement, not any criminal arrest or allegation. He is
23 currently detained at the Central Arizona Florence Correctional Complex.
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25 16. Pursuant to *Yajure Hurtado*, Respondents take the position that Petitioner
26 is subject to mandatory detention and that an immigration judge lacks jurisdiction to
27 conduct a discretionary bond hearing in his case.
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1 17. Recently, the United States District Court for the Central District of
2 California certified a Rule 23(b)(2) class in *Bautista v. Santacruz*, No. 5:25-CV-01873-
3 SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The class consists of:

4 “[a]ll noncitizens in the United States without lawful status who (1) have entered
5 or will enter the United States without inspection; (2) were not or will not be
6 apprehended upon arrival; and (3) are not or will not be subject to detention under
7 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland
8 Security makes an initial custody determination.” *Id.* at 9.

9 18. On December 18, 2025, the *Bautista* court entered judgment declaring that
10 “Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject
11 to mandatory detention under § 1225(b)(2),” and vacating “the Department of Homeland
12 Security policy described in the July 8, 2025, ‘Interim Guidance Regarding Detention
13 Authority for Applicants for Admission’” as unlawful under the Administrative Procedure
14 Act. *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485, at *1 (C.D.
15 Cal. Dec. 18, 2025).

16 19. On February 18, 2026, the *Bautista* court further vacated *Yajure Hurtado*.
17 The vacatur was expressly predicated on the agency’s noncompliance with the
18 Administrative Procedure Act and the court’s prior orders. Thus, while the December 18,
19 2025, judgment did not expressly vacate *Yajure Hurtado*, the February 18, 2026, order
20 confirms that the agency action at issue—including its reliance on *Yajure Hurtado*—is
21 procedurally defective and unlawfully implemented.

22 20. Petitioner remains detained by ICE without having received an
23 individualized custody determination, and without any opportunity to demonstrate that he
24 does not pose a danger to the community or a flight risk sufficient to justify detention under
25 INA § 236(a).
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ARGUMENT AND GROUNDS FOR RELIEF

I. PETITIONER'S DETENTION IS GOVERNED BY INA § 236(a), NOT INA § 235(b)

21. Petitioner is detained without a final order of removal. Accordingly, DHS's detention authority, if any, must arise under INA § 236(a), 8 U.S.C. § 1226(a), which governs the arrest and detention of noncitizens already present in the United States pending removal proceedings.

22. Respondents contend that Petitioner is subject to mandatory detention under INA § 235(b)(2) on the theory that he is an "applicant for admission." That position is foreclosed by the statutory framework and by recent district court decisions, including the thorough and persuasive analysis in *Echevarria v. Bondi*, No. CV-25-03252-PHX-DWL (D. Ariz. Oct. 3, 2025).¹

23. As *Echevarria* explains, INA § 1226(a) is the default detention statute for noncitizens who have already entered and are present in the United States, while § 1225(b) applies to noncitizens seeking admission at or near the time of entry. *Echevarria*, slip op. at 6–7 (citing *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018); *Nielsen v. Preap*, 586 U.S. 392, 395–97 (2019)).

24. Petitioner entered the United States approximately twenty-five years ago,

¹ Petitioner is aware of the Fifth Circuit's holding in *Buenrostro-Mendez v. Bondi*, --- F.4th ---, 2026 WL 323330 (5th Cir. Feb. 6, 2026) concluding that certain unadmitted applicants apprehended within the United States remain subject to detention under 8 U.S.C. § 1225(b)(2)(A). Shortly thereafter, one court in this District found that reasoning persuasive. See *Chavez v. Noem*, No. 26-cv-00323-PHX-MTL (D. Ariz. Feb. 9, 2026). However, *Buenrostro-Mendez* is not binding on this Court. Prior to that decision, courts within the District of Arizona consistently held that § 1226(a) governs detention of noncitizens encountered within the interior after entry, rejecting the same statutory interpretation later adopted by the Fifth Circuit. Even following *Buenrostro-Mendez*, other judges in this District have continued to apply § 1226(a) and have not adopted the Fifth Circuit's reasoning. See, e.g., *Fernando v. Rokowsky*, No. 2:26-cv-00959-JCH (D. Ariz. Feb. 12, 2026); *Hernandez v. Rokowsky*, No. 2:26-cv-00845-KML (D. Ariz. Feb. 13, 2026); *Jimenez v. Rokowsky*, No. 2:26-cv-01000-JCH (D. Ariz. Feb. 13, 2026); *Marquez v. Rokowsky*, No. 2:26-cv-00996-DWL (D. Ariz. Feb. 19, 2026). Accordingly, while Petitioner acknowledges the existence of *Buenrostro-Mendez*, the prevailing interpretation within this District remains that detention in circumstances such as those presented here is governed by § 1226(a), not § 1225.

1 was not encountered upon entry, and lived continuously in the interior of the country until
2 ICE first encountered him in or about March 2026. At the time of that encounter, Petitioner
3 was not arriving at the border, not seeking admission, and not undergoing inspection for
4 entry.

5 25. Although § 1225(a)(1) provides that certain noncitizens “shall be deemed”
6 applicants for admission, *Echevarria* makes clear that this deeming provision does not
7 automatically trigger § 1225(b)(2) detention. Rather, § 1225(b)(2) applies only where an
8 examining immigration officer determines that an applicant for admission who is “seeking
9 admission” is not clearly entitled to enter. *Echevarria*, slip op. at 8–13.

10 26. As the court emphasized in *Echevarria*, the phrase “seeking admission” has
11 an active, temporal meaning and cannot be stretched to cover a person who has already
12 been living in the United States for decades. *Id.* at 10–13. To hold otherwise would “push
13 the statutory text beyond its breaking point.” *Id.* (quoting *Torres v. Barr*, 976 F.3d 918,
14 926 (9th Cir. 2020) (en banc)).

15 27. Petitioner is plainly “already in the country pending the outcome of removal
16 proceedings,” and therefore his detention is governed by INA § 236(a). *Jennings*, 583 U.S.
17 at 297; *Echevarria*, slip op. at 7.

18 28. Under § 236(a), detention is discretionary, and the statute expressly
19 authorizes release on bond or conditional parole. 8 U.S.C. § 1226(a). Noncitizens detained
20 under this provision are entitled to an individualized bond hearing before an immigration
21 judge.

22 29. Because Petitioner is not subject to expedited removal, has no final order of
23 removal, and was encountered in the interior long after entry, any detention predicated on
24 INA § 235(b)(2) is ultra vires and unlawful.

25 30. For this reason alone, Petitioner’s continued detention without a bond
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1 hearing violates the Immigration and Nationality Act and must be remedied.

2 31. Where a noncitizen is unlawfully denied a bond hearing under INA §
3 236(a), the appropriate remedy under 28 U.S.C. § 2241 is an order requiring DHS to
4 provide a prompt bond redetermination hearing before an immigration judge, or release the
5 petitioner from custody. *Echevarria*, slip op. at 19–20.

6 32. Petitioner therefore requests that this Court order Respondents to provide
7 him with a bond hearing within a specified period, or alternatively, order his immediate
8 release.
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10 **PRAYER FOR RELIEF**

11 33. Petitioner is being unlawfully detained in violation of the Immigration and
12 Nationality Act and the Due Process Clause of the Fifth Amendment. WHEREFORE,
13 Petitioner respectfully requests that this Court:
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- 15 a. Order Respondents to answer the petition on an expedited basis due to
16 Petitioner's detained status;
17 b. Grant the Petition for writ of habeas corpus;
18 c. Order Respondents to provide Petitioner with a prompt bond hearing
19 pursuant to INA § 236(a), or alternatively order his immediate release; and
20 d. Grant further relief as the Court deems just and proper.
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22
23 Dated: March 24, 2026

Respectfully submitted,

24 /s/ Spencer C. Lee

25 Spencer C. Lee

26 Attorney for Petitioner
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28

VERIFICATION PURSUANT TO 28 U.S.C. 2242

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

Executed on this March 24, 2026, in Phoenix, AZ.

/s/ Spencer C. Lee
Spencer C. Lee
Attorney for Petitioner

CERTIFICATE OF SERVICE

This is to certify that on March 24, 2026, the foregoing PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF was served by certified mail, on:

Luis Rosa Jr.,
Warden, Central Arizona Florence Correctional Complex,
1155 N Pinal Parkway Ave.
Florence, AZ 85132

Christopher McGregor,
Field Office Director of Phoenix Office of Detention and Removal, U.S. Immigrations and Customs Enforcement
Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

Todd M. Lyons, Acting Director, Immigration and Customs Enforcement
Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

Kristi Noem
Secretary, Department of Homeland Security
Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

Pamela Bondi
Attorney General of the United States
950 Pennsylvania Avenue, NW,
Washington, DC 20530

1 Timothy Courchaine, U.S. Attorney
2 Federal District Court, District of Arizona
3 U.S. Attorney's Office
4 40 N. Central Avenue, Suite 1800
5 Phoenix, AZ 85004-4449

6 /s/ Spencer C. Lee
7 Spencer C. Lee
8 Smith, Alston, Darner, and Lee
9 2210 N 7th Street
10 Phoenix, AZ 85006
11 info@salfirm.com
12 602-595-2040
13 AZ Bar No. 032991
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