

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

AGUILAR MARCOS, Jonathan

A 

Petitioner,

v.

JAMISON, J.L.,

Warden, Federal Detention Center,
Philadelphia;

RIFE, John E.,

Acting Field Office Director, Immigration
and Customs Enforcement, Enforcement
and Removal Operations, Philadelphia
Field Office;

MULLIN, Markwayne,

Secretary of the Department of Homeland
Security;

BONDI, Pamela,

U.S. Attorney General

U.S. DEPARTMENT OF HOMELAND
SECURITY;

EXECUTIVE OFFICE OF IMMIGRATION
REVIEW,

Respondents.

Case No. 26-2087

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy
Petitioner's unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner Jonathan Aguilar Marcos (“Jonathan”) is a 21-year-old native of Guatemala who is in the custody of the United States Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”). Prior to his detention, Petitioner had lived in Trenton, NJ for nearly seven years after entering the United States on July 15, 2019 as an Unaccompanied Minor (UAC).

2. On March 26, 2026, DHS detained Petitioner while attending a court hearing. DHS currently detains Jonathan at the Philadelphia Federal Detention Center. DHS purports to hold Jonathan under 8 U.S.C. § 1225(b)(2)(A), a mandatory detention statute. Its detention of Jonathan followed a drastic recent shift away from decades of prior precedent and practice.

3. Respondent’s new application of 8 U.S.C. § 1225(b)(2) conflicts with the plain language and structure of the immigration detention statutes and has been widely rejected by district judges around the country, including within this Circuit. *See Ndiaye v. J.L. Jamison, et al*, No. CV 25-6007, 2026 WL 373247, at *7 (E.D. Pa. Feb. 10, 2026) (noting “308 judges[, appointed by every president since Ronald Reagan,] have ruled against the [Government]’s mass detention policy—ordering release or bond hearings in more than 1,600 cases” and listing cases in this District) (alterations in original) (internal citation omitted).

4. Respondents’ application of 8 U.S.C. § 1225(b)(2) to Petitioner is contrary to law, violating both the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA). Respondents’ detention of Jonathan under § 1225(b)(2)(A) further violates his substantive and procedural due process rights. *See, e.g., Ndiaye v. Jamison*, No. 25-cv-6007, 2025 WL 3229307, at *2 (E.D. Pa. Nov. 19, 2025).

5. Jonathan respectfully requests that this Court issue a writ of habeas corpus and order Respondents to release him from their custody. *See, e.g., Ndiaye*, 2025 WL 3229307 at *5 n.5 (ordering immediate release and finding that “[a] bond hearing would certainly result in [Petitioner’s] release and only serve to delay relief when the “Government has offered no rationale to refuse bond”).

PARTIES

6. Petitioner Jonathan Aguilar Marcos is a noncitizen currently detained by Respondents pending removal proceedings. He is detained in ICE custody at the Federal Detention Center in Philadelphia, Pennsylvania.

7. Respondent J.L. Jamison is sued in his official capacity as the Warden of the Philadelphia Federal Detention Center (FDC). He has direct custodianship over Petitioner at Philadelphia FDC.

8. Respondent John E. Rife is sued in his official capacity as the Acting Field Office Director of U.S. Department of Homeland Security, Immigration and Customs Enforcement’s Philadelphia Field Office. He is responsible for the administration and management of ICE Enforcement Removal Operations in Pennsylvania and exercises administrative control over Petitioner’s custody.

9. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. DHS is responsible for administering and enforcing the immigration laws, including the decision to detain noncitizens during the course of their removal proceedings. Secretary Mullin has ultimate legal custodianship over Petitioner.

10. Respondent Pamela Bondi is sued in her official capacity as the Attorney General

of the United States. She is responsible for the Department of Justice, including the Executive Office of Immigration Review. EOIR adjudicates individual immigration matters, including in removal and custody proceedings.

11. Respondent the U.S. Department of Homeland Security is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act, including the detention of noncitizens during removal proceedings.

12. Respondent the Executive Office of Immigration Review is the federal agency responsible for administering removal and custody proceedings. EOIR is a component of the U.S. Department of Justice. EOIR includes the Board of Immigration Appeals (BIA) and the immigration courts.

JURISDICTION AND VENUE

13. This action arises under the Fifth and Fourteenth Amendments to the U.S. Constitution.

14. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution, 28 U.S.C. § 1331, and 28 U.S.C. § 1361. 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.

15. The United States has waived sovereign immunity for this action for declaratory and injunctive relief against one of its agencies and that agency's officers are sued in their official capacities. 5 U.S.C. § 702.

16. Venue is proper in this District because the Petitioner is detained in this district. 28 U.S.C. § 1391; *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004).

STATEMENT OF FACTS

17. Jonathan Aguilar Marcos left his country of birth, Guatemala, and entered the United States on or about July 15, 2019 with his father.

18. He was encountered by DHS officers shortly after entering the country. DHS detained and processed him, initiated removal proceedings, and released him. His father abandoned him, but he moved in with his aunt in Trenton, NJ. While living with his aunt, U.S. Citizenship and Immigration Services approved him for Special Immigrant Juvenile Status. This is a status available to children who have been abused, abandoned, or neglected by one or both parents, and leads to eligibility to adjust to permanent resident status. Removal proceedings against him were terminated in 2023.

19. Jonathan established community in New Jersey. He attended school and graduated from 8th grade. He began working for a landscaping company in Pennsylvania. He continues to live with his aunt and uncle and helps support the household.

20. On March 26, 2026, Respondents detained Jonathan outside a New Jersey Municipal Court while he was leaving a hearing with his attorney. DHS officials issued a new Form I-862, Notice to Appear and took Jonathan into custody with no prior notice or opportunity to contest his detention. Ex. A (warrant for arrest).

21. Respondents are currently detaining Jonathan at the Philadelphia Federal Detention Center. *See* Ex. B, U.S. Immigr. & Customs Enf't, *Online Detainee Locator System*, <https://locator.ice.gov/odls/#/search> (last accessed March 30, 2026) (search conducted for A-Number, “” and Country of Birth “Guatemala”).

22. Upon information and belief, Respondents detained Jonathan under its revised interpretation of the immigration detention statutes; specifically their new view that all noncitizens who have not been “admitted,” 8 U.S.C. § 1101(a)(13)(A) are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

LEGAL FRAMEWORK

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

23. There are two immigration statutes at issue here. 8 U.S.C. § 1226 governs the detention of noncitizens who entered without inspection and by default applies to all persons “pending a decision on whether the[y] . . . [are] to be removed from the United States.” *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018). Section 1225(b)(2) governs the detention of individuals “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings*, 583 U.S. at 287.

24. Recently, Respondents’ have flipped this statutory scheme on its head by stating that all noncitizens subject to grounds of inadmissibility are mandatorily detained under § 1225(b)(2), regardless of whether they are at the border or already in the country. *Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (B.I.A. 2025). This novel interpretation regarding § 1225(b)(2) has been soundly rejected by Article III Courts. Judges from all around the country, including from the Eastern District of Pennsylvania, have held that people who are present without having been admitted are eligible for bond pursuant to § 1226(a). *See Ndiaye*, 2026 WL 373247, at *7 (noting “308 judges[, appointed by every president since Ronald Regan,] have ruled against the [Government]’s mass detention policy—ordering release or bond hearings in more than 1,600 cases” and listing cases in this District) (alterations in original) (internal citation omitted). As these

decisions explain, Respondents’ position, relying on the Board of Immigration Appeals’ decision in *Yajure Hurtado*, is wrong.

25. First, the plain text of the statute shows that 8 U.S.C. § 1226(a), not § 1225(b), applies to immigrants like Jonathan. The text of § 1225 shows that it applies only to “noncitizens who are just arriving or have recently arrived in the country.” *Ndiaye*, 2025 WL 3229307 at *5. The statute requires detention of noncitizens who are “seeking admission,” a phrase that “connotes some affirmative, present-tense action”—applying this phrase to “noncitizens already residing in the United States” is inconsistent with the plain text of the statute. *Id.* The title and heading of the statute also shows that § 1225 only applies to noncitizens at the border. *Id.*

26. The text of § 1226, on the other hand, shows that it plainly applies to noncitizens “already present in the country” because of its title and because “[n]one of its provisions mention arriving noncitizens or discuss the border or ports of entry.” *Id.* As such, it “creates a default rule for those aliens by permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal proceedings.” *Jennings*, 583 U.S. at 303.

27. Second, Respondents’ interpretation of § 1225 violates the rule against surplusage because it reads out the phrase “seeking admission.” *Ndiaye*, 2025 WL 3229307, at *14. Under Respondents’ interpretation, all noncitizens “seeking admission” are “applicants for admission,” “effectively eliminate[ing] any meaning to the words ‘seeking admission’ within the statute.” *Id.* Instead, Congress added the phrase “seeking admission” to the statute, distinguishing “applicants from admission” from noncitizens “seeking admission.” *Id.*

28. Third, Respondents’ interpretation of the statute would also render all the grounds of mandatory detention in 8 U.S.C. § 1226(c) applied to inadmissible noncitizens, including the

recently-passed Laken Riley Act, superfluous. *Ndiaye*, 2025 WL 3229307 at *6; *see Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 386 (2013) (“[T]he canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme.”).

29. Fourth, agency past practice shows that noncitizens like Jonathan are subject to detention under § 1226(a), not § 1225(b). For almost thirty years, since § 1225(b)(2)’s inception in 1997, “the Government’s immigration enforcement practices have been to detain noncitizens who have been residing in the United States under § 1226, entitling them to a bond hearing.” *Ndiaye*, 2025 WL 3229307 at *6.

30. Finally, as discussed below, the BIA’s interpretation of 8 U.S.C. § 1225(b)(2)(A) to mandate detention without a bond hearing for all noncitizens present in the United States without having been admitted presents serious constitutional concerns. To the degree that the statute remains ambiguous, the Court should presume that Congress “did not intend the alternative which raises serious constitutional doubts” and reject that construction. *Clark v. Martinez*, 543 U.S. 371, 381–82 (2005).

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

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

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

32. Absent adequate procedural protections, substantive due process requires a “special justification” that “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Zadvydas*, 533 U.S. at 693; *Demore*, 538 U.S. at 528. The broad policy set forth in *Yajure Hurtado* is not reasonably related to the purposes of prevent danger to the community or flight risk and violates substantive due process.

33. Additionally, procedural due process protects noncitizens against deprivation of liberty without adequate procedural protections, including notice and the opportunity to be heard. *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367 (2025); *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020).

34. In determining the proper procedure to protect a detained noncitizen’s procedural due process rights under the Fifth Amendment, courts apply the three-part balancing test in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), weighing (1) “the private interest that will be affected by the official action;” (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;” and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Black v. Decker*, 103 F.4th 133, 147-48 (2d Cir. 2024); *Gayle v. Warden Monmouth C’ty Corr. Facility*, 12 F. 4th 321, 331 (3d Cir. 2021); *see also Kashranov v. Jamison*, No. 2:25-CV-05555-

JDW, 2025 WL 3188399, at *5 (E.D. Pa. Nov. 14, 2025) (applying *Mathews* to a claim identical to Petitioner's).

III. The Proper Remedy Is Release

35. Given Respondents did not conduct any pre-deprivation assessment of Jonathan's custody status prior to his detention, he merits release, as recognized by many courts in this District. *See, e.g., Kourouma v. Jamison*, No. 26- 182, 2026 WL 120208, at *5 (E.D. Pa. Jan. 15, 2026) ("The Court will order the release of Petitioner because he was unlawfully detained."); *Kashranov*, 2025 WL 3188399, at *8 ("Because the Government detained Mr. Kashranov without the bond hearing that Section 1226(a) and the Due Process Clause require, Mr. Kashranov should not now be in custody."); *Centeno Ibarra v. Warden of the Fed. Det. Ctr. Philadelphia*, No. 25-6312, 2025 WL 3294726, at *8 (E.D. Pa. Nov. 25, 2025) ("Because a bond hearing is unnecessary, this Court will order his immediate release.").

36. Jonathan also merits release because a bond hearing before an immigration judge has been shown not to be an adequate remedy. Immigration judges have unreasonably refused to grant bond despite evidence that a noncitizen is not a danger or a flight risk, requiring petitioners to seek further relief from habeas courts. *See A.D. v. Oddo*, No. 25-460J, Memorandum Order at 7–8 (W.D. Pa. Feb. 12, 2026) (finding petitioner was unfairly prejudiced at his habeas ordered bond hearing and ordering immediate release); *Soto-Medina v. Lynch*, No. 1:25-CV-1704, 2026 WL 161002, at *2 (W.D. Mich. Jan. 21, 2026) (noting that at a habeas ordered bond hearing petitioner presented evidence that he is not a flight risk or danger, including "evidence of his family connections, that his daughter attended Chicago Public Schools, and that he has a pending asylum application and valid work authorization," that the "government did not present any evidence"

against granting bond, but “the immigration judge denied Petitioner’s request for bond because Petitioner had ‘not established that he is not a flight risk’”); *Ramirez v. Lynch*, No. 1:25-CV-1800, 2026 WL 212932, at *1 (W.D. Mich. Jan. 27, 2026) (same).

37. A hearing before an immigration judge also does not provide a sufficient assurance of neutrality. Immigration judges, who serve at the pleasure of the U.S. Attorney General—a respondent in this matter—have been removed from service for not following the Executive’s deportation goals.¹ And on January 13, 2026, Chief Immigration Judge Teresa L. Riley instructed immigration judges to continue denying bond despite a nationwide declaration against DHS’s detention policies in *Maldonado Bautista v. Santacruz*, No. 25-cv-1873, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025).²

38. If, alternatively, this Court orders a bond hearing, due process requires that the Government bear the burden of proof by clear and convincing evidence. *See Gayle*, 12 F.4th at 332 (“[W]hen such a severe deprivation is at issue, the Government must bear the burden of proof.”). Such a “standard of proof serves to [properly] allocate the risk of error between the litigants and reflects the relative importance attached to the ultimate decision.” *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 213 (3d Cir. 2020) (citing *Addington v. Texas*, 441 U.S. 418, 423 (1979)). The Third Circuit has long ordered for the government to bear a clear and convincing burden at a constitutionally-mandated bond hearing. *German Santos*, 965 F.3d at 214; *Guerrero-Sanchez v. Warden York Cnty. Prison*, 905 F.3d 208, 224 n.12 (3d Cir. 2018), *abrogated*

¹ See, e.g., Joshua Goodman, *Military Lawyer Swiftly Fired from Immigration Bench After Defying Trump Deportation Push*, Times Union (updated Dec. 19, 2025), <https://perma.cc/JWJ2-WH9E>.

² See *Practice Alert: EOIR Issues Nationwide Guidance on Maldonado Bautista*, AILA Doc. No. 26011404, Am. Immigr. Laws. Ass’n (Jan. 16, 2026), <https://perma.cc/9LDH-ZKAF> (last visited Feb. 8, 2026).

on other grounds by *Johnson v. Arteaga-Martinez*, 596 U.S. 572 (2022). Other circuit courts have similarly held the same for Section 1226(a) detention. *Hernandez-Lara v. Lyons*, 10 F.4th 19, 39-40 (1st Cir 2021); *Velasco Lopez*, 978 F.3d at 855–56; *see also Soto-Medina*, 2026 WL 161002, at *5-11. Any assessment of custody should include consideration of alternatives to detention and ability to pay. *See, e.g., Black*, 103 F.4th at 155.

39. Should this Court order for a bond hearing, it should preside over such a hearing rather than assign it to an EOIR administrative judge, for the reasons discussed above. *See Centeno-Martinez v. Jamison*, No. CV 25-3593, 2025 WL 3157711, at *3 (E.D. Pa. Nov. 12, 2025) (finding that the district court should hold the bond hearing because it is “a ‘legal and logical concomitant’ of habeas jurisdiction, particularly where delay risks perpetuating the constitutional injury”); *Swann v. Charlotte Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971) (“[T]he scope of a district court’s equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.”); *see also Zadvydas*, 533 U.S. at 700 (authorizing federal courts to “condition[]” a noncitizen’s release “on any of the various forms of supervised release that are appropriate in the circumstances”).

FIRST CLAIM FOR RELIEF
Violation of the Immigration and Nationality Act
Unlawful Application of Mandatory Detention Provision

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

41. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. Specifically, it does not apply to Jonathan, who has been living in the United States since 2019, for over nearly seven years prior to his detention in 2026.

42. Jonathan was not “seeking admission” in 2026. At the time of his detention in at a Municipal Court in New Jersey, he was no longer engaged in that “present-tense action.” *Ndiaye*, 2025 WL 3229307 at *5. He therefore no longer met the requirements of Section 1225(b)(2)(A).

43. Respondents’ unlawful and arbitrary application of 8 U.S.C. § 1225(b)(2) to Jonathan violates the INA.

SECOND CLAIM FOR RELIEF
Violation of the Fifth Amendment Due Process Clause
Detention Without Any Relation to Limited Goals of Civil Immigration Detention
Violates Substantive Due Process

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

45. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V. Substantive due process requires that immigration detention without a bond hearing be reasonably related to the goals of ensuring the appearance of noncitizens at future proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690.

46. The BIA’s application of mandatory detention under 8 U.S.C. § 1225(b)(2) is not reasonably related to those goals and thus violates substantive due process.

47. Respondents’ detention of Jonathan without any consideration of his particular flight or danger risks bears no relation to the limited goals of immigration detention.

THIRD CLAIM FOR RELIEF
Violation of the Fifth Amendment Due Process Clause
Detention Without Any Procedures to Limit Erroneous Deprivation of a Core
Private Right Violates Procedural Due Process

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

49. The Due Process Clause of the Fifth Amendment forbids the government from

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

50. The first factor, the private interest that will be affected by the official action, clearly weighs in favor of Petitioner Because “[f]reedom from imprisonment . . . lies at the heart of the liberty” interest protected by due process. *Zadvydas*, 533 U.S. at 690.

51. The second factor also weighs in favor of Petitioner because there is a great risk of unnecessary detention since Respondents’ interpretation of the statute does not permit any individualized determination of whether detention during removal proceedings is necessary. Respondents’ procedures—or lack thereof—create an erroneously high risk of wrongly depriving those, like Jonathan, their protected interest in being free from government custody. *Kashranov*, 2025 WL 3188399, at *8.

52. The government has no legitimate interest in detaining Petitioner when detention is not necessary to ensure his appearance at future hearings or protect the community, and less restrictive measures like a reasonable bond would serve those purposes. *Hernandez-Lara*, 10 F.4th at 32–33; see *Ousman D. v. Decker*, No. 20-cv-9646, 2020 WL 5587441, at *4 (D.N.J. Sept. 18, 2020) (holding that due process requires consideration of less restrictive alternatives to detention that would address the government’s legitimate purpose); *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 241–42 (W.D.N.Y. 2019) (same). Additionally, affording noncitizens pre-deprivation review of their flight or danger risks presents a minimal burden and serves the government’s interest in ensuring only those individuals that need to be detained are detained. See *Kashranov*, 2025 WL 3188399, at *8.

53. Additionally, Respondents’ re-detention of Jonathan without any pre-deprivation assessment of his flight or danger risks violates his procedural due process rights. When DHS “first released” Jonathan in 2019, “it could not have done so validly unless it did not consider him to be a flight risk or a danger to the community.” *Lopez Benitez*, 795 F. Supp. 3d at 495. Its detention of Jonathan without showing what, if anything, has changed in that calculus was improper. *See, e.g., Kourouma*, 2026 WL 120208, at *5 (“This Court will order the release of Petitioner because he was unlawfully detained.”); *Lopez Benitez*, 795 F. Supp. 3d at 499 (ordering release after rejecting the government’s “suggestion that [its] agents may sweep up any person they wish, for no reason whatsoever . . . so long as the person will, at some unknown point in time, be allowed to ask some other official for his or her release”) (cleaned up).

54. Respondents’ detention of Petitioner without any hearing to determine whether that detention is necessary violates procedural due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Issue an order administratively staying Respondents from transferring Petitioner outside of this Court’s geographic jurisdiction pending the Court’s adjudication of the petition;³

³ Petitioner requests a stay of his transfer to ensure that should this Court grant him relief, he may quickly and reasonably access such relief. *See, e.g.,* Order, ECF No. 4, *Zavala Ulloa v. Jamison*, 2:26-cv-00813-KSM (E.D.P.A. Feb. 9, 2026) (enjoining Respondents “from taking any action that would result in the removal of Petitioner from the Eastern District of Pennsylvania”); Order, ECF No. 3, *Lantiguez Alvarado v. Bondi*, No. 26-cv-768 (S.D.N.Y. Jan. 29, 2026) (administratively staying the noncitizen from transfer out of the Southern and Eastern Districts of New York, or the District of New Jersey).

3) Declare that Petitioner’s continued detention violates the Immigration and Nationality Act, the Administrative Procedure Act, and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

4) Issue a Writ of Habeas Corpus and order Petitioner’s immediate release from custody without additional or new conditions;⁴

At a recent show cause hearing, Judge Jerry W. Blackwell of the U.S. District Court for the District of Minnesota outlined the collateral difficulties of acquiring adequate government compliance if the government transfers a noncitizen outside of the habeas court’s jurisdiction. He explained that it takes “repeat, after repeat, after follow-up, after follow-up with the Government” to receive information and procure a noncitizen’s return. Tr. of Show Cause Hr’g, ECF No. 19, *Segundo A.P.G. et al. v. Bondi*, No. 26-cv-603 (D. Minn. Feb. 3, 2026), at 11. And he traced the difficulty in prescribing adequate remedies, describing:

For example, if we say, release the person immediately, then we learn that, having transported [the noncitizen] to El Paso or New Mexico, [the government] do[esn’t] bring him back. We learn that somebody is put out on the street with just the clothes on their backs and have to figure out how to get back here when they should not have been arrested here in the first place, let alone flown halfway across the continent of North America. And have to – so now we have to address that. We have to say, bring them back.

And then we say, all right, so you brought them back. We can’t have them released when it’s minus 14 outside. And so now we have to address that. Don’t release them in the circumstances that might endanger their health or safety.

And so once that’s addressed, then we learn they’ve been released, but now conditions have been imposed. That somebody who should not have been arrested in the first place is now being told, you’re going to be released if you wear an ankle monitor, which the Court didn’t order because the person was unlawfully detained in the first place. Then we have to go back and address that now.

Id. at 33–34.

⁴ See, e.g., Order, ECF 8, *Noicy v. Jamison et al.*, No. CV 26-1388, 2026 WL 637635 (E.D. Pa. Mar. 6, 2026) (ordering that “the Government shall not subject [Petitioner] to any conditions of release including the imposition of any and all GPS monitoring technology or devices”).

5) In the alternative, conduct a custody hearing at which Respondents must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present;

6) Issue an order requiring Respondents to return Petitioner's personal property, including identification and documents;⁵

7) Award Petitioner his costs and reasonable attorney fees in this action as provided for by the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law, *see Michelin v. Warden Moshannon Valley Corr. Ctr.*, --- F.4th ---, 2026 WL 263483 (3d Cir. Feb. 2, 2026); and

8) Grant such further relief as the Court deems just and proper.

Dated: March 30, 2026

Respectfully submitted,

/s/Rebecca Hufstader
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⁵ *See, e.g.*, Order, ECF 6, *Juarez Francisco v. Jamison et al.*, No. CV 26-1321, 2026 WL 607988 (E.D. Pa. Mar. 4, 2026) (ordering “immediately upon his release [return] all personal belongings confiscated upon or during his detention, including his identification documents”); Order, ECF 20, *Abreu v. Baker et al.*, Civil No. 25-3088-BAH (D. Md) (Dec. 18, 2025) (ordering return of petitioner's personal property confiscated at the time of her detention); *Ortiz Martinez v. Wamsley*, No. 2:25-CV-01822-TMC, 2025 WL 2899116, at *5 (W.D. Wash. Oct. 10, 2025) (same).

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF
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, and I have discussed the claims with Petitioner's legal team and our coalition partners. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: March 30, 2026

Respectfully submitted,

/s/Rebecca Hufstader
Rebecca Hufstader
Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore send a courtesy copy via email to the office of the United States Attorney for the Eastern District of Pennsylvania at the following email addresses:

desiree.wilkins@usdoj.gov

susan.becker@usdoj.gov

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gregory.david@usdoj.gov

Dated: March 30, 2026

Respectfully submitted,

/s/Rebecca Hufstader

Rebecca Hufstader

Pro Bono Counsel for Petitioner

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

Jonathan Aguilar Marcos

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

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

Rebecca Hufstader, Legal Services of NJ, 100 Metroplex Drive, Suite 101, Edison, NJ 08818

DEFENDANTS

J.L. Jamison, John Rife, Markwayne Mullin, Pamela Bondi, DHS, EOIR

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.

Attorneys (If Known)

U.S. Attorney's Office, 615 Chestnut Street, #1250, Philadelphia, PA 19106

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

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

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

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

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

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

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

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

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 2241Brief description of cause:
immigration detention in violation of the INA and due process**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

3/30/2026

SIGNATURE OF ATTORNEY OF RECORD

/s/Rebecca Hufstader

FOR OFFICE USE ONLY

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

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Jonathan AGUILAR MARCOS,

Petitioner,

v.

Luis SOTO, et al.,

Respondents.

Case No. 26-2087

I, Rebecca Hufstader, an attorney duly admitted in the Eastern District of Pennsylvania, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Supervising Attorney at the Legal Services of New Jersey, a non-for-profit legal organization, and co-counsel for Petitioner in the above-captioned matter.

2. I respectfully submit this declaration in support of Petitioner's Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241.

3. Attached hereto as **Exhibit A** is a true and correct copy of Petitioner's Warrant for Arrest, dated March 26, 2026.

4. Attached hereto as **Exhibit B** is a printout of the ICE Detainee Locator showing that Petitioner is in custody at the Federal Detention Center.

Dated: March 30, 2026

Respectfully submitted,

/s/ Rebecca Hufstader

Rebecca Hufstader

Pro Bono Counsel for Petitioner

A

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. 

Date: 03/26/2026

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 157 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that RODRIAG-MARTIN, JONATHAN is removable from the United States. This determination is based upon:

- ☒ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.


(Signature of Authorized Immigration Officer)

RICHARD ATWELL - Deportation Officer (P) 5000
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at Philadelphia, PA
(Location)

on RODRIAG-MARTIN, JONATHAN on March 26, 2026, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the SPANISH language.
(Language)


Deportation Officer

(Name and Signature of Officer)

encl
Name or Number of Interpreter (if applicable)

B



Report

Main Menu

Search Results: 1

JONATHAN DAVID AGUILAR-MARCOS**Country of Birth :** Guatemala**A-Number:** **Status :** In ICE Custody**State:** PA**Current Detention Facility:** [Philadelphia Federal Detention Center](#)** Click on the Detention Facility name to obtain facility contact information*[BACK TO SEARCH >](#)

Related Information

Helpful Info

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

External Links

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Bureau of Prisons Inmate
Locator



[DHS.gov](#)[USA.gov](#)[OIG](#)[OpenFOI](#)[Metrics](#) [No](#) [Site](#) [Site](#)
[Gov](#) [FearMap](#)[Policies](#)
[Act](#) [&](#)
[Plug-](#)
[Ins](#)