

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

ANDRES VEGA CHAVEZ,

Case No:3:26-cv-1032

Petitioner,

v.

RONNIE WOODALL, Warden in Baker Correctional Institution,

MARCOS CHARLES, Immigration and Customs

Enforcement (ICE) Enforcement and Removal

Operations (ERO) Acting Executive Associate

Director.

CHARLES WALL, Principal Legal Advisor for ICE's

Office of the Principal Legal Advisor.

PAMELA BONDI, U.S. Attorney General,

TODD BLANCHE, Acting United States Attorney General

MARKWAYNE MULLIN, U.S. Secretary of the Department

of Homeland Security,

TODD M. LYONS, Senior Official Performing the

Duties of the Director of US Immigration and

Customs Enforcement;

JOHN DOE, Official Responsible for Petitioner's Detention.

Respondents.

_____ /

PETITION FOR A WRIT OF *HABEAS CORPUS* UNDER 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Andres Vega Chavez (“Petitioner” or “Mr. Vega Chavez”) brings this petition for a Writ of *Habeas Corpus* pursuant to 28 USC section 2241 (“Petition”) to seek enforcement of his rights as a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical custody of Respondents at the Baker Correctional Institution.

2. Mr. Vega Chavez now faces unlawful detention because the Department of Homeland Security (“DHS”) and the Executive Office of Immigration Review (“EOIR”) are misapplying the law related to his detention and have declined to apply the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment); *id.* at *9 (order certifying the proposed nationwide Bond Eligible Class and extending declaratory relief). On **December 18, 2025**, the court entered final judgment granting classwide declaratory relief consistent with its prior orders. *See Exhibit 1.*

3. Petitioner has remained detained without being provided an individualized bond hearing, based on Respondents’ continued misapplication of detention standards that the Courts, including the Middle and the South District of Florida, have already determined to be inconsistent with the governing statutory framework. *See e.g., Aguilar Merino v. Ripa*, No. 25-23845-CIV-MARTINEZ, 2025 WL 2941609, at *3, 8 (S.D. Fla. Oct. 15, 2025)(“section 1226(a), not section 1225(b)(2), governs Petitioner’s detention”); *Gil Paulino v. Sec’y of the U.S. Dep’t of Homeland Sec.*, 25-24292-CIV-WILLIAMS, ECF No. 41 (S.D. Fla. Oct, 2025)(“Section 1226 governs Petitioner’s detention”); *Hernandez Alvarez v. Acting Warden Roger Morris, et al.*, Case No. 25-24806-CIV-WILLIAMS, ECF No. 6 (S.D. Fla. Oct. 27, 2025)(agreeing with petitioner that “detention is governed by 8 U.S.C. section 1226(a), which allows for the release of noncitizens on bond ... not section 1225(b)(2), applicable to noncitizen “applicant[s] for admission” to the United States.).

4. Courts in the Middle District of Florida have recently reaffirmed that district

courts retain *habeas* jurisdiction to review the statutory basis of immigration detention, even where the government invokes expedited removal provisions. In *Giron v. Noem*, 2026 U.S. Dist. LEXIS 2912 (M.D. Fla. Jan. 7, 2026), the court rejected the government's reliance on 8 U.S.C. §§ 1252(a)(2)(A), 1252(g), and 1252(b)(9), holding that these jurisdiction-stripping provisions do not bar *habeas* review of whether a noncitizen is lawfully detained under INA § 1225(b) or § 1226(a). The court emphasized that while it may lack jurisdiction to review the execution of an expedited removal order, it retains authority to determine whether the government has a lawful statutory basis to detain a noncitizen. This Court; therefore, has jurisdiction to adjudicate Petitioner's challenge to the legality of his continued detention.

5. *Habeas corpus* is fundamentally "a remedy for unlawful executive detention." *Munaf v. Geren*, 553 U.S. 674, 693 (2008). A writ may be issued to a petitioner who demonstrates that he is being held in custody in violation of the constitution or federal law. See 28 U.S.C. section 2241(c)(3). The Court's jurisdiction extends to challenges involving immigration-related detention. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

6. Accordingly, this Court should grant Mr. Vega Chavez's petition for a writ of *habeas corpus* and order Respondents to release him from their custody immediately.

JURISDICTION

7. Petitioner is in the physical custody of ICE and is detained at the Baker Correctional Institution in Sanderson, Florida, where he has remained continuously confined since **December 22, 2025**.

This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (*habeas corpus*), 28 U.S.C. § 1331 (federal question), and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause).

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

9. Jurisdiction is proper under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the lawfulness of his detention. Congress has preserved judicial review of challenges to civil immigration detention. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018). Respondents do not assert any jurisdictional arguments. Moreover, courts in the Middle District of Florida have consistently rejected jurisdictional

challenges in similar civil immigration detention cases. In *Giron v. Noem*, 2026 U.S. Dist. LEXIS 2912 (M.D. Fla. Jan. 7, 2026), this Court rejected the government's reliance on 8 U.S.C. §§ 1252(a)(2)(A), 1252(g), and 1252(b)(9), holding that these jurisdiction-stripping provisions do not bar *habeas* review of whether a noncitizen is lawfully detained under INA § 1225(b) or § 1226(a).

10. Petitioner has now been detained for nearly four (4) months. During his detention, Petitioner filed a motion for bond; however, the Immigration Court denied the request for lack of jurisdiction, finding that Petitioner was no longer detained within its jurisdiction at the time of the filing, pursuant to 8 C.F.R. § 1003.19(c)(1). *See Exhibit 2*. Accordingly, Petitioner has not received any individualized bond hearing on the merits of his custody.

11. Petitioner's continued confinement constitutes prolonged civil detention and raises serious constitutional concerns. Judicial review is therefore required to safeguard Petitioner's fundamental rights under the Due Process Clause and 8 U.S.C. § 1226(a).

VENUE

12. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. § 1391 because Petitioner is physically detained at Baker Correctional Institution (hereinafter, "Baker"), in Sanderson, Florida. He has remained in immigration custody continuously since **December 22, 2025**.

13. 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 currently is detained.

14. Venue is also properly 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 occurred in the Middle District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

15. *Habeas corpus* is "perhaps the most important writ known to the constitutional

law ... affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

16. Petitioner’s detention has already been adjudicated as unlawful for class members under *Maldonado Bautista v. Santacruz*. On **December 18, 2025**, the district court entered final judgment extending classwide declaratory relief, expressly holding that “the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2),” and that class members “are entitled to consideration for release on bond, and a custody redetermination hearing before an immigration judge.” See *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025) (Final Judgment). See **Exhibit 1**.

17. The Court should grant the petition for writ of *habeas corpus* “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

PARTIES

18. Petitioner Mr. Vega Chavez is a citizen of Mexico who has been in immigration detention since **December 22, 2025**. After Petitioner was arrested, ICE did not set bond, and Petitioner requested a custody redetermination before an Immigration Judge. On **March 26, 2026**, the Immigration Judge did not adjudicate the merits of Petitioner’s custody request and instead declined jurisdiction on procedural grounds, finding that the request had to be filed with the Immigration Court having jurisdiction over Petitioner’s place of detention pursuant to 8 C.F.R. § 1003.19(c)(1). Petitioner has resided in the United States since **June 2006**, for more than twenty (20) years.

19. Respondents are detaining Mr. Vega Chavez at Baker in Sanderson, Florida, pending removal proceedings. While in Respondents’ custody, Mr. Vega Chavez is subject to the authority, control, and detention policies implemented and enforced by Respondents.

20. Respondent **Markwayne Mullin** is the Secretary of the United States DHS and is responsible for the administration of immigration laws, 8 U.S.C. § 1103(a). Secretary Mullin is

a legal custodian of Petitioner and is named in his official capacity.

21. Respondent **Todd M. Lyons** is the ICE Director, responsible for the overall administration of all ICE detention facilities, including Baker Correctional Institution.

22. Respondent **Pamela Bondi** is the Attorney General of the United States and the senior official in the DOJ. She delegates authority over removal cases to the Executive Office for Immigration Review (hereinafter, "EOIR"), which administers the Immigration Courts and the Board of Immigration Appeals (hereinafter, "BIA"). She is named in her official capacity.

23. Respondent **Marcos Charles** is the Acting Executive Associate Director of ICE ERO. In this capacity, he leads the division responsible for the identification, arrest, detention, and removal of noncitizens. He has direct authority over the ERO policies that govern Petitioner's detention and is a legal custodian of the Petitioner;

24. Respondent **Charles Wall** is the Principal Legal Advisor for ICE. In this capacity, he leads the Office of the Principal Legal Advisor (hereinafter, "OPLA"), which serves as the exclusive representative of DHS in immigration court proceedings. He has final authority over the legal positions taken by ICE attorneys regarding Petitioner's custody and removal. He is a legal custodian of the Petitioner and is named in his official capacity.

25. Respondent, **Warden Ronnie Woodall** is the warden of the Baker Correctional Institution and has administrative responsibility for Petitioner's custody at that facility.

26. Respondent **John Doe** is the Warden of the Baker Correction Institute and is Petitioner's immediate custodian. As Warden, Respondent **John Doe** exercises day-to-day control over Petitioner's physical custody and is therefore a proper respondent in this habeas action.

27. Each of these Respondents is a legal custodian of Petitioner and is named in his/her official capacities.

FACTUAL AND PROCEDURAL HISTORY

28. Mr. Vega Chavez is a forty (40) year-old, native and citizen of Mexico, born on



as evidenced in his passport. See **Exhibit 3**.

29. Mr. Vega Chavez entered the United States through the Arizona border in **June 2006**, without inspection. Since his arrival, Petitioner has resided continuously in the United

States for almost twenty (20) years. Prior to his detention, Petitioner resided at [REDACTED] [REDACTED] where he built a life deeply rooted in his community, his family, and his work.

30. Petitioner is married to Silvia Emilia Chavez Sandoval, a United States citizen. The couple was married on **August 13, 2010**, in Polk County, Florida, as evidenced by the Florida State Marriage Record recorded under [REDACTED].

31. Petitioner has maintained a consistent and uninterrupted employment history throughout his nearly two (2) decades in the United States. Upon his arrival in 2006, he worked briefly in construction. Beginning in 2007, he secured employment as a bartender at [REDACTED] [REDACTED] where he worked for fourteen (14) consecutive years until 2021. This remarkable period of stable, long-term employment at one of the nation's largest employers speaks directly to Petitioner's work ethic, reliability, and integration into the American workforce. Since 2021, Petitioner continued to work in landscaping. Petitioner has been a productive, self-sufficient, and contributing member of his community for the entirety of his presence in the United States.

32. Petitioner has an active and meritorious immigration case with a viable pathway to lawful permanent residence. On **October 17, 2019**, his U.S. citizen wife filed an I-130 Petition for Alien Relative on his behalf, which was approved by USCIS on **June 10, 2020**, under Receipt Number [REDACTED]. See **Exhibit 4**, confirming Petitioner's eligibility as the beneficiary spouse of a U.S. citizen under INA § 201(b). The National Visa Center subsequently created an immigrant visa case (NVC Case No. [REDACTED]) and issued instructions for consular processing. The visa registration was administratively terminated in November 2023 pursuant to INA § 203(g) due to inaction, but such termination does not constitute a permanent bar and the case may be reinstated.

33. Most significantly, on **July 5, 2024**, USCIS approved Petitioner's Form I-601A, Application for Provisional Unlawful Presence Waiver, under Receipt Number [REDACTED]. See **Exhibit 5**. This approval reflects a formal, affirmative determination by a federal agency that Petitioner has established prima facie eligibility for a waiver of the unlawful presence ground of inadmissibility under INA § 212(a)(9)(B). The approval is conditioned upon Petitioner's departure from the United States, appearance at a U.S. Embassy or Consulate, and a consular officer's determination of eligibility for an immigrant visa.

34. This approved waiver is one of the most significant factors in Petitioner's case; it

demonstrates that the federal government itself has already recognized that Petitioner qualifies for relief from inadmissibility. His continued detention and potential removal from the United States while his immigration relief is pending before the Immigration Court would effectively undermine this approved benefit and permanently foreclose his pathway to lawful status, causing irreparable harm to both Petitioner and his U.S. citizen spouse.

35. Petitioner's criminal history is limited, dated, and does not reflect any pattern of violence, predatory conduct, or danger to the community. In **2014**, Petitioner was charged with Driving Under the Influence in Polk County, Florida, Case No. 53-2014CT-002037-A000-BA. He was placed on probation for a period of twelve (12) months, which he completed successfully. He complied fully and timely with every condition of his probation, successfully completed a Level I DUI and Substance Abuse Program through the Florida Safety Council on September 28, 2014, and was formally discharged from probation supervision by Order of Court on **June 29, 2015**. His probation officer, Nancy Torres of Polk County Probation, certified that Petitioner had complied with all conditions "in a timely and responsible manner." This isolated offense, now more than a decade old, was fully resolved without any subsequent violations.

36. In 2021, Petitioner received a civil traffic citation in Polk County for failure to obey a traffic control device, carrying a civil penalty of \$164.00. This infraction was non-criminal in nature and does not constitute a conviction for any purpose under immigration or federal law.

37. In 2025, Petitioner was charged in Polk County with DUI and related offenses, Case No. 21-30988. This charge arose from a traffic stop in which law enforcement observed that not all vehicle lights were illuminated. Critically, this charge remains pending and Petitioner has not been convicted of any offense in connection with it. He is represented by criminal defense counsel Josephine Arroyo, Esq., of The Arroyo Law Firm in Orlando, Florida, and has a scheduled court date to which he is prepared to appear upon release from immigration detention. A pending charge, without more, is not a conviction and cannot serve as a basis for a finding of dangerousness under any individualized assessment. *See Exhibit 6.*

38. Petitioner was taken into ICE custody on **December 22, 2025**, in Polk County, Florida, following the traffic stop described above. Since that date, Petitioner has been held in immigration detention without receiving a meaningful, individualized bond hearing on the merits.

39. On **March 26, 2026**, Petitioner sought a custody redetermination before an Immigration Judge. However, the Immigration Judge did not adjudicate the merits of Petitioner's request and instead declined jurisdiction solely based on the location of Petitioner's detention. *See Exhibit 2*.

40. As a result, Petitioner has been deprived of any meaningful opportunity to obtain an individualized bond determination. No Immigration Judge has evaluated whether Petitioner poses a flight risk or danger to the community, and the government has never been required to justify his continued detention.

41. Petitioner has now been detained for approximately four (4) months without a constitutionally adequate hearing. Although immigration detention is civil in nature, prolonged detention without an individualized determination becomes arbitrary and unreasonable, in violation of the Due Process Clause of the Fifth Amendment.

42. Petitioner does not challenge the merits of his removal proceedings. Rather, he challenges only the legality of his continued detention and Respondents' failure to provide a constitutionally sufficient bond hearing. Under these circumstances, habeas corpus is the appropriate mechanism to remedy this unlawful deprivation of liberty.

43. Accordingly, Petitioner respectfully requests that this Court grant the Petition for a Writ of Habeas Corpus and order Respondents to either provide a prompt individualized bond hearing before an Immigration Judge, or release him from custody.

LEGAL ARGUMENTS: RESPONDENT IS BEING UNLAWFULLY DETAINED

A. Exhaustion of Remedies: Petitioner has exhausted his remedies before the Immigration Courts and the lack of appeal to the BIA should be excused as futile.

The exhaustion requirement under 8 USC §1252(d)(1) "is not jurisdiction," but rather prudential. *Kemokai v. U.S. Att'y Gen.*, 83 F.4th 886, 891 (11th Cir. 2023)(acknowledging the abrogation of prior Eleventh Circuit precedent interpreting section 1252(d)(1) as a jurisdictional bar by *Santos-Zavaria v. Garland*, 598 US 411, 413 (2023). Thus, administrative "exhaustion is not required where no genuine opportunity for adequate relief exists ... or an administrative appeal would be futile[.]" *Linfors v. United States*, 673 F.2d

332, 334 (11th Cir. 1982.)

Here, the Petitioner requested a bond hearing, which was denied for lack of jurisdiction by the IJ given the recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In *Yajure Hurtado*, the BIA rejected the precise argument Petitioner raises here, concluding that "aliens who are present in the United States without admission are applicable for admission under ... 8 U.S.C. section 1225(b)(2)(A), and must be detained for the duration of their removal proceedings." 29 I&N Dec. at 220. Because this is BIA precedent, any appeal to the BIA would serve no purpose. See e.g., *Puga v. Assistant Field Dir., Krome N. Serv., Processing Ctr.*, No. 25-24535, 2025 WL 2938369, at *3-6 (S.D. Fla. Oct 15, 2025)("Since the result of Petitioner's custody redetermination and any subsequent bond appeal to the BIA is nearly a foregone conclusion under *Matter of Yajure Hurtado*, any prudential exhaustion requirements are excused for futility."); *Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sep. 8, 2025) (waiving exhaustion as "the most recent BIA decision on [whether section 1225 or 1226 applies] has adopted the legal interpretation of the new DHS policy that petitioners challenge.")

Furthermore, federal courts retain discretion to excuse the exhaustion requirement where the petition raises constitutional questions unsuitable for administrative resolution and where the unexhausted remedy is plainly inadequate. While exhaustion of administrative remedies may be a normal precursor to seeking habeas relief, exceptions exist where: (1) the petition raises constitutional questions beyond the scope of administrative review; and (2) the immigration appellate timeline exacerbates the petitioner's alleged injury of prolonged detention without a bond hearing. See *Zuniga v. Lyons*, No. 1:25-CV-221-H, 2025 WL 3755126, at 1 n.1 (N.D. Tex. Dec. 29, 2025); *Shi v. Lyons*, No. 1:25-CV-274, 2025 WL 3637288, at 4 n.6 (S.D. Tex. Dec. 12, 2025). Moreover, by Respondents' own interpretation of 8 U.S.C. § 1225, detention is mandatory without a bond hearing — meaning exhaustion would not only be futile but would unconstitutionally prolong Petitioner's unlawful confinement.

Any exhaustion argument fails because Petitioner does not challenge the Immigration Judge's ruling, but instead challenges the statutory authority for his continued detention.

Where, as here, the INA provides no administrative mechanism to remedy an erroneous application of INA § 1225(b) or to compel a bond hearing after the Immigration Court has disclaimed jurisdiction, habeas corpus is the appropriate vehicle for relief. See *Giron v. Noem*, 2026 U.S. Dist. LEXIS 2912 (M.D. Fla. Jan. 7, 2026).

B. Relevant Immigration Statutes: Section 1226 governs Petitioner's detention, this Court should order his immediate release.

Two (2) statutes principally govern the detention of noncitizens: 8 USC section 1225 and 1226.

I. 8 USC 1225

Section 1225 governs the inspection, detention, and removal of applicants for admission. See 8 USC section 1225 et seq. Applicants for admission are defined as noncitizens "present in the United States who ha[ve] not been admitted" or those "arriv[ing] in the United States." *Id.* All applicants for admission "must be inspected by immigration officers to ensure that they may be admitted into the country consistent with U.S. immigration law." *Jennings v. Rodriguez*, 583 US 281, 287 (2018). To that end, US immigration law authorizes the Government to detain certain aliens seeking admission into the country under section 1225(b)(1) and (b)(2). *Id.* at 289.

Section 1225(b)(1) applies to all aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation." *Id.* Such non-citizens are subject to expedited removal "without further hearing or review." 8 U.S.C. section 1225(b)(1). However, if the noncitizen expresses "an intention to apply for asylum" or a fear of persecution, "the statute requires referral to an interview with an immigration officer." *Id.* Section 1225(b)(1)(A)(ii). If the immigration officer finds a "credible fear," the non-citizen "shall be detained for further consideration of the application for asylum." *Id.*

"Section 1225(b)(2) is broader" and "serves as a catchall provision that applies to all applicants for admission not covered by section 1225(b)(1)." *Jennings*, 583 US at 287. Non-citizens covered under section 1225(b)(2) are detained for removal proceedings "if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted" into the country. 8 U.S.C. section 1225(b)(2)(A).

Importantly, detention under section 1225(b)(2) is mandatory. See *Gomes v. Hyde*, No. 25-cv-11571, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025).

II. 8 USC 1226

Federal immigration law "also authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings." *Jennings*, 583 U.S. at 289 (emphasis added). Section 1226(a) provides that when a noncitizen has been "arrested and detained pending a decision on whether the alien is to be removed from the United States," the Attorney General may either continue to detain the individual or release them on bond or conditional release. See 8 USC section 1226(a). The statute thus "establishes a discretionary detention framework." *Gomes*, 2025 WL 1869299, at *2.

III. Section 1226 Governs Mr. Vega Chavez's Detention

The primary issue here is whether section 1225 or 1226 governs Petitioner's detention. The answer is clear: § 1226(a) applies, for three independent and reinforcing reasons.

First, DHS itself made that choice at the time of charging. Petitioner is not classified as an "arriving alien," but rather as a noncitizen present in the United States without admission or parole. On the face of the Notice to Appear, DHS expressly checked the box designating Mr. Vega Chavez as "an alien present in the United States who has not been admitted or paroled," leaving unchecked the box for "arriving alien." See **Exhibit 8** (NTA, DHS Form I-862, dated March 14, 2026). This classification places him squarely within section 1226. See *Pizarro Reyes*, 2025 WL 2609425, at *8 (emphasizing ICE's selection of "present" rather than "arriving" on the notice to appear as evidence that section 1226 applied); *Hyppolite v. Noem*, No. 25-4304, 2025 WL 2829511, at *8 (E.D.N.Y. Oct. 6, 2025) (respondent's initial classification of petitioner "certainly is relevant to the Court's assessment of the credibility and good faith of Respondents' new position as to the basis for detention, which was adopted post hoc and raised for the first time in this litigation"); *Perez v. Berg*, No. 25-cv-494, 2025 WL 2531566, at *2 (D. Neb. July 24, 2025) ("The Court notes that the government itself charged Petitioner as an alien present in the United States who has not been admitted or paroled rather than an arriving alien.").

While the continuation page of the NTA also includes a charge under INA §

212(a)(7)(A)(i)(I) — which references language associated with applicants for admission — the inclusion of that inadmissibility charge does not automatically determine which detention statute governs. The question of which ground of inadmissibility is charged is legally distinct from the question of which detention framework applies. *See Aguilar Merino v. Ripa*, No. 25-23845, 2025 WL 2941609, at *3 (S.D. Fla. Oct. 15, 2025) (rejecting government's argument that § 212(a)(7) charge compels application of § 1225 detention framework); *Giron v. Noem*, 2026 U.S. Dist. LEXIS 2912 (M.D. Fla. Jan. 7, 2026). To the extent any ambiguity exists in the government's charging documents, that ambiguity must be resolved in favor of the framework that affords Petitioner his constitutional right to an individualized bond hearing.

Second, Mr. Vega Chavez has resided continuously in the United States for nearly twenty years. In *Giron v. Noem*, 2026 U.S. Dist. LEXIS 2912 (M.D. Fla. Jan. 7, 2026), this Court held that a noncitizen who was released into the interior of the United States and later re-detained could not be subjected to mandatory detention under INA § 1225(b). The court concluded that once DHS permits a noncitizen to remain in the United States for a prolonged period, the government may not later invoke expedited removal procedures to avoid the safeguards of INA § 1226(a), and ordered the government to either provide an individualized bond hearing or release the petitioner within ten days. The same logic applies with even greater force here, where Petitioner has been present in the United States for nearly two decades.

Third, countless courts have uniformly rejected the Government's expansive interpretation of section 1225. *See Gil-Paulino v. Sec'y of the US Dep't of Homeland Sec.*, 25-cv-24292, DE 41 (S.D. Fla. Oct. 10, 2025) (respondent's interpretation of the INA "directly contravenes the statutes" and "disregards decades of settled precedent"); *Pizarro Reyes*, 2025 WL 2609425, at *7 ("the BIA's decision to pivot from three decades of consistent statutory interpretation and call for Pizarro Reyes' detention under section 1225(b)(2)(A) is at odds with every District Court that has been confronted with the same questions of statutory interpretation"); *Puga*, No. 25-24535, 2025 WL 2938369, at *3–6; *Merino v. Ripa*, No. 25-23845, 2025 WL 2941609, at *3 (S.D. Fla. Oct. 15, 2025); *Lopez v. Hardin*, No. 25-cv-830, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025); *Harsh Patel v. Crowley*, No. 25-11180, 2025 U.S. Dist. LEXIS 209958, at *9–12 (N.D. Ill. Oct. 24, 2025); *Esquivel-Ipina v. Larose*, No. 25-cv-2672, 2025 U.S. Dist. LEXIS 210275, at *9–12 (C.D. Cal. Oct. 24, 2025); *Carmona v.*

Noem, No. 25-cv-1131, 2025 U.S. Dist. LEXIS 209629, at *14–17 (W.D. Mich. Oct. 24, 2025); *Lopez v. Hyde*, 25-12680, 2025 U.S. Dist. LEXIS 209916, at *4–5 (D. Mass. Oct. 24, 2025); *Guerra v. Joyce*, No. 25-cv-00534, 2025 WL 2986316, at *3 (D. Me. Oct. 23, 2025); *Lomeau v. Soto*, 25-cv-16589, 2025 WL 2981296, at *7–8 (D.N.J. Oct. 23, 2025); *Avila v. Bondi*, No. 25-3741, 2025 WL 2976539, at *5–7 (D. Minn. Oct. 21, 2025).

IV. Buenrostro Does Not Control and Does Not Resolve This Case

The Government may invoke the Fifth Circuit's recent decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026), which held that noncitizens present without lawful admission are subject to mandatory detention under § 1225(b)(2)(A). That decision does not control here for three independent reasons.

First, *Buenrostro* is not controlling authority in this Circuit. The Eleventh Circuit has not adopted its interpretation of § 1225(b)(2)(A), and this Court is not bound by it. As demonstrated above, every district court in this Circuit that has confronted the same statutory question has reached the opposite conclusion.

Second, *Buenrostro* is factually and procedurally distinguishable. In *Buenrostro*, the government invoked § 1225(b)(2)(A) as the basis for detention from the outset. Here, as set forth above, DHS itself designated Mr. Vega Chavez as "present without admission" — not as an "arriving alien" — at the time of charging. *Buenrostro* does not address the situation where the government's own charging document reflects the § 1226 framework, and then seeks to abandon that classification post hoc in litigation. Where the government made its own choice at the time of arrest, it cannot now retreat from that choice to invoke a harsher detention regime. See *Hyppolite*, 2025 WL 2829511, at *8; *Pizarro Reyes*, 2025 WL 2609425, at *8.

Third, and most fundamentally, *Buenrostro* is a purely statutory decision. The Fifth Circuit did not address — and expressly left open — whether prolonged detention under § 1225(b)(2)(A) satisfies the requirements of the Fifth Amendment's Due Process Clause. That constitutional question remains entirely unresolved by *Buenrostro* and must be addressed independently by this Court. Even assuming, arguendo, that § 1225(b)(2)(A) were deemed to apply, it would not extinguish Petitioner's constitutional right to an individualized bond hearing

after months of civil detention without any merits determination. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring).

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF – Violation of Fifth Amendment Procedural Due Process

44. Petitioner has never received a constitutionally adequate bond hearing. The Immigration Judge declined jurisdiction, and therefore no neutral decision-maker has evaluated whether Petitioner poses a flight risk or danger to the community. This absence of any individualized determination renders Petitioner's continued detention arbitrary and unconstitutional, in violation of the Due Process Clause of the Fifth Amendment.

45. Although Petitioner sought a custody redetermination, the Immigration Court declined to adjudicate the request and failed to conduct any individualized assessment of Petitioner's circumstances. As a result, Petitioner has been deprived of any meaningful opportunity to challenge his detention, rendering his continued confinement unconstitutional. Although Respondents may rely on *Matter of Yajure-Hurtado*, Petitioner's bond request was not denied on the merits, but rather dismissed for lack of jurisdiction, leaving him without any bond determination.

SECOND CLAIM FOR RELIEF – Violation of Fifth Amendment Substantive Due Process

46. Petitioner's continued detention is excessive, arbitrary, and punitive in effect, and bears no reasonable relationship to any legitimate governmental purpose. Immigration detention is civil in nature, yet Respondents have imposed prolonged confinement without individualized justification, in violation of Petitioner's substantive due process rights under the Fifth Amendment.

THIRD CLAIM FOR RELIEF – Unlawful Detention Beyond Statutory Authority

47. Respondents lack statutory authority to detain Petitioner under INA §§ 1225(b)(1), 1226(c), and 1231. Petitioner's detention is governed, if at all, by INA § 236(a), which requires an individualized custody determination and eligibility for release on bond. By

continuing to detain Petitioner without providing such a determination, Respondents are acting beyond their statutory authority and in violation of federal law.

FOURTH CLAIM FOR RELIEF – Arbitrary and Unreasonable Detention

48. Petitioner’s continued detention is arbitrary and unreasonable, lacking any individualized finding of flight risk or danger to the community. Such detention violates fundamental principles of due process and exceeds the bounds of lawful civil confinement.

FIFTH CLAIM FOR RELIEF – Violation of the INA: Request for Relief Pursuant to *Maldonado Bautista*.

49. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release under 8 USC section 1226(a).

50. The order granting summary judgment in *Maldonado Bautista* holds that Respondents violated the INA in applying the mandatory detention statute at section 1225(b)(2) to class members.

51. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

52. Respondents are parties to *Maldonado Bautista* and bound by the Court’s judgment.

53. By asserting that the Petitioner is subject to mandatory detention under section 1225(b)(2), Respondent violated Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

54. On **November 20, 2025**, the district court granted partial summary judgment in favor of the named plaintiffs, and on **November 25, 2025**, certified a nationwide class and extended declaratory relief to the certified class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment); *id.* at *9 (order certifying the proposed nationwide Bond Eligible Class and extending declaratory relief). The court determined that members of the Bond Eligible Class are detained under 8 U.S.C. § 1226(a), and therefore may not be denied consideration for release on bond under 8 U.S.C. § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 9861, at *11.

On **December 18, 2025**, the court entered final judgment granting classwide declaratory relief consistent with its prior orders.

55. Following his apprehension, Mr. Vega Chavez was placed in removal proceedings pursuant to 8 U.S.C. § 1229a and charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for entry without inspection. *See Exhibit 8*, Notice to Appear (“NTA”). Respondents are bound by the judgment issued in *Maldonado Bautista*.

56. However, Petitioner has not received the bond consideration to which he is entitled as a member of the Bond Eligible Class and remains detained without an individualized custody determination as required by law.

57. Respondents’ continued detention of Petitioner exceeds their statutory authority. As the court held in *Giron v. Noem*, detention under INA § 1225(b) is unlawful where DHS previously released the noncitizen into the United States and allowed him to reside in the interior for years. Under those circumstances, the government’s authority to detain arises, if at all, under INA § 1226(a), which requires a meaningful, individualized bond hearing. Respondents’ failure to comply with this statutory framework renders Petitioner’s detention ultra vires and unlawful.

SIXTH CLAIM FOR RELIEF – Attorney’s Fees Under the Equal Access to Justice Act

58. If Petitioner prevails in this action, he respectfully requests an award of reasonable attorney’s fees and costs pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, as amended, as Petitioner is the prevailing party and the Government’s position would not be substantially justified.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Mr. Vega Chavez respectfully requests that this Honorable Court:

1. Exercise jurisdiction over this Petition for Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2241;
2. Declare that Respondents’ continued detention of Petitioner without a meaningful and individualized bond hearing violates the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act;

3. Order Respondents to immediately release Petitioner from DHS custody, or in the alternative, provide a constitutionally adequate bond hearing before an Immigration Judge within five (5) days, where the Government bears the burden of proof;
4. Order Respondents to cease detaining Petitioner in violation of the Constitution and laws of the United States;
5. Retain jurisdiction to ensure compliance with the Court's order; and
6. Grant such other and further relief as the Court deems just and proper.

EXHIBITS

- Exhibit 1 – Final Judgment entered December 18, 2025, in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.);
- Exhibit 2 – Immigration Judge's Order dated March 26, 2026, denying custody redetermination for lack of jurisdiction pursuant to 8 C.F.R. § 1003.19(c)(1);
- Exhibit 3 – Copy of Petitioner's passport;
- Exhibit 4 – Copy of the I-130 Approval Notice;
- Exhibit 5 – Copy of USCIS Form I-601A Approval Notice;
- Exhibit 6 – Copy of criminal history records;
- Exhibit 7 – Copy of Petitioner's Motion for Bond / Request for Custody Redetermination filed before the Immigration Court, and;
- Exhibit 8 – Copy of Petitioner's Notice to Appear ("NTA").

Dated: April 27, 2026

Respectfully submitted,

By: /s/ Matthew P. Meyers, Esq.

FL Bar No.: 76250

Major Case Law Group

2100 W. Flagler Street

Miami, FL. 33135

Tel.: (305) 322-6164

info@majorcaselawgroup.com

matthew@majorcaselawgroup.com

Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of *Habeas Corpus* are true and correct to the best of my knowledge, information, and belief.

Dated: April 27, 2026

Signature Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 27, 2026, a true and correct copy of the foregoing was filed using the Court's CM/ECF system, which will send notice of electronic filing to all counsel of record.

April 27, 2026.

Respectfully submitted,

/s/ Matthew P. Meyers, Esq.

FL Bar No.: 76250

Major Case Law Group

2100 W. Flagler Street

Miami, FL 33135

Tel.: (305) 322-6164

info@majorcaselawgroup.com

matthew@majorcaselawgroup.com