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DETAINED

Attorney for Petitioner

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA  
401 W WASHINGTON ST #10  
PHOENIX, AZ 85003**

**Richard SALAZAR LAREZ,**

Petitioner,

vs.

**Eric ROKOWSKY, Warden, Eloy  
Detention Center; John CANTU,  
Former Phoenix Field Office Director,  
U.S. Immigration and Customs  
Enforcement; Todd M. LYONS, Acting  
Director of ICE; Daren K. MARGOLIN  
Director of EOIR; Todd BLANCHE,  
Acting Attorney General of the United  
States; and Markwayne MULLIN,  
Secretary of Homeland Security,**

Respondents

) Case No.:

) **VERIFIED**

) **Petition for a Writ of Habeas Corpus  
Under 28 U.S.C. § 2241**

**Petition for a Writ of Habeas Corpus  
Under 28 U.S.C. § 2241**

## INTRODUCTION

1. Petitioner RICHARD SALAZAR LAREZ, A# [REDACTED] (hereinafter Petitioner) is in the physical custody of Respondents at the Eloy Detention Center in Eloy, AZ. Petitioner is being unlawfully detained because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have concluded that Petitioner is subject to mandatory detention.
2. Petitioner is charged with having entered the United States without admission or inspection, 8 U.S.C. § 1182(a)(6)(A)(i).
3. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner release from immigration custody consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs enforcement ICE employees to consider anyone inadmissible under 8 U.S.C. § 1182 (a)(6)(A)(i), Those who entered the United States without admission or inspection to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible for release on bond.
4. Similarly on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision binding on all immigration judges holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. See *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) the Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A), and therefore ineligible for release on bond.
5. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act (INA) section 1225 (b)(2)(A) does not apply to individuals like petitioner who previously entered and are now residing in the United States and such individuals are subject to a different statute INA section 1226(a) that

1 allows for release on condition parole or bond that statute expressly applies to  
2 people who like petitioner are charged as inadmissible for having entered the  
3 United States without inspection.

4 6. Respondents' new interpretation is plainly contrary to the statutory framework and  
5 contrary to decades of agency practice applying INA section 1226(a) to people  
6 like petitioner.

7 7. On November 20, 2025, the U.S. District Court for the Central District of  
8 California in *Maldonado Batista v. Santacruz*, No. 5:25-CV01873-SSS-B FM -F.  
9 Supp. 3d ---- 2025 U.S. Dist. LEXIS 233085 (C.D. Cal. Nov. 20, 2025), granted  
10 partial summary judgment on behalf of individual plaintiffs and on November 25,  
11 2025, certified a nationwide class and extended declaratory judgment to the  
12 certified class. See *Maldonado Batista v. Santacruz*, No. 5:25-CV01873-SSS-B  
13 FM -F. Supp. 3d ---- 2025 U.S. Dist. LEXIS 231977 (C.D. Cal. Nov. 25, 2025),  
14 (Order certifying nationwide Bond Eligible Class incorporating and extending  
15 declaratory judgment from Order Granting Petitioners Motion for Partial  
16 Summary Judgment).

17 8. The *Maldonado Batista* court entered a declaratory judgment that the individual  
18 plaintiffs are detained under 8 U.S. § 1226(a), and thus may not be denied  
19 consideration for release under bond § 1225(b)(2)(a). *Maldonado Batista*, 2025  
20 U.S. Dist. LEXIS 233085, at \*\*15-29. In its subsequent ruling the District Court  
21 extended the same declaratory relief granted to petitioners to the Bond Eligible  
22 Class as a whole *Maldonado Batista*, 2025 U.S. Dist. LEXIS 231977, at \*26.

23 9. On December 18, 2025, the *Maldonado Batista* court entered final judgment on  
24 counts I through III of the petitioners amended class complaint certifying the class  
25 and declaring unlawful the DHS policy at issue in this case. The *Maldonado*

1 *Bautista* court explicitly “declares Respondents’ interpretation contrary to law”  
2 and “as such the interpretation in *Matter of Yajure Hurtado*, which contradicts the  
3 court's reasoning is no longer controlling.” *Id.* at \*35.

4 10. Petitioner is a member of the Bond Eligible Class in *Maldonado Batista*, as he:

- 5 a. Does not have lawful status in the United States and is currently detained at  
6 Eloy Detention Center Eloy, AZ. Petitioner was placed into custody by  
7 immigration authorities on November 15, 2025;  
8 b. Petitioner entered the United States without inspection on April 27, 2023,  
9 and was apprehended upon arrival near El Paso, TX, and subsequently  
10 released;  
11 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1) or § 1231.

12 11. The District Court judgment in *Maldonado Batista* as it has the full force and  
13 effect of a final judgment 28 U.S.C. § 2201(a). *See e.g., Mendez v. Hyde*, 2025  
14 U.S. Dist. LEXIS 251341, at \*6 (D.R.I. Dec. 5, 2025) (holding that petitioner was  
15 entitled to the same relief ordered by Judge Sykes in *Maldonado Batista*); *Maclas*  
16 *v. Raycraft*, 2025 U.S. Dist. LEXIS 254271, at \*\*6-7 (N.D. Ohio Dec. 9, 2025)  
17 (same); *Santuario v. Bondi*, 2025 U.S. Dist. LEXIS 254006, at \*4 (D. Minn. Dec.  
18 2, 2025) (same).

19 12. On March 6, 2026 the 9th Circuit Court granted an administrative stay to the  
20 Central District of California order, citing that the order only remains in effect in  
21 the Central District of California. *Maldonado Bautista v. United States*  
22 *Department of Homeland Security*, No. 26-1044, Dec. No. 5:25-cv-01873-SSS-  
23 BFM Central Dist. of Cal. Riverside.

24 13. Despite the court's ruling immigration judges remain bound to follow the agencies  
25 prior decision in *Matter of Yajure Hurtado*, per the recent 9th Circuit ruling.

1 14. The arguments and ruling in *Maldonado Bautista* are sound reasonable arguments  
2 likely to be upheld, the 9th Circuit decision did not vacate or overrule the Dist.

3 Court decision, only ordered a temporary stay of the order,

4 15. Respondents only accept that jurisdiction exists after petitioner has gotten an order  
5 through habeas proceedings resulting in the unnecessary expense of valuable  
6 resources.

7 16. Therefore, Respondents are detaining Petitioner in violation of the INA, the Due  
8 Process Clause of the 5th Amendment and as a certified class member of  
9 *Maldonado Batista*.

10 17. Accordingly, Petitioner seeks a Writ of Habeas Corpus requiring that he be  
11 released unless Respondents provide a bond hearing under § 1226(a) within seven  
12 days.

### 13 JURISDICTION

14 18. This action arises under the U.S. Constitution and the INA 8 U.S.C. § 1101 et seq.

15 19. This court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) 28 U.S.C. §  
16 1331 (federal question), and Article 1 section 9 clause 2 of the U.S. Constitution  
17 (the Suspension Clause).

18 20. This court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
19 Judgment Act, 28 U.S.C. § 2201 et seq., and All Writs Act 28 U.S.C. § 1651.

### 20 VENUE

21 21. Pursuant to *Braden v. 30<sup>th</sup> Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
22 500 (1973), venue lies in the U.S. District of Arizona the judicial district in which  
23 the Petitioner currently is detained.

24 22. Venue is also properly in this court pursuant to 28 U.S.C. § 1391(e) because  
25 Respondents are employees, officers and agencies of the United States and

1 because a substantial part of the events or emissions giving rise to the claims  
2 occurred in this district.

3 **REQUIREMENTS OF 28 U.S.C. § 2243**

4 23. The court must grant the petition for writ of habeas corpus or order Respondents to  
5 show cause “forthwith” unless the Petitioner is not entitled to relief. 28 U.S.C. §  
6 2243. If an order to show cause is issued, Respondents must return “within three  
7 days unless for good cause additional time not exceeding 20 days is allowed.” *Id.*

8 24. Habeas Corpus is “perhaps the most important writ known to the constitutional  
9 law... according as it does a *swift* and imperative remedy in all cases of illegal  
10 restraint or confinement.” *Faye v. Noia*, 372 U.S. 391, 400 (1963) (emphasis  
11 added). “The application for the writ usurps the attention and displaces the  
12 calendar of the judge or justice who entertains it and receives prompt action from  
13 him within the four corners of the application” *Yong v. I.N.S.*, 208 F.3d 1116, 1120  
14 (9<sup>th</sup> Cir. 2000) (citation omitted).

15 **PARTIES**

16 25. Petitioner is a native and citizen of the Bolivarian Republic of Venezuela.

17 Petitioner has been in detention since November 15, 2025. Petitioner was denied  
18 review of his custody by an immigration judge pursuant to the Board’s decision in  
19 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The Immigration Judge  
20 did find that Petitioner is not a danger to the community and that flight risk could  
21 be ameliorated with a \$8,000, bond. Petitioner is in the custody and control of the  
22 Respondents and their agents.

23 26. Respondent Eric Rowkosky is upon information and belief the acting warden of  
24 the Eloy Detention Center where Petitioner is being detained, he is Petitioner’s  
25 immediate legal custodian and thus a proper Respondent in this matter. *See*

1 *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Respondent is named in his official  
2 capacity.

3 27. Respondent John Cantu was the phoenix field office director for US Immigration  
4 and Customs enforcement he was dismissed from this role on October 24, 2025,  
5 no replacement for Mr. Cantu has been publicly identified. Mr. Cantu or his  
6 successor responsible for Petitioner's detention and thus a legal custodian of  
7 Petitioner. Respondent is named in his official capacity.

8 28. Respondent Todd M. Lyons, Acting Director of ICE, which is the federal agency  
9 responsible for implementing and enforcing the INA including the detention and  
10 removal of non-citizens respondent Lyons has control over the actions of ICE in  
11 general. Respondent Lyons is a legal custodian of Petitioner and is sued in his  
12 official capacity.

13 29. Respondent Daren K. Margolin is the Director of EOIR, which is the federal  
14 agency responsible for implementing and enforcing the INA in removal  
15 proceedings including for custody redeterminations in bond hearings Respondent  
16 Margolin is sued in his official capacity.

17 30. Respondents Todd Blanche and Markwayne Mullin are respectively the Attorney  
18 General of the United States and the Acting Secretary of Homeland Security as  
19 such they are responsible for maintaining the immigration detention system they  
20 are thus legal custodians of Petitioner. Respondents are named in their official  
21 capacities.

## 22 **FATUAL AND PROCEDURAL HISTORY**

23 31. Petitioner was born  in Venezuela. And came to the United States  
24 on or about April 27, 2023 near the El Paso, TX port of entry. Petitioner was not  
25

1 admitted and inspected and not paroled into the United States. The Department of  
2 Homeland security has argued that Petitioner entered without inspection.

3 32. Petitioner was taken into custody on November 15, 2025;

4 33. Petitioner filed an affirmative Asylum application in May 2025, within days of  
5 entering the United States;

6 34. DHS initiated removal proceedings filing a new charging document on November  
7 16, 2025;

8 35. On April 21, 2026, Petitioner requested a custody redetermination from the  
9 Immigration Judge. The Respondents denied Petitioner's request pursuant to  
10 *Matter of Yajure Hurtado*.

11 36. Petitioner subsequently requested this Writ of Habeas Corpus.

### 12 **LEGAL FRAMEWORK**

13 37. The INA prescribes three basic forms of detention for the vast majority of non-  
14 citizens in removal proceedings.

15 38. First, 8 U.S.C. § 1226 authorizing the detention of non-citizens in standard  
16 removal proceedings before an immigration judge *See* 8 U.S.C. § 1229(a).  
17 Individuals in § 1226(a) detention are generally entitled to a bond hearing at the  
18 outset of their detention *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while non-citizens  
19 who have been arrested charged with or convicted of certain crimes are subject to  
20 mandatory detention. *See* 8 U.S.C. § 1226(c).

21 39. Second the INA provides for mandatory detention of non-citizens subject to  
22 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals  
23 seeking admission referred to under § 1225(b)(2).  
24  
25

1 40. Finally, the INA also provides for detention of non-citizens who have been  
2 ordered removed including individuals with withholding only proceedings. *See* 8  
3 U.S.C. § 1231(a)-(b).

4 41. This case concerns detention under the provisions at §§ 1226(a) and 1225(b)(2).

5 42. The detention provisions at §§ 1226(a) and 1225(b)(2) were enacted as part of the  
6 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996,  
7 Pub. L. No. 104-208, Div. C, §§302-03, 110 Stat. 3009-546, 3009-582 to 3009-  
8 583, 3009-585. Section 1226(a) was most recently amended in 2025 by the Laken  
9 Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

10 43. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining,  
11 that in general people who entered the country without inspection were not  
12 considered detained under § 1225 and that they were instead detained under  
13 1226(a), *see* Inspection and Expedited Removal of Aliens, Detention and Removal  
14 of Aliens, Conduct of Removal Proceedings, Asylum Procedures 62 Fed. Reg.  
15 10312, 10323 (March 6 1997).

16 44. Thus, in the decades that followed most people who entered without inspection  
17 and were placed in standard removal proceedings received bond hearings. Unless  
18 their criminal history rendered them ineligible pursuant to 8 U.S.C. §1226(c), that  
19 practice was consistent with many more decades of prior practice in which non-  
20 citizens who were not deemed “arriving” were entitled to a custody hearing before  
21 an immigration judge or other hearing officer. *See* 8 U.S.C. §1252(a) 1994); *see*  
22 *also* H.R. Rep. No. 104-469, pt 1, at 229 (1996) (noting that §1226(a) simply  
23 “restates” the detention authority previously found at 1252(a)).  
24  
25

1 45. On July 8, 2025, ICE “in coordination with” DOJ, announced a new policy that  
2 rejected well-established understanding of the statutory framework and reversed  
3 decades of practice.

4 46. The new policy entitled “Interim Guidance Regarding Detention Authority for  
5 Applicants for Admission” claims that all persons who entered the United States  
6 without inspection should now be subject to mandatory detention under §  
7 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and  
8 effects those who have resided in the United States for months, years, and even  
9 decades.

10 47. On September 5th 2025 the BIA Adopted this same position in a published  
11 decision *Matter of Yajure Hurtado*, there the Board held that all non-citizens who  
12 entered the United states without admission or parole are subject to detention  
13 under § 1225(b)(2)(A), and are ineligible for bond hearings before the  
14 Immigration Judge (IJ).

15 48. Since Respondents adopted their new policies, dozens of Federal courts have  
16 rejected their new interpretation of the INA's detention authorities’ courts have  
17 likewise rejected *Matter of Yajure Hurtado* which adopts the same reading of the  
18 statute as ICE.

19 49. Even before ICE or the BIA introduced their nationwide policies IJ's in the  
20 Tacoma, WA, immigration court stopped providing bond hearings for persons who  
21 entered the United States without inspection or who have since resided stay here.  
22 The U.S. District Court in the Western District of Washington found that such a  
23 reading of the INA is likely unlawful and that § 1226(a) not § 1225(b), applies to  
24 non-citizens who are not apprehended upon arrival to the United States. *Rodriguez*  
25 *Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

50. Subsequently courts have adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Vasquez Garcia v. Noem*, No.250cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK 2025 WL 1869299 (D. mass. July 7, 2025); *Diaz Martinez v. Hyde*, CV 25-11613-BEM, ---F. Supp. 3d ---, 2025 WL 208438 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-017S9-ODW (DFMx), 2025 WL 23792S5 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No.25-11631-BEM, 2025 WL 2403S27 (D. Mass. Aug. 19, 2025); *Sambv. Joyce*, No. 25CIV.6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No.25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-0242S-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostal v. Trump*, No.3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J. O. E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), ---F. Supp. 3d ---, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Lopez- Campos v. Raycraft*, No. 2:25-cv-124S6-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Zaragoza Mosqueda v. Noem*, No.5:25-CV-02304 CAS(BFM), 2025 WL 2591530 (C.D. Cal. Sept. 5, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No.1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at\*2 (D. Neb. Sept. 3, 2025) (noting that "[t]he Court tends to agree" that §1226(a)

1 and not §1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC,  
2 2025 WL 2402271 at\*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No.4:25-cv-  
3 03158-JFB-RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025)(same).

4 51. Courts have uniformly rejected DHS and EOIR's new interpretation because it  
5 defies the INA as the *Rodriguez Vasquez* court and others have explained the plain  
6 text of the statutory provisions demonstrates that § 1226(a) not § 1225(b) applies  
7 to people like Petitioner.

8 52. Section 1226(a) applies by default to all persons pending a decision on whether  
9 the non-citizen is to be removed from the United States these removal proceedings  
10 are held under section 1229(a) to “decide the inadmissibility or deportability of a[]  
11 [non-citizen]”.

12 53. 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).  
14 Subparagraph E's reference to such people makes clear that by default such people  
15 are afforded a bond hearing under subsection (a) as the *Rodriguez Vasquez* court  
16 explained “when Congress creates specific exceptions to a statutes applicability it  
17 proves that absent those exceptions the statute generally applies” *Rodriguez*  
18 *Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v.*  
19 *Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)), *see also Gomes*, 2025 WL 1869299,  
20 at \*7.

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

24 55. By contrast § 1225(b) applies to people arriving at U.S. ports of entry or who  
25 recently entered the United States. The statutes entire framework is premised on

inspections at the border of people who are seeking admission to the United States.  
8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this  
mandatory detention scheme applies at the nation's borders and ports of entry  
where the government must determine whether a non-citizen seeking to enter the  
country is admissible. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

56. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply  
to people like Petitioner who have already entered and who are residing in the  
United States at the time they were apprehended.

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **Violation of the INA**

57. Petitioner incorporates by reference the allegations in the preceding paragraphs.

58. Mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all non-  
citizens residing in the United states who are subject to the grounds of  
inadmissibility as relevant here it does not apply to those who previously entered  
the country and have been residing in the United states prior to being apprehended  
and placed in removal proceedings by respondents such citizens are detained  
under § 1226(a) unless they are subject to § 1225(b)(1), §1226(c), or § 1231.

59. The application of 8 U.S.C. § 1225(b)(2) to Petitioner unlawfully mandates his  
continued detention and violates the INA.

### **COUNT II**

#### **Violation of the INA: Request for Relief Pursuant to *Maldonado Bautista***

60. Petitioner incorporates by reference the allegations in the preceding paragraphs.

61. As a member of the Bond Eligible Class is entitled to consideration for release on  
bond under 8 U.S.C. § 1226(a).

1 62. The final judgment in *Maldonado Batista* declares unlawful the DHS policy that is  
2 at issue in this case and holds the respondents in violation of the INA and applying  
3 the mandatory detention statute at 8 U.S.C. § 1225(b)(2) to class members.

4 63. Respondents are parties to *Maldonado Batista* and bound to the court's final  
5 judgment.

6 64. By denying petitioner bond hearing under § 1226(a) and asserting that he is  
7 subject to mandatory detention under § 1225(b)(2) respondents violate petitioner  
8 statutory rights under the INA and the courts judgment in *Maldonado Batista*.

9 **COUNT III**  
10 **Violation of the Bond Regulations**

11 65. Petitioner incorporates by reference the allegations in the preceding paragraphs.

12 66. In 1997 after Congress amended the INA through IIRIRA, EOIR and the then  
13 Immigration and Naturalization Service issued an interim rule to interpret and  
14 apply IIRIRA specifically under the heading of “Apprehension Custody and  
15 Detention of Aliens” the agencies explained that despite being applicants for  
16 admission, aliens who are present without having been admitted or paroled  
17 (formally referred to as aliens who entered without inspection) will be eligible for  
18 bond and bond to redetermination 62 Fed. Reg. at 10323. The agencies thus made  
19 clear that individuals who had entered without inspection were eligible for  
20 consideration for bond and bond hearings before immigration judges under 8  
21 U.S.C. § 1226 and its implementing regulations.

22 67. Nonetheless pursuant to *Matter of Yajure Hurtado* respondents have a policy and  
23 practice of applying § 1225(b)(2) to individuals like petitioner.

24 68. The application of § 1225(b)(2) to petitioner unlawfully mandates his continued  
25 detention and violates 8 C.F.R. §§ 236.1, 1236.1 and 1003.19.

**COUNT IV**

**Violation of the Fifth Amendment Due Process Clause**

69. Petitioner incorporates by reference the allegations in the preceding paragraphs.

70. The government may not deprive a person of life liberty or property without due process of law. U.S. Const. amend V. Freedom from imprisonment - from government custody or other forms of physical restraint lies at the heart of the liberty that the clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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

72. The government's detention of petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his rights to due process.

**PRAYER FOR RELIEF**

Wherefore position or praise of this court grant the following relief

- a. assume jurisdiction over this matter;
- b. Order the petitioner shall not be transferred outside the US District Court of Arizona while this habeas petition is pending;
- c. Issue an order to show cause ordering response to show cause why this petition should not be granted within three days;
- d. Issue a writ of habeas corpus requiring respondents release prisoner on the \$8000 bond the Immigration Judge deemed appropriate, or in the alternative provide petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioners detention is unlawful;
- f. Award Petitioners attorney's fees and costs under the Equal Access to Justice Act (EAJA) as amended 28 U.S.C. § 2412, and on any other basis justified under law; and

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

2  
3 RESPECTFULLY submitted this 22 day of April, 2026

4  
5  
6 s/William J. Schnebly  
7 William J. Schnebly (029748)  
8 Attorney for Petitioner  
9

10 **VERIFICATION PURSUANT TO 28 U.S.C. §2242**

11 I Represent Petitioner RICHARD SALAZAR LAREZ P and submit this  
12 verification on their behalf I verified that the factual statements made in the foregoing  
13 petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

14 Dated this 22 day of APRIL, 2026.

15 s/William J. Schnebly  
16 William J. Schnebly (029748)  
17 Attorney for Petitioner  
18  
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24  
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**CERTIFICATE OF SERVICE**

I swear under penalty of perjury that the above document was served on the following persons or entities in the manner stated on the date indicated below.

**ORIGINAL: E-FILED**

US DISTRICT COURT ECF

Clerk of the Court

**Copy: E-Filed and Mailed**

Eric Rokowski, Warden,  
Eloy Detention Center;  
1705 E. Hanna Rd  
Eloy, AZ 85131

**Copy: E-Filed and Mailed**

John Cantu,  
Former Phoenix Field Office Director,  
U.S. Immigration and Customs Enforcement;  
2035 N Central Ave  
Phoenix, AZ 85004

**Copy: E-Filed**

Todd M. Lyons  
Acting Director of U.S. Customs and Immigration Enforcement

**Copy: E-Filed**

Daren K. Margolin  
Director of EOIR

**Copy: E-Filed**

Todd Blanche,  
Acting Attorney General of the United States;

**Copy: E-Filed**

Markwayne Mullin,  
Secretary of Homeland Security,

April 22, 2026

Date

s/William J. Schnebly

William J Schnebly  
Attorney for Petitioner