

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

WILLIAN CHAMUL AGUILAR,)
)
 Petitioner(s),)
)
 v.)
)
 RAUL MALDONADO, Warden,)
 Metropolitan Detention Center;)
 MARKWAYNE MULLIN, Secretary,)
 Department of Homeland Security;)
 and TODD LYONS, Acting Director, U.S.)
 Immigration and Customs Enforcement,)
)
 Respondents(s).)
 _____)

Case No. 1:26-cv-1989

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

1. In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception. *U.S. v. Salerno*, 481 U.S. 739, 755 (1987).
2. For over a century, noncitizens whose presence in this country is unlawful have been recognized as “persons” guaranteed Due Process by the 5th Amendment. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001), *Plyer v. Doe*, 457 U.S. 202, 209 (1982), *Matthews v. Diaz*, 426 U.S. 67, 77 (1956), and *Yick Wo v. Hopkins*, 118 U.S. 356, 368 (1886).
3. In the United States Code, Title 8, four distinct clauses authorize detention of noncitizens during removal proceedings. *See generally* 8 U.S.C. §§ 1225, 1226.
4. Three of these clauses incorporate the verb “shall” *mandating* detention of the categories of the noncitizens described. *See* 8 U.S.C. §§ 1225(b)(1)(B)(IV), 1225(b)(2)(A), 1226(c)(1).

5. On the contrary, one clause incorporates “may” indicating judicial discretion, availability of bond hearings, and release on bond or parole. *See* 8 U.S.C. § 1226(a). (“[P]ending [a decision whether or not to remove a noncitizen from the United States], the Attorney general *may* continue to detain the arrested [noncitizen]; and *may* release the [noncitizen] on bond...or conditional parole”) (emphasis added).
6. For the past three decades, 8 U.S.C. § 1226(a) has applied to noncriminal noncitizens that have been present in the United States for over two years without admission or parole. *See Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1260-1 (W.D. Wash. 2025) (discussing legislative history and longstanding agency practice behind 8 U.S.C. § 1226(a)) *quoting* H.R. Rep. No. 104-469, pt. 1, at 229 and 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997); *see also* 8 U.S.C. § 1225(b)(1)(B)(iii)(II) (noncitizens who have not been admitted or paroled and have not been physically present in the United States for two years are subject to mandatory detention).
7. On July 8, 2025, the Department of Homeland Security (“DHS”) issued an internal memorandum entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” In that memorandum, DHS concluded an “applicant for admission,” i.e. any noncitizen present in the United States who has not been admitted or paroled, is subject to detention under 8 U.S.C. § 1225(b) and may not be released from ICE custody except through humanitarian parole.¹
8. On September 5, 2025, the Board of Immigration Appeals (“BIA”) issued a decision entitled *Matter of Yajure Hurtado*. In that decision, the BIA concluded any noncitizen present in the United States who has not been admitted or paroled, is subject to detention

¹ This memorandum was not circulated publicly. A photograph of the memorandum can be found at: <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>

under 8 U.S.C. § 1225(b) and may not be released from ICE custody except through humanitarian parole. *See Yajure Hurtado*, 29 I&N Dec. 216, 219-220 (BIA 2025) *quoting* 8 U.S.C § 1225(b)(2)(A).

9. As of March 2026, over 400 District Court judges across the United States have concluded *Yajure Hurtado* was decided in error. *See* Kyle Cheney, “Our running list of judges who have ruled on ICE’s mass detention policy,”² Politico (Updated: March 24, 2026); *see also Barco Mercado v. Francis*, 811 F.Supp.3d 487, 494 fn. 22 & 23 (S.D.N.Y. Nov. 26, 2025) (collecting cases).
10. The BIA’s decision in *Yajure Hurtado* disregards basic tenets of statutory construction, legislative history, government practice, and Supreme Court precedent.
11. The BIA’s decision in *Yajure Hurtado* violates constitutional law.
12. Petitioner’s detention constitutes a deprivation of his right to Due Process under the 5th Amendment.
13. Courts have broad discretion in conditioning a judgment for Habeas Corpus relief. *See* 28 U.S.C. § 2243 (“The court shall summarily hear and determine the facts, and dispose of [the application for a Writ of Habeas Corpus] as law and justice require”).
14. Therefore, as law and justice require, the Court should order Petitioner’s release pursuant to the Court’s broad discretionary power under 28 U.S.C. § 2243.

STATEMENT OF FACTS

15. Petitioner Willian Chamul Aguilar () is a male, native and citizen of El Salvador.
16. On or about October 6, 2024, Petitioner attempted to enter the United States at or near Eagle Pass, Texas. Petitioner was arrested and detained by United States Border Patrol.

² <https://www.politico.com/news/2026/02/18/trump-judges-immigration-detention-00784614>.

17. On October 19, 2024, Petitioner was placed into removal proceedings under 8 U.S.C. § 1229a.
18. On November 6, 2024, Petitioner was released into the United States on an Order of Recognizance and enrolled into the Intensive Supervision Appearance Program as an alternative to detention.
19. On February 9, 2026, Petitioner was arrested by ICE at a check-in appointment pursuant to the Intensive Supervision Appearance Program. Petitioner has been detained by ICE ever since.
20. Prior to his detention by ICE, Petitioner had been living with, and providing for, his deaf cousin in New York, NY. Petitioner had continuously resided in New York, NY since November of 2024.
21. Upon information and belief, Petitioner is currently detained in Metropolitan Detention Center at 80 29th St., Brooklyn, NY 11232.
22. Petitioner has never been convicted of a crime in the United States or any other country.
23. Upon information and belief, Petitioner is currently in removal proceedings. Petitioner's case information is not available on the Executive Office of Immigration Review Automated Case Information System.

PARTIES

24. Petitioner Willian Chamul Aguilar () is a noncitizen from El Salvador who is currently detained by ICE. Upon information and belief, Petitioner is currently detained in Metropolitan Detention Center at 80 29th St., Brooklyn, NY 11232.

25. Respondent Raul Maldonado is the Warden of the Metropolitan Detention Center in Brooklyn. He is being sued in his official capacity. He is Petitioner's immediate custodian.

26. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is being sued in his official capacity. He is Petitioner's legal custodian.

27. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. He is being sued in his official capacity. He is Petitioner's legal custodian.

JURISDICTION

28. Officials and agencies of the United States have been named as Respondents. The Court has personal jurisdiction over these Respondents under 28 U.S.C. § 1346(a)(2).

29. The Court has subject matter jurisdiction to hear Petitioner's request for relief under 28 U.S.C. § 2241 and Article I, § 9 cl. 2 of the United States Constitution.

30. This Court may grant relief under the Habeas Corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

31. Venue is proper in the Eastern District of New York because, upon information and belief, Petitioner is confined in this district at 80 29th St., Brooklyn, NY 11232. 28 U.S.C. § 1391(b)(2); *see Rumsfield v. Padilla*, 542 U.S. 426, 442 (2004) (the Writ of Habeas Corpus is "issuable only in the district of confinement.").

REQUIREMENTS OF 28 U.S.C § 2243

32. The Writ of Habeas Corpus provides a "swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

33. The Court must grant this Petition for Writ of Habeas Corpus or issue an Order to Show Cause (“OSC”) to the Respondents “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process (Procedural Due Process)

1. The allegations in paragraph 1 through 33 are realleged and incorporated herein.
2. Procedural Due Process guarantees fair process. *See U.S. v. Salerno*, 481 U.S. 739, 746 (1987); *see also Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (articulating factors).
3. Petitioner is being deprived of his right to liberty, the risk of deprivation is high, and there would be great value in additional procedural safeguards.
4. The Government has little interest in Petitioner’s continued detention.
5. Continued detention of Petitioner is a violation of Procedural Due Process.

COUNT TWO

Violation of Fifth Amendment Right to Due Process (Substantive Due Process)

1. The allegations in paragraph 1 through 33 are realleged and incorporated herein.
2. The Due Process Clause covers a substantive sphere “barring certain government actions regardless of the fairness of the procedures used to implement them.” *See Matzell v. Annucci*, 64 F.4th 425, 436 (2d Cir. 2023) .
3. ICE’s decision to detain Petitioner is so arbitrary that it constitutes a gross abuse of government authority.

4. Even in the presence of procedural protections, the government's actions are without justification. *See Southerland v. City of New York*, 680 F.3d 127, 152 (2d Cir. 2012).
5. Continued detention of Petitioner is a violation of Substantive Due Process.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred out of New York;
- (3) Declare that Petitioner's detention is unlawful;
- (4) Issue an Order to Show Cause ordering Defendants to show cause why this Petition should not be granted within three days;
- (5) Order Petitioner's release pursuant to the Court's broad discretionary under 28 U.S.C. § 2243;
- (6) In the alternative, hold a bail hearing and order Petitioner's release through the Court's inherent authority under *Mapp v. Reno*, pending adjudication of this Petition;
- (7) Award attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law;
- (8) Order any further relief this Court deems just and proper.

Respectfully submitted this 3rd Day of April 2026.

Respectfully submitted,
EDWARD J. CUCCIA, PC

/s/ Edward J. Cuccia
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

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

Dated this 3rd day of April, 2026.

/s/ Edward J. Cuccia
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