YONG HO SONG
Greater Boston Legal Services
197 Friend Street, 8th Floor
Boston, MA 02114
Tel: (617) 320-5180
E-mail: ysong@gbls.org

Attorney for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Carlos Antonio Aragon Lopez,

Petitioner,

vs.

CHRISTOPHER LAROSE, Senior Warden, Otay Mesa Detention Center;
PATRICK DIVVER, Director, San Diego Field Office, U.S. Immigration and Customs Enforcement;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security; and
TODD BLANCHE, Acting U.S. Attorney General, in their official capacities,

Respondents.

Case No.: '26CV2293 LEK GC

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Carlos Antonio Aragon Lopez, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing and unlawful civil immigration detention by the U.S. Department of Homeland Security (DHS).

2. Petitioner is a 27-year-old Salvadoran national, born on [redacted] and currently detained by Respondents at the Otay Mesa Detention Center, located at 7488 Calzada de la Fuente, San Diego, California 92154.

3. Petitioner last entered the United States in or about October 2013 by crossing the southern border. One week after his arrival, he was apprehended by federal immigration officials and classified as an unaccompanied alien child (UAC). About a month later, he was released to a family sponsor in Colorado where he lived until his relocation to Massachusetts in 2020.

4. Petitioner was re-apprehended by agents of U.S. Immigration and Customs Enforcement (ICE) in September 2025 in Massachusetts and has remained in its custody ever since.

5. Meanwhile, Petitioner was ordered removed *in absentia* on May 22, 2018. However, his removal proceedings were reopened on October 23, 2025 based on changed country conditions materially affecting his eligibility for asylum. Petitioner is currently seeking asylum, withholding of removal, and protection under the Convention Against Torture before the Otay Mesa Immigration Court.

6. On March 12, Petitioner sought release on immigration bond. However, an immigration judge denied his request, finding that the immigration court lacked jurisdiction over it pursuant to *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025).

7. Petitioner's detention without a bond hearing is unlawful because it violates his statutory rights as explained below. Accordingly, Petitioner seeks

habeas relief ordering his immediate release from ICE custody, or alternatively, an order directing Respondents to provide him with a prompt, constitutionally adequate, and individualized bond hearing before a neutral decisionmaker with authority to order his release.

JURISDICTION

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

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

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

VENUE

11. Venue is proper because Petitioner is detained at the Otay Mesa Detention Center in San Diego, which is within the jurisdiction of this District. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973).

12. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States acting in their official capacities, and because a substantial part of the events or omissions giving rise to his claims occurred in this District. 28 U.S.C. § 1391(e).

PARTIES

13. Petitioner **Carlos Antonio Aragon Lopez** is a citizen and national of El Salvador who has been in immigration detention since September 2025. Petitioner is currently detained in the Otay Mesa Detention Center.

14. Respondent **Christopher LaRose** is sued in his official capacity as the Senior Warden of the Otay Mesa Detention Center. Respondent LaRose has immediate physical custody of Petitioner pursuant to the facility's contract with

U.S. Immigration and Customs Enforcement to detain noncitizens.

15. Respondent **Patrick Divver** is sued in his official capacity as the Director of the San Diego Field Office of U.S. Immigration and Customs Enforcement. Respondent Divver has authority to release Petitioner from custody.

16. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons has authority over ICE detention policies, including the authority to release Petitioner.

17. Respondent **Markwayne Mullin** is sued in his official capacity as the DHS Secretary. In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees ICE, the component agency responsible for Petitioner's detention.

18. Respondent **Todd Blanche** is sued in his official capacity as the Acting Attorney General of the United States. In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals (BIA).

RELEVANT FACTS

19. Petitioner entered the U.S. on or about October 10, 2013 after suffering severe harm and violence in El Salvador at the hands of his father and local gang members. He traveled from El Salvador to the U.S. without a parent.

20. Petitioner was apprehended by DHS on October 17, 2013, approximately 20 miles east of Hebbronville, Texas. Record of Deportable/Inadmissible Alien (**Exhibit 1**). Following the arrest, he was determined by DHS agents to be a UAC within the meaning of 6 U.S.C. § 279(g)(2). He was held at the Hebbronville Border Patrol Station pending transfer to a juvenile detention center. *Id.*

21. On October 18, 2013, Petitioner was served a Notice to Appear (NTA) which charged him with a violation of 8 U.S.C. § 1182(a)(6)(A)(i). Notice

to Appear (**Exhibit 2**). At the time of the issuance of Petitioner's NTA, DHS did not classify him as an arriving alien under 8 U.S.C. § 1225(b). *Id.* They instead processed him under 8 U.S.C. § 1226. Warrant for Arrest of Alien (**Exhibit 3**); Notice of Custody Determination (**Exhibit 4**).

22. Upon information and belief, DHS transferred Petitioner's custody to the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) on or about October 18, 2013. ORR placed him under the care of the Baptist Child and Family Services (BCFS) in San Antonio, Texas.

23. On or about November 23, 2013, ORR released Petitioner from its custody into the care and custody of his paternal uncle residing in Colorado. ORR Verification of Release (**Exhibit 5**). Upon information and belief, Petitioner's release was not pursuant to humanitarian parole under 8 U.S.C. § 1182(d)(5)(A).

24. Petitioner resided with his paternal uncle and grandparents in Colorado until his relocation to Massachusetts in 2020.

25. Meanwhile, Petitioner had an immigration court hearing scheduled at the Denver Immigration Court for May 22, 2018. Around this time, he was living a precarious life after being expelled from his uncle's and grandparents' home, staying in shelters and with friends. Because Petitioner had no knowledge of the location or the exact date of his immigration hearing, he failed to appear and was ordered removed *in absentia* that same day.

26. In September 2025, DHS apprehended Petitioner in Massachusetts and detained him. Upon information and belief, the detention occurred pursuant to DHS' authority under 8 U.S.C. § 1231(a), which governs the detention of noncitizens ordered removed. Subsequently, DHS transferred him to the Otay Mesa Detention Center where he is currently detained.

27. On or about September 26, 2025, Petitioner filed a motion to reopen with the immigration court. He requested a reopening of his removal proceedings based on a change in country conditions in El Salvador materially affecting his

eligibility for asylum, namely, the Salvadoran government's implementation of a state of exception policy. 8 U.S.C. § 1229a(c)(7)(C)(ii). On October 23, 2025, an immigration judge granted Petitioner's motion to reopen. Order of the Immigration Judge on Petitioner's Motion to Reopen (**Exhibit 6**).

28. On December 16, 2025, Petitioner filed an application for asylum, withholding of removal, and protection under Convention Against Torture, for the first time, with the Otay Mesa Immigration Court. The application remains pending as of the filing of this Petition.

29. Meanwhile, Petitioner filed a motion for a bond hearing with the Otay Mesa Immigration Court on February 27, 2026. On March 12, 2026, an immigration judge denied his request for lack of jurisdiction pursuant to *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). Order of the Immigration Judge on Petitioner's Motion for Custody Redetermination (**Exhibit 7**). The immigration judge found that because he was arriving in the U.S. at the time of the 2013 arrest, his initial detention was governed by 8 U.S.C. § 1225(b)(2)(A), rendering him ineligible for any subsequent release on bond, pursuant to *Matter of Q. Li*.

LEGAL FRAMEWORK

30. Four statutory provisions are implicated in this case: 8 U.S.C. §§ 1225(b)(2)(A), 1226(a), 1231(a)(2)(A), and 1232.

31. 8 U.S.C. § 1225(b)(2)(A) authorizes mandatory detention of (1) applicants for admission[1] who are (2) seeking admission and (3) are not clearly and beyond a doubt entitled to be admitted, during the pendency of their removal proceedings. Noncitizens detained under this authority are statutorily ineligible to seek immigration bond and can only be released through humanitarian parole under 8 U.S.C. § 1182(d)(5)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018).

32. Generally, noncitizens placed in removal proceedings after having

[1] An applicant for admission for the purpose of 8 U.S.C. § 1225 refers to a noncitizen "present in the United States who has not been admitted or who arrives in the United States," whether or not at a designated port of entry. 8 U.S.C. § 1225(a)(1).

been arrested in the interior of the United States are detained pursuant to 8 U.S.C. § 1226(a)(1). *Jennings*, 583 U.S. at 281 (stating that 8 U.S.C. § 1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings" (emphasis added)). Unless subject to mandatory detention under 8 U.S.C. § 1226(c), this group of noncitizens is entitled to a bond hearing before an immigration judge. 8 U.S.C. § 1226(a)(2).

33. 8 U.S.C. § 1231(a)(2)(A) authorizes the detention of a noncitizen with a final order of removal within a period of 90 days. When a noncitizen is subject to 8 U.S.C. § 1231(a)(2)(A) at the time of detention but their proceedings are subsequently reopened while still in custody, the authority governing their detention reverts to that which applied before the entry of the final order of removal. *Romero v. Hyde*, 795 F.Supp.3d 271, 281 (D. Mass. 2025) (authority for the petitioner's detention "shifted" from § 1226 to § 1231 upon a final order of removal and back to § 1226 upon a reopening of removal proceedings).

34. Finally, 8 U.S.C. § 1232 contains statutory provisions governing care and custody of UACs. The statute places responsibility for UACs – including responsibility for their care and custody – on HHS, not DHS. *Id.* § (b)(1). "[A]ny department or agency of the Federal Government that has [a UAC] in custody shall transfer the custody of such child to the [HHS Secretary] not later than 72 hours after determining that such child is [a UAC]." *Id.* § (b)(3). And "[a UAC] in the custody of the [HHS Secretary] shall be promptly placed in the least restrictive setting that is in the best interest of the child." *Id.* § (c)(2)(A). When the UAC reaches 18 years of age and their custody is returned to DHS, the DHS Secretary "shall consider placement in the least restrictive setting available." *Id.* § (c)(2)(B). Significantly, the aged-out UAC "shall be eligible to participate in the alternative to detention programs, utilizing a continuum of alternatives based on the [UAC's] need for supervision." *Id.*

35. For nearly thirty years, both practice and precedent clearly

established that noncitizens who had been detained in the interior of the United States were subject to 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A), and were entitled to a bond hearing to determine whether their continued confinement was warranted. Two recent precedential BIA decisions upended this decades-long practice.

36. On May 15, 2025, the BIA issued a precedential decision in *Matter of Q. Li* in which it held that a noncitizen arrested and detained while arriving in the United States, and subsequently placed in removal proceedings, is detained under 8 U.S.C. § 1225(b) and is "ineligible for any subsequent release on bond under . . . 8 U.S.C. § 1226(a)." 29 I&N Dec. at 69 (emphasis added).

37. *Matter of Q. Li* involved a noncitizen who was taken into DHS custody after being arrested "approximately 5.4 miles away from a designated port of entry and 100 yards north of the border." 29 I&N Dec. at 67. DHS subsequently placed her in removal proceedings and released her the following day on humanitarian parole. *Id.* The BIA concluded that her initial detention fell under 8 U.S.C. § 1225(b)(2)(A) because, at the time of the arrest, she was arriving in and seeking admission to the United States. *Id.* at 68. The BIA reasoned that the term "arriving" applied to noncitizens, like Q. Li, "who are apprehended just inside the southern border . . . on the same day they crossed into the United States." *Id.* (internal quotation marks and brackets omitted) (quoting *Matter of M-D-C-V-*, 28 I&N Dec. 18, 23 (BIA 2020)).

38. On September 5, 2025, in *Matter of Yajure Hurtado*, 29 I&N Dec. 216, the BIA issued another precedential decision in which it concluded that all noncitizens who are present in the United States without having been lawfully admitted "are applicants for admission as defined under . . . 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings." *Id.* at 220.

PETITIONER WAS NOT DETAINED UNDER 8 U.S.C. § 1225(b)(2)(A) AT THE TIME OF HIS INITIAL DETENTION IN 2013

39. At no point in 2013 was Petitioner detained by DHS (or any other federal agency) pursuant to 8 U.S.C. § 1225(b)(2)(A).

40. Any assertion that his initial detention occurred under § 1225(b)(2)(A) is belied by the documents issued to Petitioner by DHS. The Warrant for Arrest of Alien states in unmistakable terms that his detention was "authorized by [§ 1226]." **Exhibit 3**. The Notice of Custody Determination, later provided to Petitioner, likewise indicates that his detention was "[p]ursuant to the authority contained in [§ 1226] and [8 C.F.R. § 236]." **Exhibit 4**. Notably, Petitioner's Notice to Appear does not allege that DHS deemed him to be an arriving alien. **Exhibit 2**. Indeed, Petitioner's initial arrest and detention by DHS in October 2013 fell under § 1226(a), not § 1225(b)(2)(A). *See Salcedo Aceros v. Kaiser*, 2025 WL 2637503, at *8 (N.D. Cal. Sept. 12, 2025) (finding that § 1226(a) governs where "the detention authority consistently applied by the government to [the petitioner] since her arrival . . . has always been § 1226").

41. Subsequently, with the transfer of his custody to HHS from DHS by virtue of his classification as a UAC under 6 U.S.C. § 279(g)(2), the legal authority governing Petitioner's detention changed to 8 U.S.C. § 1232 from § 1226(a). Pursuant to § 1232(c)(2)(A), HHS placed him under the care of BCFS, and later released him to the care and custody of his relatives in Colorado – "the least restrictive setting that is in the best interest of the child" as required by the statute.

42. During the time Petitioner was subject to § 1232(c)(2)(A) – i.e., between October 18, 2013 and his eighteenth birthday – he could not have been simultaneously subject to § 1225(b)(2)(A). Unlike § 1232 which mandates placement in the "least restrictive setting," § 1225(b)(2)(A) requires mandatory detention and permits release only through humanitarian parole under §

1182(d)(5)(A). *F.S.S.M. v. Wofford*, 2025 WL 3526671, at *4 (E.D. Cal. Dec. 9, 2025) ("Petitioner cannot be simultaneously subject to both § 1225(b)(2) and [§ 1232] because their detention schemes are facially incompatible."); *R.D.T.M. v. Wofford*, 2025 WL 2586866, at *4 (E.D. Cal. Sept. 18, 2025) ("The detention of unaccompanied minor children is governed by [§ 1232(c)(2)], which does not mandate detention."). There is no indication that Petitioner's release to BCFS or to his relatives was under humanitarian parole.

43. Accordingly, Petitioner's 2013 arrest and detention were not governed by § 1225(b)(2)(A), but rather by § 1226, and subsequently, § 1232. The BIA's holding in *Matter of Q. Li* – that anyone who was apprehended at the border while arriving in the United States and detained under § 1225(b)(2)(A) is ineligible for any subsequent release on bond – is therefore inapplicable here.

PETITIONER'S CURRENT DETENTION IS UNDER 8 U.S.C. § 1226a)

44. Since his last entry, the legal authority governing Petitioner's detention has never shifted to 8 U.S.C. § 1225(b)(2)(A). Rather, DHS' authority to detain Petitioner has always lain in § 1226(a) since his eighteenth birthday, except for a period during which Petitioner was subject to the final order of removal.

45. On his eighteenth birthday, Petitioner's custody was transferred back to DHS. § 1232(c)(2)(B). Upon the transfer of custody, the legal authority governing his detention also reverted to § 1226(a), under which he had been processed prior to his transfer from DHS custody to that of HHS in October 2013.

46. Any assertion that DHS' authority to detain Petitioner suddenly changed to § 1225(b)(2)(A) upon his turning eighteen contravenes § 1232(c)(2)(B) which requires that, for any UAC who "reaches 18 years of age and is transferred to [DHS custody]," DHS "*shall consider* placement *in the least restrictive setting available* after taking into account the [noncitizen's] danger to self, danger to the community, and risk of flight." (emphases added). This statutory language is incompatible with § 1225(b)(2)(A) which requires

mandatory detention during the pendency of the removal proceedings. *Sandoval v. Rokosky*, 2025 WL 3204746, at *2 (D.N.J. Nov. 17, 2025) ("This requirement [under § 1232(c)(2)(B)] is incompatible with § 1225's mandatory detention provision."); *see also Lopez v. Sessions*, 2018 WL 2932726, at *13 (S.D.N.Y. June 12, 2018) ("If UACs become 'arriving aliens' on the day they turn eighteen, subjecting them to rearrest and near-indefinite detention, then Section § 1232(c)(2)(B) [] would lose the force of law."); *R.A.R.R. v. Almodovar*, 2026 WL 323040, at *7 (E.D.N.Y. Feb. 6, 2026) (finding that "the removal of [§ 1232(c)(2)(B)] protections on the day a UAC turns 18 appears to run directly counter to the statute, which impose duties on ICE *starting* on that very day." (emphasis in original)).

47. Since his eighteenth birthday on [redacted] until he was ordered removed on May 22, 2018, DHS' authority to detain Petitioner therefore fell under § 1226(a), not § 1225(b)(2)(A). *Shen v. Larose*, 2025 WL 3552747, at *7 (S.D. Cal. Dec. 11, 2025) ("The government cannot simply switch tracks without explanation or any basis and purport to subject Petitioner to mandatory detention under § 1225(b) after previously releasing him under § 1226(a).").

48. And while DHS' authority to detain Petitioner temporarily shifted to § 1231(a)(2)(A) with the entry of the final removal order in May 2018, it reverted to § 1226(a) with the vacatur of the order following the reopening of his removal proceedings on October 23, 2025. *Romero*, 795 F.Supp.3d at 281 ("It follows that, upon the Immigration Judge's reopening of Petitioner's removal proceedings, that the authority for her detention shifted back to [the authority that applied to her before she was ordered removed].").

49. Separately, there exists an independent statutory basis to conclude that Petitioner's current detention is governed by § 1226(a). Petitioner executed an entry into the United States – albeit unlawfully – in October 2013 and has resided in this country ever since. In light of this undisputed fact, he cannot be "seeking

admission" at the present time – a prerequisite for noncitizens subject to detention under § 1225(b)(2)(A).

50. The word "seeking" in § 1225(b)(2)(A) "necessarily implies some sort of present-tense action." *Martinez v. Hyde*, 2025 WL 2084238, at *6 (D. Mass. July 24, 2025) (citing *Matter of M-D-C-V-*, 28 I&N Dec. at 23 ("The 'use of the present progressive, like use of the present participle, denotes an ongoing process.")); *Esquivel Pacheco v. LaRose*, --- F.Supp.3d ---, 2026 WL 242300, at *4 (S.D. Cal. Jan. 29, 2026) ("'Alien seeking admission' therefore denotes individuals actively and currently seeking admission or entry into this country, rather than individuals who have already entered the country and have long resided here." (internal brackets omitted)); *Shen*, 2025 WL 3552747, at *8 (finding the petitioner was not seeking admission where he was arrested in the interior of the United States, not while "presenting himself at the gate of entry to attempt to apply for admission"); *Faizyan v. Casey*, 2025 WL 3208844, at *6 (S.D. Cal. Nov. 17, 2025) (same); *see also United States v. Wilson*, 503 U.S. 329, 333 (1992) ("Congress' use of a verb tense is significant in constructing statutes.").

51. Petitioner, who already effected an entry more than twelve years ago and has established a life in the United States, therefore cannot be currently "seeking" admission. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (explaining that § 1225(b)(2)(A) mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.").

52. Finally, DHS' own regulations support the conclusion that Petitioner is detained under 8 U.S.C. § 1226(a). 8 C.F.R. § 241.4(b)(1), which governs the detention of noncitizens ordered removed with pending motions to reopen removal proceedings, provides that detention authority shifts to 8 U.S.C. § 1226 and 8 C.F.R. § 236.1 once such motions are granted. *Le v. Horgan*, 2026 WL

482323, *at 3 (N.D. Ind. Feb. 20 2026) ("The regulations governing [8 U.S.C.] § 1231 state that when a motion to reopen is granted . . . custody switches to § 1226." (citing 8 C.F.R. § 241.4(b)(1)).

53. Accordingly, DHS' current detention of Petitioner is authorized by 8 U.S.C. § 1226(a). Thus, he is statutorily entitled to a bond hearing.

PETITIONER'S IMMEDIATE RELEASE IS WARRANTED

54. As the foregoing discussion makes it clear, the denial of access to a bond hearing violates Petitioner's statutory right, rendering his detention unlawful. While some courts have ordered the holding of a bond hearing as a remedy for this illegal confinement, many others have determined that merely providing a prospective bond hearing would be inadequate to remedy the violation of a petitioner's fundamental liberty interest in freedom from imprisonment, which has already occurred.

55. These courts have concluded instead that the most appropriate remedy is the detained individual's outright release. *See, e.g., Dadhwal v. LaRose*, 2026 WL 891766, at *2 (S.D. Cal. Apr. 1, 2026) (ordering immediate release, rather than a bond hearing); *Rongxi v. Mullin*, 2026 WL 898302, at *2 (S.D. Cal. Mar. 30, 2026) (same); *Jorge M.F. v. Jennings*, 534 F.Supp.3d 1050, 1055 (N.D. Cal. 2021) ("[I]f Petitioner is detained, he will already have suffered the injury now he is seeking to avoid."); *Domingo v. Kaiser*, 2025 WL 1940179, at *3 (N.D. Cal. July 14, 2025) ("Even if Petitioner[] received a prompt post-detention bond hearing under 8 U.S.C. § 1226(a) and was released at that point, he will have already suffered the harm that is the subject of his motion; that is, his potentially erroneous detention."); *Gonzalez v. Joyce*, 2025 WL 2961626, at *5 (S.D.N.Y. Oct. 19, 2025) (finding that "hearing is no substitute for the requirement that ICE engage in a 'deliberative process prior to, or contemporaneous with,' the initial decision to strip a person of the freedom that lies at the heart of the Due Process Clause" (citations omitted)); *Kumar v. Wamsley*, 2026 WL 251798, at *6 (W.D.

Wash. Jan. 30, 2026) (same); *Faqeri v. Scott*, 2026 WL 194475, at *5 (W.D. Wash. Jan. 26, 2026) (same).

56. This outcome is even more warranted where, such as here, DHS, pursuant to its own regulations, must have already provided Petitioner with a bond hearing with the reopening of his removal proceedings. 8 C.F.R. § 241.4(b)(1) (providing that "custody determinations" for detained noncitizens whose "motion[s] to reopen [are] granted" are governed by "[8 U.S.C. § 1226] and 8 C.F.R. 236.1").

57. Merely requiring Respondents to do now what they were obliged to do all along (i.e., provide Petitioner with a bond hearing) while Petitioner remains unjustly confined fails to account for the irreparable harm to which Petitioner already has been subjected. In these circumstances, the appropriate remedy is Petitioner's immediate release.

CLAIMS FOR RELIEF

COUNT ONE

Violation of 8 U.S.C. § 1226(a) and Associated Regulations

58. Petitioner incorporates by reference the allegations contained in Paragraphs 1 through 57 as if fully set forth herein.

59. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

60. Under § 1226(a) and its associated regulations, Petitioner is entitled to a bond hearing. *See* 8 C.F.R. § 236.1(d) & 1003.19(a)-(f).

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

62. Petitioner's continued detention without a bond hearing is therefore unlawful.

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition shouldn't be granted within three days;

(3) Order that Petitioner be released from detention during the pendency of his habeas proceedings under the Court's inherent Article III authority;

(4) Declare that Petitioner's detention without a bond hearing is unlawful under 8 U.S.C. § 1226(a);

(5) Issue a Writ of Habeas Corpus ordering Respondents (a) to release Petitioner immediately, or alternatively, (b) to schedule a bond hearing before an immigration judge at which the Government bears the burden of proving, by clear and convincing evidence, that Petitioner presents a risk of flight or a danger to the community;

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

(7) Grant any relief this Court deems just and proper.

Date: April 11, 2026

Respectfully submitted,

Carlos Antonio Aragon Lopez

By his attorneys

/s/ Yong Ho Song
Yong Ho Song, Esq.*
Greater Boston Legal Services
197 Friend Street, 8th Floor
Boston, MA 02114
TEL: (617) 320-5180
ysong@gbls.org

Counsel for Petitioner

Cassandra Lopez, Esq.
Al Otro Lado
511 E. San Ysidro Blvd., #333
San Ysidro, CA 92173
TEL: (619) 730-5891
cassandra.l@alotrdolado.org

Local Counsel

* Request to appear *Pro Hac Vice* forthcoming