

Mariah Bueno, Esq. Bar N. 1072054
Angeles Law LLC
2112 Broadway St NE STE 225 #53
Minneapolis, MN 55413
T: (612) 217-3786
Mariah@abogadoangeles.com
Attorney for Petitioner

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

JUAN JOSE CHIMBO-MOROCHO,

Petitioner,

v.

MARKWAYNE MULLIN, in his official capacity)
As Secretary of the Department of Homeland)
Security; **TODD BLANCHE**, in her official)
capacity as Attorney General of the United)
States; **TODD LYONS**, in his official)
capacity as Acting Director and Senior)
Official Performing the Duties of the)
Director of U.S. Immigration and Customs)
Enforcement; **JOHN DOE**, in her)
official capacity as Field Office)
Director of the Orlando Field Office)
of U.S. Immigration and Customs Enforcement,)
Enforcement and Removal Operations;)
JOHN DOE, in his official capacity)
as Warden of the Baker County Detention)
Center.,)

Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

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

1. Petitioner, JUAN JOSE CHIMBO-MOROCHO, by and through undersigned counsel, Mariah Bueno of Angeles Law LLC, respectfully petitions this Honorable 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 United States Department of Homeland Security and its agents. Petitioner is a 38-year-old Ecuadorian citizen currently detained at Baker County Detention Center, located at 1 Sheriff's Office Drive, Macclenny, Florida 32063, and his claim for relief arose in Osceola within the Middle District of Florida.
2. Petitioner entered the United States on May 23, 2024, sought protection from persecution, and was placed into full removal proceedings. He is not subject to mandatory detention under any provision of the Immigration and Nationality Act.
3. On or about January 19, 2026, Immigration and Customs Enforcement ("ICE") took custody of Petitioner following his arrest by local authorities in Kissimmee, Florida, pursuant to an immigration detainer and placed him in immigration detention while his removal proceedings are ongoing.
4. Although Petitioner may seek bond redetermination under existing procedures, such efforts are futile due to current immigration policies and precedents, including the Immigration Court's lack of jurisdiction for meaningful custody review under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)¹. Based on this jurisdictional ruling, the Immigration Judge

¹ The Government's reliance on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), is misplaced. The decision was issued in a bond appeal that (as argued in Respondent's motion to reconsider) was moot before publication because the respondent was already subject to a final removal order—making the Board's choice to issue a published merits ruling procedurally defective and, at minimum, of diminished persuasive value. *See* Exhibit C. *See* also *Matter of Valles*, 21 I&N Dec. 769, 773 (BIA 1997) (bond appeal rendered moot by subsequent custody redetermination); *Matter of Luis*, 22 I&N Dec. 747, 753 (BIA 1999) (Board may dismiss as moot, "as a matter of prudence," when a controversy is deprived of practical significance).

In any event, *Yajure Hurtado* is *ultra vires* of the Board's delegated authority because it effectively rewrites binding Attorney General custody regulations—without rulemaking—by converting a narrow, regulation-based "arriving alien" bond bar into a sweeping prohibition for virtually all noncitizens charged as present without admission.

determined that no bond hearing was available and therefore did not consider—or have authority to consider—any individualized custody factors, including danger to the community, risk of flight, community ties, or alternatives to detention.

5. Petitioner is subject to pre-final order of removal detention under 8 U.S.C. § 1226(a). Noncitizens detained under section 1226(a) are subject to discretionary detention and may request a change of custody redetermination, commonly known as a bond hearing, before an Immigration Judge.
6. Despite this statutory framework, DHS has taken the position that—based on *Matter of Yajure Hurtado*—the Immigration Court lacks jurisdiction to conduct a bond hearing in Petitioner’s case, thereby depriving him of any meaningful opportunity to seek release and leaving him detained without a constitutionally adequate custody determination.
7. As a result, Petitioner now faces prolonged and potentially indefinite detention without any meaningful opportunity for an individualized custody review. Petitioner has a pending Form I-589, Application for Asylum and for Withholding of Removal, currently before the Immigration Court as a defensive application, and remains eligible for release consistent with due process protections. Despite his pending claims for relief, DHS continues to detain

Compare 8 C.F.R. §§ 1236.1(d)(1), 1003.19(h)(2)(i)(B) (IJ bond jurisdiction before a final order; categorical bar limited to “arriving aliens” and other enumerated classes) with 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (final interim rule explaining that “inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge”). The Board has repeatedly stated that it lacks the authority to invalidate or disregard Attorney General regulations. *See, e.g., Matter of Akram*, 25 I&N Dec. 874, 875 (BIA 2012). Basic administrative law likewise forbids an agency from accomplishing a de facto amendment of a binding legislative rule through adjudication rather than notice-and-comment rulemaking. *See, e.g., Marseilles Land & Water Co. v. FERC*, 345 F.3d 916, 920 (D.C. Cir. 2003).

Nor does *Yajure Hurtado* warrant deference in federal habeas proceedings. Under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394, 413 (2024), courts must exercise independent judgment and may not defer to an agency interpretation simply because a statute is ambiguous. Federal courts evaluating the same detention theory have thus declined to treat *Yajure Hurtado* as controlling or persuasive and have ordered bond hearings under INA § 236(a), 8 U.S.C. § 1226(a).

him without providing a constitutionally sufficient bond hearing before a neutral adjudicator empowered to grant release.

8. Petitioner's continued detention without a bond hearing violates Petitioner's Fifth Amendment Due Process rights and the Immigration and Nationality Act ("INA"). DHS's position—endorsed through reliance on *Matter of Yajure Hurtado*—has eliminated bond jurisdiction under § 1226(a) and resulted in prolonged civil detention without adequate procedural safeguards.
9. Petitioner seeks immediate release, or in the alternative, an order directing Respondents to provide him with a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a) before a neutral decisionmaker with authority to grant release. For the foregoing reasons, the Court should grant habeas relief and direct Respondents to release Petitioner, or in the alternative promptly provide her with a constitutionally adequate bond hearing within seven (7) days.

FACTUAL BACKGROUND

10. Petitioner Juan Jose Chimbo-Morocho is a 38-year-old Ecuadorian citizen and national. Petitioner has no confirmed criminal convictions in the available record, and there is no evidence of a history of violence or dangerous behavior in the record before this Court.
11. Petitioner was arrested on or about January 19, 2026, in Kissimmee, Florida, and charged with resisting arrest without violence under Florida Statute § 843.02. The arrest arose from a traffic stop involving a vehicle with expired registration. The alleged conduct did not involve violence, weapons, controlled substances, or injury to any individual. The disposition of that matter is not confirmed in the current record. Petitioner has otherwise pursued protection through the immigration process and has a pending asylum application.
12. The petitioner was later transported to a nearby jail, paid his bail, but has not yet been released and remains detained outside an immigration center.

13. Petitioner entered the United States on May 23, 2024, and was subsequently placed into removal proceedings after being apprehended without admission or parole. Petitioner was determined to be a citizen of Ecuador and did not possess valid documents permitting entry into the United States.
14. Following his entry, Petitioner was issued a Notice to Appear and placed into removal proceedings under section 240 of the Immigration and Nationality Act. He thereafter filed an application for asylum, withholding of removal, and protection under the Convention Against Torture (Form I-589), which is currently pending before the Immigration Court as a defensive application.
15. On January 19, 2026, Petitioner was taken into custody following his arrest by local authorities in Kissimmee, Florida, on the non-violent charge described above and subsequently transferred to Immigration and Customs Enforcement ("ICE") custody, where he has remained detained while his removal proceedings are ongoing.
16. Although Petitioner may seek bond redetermination under existing procedures, such efforts are futile due to current immigration policies and precedents, including the Immigration Court's lack of jurisdiction for meaningful custody review under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). These policies impose blanket restrictions, preclude individualized assessments, and ignore case-specific changes, rendering any redetermination illusory and likely to be denied without substantive consideration. Consequently, Petitioner remains in indefinite detention without a genuine opportunity for release, violating procedural due process and highlighting systemic flaws for similarly situated individuals.
17. Petitioner is currently detained at Baker County Detention Center, located at 1 Sheriff's Office Drive, Macclenny, Florida 32063, within the Middle District of Florida. He has

remained in continuous detention since on or about January 19, 2026, without any individualized custody determination. Although Petitioner was arrested on that date and charged with a non-violent offense arising from a traffic-related incident, the alleged conduct did not involve violence, weapons, controlled substances, or injury to any individual. While the incident included a brief flight on foot, no adjudicator has evaluated that allegation in a neutral custody proceeding. There is no evidence in the record establishing that Petitioner poses a danger to the community, and any assessment of potential flight risk has never been subjected to the individualized review required under due process.

18. Petitioner has a pending Form I-589, Application for Asylum and for Withholding of Removal, which was originally filed with USCIS on April 18, 2025, and later referred to the Immigration Court as a defensive application after the initiation of removal proceedings.
19. Petitioner's ongoing detention—without any opportunity for an individualized custody determination—has resulted in prolonged and potentially indefinite civil confinement. His detention under restrictive, penal-like conditions, despite his pursuit of asylum protection and absence of any confirmed criminal convictions in the record before this Court, violates fundamental principles of due process and statutory protections under the Immigration and Nationality Act.
20. Petitioner has now been held in civil immigration detention since on or about January 19, 2026, without any meaningful mechanism to seek release, notwithstanding his pending claims for asylum, withholding of removal, and protection under the Convention Against Torture, and his continued eligibility to seek release consistent with constitutional due process protections.

JURISDICTION

21. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner challenges the legality of her ongoing civil immigration detention and seeks relief that is within the traditional scope of habeas corpus. Jurisdiction also lies under 28 U.S.C. § 1331, as this Petition raises federal questions arising under the Constitution, laws, and treaties of the United States. The Suspension Clause of the United States Constitution further guarantees Petitioner’s right to seek habeas corpus review where no other adequate remedy exists.
22. The 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. Congress has preserved judicial review of challenges to immigration detention, including claims raising statutory and constitutional questions. See, e.g., *Nielsen v. Preap*, 139 S. Ct. 954, 961–62 (2019); *Jennings v. Rodriguez*, 583 U.S. 281 (2018) (distinguishing reviewable legal and constitutional claims from unreviewable discretionary determinations under 8 U.S.C. § 1226(e)).
23. Federal district courts have jurisdiction to hear habeas corpus claims brought by noncitizens challenging the lawfulness of their immigration detention. See *Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (recognizing habeas jurisdiction over challenges to immigration detention); *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001) (same).
24. Although 8 U.S.C. § 1226(e) bars review of the Attorney General’s discretionary judgments regarding the release or detention of noncitizens, it does not preclude judicial review of questions of law or constitutional claims arising from immigration detention. Petitioner does not ask this Court to second-guess a discretionary bond determination.

Rather, he challenges the Department of Homeland Security's legal authority to detain him without ever providing a bond hearing or any constitutionally adequate individualized custody determination. Such claims fall squarely within the scope of habeas review. The Supreme Court has long recognized that federal courts retain habeas jurisdiction to review the statutory and constitutional bases of immigration detention notwithstanding jurisdiction-stripping provisions, as such review lies at the core of the Great Writ. See *Demore v. Kim*, 538 U.S. at 516–17; *Zadvydas v. Davis*, 533 U.S. at 687–88.

25. No petition for a *writ of habeas corpus* has previously been filed in any court regarding Petitioner.

VENUE

26. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the Middle District of Florida, the judicial district in which Petitioner is currently detained or where the claim for relief arose and where his immediate custodian at the Baker County Detention Center exercises control over his confinement.

27. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims—including Petitioner's detention and continued confinement without a bond hearing or individualized custody review—occurred within the Middle District of Florida.

PARTIES²

² In *Rumsfeld v. Padilla*, the Supreme Court addressed the identity of the proper respondent to a § 2241 habeas petition filed by a U.S. citizen challenging his detention as an enemy combatant. 542 U.S. 426 (2004). The Court

28. Petitioner Juan Jose Chimbo-Morocho is a citizen and national of Ecuador who has been in immigration detention since on or about January 19, 2026. Petitioner was initially arrested by local authorities in Kissimmee, Florida on a non-violent charge for resisting arrest without violence arising from a traffic-related incident. While in local custody, ICE lodged an immigration detainer, and on or about January 19, 2026, Immigration and Customs Enforcement ("ICE") took Petitioner into immigration custody. Petitioner has not received a bond hearing before an Immigration Judge, and no Immigration Judge has conducted an individualized custody determination in his case. As a result, no neutral adjudicator has evaluated the nature of the underlying allegation, any potential risk factors, or Petitioner's eligibility for release. Petitioner entered the United States on or about May 23, 2024, and his removal proceedings remain pending.

29. Respondent **Markwayne Mullin** is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security ("DHS"). In this capacity, Respondent is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent is a legal custodian of Petitioner.

30. Respondent **Todd Blanche** is sued in his official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive

held that the only appropriate respondent for a traditional habeas corpus petition involving a "core challenge" to "present physical confinement" is the individual's "immediate custodian," meaning the person in charge of the facility where the individual is being held *Id.* at 435. In that case, the immediate custodian was the commanding officer in charge of the naval brig where the petitioner was physically held. *Id.* at 442. The Supreme Court also made it clear that it would not address who the proper respondent would be for a petition filed by a noncitizen "detained pending deportation." The Court noted a disagreement among different circuit courts regarding whether the Attorney General is a proper respondent to a habeas petition in such cases and stated, "Because the issue is not before us today, we again decline to resolve it" *Id.* at 435 n.8.

Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent is a legal custodian of Petitioner.

31. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). In this capacity, Respondent is a legal custodian of Petitioner and possesses authority over ICE detention policies, including the authority to release Petitioner from custody. He is sued in his official capacity.
32. Respondent **John Doe** is sued in his official capacity as the Field Office Director of ICE’s Enforcement and Removal Operations (“ERO”) for the Orlando Field Office. As such, Respondent is responsible for overseeing Petitioner’s detention and custody within the Jacksonville Field Office Area of Responsibility and exercises authority over Petitioner’s continued confinement. She is a legal custodian of Petitioner.
33. Respondent **John Doe** is the Warden of the Baker County Detention Center, 1 Sheriff’s Office Drive, Macclenny, Florida 32063, the facility where Petitioner is currently detained. This Respondent has immediate physical custody of Petitioner and is sued in his official capacity.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

34. Petitioner has no administrative remedies to exhaust.
35. Petitioner has not been afforded access to any custody redetermination process before an Immigration Judge, and no bond hearing has been made available in his case.
36. As such, Petitioner’s continued detention in ICE custody cannot be meaningfully challenged through bond proceedings before the Immigration Court, as no such process has been made available to him.
37. Furthermore, on or about January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that: “*Maldonado Bautista*

is not a nationwide injunction and does not purport to vacate, stay or enjoin *Yajure Hurtado*.” Immigration judges are instructed to treat the BIA’s decision in *Matter of Yajure Hurtado* as binding precedent. EOIR guidance further states that a “declaratory judgment” is not binding and lacks authority to compel specific action.³

38. DHS’s discretionary parole authority does not constitute an available or adequate administrative remedy that must be exhausted prior to habeas review. Parole decisions are committed to agency discretion, are not subject to neutral adjudication, and provide no mechanism for Petitioner to challenge the legality of his detention. Courts have consistently held that discretionary parole is not an exhaustion prerequisite to habeas corpus relief.
39. Therefore, Petitioner has been effectively denied access to any administrative custody review, and no adequate alternative remedy exists; exhaustion is either satisfied or excused as futile. A *writ of habeas corpus* is the sole avenue to vindicate Petitioner’s constitutional, statutory, and regulatory rights and to restore his liberty.

LEGAL FRAMEWORK

40. The INA prescribes three basic forms of detention for noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard, non-expedited removal proceedings before an Immigration Judge. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

³ *See* <https://www.aila.org/library/practice-alert-coir-issues-nationwide-guidance-on-maldonado-bautista>

41. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1), as well as for other arriving noncitizens seeking admission who are referred under 8 U.S.C. § 1225(b)(2).
42. Finally, the Act also provides for the detention of noncitizens who have previously been ordered removed, including those in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).
43. The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226(c) was most recently amended earlier this year by the LRA, Pub. L. No. 119-1, 139 Stat. 3 (2025).
44. Following enactment of IIRIRA, the Executive Office for Immigration Review drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under section 1225 but were instead detained under section 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens who entered without inspection—unless they were subject to some other detention authority—received bond hearings. This practice was also consistent with pre-IIRIRA procedure, in which noncitizens not deemed “arriving” were entitled to a custody hearing before an Immigration Judge or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also H.R. Rep.* No. 104-469, pt. 1, at 229 (1996) (noting that section 1226(a) simply “restates” the detention authority previously found at section 1252(a)).

45. On July 8, 2025, DHS issued a memo to all employees of Immigration and Customs Enforcement stating that “[t]his message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited its legal position on detention and release authorities. DHS has determined that section 235 of the Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226], is the applicable immigration detention authority for all applicants for admission. The following interim guidance is intended to ensure immediate and consistent application of the Department’s legal interpretation while additional operational guidance is developed.” The memo further stated DHS’ new position with regard to custody determinations as follows:

An “applicant for admission” is an alien 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 arrival. INA § 235(a)(1). Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) and may not be released from ICE custody except by INA § 212(d)(5) parole. These aliens are also ineligible for a custody redetermination hearing (“bond hearing”) before an immigration judge and may not be released for the duration of their removal proceedings absent a parole by DHS. For custody purposes, these aliens are now treated in the same manner that “arriving aliens” have historically been treated.

The only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c).

Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants for admission because Form I-286 applies by its terms only to custody determinations under INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will individually advise, if Enforcement and Removal Operations (ERO) previously conducted a custody determination for an applicant for admission still detained in ICE custody, ERO will affirmatively cancel the Form I-286. *See* <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authorityfor-applications-for-admission> (last accessed August 4, 2025) (emphasis original).

46. As a result, DHS now considers all noncitizens who have entered the United States without inspection and are subject to the grounds of inadmissibility, including longtime U.S. residents, are now considered to be subject to mandatory detention under section § 1225(b) and ineligible for release on bond. Conversely, according to DHS “[t]he only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].” *Id.*
47. On September 5, 2025, the BIA issued a precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that, based on the plain language of 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to noncitizens who are present in the United States without admission.

COUNT I: UNLAWFUL DETENTION IN VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (“INA”) AND IMPLEMENTING REGULATIONS

48. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
49. The Immigration and Nationality Act authorizes immigration detention only when it serves a legitimate statutory purpose—namely, to ensure an individual’s appearance at future proceedings or to protect public safety. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005). Detention that does not advance those purposes, or that becomes arbitrary and indefinite, exceeds the government’s statutory authority.

50. Petitioner is a citizen and national of Ecuador who entered the United States on or about May 23, 2024, and was placed into removal proceedings under section 240 of the Immigration and Nationality Act. Petitioner's removal proceedings remain pending.
51. Petitioner does not have any confirmed criminal convictions in the current record, and there is no evidence before this Court establishing that he poses a danger to the community or a risk of flight. The only known incident involves a charge for resisting arrest without violence arising from a traffic stop, which did not involve any violent conduct, weapons, or harm to others. While the incident included a brief flight on foot, no neutral adjudicator has evaluated that allegation in the context of a custody determination. This limited and non-violent allegation does not justify continued detention without an individualized custody determination.
52. Petitioner has been detained continuously since on or about January 19, 2026, when he was taken into ICE custody following his arrest by local authorities, and is currently confined at the Baker County Detention Center in Macclenny, Florida.
53. Although Petitioner may seek bond redetermination under existing procedures, such efforts are futile due to current immigration policies and precedents, including the Immigration Court's lack of jurisdiction for meaningful custody review under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). These policies impose blanket restrictions, preclude individualized assessments, and ignore case-specific changes, rendering any redetermination illusory and likely to be denied without substantive consideration. Consequently, Petitioner remains in indefinite detention without a genuine opportunity for release, violating procedural due process and highlighting systemic flaws for similarly situated individuals.

54. As a result, no adjudicator has considered any individualized custody factors, including Petitioner's lack of confirmed criminal convictions, his non-dangerousness, the non-violent nature of the only known allegation arising from a traffic-related incident, including the absence of any violence, weapons, controlled substances, or injury, his appearance for proceedings, or the availability of alternatives to detention.
55. Because no custody determination has been made, Petitioner now has no administrative mechanism for custody review, effectively subjecting him to prolonged and potentially indefinite detention without statutory authority or procedural safeguards.
56. The INA does not authorize the indefinite detention of a noncitizen in pending section 240 proceedings who poses no danger or flight risk and who has never received a custody hearing before a neutral decisionmaker. *See Zadvydas*, 533 U.S. at 690–91; *Clark*, 543 U.S. at 380–81.
57. Petitioner's continued confinement serves no legitimate statutory purpose. His detention bears no reasonable relation to ensuring his appearance or protecting public safety, particularly where the only known allegation is non-violent in nature and has not been assessed by any neutral adjudicator, and it is not tied to any imminent removal, especially while his removal proceedings remain pending.
58. Petitioner's ongoing detention—without individualized assessment, without lawful statutory justification, and without any ability to seek review—exceeds the narrow detention authority granted by Congress and violates controlling Supreme Court precedent.
59. Accordingly, Petitioner's continued detention is unlawful under the Immigration and Nationality Act, its implementing regulations, and governing constitutional principles. Petitioner respectfully requests that this Court order his immediate release, or, in the

alternative, require the government to provide a constitutionally adequate custody hearing before an Immigration Judge with authority to order release on bond.

COUNT II: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH

AMENDMENT TO THE U.S. CONSTITUTION

60. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
61. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Noncitizens physically present in the United States—including those who entered without inspection—are entitled to full procedural due process protections. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).
62. Petitioner is a citizen and national of Ecuador who entered the United States on May 23, 2024, and was placed into removal proceedings under section 240 of the Immigration and Nationality Act. Petitioner's removal proceedings remain pending.
63. Petitioner does not have any criminal convictions in the current record, and there is no evidence before this Court establishing that he poses a danger to the community or a risk of flight. The only known incident involves a non-violent charge for resisting arrest without violence arising from a traffic-related stop, which did not involve any violence, weapons, controlled substances, or injury to any individual. While the incident included a brief flight on foot, no neutral adjudicator has evaluated that allegation through an individualized custody determination. Petitioner has pursued relief through the immigration process.
64. Petitioner has been detained continuously since on or about January 19, 2026, when he was taken into ICE custody following his arrest by local authorities on the non-violent charge described above arising from a traffic-related incident and is currently confined at the Baker County Detention Center in Macclenny, Florida.

65. Petitioner has not been afforded any custody redetermination hearing before an Immigration Judge and has not been provided an opportunity to seek an individualized custody determination.
66. No Immigration Judge has conducted any individualized custody assessment in Petitioner's case, and no adjudicator has evaluated Petitioner's eligibility for release.
67. As a result, Petitioner has been effectively denied access to any hearing before a neutral adjudicator to determine whether his detention is justified. He has been denied the opportunity to present evidence, contest the government's assertions, including any allegations arising from the underlying non-violent arrest described above, or obtain a meaningful review of his custody.
68. Immigration detention implicates a fundamental liberty interest. Prolonged detention without a meaningful opportunity to challenge confinement violates the core due process guarantees of notice, the right to be heard, and adjudication by a neutral decisionmaker.
69. The government's failure to provide any mechanism for individualized custody review contravenes these constitutional protections and results in arbitrary, unjustified, and indefinite detention.
70. Accordingly, Petitioner's continued incarceration without an individualized custody determination violates the Due Process Clause of the Fifth Amendment. Habeas relief is warranted to remedy these constitutional violations by ordering her immediate release or, in the alternative, requiring a prompt and constitutionally adequate bond hearing before a neutral adjudicator with authority to grant release.

COUNT III: VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT –

ARBITRARY AND CAPRICIOUS AGENCY ACTION

71. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
72. The Administrative Procedure Act (“APA”), 5 U.S.C. § 706(2), requires courts to “hold unlawful and set aside” agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Under this standard, an agency must articulate a rational connection between the facts found and the choices made, and it must provide an adequate explanation for its actions consistent with statutory authority. See *Judulang v. Holder*, 565 U.S. 42, 55 (2011).
73. The Department of Homeland Security has acted arbitrarily and capriciously in continuing to detain Petitioner without any individualized justification. Petitioner has no criminal convictions, aside from a pending charge for driving under the influence, has not engaged in violence or dangerous behavior, and has consistently cooperated with immigration authorities since her transfer into ICE custody.
74. Despite these facts, DHS has maintained Petitioner’s detention for an extended and potentially indefinite period without providing any reasoned explanation or evidence that continued confinement serves a legitimate statutory purpose. Despite the limited and non-violent nature of the only known allegation—including the absence of any violence, weapons, controlled substances, or injury—DHS has not articulated why continued detention is necessary or why less restrictive alternatives would be insufficient. DHS has failed to articulate why release under supervision, bond, or other alternatives would be insufficient.
75. DHS’s reliance on *Matter of Yajure Hurtado* to justify continued detention is arbitrary and contrary to law. *Yajure Hurtado* addresses the jurisdiction of Immigration Judges to conduct bond hearings. It does not compel DHS to detain noncitizens indefinitely, nor does

it eliminate DHS's longstanding discretionary authority to release noncitizens on parole, recognizance, supervision, or bond.

76. By treating *Yajure Hurtado* as an absolute bar to any form of custody review or discretionary release, DHS has effectively adopted a blanket detention policy that substitutes categorical rules for the individualized determinations required under the Immigration and Nationality Act.
77. . DHS has not conducted any meaningful custody assessment of Petitioner, nor has it provided a rational explanation for refusing to exercise discretion in his case. Petitioner's lack of criminal convictions, the non-violent and pending nature of the charge for resisting arrest without violence arising from a traffic-related incident, and the absence of any allegation involving violence, weapons, controlled substances, or injury to any individual, together with DHS's failure to evaluate these facts through any individualized custody determination, constitute arbitrary and capricious decision-making.
78. DHS's actions are inconsistent with the statutory purpose of civil immigration detention, which is limited to ensuring appearance at future proceedings and protecting public safety. Petitioner's continued confinement does not advance either purpose.
79. DHS has therefore acted in a manner that is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Its continued detention of Petitioner must be set aside under 5 U.S.C. § 706(2)(A).
80. Habeas relief is warranted to remedy this unlawful agency conduct. Petitioner respectfully requests that this Court order her immediate release or, in the alternative, direct DHS to provide a constitutionally adequate and reasoned custody determination consistent with the requirements of the Administrative Procedure Act and the Immigration and Nationality Act.

**COUNT IV: VIOLATION OF THE EQUAL PROTECTION GUARANTEE OF THE
FIFTH AMENDMENT**

81. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
82. The Due Process Clause of the Fifth Amendment contains an implicit guarantee of equal protection that prohibits the federal government from treating similarly situated individuals differently without a rational and legitimate governmental purpose. *Reno v. Flores*, 507 U.S. 292, 302 (1993); *Plyler v. Doe*, 457 U.S. 202, 210 (1982); *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).
83. Petitioner is placed in removal proceedings under section 240 of the Immigration and Nationality Act, a statutory framework under which noncitizens ordinarily receive an individualized custody determination before an Immigration Judge pursuant to section 236(a).
84. Petitioner is a citizen and national of Ecuador who entered the United States on or about May 23, 2024, does not have any confirmed criminal convictions in the current record, and there is no evidence before this Court establishing that he has engaged in violence or dangerous behavior. The only known allegation involves a non-violent charge for resisting arrest without violence arising from a traffic-related incident, which did not involve any violence, weapons, controlled substances, or injury to any individual. He has pursued relief through the immigration process and remains in pending removal proceedings.
85. Despite being similarly situated to other § 240 respondents, Petitioner has been effectively denied access to any bond hearing based on DHS's classification of his detention without providing any individualized custody determination or meaningful opportunity to seek release.

86. No Immigration Judge has conducted a custody redetermination in Petitioner's case, and no individualized custody review has been made available.
87. The government's treatment of Petitioner creates an unjustifiable disparity between her and similarly situated detainees who receive individualized bond hearings. The Fifth Amendment prohibits the government from treating similarly situated persons differently without a rational basis. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000); *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).
88. DHS's categorical reliance on section 235(b) to foreclose Petitioner's access to custody review—despite her placement in § 240 proceedings and the absence of any individualized custody determination—lacks a rational connection to any legitimate governmental purpose. Disparate treatment based on the manner in which detention is administered without individualized review is arbitrary and not rationally related to the goals of ensuring appearance or protecting public safety. See *Zadvydas*, 533 U.S. at 690 (civil detention must relate to its permissible purposes).
89. Moreover, federal courts have recognized that immigration detention classifications must comport with fundamental fairness and may not be applied in an arbitrary or discriminatory manner. See, e.g., *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011) (government must justify detention with individualized evidence); *Rodriguez v. Robbins*, 804 F.3d 1060, 1074–76 (9th Cir. 2015) (due process prohibits prolonged detention without meaningful review).
90. DHS has provided no individualized or rational explanation for why Petitioner, unlike others in the same statutory posture, is denied access to an individualized custody determination. This unequal treatment violates the equal protection component of the Fifth Amendment.

91. Petitioner's continued incarceration under a discriminatory and arbitrary detention classification violates constitutional guarantees of equal protection and further underscores the unreasonableness and unlawfulness of his confinement.

92. Habeas relief is therefore warranted to remedy this unconstitutional disparate treatment by ordering Petitioner's immediate release or, in the alternative, directing DHS to provide her with the same procedural protection and individualized custody review available to similarly situated noncitizens.

COUNT V: VIOLATION OF THE SUSPENSION CLAUSE OF THE UNITED STATES CONSTITUTION

93. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

94. The Suspension Clause of the United States Constitution provides that "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. art. I, § 9, cl. 2. The Clause guarantees the availability of judicial review to challenge the lawfulness of executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008); *INS v. St. Cyr*, 533 U.S. 289, 300–05 (2001).

95. *Habeas corpus* remains available to all persons in the United States who are detained by executive authority, including noncitizens in civil immigration custody. The Supreme Court has made clear that Congress may not eliminate all avenues of meaningful judicial review of the legality of detention. *St. Cyr*, 533 U.S. at 305–06.

96. Petitioner is detained solely under civil immigration authority and is currently confined at the Baker County Detention Center in Macclenny, Florida. He does not have any confirmed criminal convictions in the current record, there is no evidence before this Court

establishing that he has a history of violence, and the only known allegation involves a non-violent charge for resisting arrest without violence arising from a traffic-related incident that did not involve any violence, weapons, controlled substances, or injury to any individual, and his removal proceedings remain pending.

97. Petitioner has not been provided any opportunity to obtain a bond hearing or an individualized custody determination before an Immigration Judge. No adjudicator has reviewed the legality, necessity, or duration of his detention.

98. Because no custody determination has been made and no review mechanism has been made available, Petitioner has no administrative pathway to challenge the legality, length, or necessity of his detention. ICE has likewise provided no meaningful discretionary parole review or case-specific custody assessment.

99. As a result, no alternative remedy exists outside of habeas corpus through which Petitioner may obtain judicial review of the legality of his confinement. Neither the Immigration Courts nor the Board of Immigration Appeals possesses jurisdiction to review custody challenges in the absence of an available custody determination process.

100. The Suspension Clause forbids the government from implementing a detention scheme that eliminates all meaningful opportunity for detainees to test the legality of their confinement. *Boumediene*, 553 U.S. at 779 (“The writ must be effective.”). When no adequate and effective substitute exists, habeas review is constitutionally required. *St. Cyr*, 533 U.S. at 305.

101. Petitioner’s detention—prolonged, indefinite, and wholly insulated from individualized review—implicates the core protections of the Suspension Clause. Without habeas corpus, Petitioner would have no judicial or administrative mechanism to contest the legality of his civil confinement.

102. The government's application of *Matter of Yajure Hurtado* to categorically bar all custody review therefore, violates the Suspension Clause by depriving Petitioner of an effective and constitutionally required means to challenge unlawful detention.

103. Accordingly, *habeas corpus* relief is required. Petitioner respectfully requests that this Court order her immediate release or, in the alternative, direct Respondents to provide her with a prompt, meaningful, and individualized custody hearing before a neutral adjudicator with authority to grant release.

COUNT VI: VIOLATION OF THE ACCARDI DOCTRINE WITH RESPECT TO 8

C.F.R. § 287.8(C)(2)(I) AND (II)

104. Petitioner repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

105. The United States has also failed to follow immigration-specific arrest and processing regulations. Regulations governing immigration enforcement require that warrantless arrests comply with the standards set forth in 8 C.F.R. § 287.8(c). Specifically, for any arrest, immigration officers must have reason to believe that an individual committed an offense against the United States or was present in the United States illegally. 8 C.F.R. § 287.8(c)(2)(i). And, for a warrantless arrest, officers must also have reason to believe that an individual is "likely to escape before a warrant can be obtained." 8 C.F.R. § 287.8(c)(2)(ii).

106. At the time of his transfer into ICE custody on or about January 19, 2026, and at all times thereafter, Petitioner had pursued relief through the immigration process and there is no indication in the current record that he failed to appear for any required proceedings or was otherwise unavailable to immigration authorities. Petitioner was initially arrested by local law enforcement in Kissimmee, Florida, on the non-violent charge described above

arising from a traffic-related incident, and transferred to ICE custody pursuant to an immigration detainer.

107. Petitioner was not evading immigration authorities, and there is no evidence in the current record establishing that he posed a danger to any person or to the community. Although the underlying local incident included a brief flight on foot during a traffic-related stop, that allegation has never been evaluated in the context of any individualized custody determination and does not establish that Petitioner presents a risk of flight for immigration purposes. Moreover, there is no evidence that Petitioner was likely to escape from immigration authorities or evade immigration proceedings before a warrant could be obtained. Therefore, Petitioner's warrantless immigration arrest and continued detention contravene the governing immigration arrest regulations and violate the Accardi doctrine, which requires agencies to follow their own binding regulations.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Pursuant to 28 U.S.C. § 2243, issue an order to show cause directing Respondents to file a return within three (3) days, absent good cause for a short extension not exceeding ten days, and set the matter for a prompt hearing;
3. Enjoin Respondents from transferring Petitioner during the pendency of the instant action;
4. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1226(a); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

5. Grant the *writ of habeas corpus* and order Petitioner's immediate release from ICE custody; In the alternative, order a constitutionally adequate bond hearing at which DHS bears the burden of proving that Petitioner is a danger to the community or risk of flight, or reasonable conditions of supervision.
6. Award Petitioner her costs and reasonable attorneys' fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
7. Grant any other further relief this Court deems just and proper.

Dated: April 23, 2026

Respectfully Submitted,

Mariah Bueno, Esq. Bar N. 1072054
Angeles Law LLC
2112 Broadway St NE STE 225 #53
Minneapolis, MN 55413
T: (612) 217-3786
Mariah@abogadoangeles.com
Attorney for Petitioner

EXHIBIT

EXHIBIT A	NOTICE TO APPEAR	02 – 04
EXHIBIT B	EOIR NATIONWIDE GUIDANCE	06 – 06
EXHIBIT C	BIA YAJURE HURTADO - MOTION TO RECONSIDER	08 – 40
EXHIBIT D	POLICE REPORT FROM JANUARY 19, 2026	42 – 44

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

I represent Petitioner, JUAN JOSÉ CHIMBO-MOROCHO, and submit this verification on his 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: April 23, 2026

/s/ Maria Bueno
Mariah Bueno

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2026, I filed the foregoing petition for *Writ of Habeas Corpus* electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

Dated: April 23, 2026

/s/ Maria Bueno
Mariah Bueno