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2
3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF PENNSYLVANIA

5 ROBINSON ANTONIO ROSARIO ESPINAL,

6 Petitioner,

Case No.: 2:26-cv-2005

7 v.

8 JAMAL L. JAMISON, *in his official capacity as*
9 *the Warden of the Philadelphia Federal*
10 *Detention Center*; MICHAEL T. ROSE, *in his*
11 *official capacity as Acting Philadelphia Field*
12 *Office Director for U.S. Immigration and*
13 *Customs Enforcement*, EXECUTIVE OFFICE
14 FOR IMMIGRATION REVIEW,

15 Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS**

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1 INTRODUCTION

2 1. Petitioner Robinson Antonio Rosario Espinal is in the physical custody of
3 Respondents at the Philadelphia Federal Detention Center. He now faces unlawful detention
4 because the Department of Homeland Security (DHS) and the Executive Office for Immigration
5 Review (EOIR) have concluded Petitioner is subject to mandatory detention.

6 2. Petitioner entered the United States on or about April 20, 2023, without inspection,
7 with the intent to seek asylum.

8 3. After his entry, he was apprehended by Customs and Border Patrol (CBP) within
9 the United States, near San Luis, Arizona. Thereafter, on or about April 20, 2023, he was released
10 from detention. At that time, Petitioner was also issued a Notice to Appear (NTA) and placed in
11 removal proceedings, wherein he was charged as having entered the United States without
12 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i); Exhibit A, containing NTA. He was not
13 charged as an “arriving alien.” *Id.* He thereafter timely filed an I-589, application for asylum. That
14 application remains pending. As an asylum applicant, Petitioner has work authorization and social
15 security number.

16 4. On March 25, 2026, Petitioner attended a routine check-in at the ICE office in
17 Philadelphia, where he was detained by ICE officers. Petitioner has no criminal history and has
18 complied with all ICE reporting requirements since being released into the United States.

19 5. Based on the allegation in Petitioner’s removal proceedings, DHS has denied or
20 will deny Petitioner release from immigration custody, consistent with a new DHS policy issued
21 on July 8, 2025, instructing all ICE employees to consider anyone inadmissible under §
22 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to

1 be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on
2 bond.

3 6. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board)
4 issued a precedent decision, binding on all immigration judges, holding that an immigration judge
5 has no authority to consider bond requests for any person who entered the United States without
6 admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined
7 that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore
8 ineligible to be released on bond or even submit a bond request to the immigration judge.
9 Previously, on May 15, 2025, the BIA previously issued a precedent decision, binding on all IJs,
10 holding that an IJ has no authority to consider bond requests for any person who was released from
11 detention pursuant to a grant of parole under section 212(d)(5)(a). *See Matter of Q. Li*, 29 I. & N.
12 Dec. 66 (BIA 2025). The Board determined that such individuals are subject to detention under 8
13 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.

14 7. Petitioner's detention on this basis violates the plain language of the Immigration
15 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
16 previously entered and are now residing in the United States. Instead, such individuals are subject
17 to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute
18 expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the
19 United States without inspection.

20 8. Respondents' new legal interpretation is plainly contrary to the statutory framework
21 and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

22 9. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be
23 immediately released from Respondents' custody.

JURISDICTION

10. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Federal Detention Center in Philadelphia, Pennsylvania.

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

12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Eastern District of Pennsylvania, the judicial district in which Petitioner currently is detained.

14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Eastern District of Pennsylvania.

REQUIREMENTS OF 28 U.S.C. § 2243

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

16. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
2 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
3 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
4 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5 **PARTIES**

6 17. Petitioner Robinson Antonio Rosario Espinal is a citizen of the Dominican
7 Republic who has been in immigration detention since March 25, 2026.

8 18. Respondent Jamal L. Jamison is employed by the Federal Bureau of Prisons as
9 Warden of FDC, where Petitioner is detained. He has immediate physical custody of Petitioner.
10 He is sued in his official capacity.

11 19. Respondent Michael T. Rose is the Acting Director of the Philadelphia Field Office
12 of ICE’s Enforcement and Removal Operations division. As such, he is Petitioner’s immediate
13 custodian and is responsible for Petitioner’s detention and removal. He is sued in his official
14 capacity.

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

18 **LEGAL FRAMEWORK**

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

21 22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
22 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally
23 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),
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1 while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject
2 to mandatory detention, *see* 8 U.S.C. § 1226(c).

3 23. Second, the INA provides for mandatory detention of noncitizens subject to
4 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
5 referred to under § 1225(b)(2).

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

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

9 26. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
10 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-
11 –208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a)
12 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat.
13 3 (2025).

14 27. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
15 that, in general, people who entered the country without inspection were not considered detained
16 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited
17 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
18 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

19 28. Thus, in the decades that followed, most people who entered without inspection
20 and were placed in standard removal proceedings received bond hearings, unless their criminal
21 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with
22 many more decades of prior practice, in which noncitizens who were not deemed “arriving” were
23 entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994);
24

1 *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the
2 detention authority previously found at § 1252(a)).

3 29. On May 15, 2025, the BIA issued a precedent decision, binding on all IJs, holding
4 that IJ has no authority to consider bond requests for any person who was released from detention
5 pursuant to a grant of parole under section 212(d)(5)(a). *See Matter of Q. Li*, 29 I. & N. Dec. 66
6 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. §
7 1225(b)(2)(A) and therefore ineligible to be released on bond.

8 30. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
9 rejected well-established understanding of the statutory framework and reversed decades of
10 practice. The new policy, entitled “Interim Guidance Regarding Detention Authority for
11 Applicants for Admission,”¹ claims that all persons who entered the United States without
12 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The
13 policy applies regardless of when a person is apprehended, and it affects those who have resided
14 in the United States for months, years, and even decades.

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

19 32. Since Respondents adopted their new policies, thousands of federal courts have
20 rejected their new interpretation of the INA’s detention authorities. *See, e.g., Cantu Cortes v.*
21 *O’Neill et al.*, No. 25-CV-6338-CFK, 2025 WL 3171639 (E.D. Pa. Nov. 13, 2025) (“ICE’s
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23 _____
24 ¹ Available at [https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-
authority-for-applications-for-admission](https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission).

1 mandatory detention of Petitioner under U.S.C. § 1225(b)(2)(A) violates the laws of the United
2 States and Petitioner's rights under the Due Process Clause.”); *Kashranov v. Jamison, et al.*, No.
3 2:25-CV-05555-JDW, 2025 WL 3188399 (E.D. Pa. Nov. 14, 2025) (same); *Morocho v. Jamison*
4 *et al.*, No. 5:25-CV-05930-JMG, 2025 WL 3296300 (E.D. Pa. Nov. 26, 2025) (same);

5 33. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it
6 defies the INA. As the court in *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash.
7 2025) explained, the plain text of the statutory provisions demonstrates that § 1226(a), not §
8 1225(b), applies to people like Petitioner.

9 34. Section 1226(a) applies by default to all persons “pending a decision on whether
10 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
11 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

12 35. The text of § 1226 also explicitly applies to people charged as being inadmissible,
13 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s
14 reference to such people makes clear that, by default, such people are afforded a bond hearing
15 under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates
16 ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute
17 generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic*
18 *Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also* *Gomes*, 2025 WL 1869299,
19 at *7.

20 36. Section 1226 therefore leaves no doubt that it applies to people who face charges
21 of being inadmissible to the United States, including those who are present without admission or
22 parole.

1 37. 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 whether
6 a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281,
7 287 (2018).

8 38. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply
9 to people like Petitioner, who have already entered and were residing in the United States at the
10 time they were apprehended, and compels Petitioner’s immediate release.

11 **FACTS**

12 39. Petitioner incorporates herein by reference paragraphs 1-4, *supra*.

13 40. Upon Petitioner’s entry at the southern U.S. border, DHS initially detained him and
14 subsequently released him on his own recognizance, deeming him to be neither a flight risk nor a
15 danger to the community.

16 41. Petitioner has continuously resided in the United States since his release on April
17 20, 2023.

18 42. When Petitioner was arrested by ICE officers while he was attending a routine
19 check-in at the Philadelphia ICE Field Office on March 25, 2026, he was not provided a particular
20 reason for his arrest.

21 43. Petitioner has not had any criminal contacts and has been an upstanding member of
22 his community since his arrival in the United States. He has complied with the terms of his release
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1 and was arrested while complying with such terms by attending an in-person check-in. As such,
2 Petitioner is neither a flight risk nor a danger to the community.

3 44. Following Petitioner’s arrest and transfer to the Philadelphia Federal Detention
4 Center, ICE presumptively issued a custody determination to continue Petitioner’s detention
5 without an opportunity to post bond or be released on other conditions.

6 45. Pursuant to *Matter of Yajure Hurtado* and *Matter of Q. Li*, the immigration judge
7 is unable to consider Petitioner’s bond request.

8 46. As a result, Petitioner remains in detention. Without relief from this court, he faces
9 the prospect of months, or even years, in immigration custody, separated from his community.

10 IMMEDIATE RELEASE IS WARRANTED

11 47. The Supreme Court has recognized that “Habeas has traditionally been a means to
12 secure *release* from unlawful detention.” *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103,
13 107, 140 S.Ct. 1959, 207 L.Ed.2d 427 (2020) (emphasis in original). Several decisions from the
14 Eastern District have ordered immediate release in similar cases. *See, e.g., Bhatia v. O’Neill, et*
15 *al.*, No. 25-6809, Dkt. 8 (E.D. Pa. Dec. 10, 2025); *Rodrigues Pereira v. O’Neill, et al.* No. 25-6543,
16 Dkt. 11 (E.D. Pa. Dec. 8, 2025); *Morocho v. Jamison, et al.*, No. 25-05930, 2025 WL 3296300, at
17 *3 (E.D. Pa. Nov. 26, 2025); *Diallo v. O’Neill, et al.*, 25-06358, Dkt. 10 (E.D. Pa. Nov. 26, 2025);
18 *Patel v. McShane, et al.*, 25-05975 (E.D. Pa. Nov. 20, 2025). The Court should not depart from
19 this norm.

20 48. As noted above, thousands of district court decisions addressing the legal issues
21 presented in the underlying Petition for Writ of Habeas Corpus have rejected the government’s
22 position. *See Barco Mercado v. Francis et al.*, No. 25-06582, ECF No. 28 at *9-10, *35-40
23 (S.D.N.Y. Nov. 26, 2025). Those Courts have roundly rejected Government’s interpretation of the
24

1 Immigration and Nationality Act (INA); the interpretation that is part of the Department of
2 Homeland Security’s (DHS) policy issued on July 8, 2025, instructing all Immigration and
3 Customs Enforcement (ICE) employees to consider anyone inadmissible under §
4 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to
5 be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on
6 bond; and the interpretation is part of the Board of Immigration Appeals’ (BIA or Board)
7 September 5, 2025 precedent decision, binding on all immigration judges, holding that an
8 immigration judge has no authority to consider bond requests for any person who entered the
9 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025),
10 which determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A)
11 and therefore ineligible to be released on bond.

12 49. Many of these decisions have found that Respondents’ erroneous application of the
13 law violates the respective detainees constitutional right to Due Process. *See, e.g., Cantu-Cortes v.*
14 *O’Neill*, No. 25-6338, 2025 317639 (E.D. Pa. Nov. 13, 2025); *Bethancourt Soto v. Soto*, 2025 WL
15 2976572 (D.N.J. Oct. 22, 2025); *Sanchez Ballestros v. Noem*, 2025 WL 2880831 (W.D. Ky. Oct.
16 9, 2025); *Hernandez-Alonso v. Tindall*, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025); *Rodriguez*
17 *Serrano v. Noem*, 2025 WL 3122825 (W.D. Mich. Nov. 7, 2025); *Ochoa Ochoa v. Noem*, No. 25
18 CV 10865, 2025 WL 2938779, (N.D. Ill. Oct. 16, 2025); *Rosales Ponce v. Olson*, 2025 WL
19 3049785 (N.D. Ill. Oct. 31, 2025); *Loza Valencia v. Noem*, 2025 WL 3042520 (N.D. Ill. Oct. 31,
20 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Cuevas Guzman v.*
21 *Andrews*, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Guerrero Lepe v. Andrews*, 2025 WL
22 2716910 (E.D. Cal. Sept. 23, 2025); *E.C. v. Noem*, 2025 WL 2916264 (D. Nev. Oct. 14, 2025);

1 *Garcia Domingo v. Castro*, 2025 WL 2941217 (D.N.M. Oct. 15, 2025); *Artiga v. Genalo*, 2025
2 WL 2829434 (E.D.N.Y. Oct. 5, 2025).

3 50. Despite this *overwhelming rejection* of Respondents' new policies and *Matter of*
4 *Yajure Hurtado*, and hundreds of decisions finding that Respondents are violating the
5 constitutional rights, **Respondents refuse to relent and continue act in defiance of the law and**
6 **the Constitution. It has been reported that ICE agents inform detainees that they** "have to
7 sue us [ICE] to get out."

8 51. Petitioner is now one of the approximately 61,000 people detained by
9 Respondents.² Respondents' unlawful behavior is pervasive and defies decision after decision
10 from the Courts. As Petitioner's arrest and detention were blatantly unlawful from the start, the
11 only commensurate and appropriate equitable remedy to even partially restore Petitioner is to
12 immediate release him and enjoin the Government from further similar transgressions. *See, e.g.,*
13 *Martinez v. McAleenan*, 385 F. Supp. 3d 349, 373 (S.D.N.Y. 2019).

14 CLAIMS FOR RELIEF

15 COUNT I 16 Violation of the INA

17 52. Petitioner incorporates by reference the allegations of fact set forth in the preceding
18 paragraphs.

19 53. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
20 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
21 relevant here, it does not apply to those who previously entered the country and have been residing
22 in the United States prior to being apprehended and placed in removal proceedings by Respondents.

23 ² See ICE's publicly available detention data, available at: <https://www.ice.gov/detain/detention->
24 management

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

3 54. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
4 detention and violates the INA.

5 **COUNT II**
6 **Violation of the Bond Regulations**

7 55. Petitioner incorporates by reference the allegations of fact set forth in preceding
8 paragraphs.

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

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

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

COUNT III
Violation of Due Process

1
2 59. Petitioner repeats, re-alleges, and incorporates by reference each and every
3 allegation in the preceding paragraphs as if fully set forth herein.

4
5 60. The government may not deprive a person of life, liberty, or property without due
6 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,
7 detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause
8 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

9 61. Petitioner has a fundamental interest in liberty and being free from official restraint.

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

PRAYER FOR RELIEF

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

- 13 a. Assume jurisdiction over this matter;
- 14 b. Order that Petitioner shall not be transferred outside the Eastern District of
15 Pennsylvania while this habeas petition is pending;
- 16 c. Issue an Order to Show Cause ordering Respondents to show cause why this
17 Petition should not be granted within three days;
- 18 d. Issue a Writ of Habeas Corpus requiring that Respondents **immediately release**
19 **Petitioner;**
- 20 e. Declare that Petitioner’s detention is unlawful;
- 21 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
22 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under
23 law; and
24

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

2 Respectfully Submitted,

3
4 Date: March 26, 2026

s/Caitlin Costello
Caitlin J. Costello,
Bar No. PA 323099
Palladino, Isbell & Casazza, LLC
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Attorney for Petitioner

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

ROBINSON ANTONIO ROSARIO ESPINAL,

Petitioner,

v.

JAMAL L. JAMISON, *et al.*

Respondents.

Case No.: 2:26-cv-2005

EXHIBIT INDEX

A.	DHS Form I-862, Notice to Appear dated April 20, 2023
B.	Order of Release on Recognizance

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS [REDACTED]
DOB: [REDACTED]

File No: [REDACTED]

In the Matter of: ROBINSON ANTONIO ROSARIO ESPINAL

Respondent: [REDACTED] currently residing at:

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of DOMINICAN REPUBLIC and a citizen of DOMINICAN REPUBLIC ;
3. You arrived in the United States at or near SAN LUIS, AZ , on or about April 20, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

26 FEDERAL PLZ, 12TH FL RM1237 NEW YORK, NY 10278

(Complete Address of Immigration Court, including Room Number, if any)

on September 14, 2023 at 08:00 AM to show why you should not be removed from the United States based on the

charge(s) set forth above.

JORGE GONZALEZ
Acting/Patrol Agent in Charge

JORGE A GONZALEZ
Date: 2023.04.20 19:48:13 -07:00
0607524370.CBP

(Signature and Title of Issuing Officer) (Sign in ink)

Date: April 20, 2023

Yuma, Arizona
(City and State)

EXHIBIT B

Order of Release on Recognizance

U.S. Department of Homeland Security

File No: [REDACTED]
Date: April 20, 2023
Event No: [REDACTED]

Name: ROBINSON ANTONIO ROSARIO ESPINAL

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

You must surrender for removal from the United States if so ordered.

You must report in (~~writing~~) (person) to NON-DETAINED UNIT 212-264-4213 (Name and Title of Case Officer)
at 26 Federal Plaza, 9th floor, Suite 9-110, New York, NY 10278 on 05/23/2023 at 09:00 AM
(Location of DHS Office) (Day of each week or month) (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

You must not change your place of residence without first securing written permission from the immigration officer listed above.

You must not violate any local, State, or Federal laws or ordinances.

You must assist the Department of Homeland Security in obtaining any necessary travel documents.

Other: Employment not authorized

See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

JORGE A GONZALEZ
Date: 2023.04.20 19:09:27 -07:00
0907524370CBP

(Signature of DHS Official)

JORGE A. GONZALEZ
Acting/Patrol Agent in Charge

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

(Signature of Immigration Officer Serving Order)

Robinson Rosario
(Signature of Alien)

APR 21 2023
(Date)

Cancellation Order

I hereby cancel this order of release because: The alien failed to comply with the conditions of release.

The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order)

(Date)

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

Robinson Antonio Rosario Espinal

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

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

Caitlin Costello, Palladino, Isbell & Casazza 1528 Walnut St. Ste. 1701, Philadelphia, PA 19102, 215-576-9000

DEFENDANTS

Jamal L. Jamison, Michael T. Rose, EOIR

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)

U.S. Attorney's Office

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 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)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

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, 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): 8 U.S.C. § 1105 (a); 28 U.S.C. § 2241; 5 U.S.C. § 706(2)(A)

Brief description of cause: Respondents have unlawfully detained Petitioner

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 3/26/2026 SIGNATURE OF ATTORNEY OF RECORD

s/Caitlin Costello

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.

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? Yes
If yes, attach an explanation.

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:

[X] 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.