

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LUIS ANGEL OXLAJ XITUMUL,

Petitioner,

v.

John TSOUKARIS, Field Office Director of
Enforcement and Removal Operations,
NEWARK Field Office, Immigration and
Customs Enforcement; **Markwayne MULLIN**,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; **Luis SOTO**,
Warden of DELANEY HALL DETENTION
FACILITY,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 **1.** Petitioner Luis Angel Oxla-j-Xitumul respectfully seeks a writ of habeas corpus
3 pursuant to 28 U.S.C. § 2241 because his current detention by Immigration and Customs
4 Enforcement (“ICE”) is unlawful, unconstitutional, and unsupported by the governing
5 immigration detention statutes.

6 **2.** Petitioner is presently confined at Delaney Hall Detention Facility in Newark,
7 New Jersey under a purported mandatory-detention theory pursuant to 8 U.S.C. § 1225(b),
8 despite the fact that he is not a recent border entrant, has lived in the United States for years, was
9 previously released into the interior by the federal government as an unaccompanied child, and
10 has since been granted significant humanitarian immigration protections, including Special
11 Immigrant Juvenile Status (“SIJS”) approval and deferred action.

12 **3.** On May 5, 2026, ICE officers detained Petitioner during a workplace enforcement
13 action at  Petitioner did not resist arrest, has no
14 criminal history whatsoever, and posed no danger to the public. According to the information
15 presently available, approximately eight officers arrived in a truck and approached workers at the
16 site. One officer initially acknowledged that Petitioner had lawful immigration proceedings
17 pending and was on a pathway toward permanent residence, but another officer directed that
18 “everyone” be taken into custody. Petitioner was handcuffed and transported to ICE detention
19 despite years of lawful community presence and substantial equities favoring release.

20 **4.** The federal government now seeks to imprison Petitioner under the same
21 unlawful statutory theory repeatedly rejected by courts in the District of New Jersey. Recent
22 decisions from this District have held that DHS cannot use 8 U.S.C. § 1225(b) to impose
23 mandatory detention on noncitizens who have long been physically present within the United
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1 States and who were arrested in the interior years after entry. See *Lomeu v. Soto*, No. 25-16589,
2 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Rivera Zumba v. Bondi*, No. 25-14626, 2025 WL
3 2753496 (D.N.J. Sept. 26, 2025); *Bethancourt Soto v. Soto*, 807 F. Supp. 3d 397 (D.N.J. 2025);
4 *Castillo v. Lyons*, No. 25-16219, 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Rivas Rodriguez v.*
5 *Rokosky*, No. 25-17419, 2025 WL 3485628 (D.N.J. Dec. 3, 2025).

6 **5.** Those decisions recognize a fundamental principle: individuals who have been
7 released into the United States, integrated into their communities, granted immigration benefits,
8 and permitted to live openly for years cannot later be transformed into “arriving aliens” subject
9 to mandatory border detention merely because ICE chooses to arrest them during interior
10 enforcement operations.

11 **6.** This case presents even stronger equities than many of the recent District of New
12 Jersey habeas cases in which relief has already been granted. At the time Petitioner entered the
13 United States, he was approximately fifteen years old and was processed as an Unaccompanied
14 Alien Child (“UAC”) before being formally released by ORR into the care of his brother in
15 Plainfield, New Jersey on January 6, 2018. Later obtained SIJS approval and deferred action,
16 received employment authorization and a Social Security card, obtained a New Jersey driver’s
17 license, and had his prior removal proceedings dismissed by the Newark Immigration Court upon
18 joint request of the parties before Immigration Judge Shana W. Chen.

19 **7.** Petitioner’s SIJS priority date is now current, and he filed his Form I-485
20 adjustment application in April 2026, placing him on an active and lawful pathway toward
21 permanent residence. At the time of the May 5, 2026 workplace arrest, Petitioner presented ICE
22 officers with his valid CDL driver’s license and valid work permit. One officer reportedly
23 acknowledged that Petitioner had lawful immigration proceedings pending and stated that had
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1 Petitioner possessed the I-485 receipt notice at the scene, he would not have been apprehended.
2 Despite this recognition that Petitioner was actively pursuing lawful permanent residence,
3 officers nevertheless detained him during the workplace operation

4 **8.** Under these circumstances, Petitioner's continued imprisonment serves no
5 legitimate statutory or constitutional purpose. The government has made no individualized
6 finding that Petitioner presents a danger to the community or a flight risk. Indeed, the record
7 demonstrates precisely the opposite: Petitioner has no criminal history, longstanding residence in
8 New Jersey, lawful employment authorization, family ties, and a pending immigration pathway
9 toward lawful permanent residence.

10 **9.** Most importantly, this Petition seeks immediate release—not merely a future
11 bond hearing. Courts in this District have repeatedly recognized that where detention under §
12 1225(b) is itself unlawful, the proper remedy is immediate release from custody. The
13 government cannot continue to imprison Petitioner under a detention statute that does not legally
14 apply to him. Because DHS lacks lawful authority to subject Petitioner to mandatory detention
15 under § 1225(b), his continued incarceration constitutes an ongoing violation of federal law and
16 the Fifth Amendment Due Process Clause.

17 **10.** Every additional day of detention inflicts irreparable harm. Petitioner is separated
18 from his family, deprived of liberty, unable to work, and imprisoned despite years of lawful
19 integration into the community and despite the government's own prior decisions permitting him
20 to remain in the United States. Habeas relief exists precisely to remedy this type of unlawful
21 executive detention.

11. Accordingly, Petitioner respectfully requests that this Court immediately issue the writ, order his immediate release from ICE custody, and enjoin Respondents from continuing to detain him under 8 U.S.C. § 1225(b).

JURISDICTION

12. This Court has subject-matter jurisdiction over this habeas corpus action pursuant to 28 U.S.C. § 2241(c)(3), because Petitioner is in custody in violation of the Constitution and laws of the United States. Petitioner challenges the legality of his present physical detention by federal immigration authorities, a claim that falls squarely within the core of habeas corpus review.

13. Jurisdiction is further proper under 28 U.S.C. § 1331, as this action arises under federal law, including the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

14. Federal district courts retain jurisdiction to review the legality of immigration detention and to order release where such detention is not authorized by statute or violates constitutional protections. See *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). The relief sought—release from unlawful custody—lies at the core of the writ of habeas corpus.

VENUE

15. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) and longstanding habeas principles because Petitioner is currently detained within the District of New Jersey at the Delaney Hall Detention Facility in Newark, New Jersey, and is therefore within the territorial jurisdiction of this Court.

1 **16.** In habeas proceedings, jurisdiction and venue are properly laid in the district of
2 confinement, where the petitioner’s immediate custodian is located. See *Rumsfeld v. Padilla*, 542
3 U.S. 426, 434–35 (2004). Petitioner’s immediate custodian—the Warden of Delaney Hall—as
4 well as other responsible officials, are located within this District and are subject to this Court’s
5 jurisdiction.

6 **17.** Accordingly, this Court is the proper forum to adjudicate the legality of
7 Petitioner’s detention and to grant effective habeas relief.

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

9 **18.** The This Petition satisfies the requirements of 28 U.S.C. § 2243 and warrants
10 prompt judicial intervention.

11 **19.** Section 2243 mandates that a court “forthwith award the writ or issue an order
12 directing the respondent to show cause why the writ should not be granted,” and to “summarily
13 hear and determine the facts, and dispose of the matter as law and justice require.” 28 U.S.C. §
14 2243. The statute reflects Congress’s intent that habeas corpus serve as a swift and effective
15 remedy against unlawful executive detention, particularly where an individual is deprived of
16 liberty without legal justification.

17 **20.** Petitioner is currently in custody at Delaney Hall Detention Facility in Newark,
18 New Jersey, under the authority of Respondents. His detention is not authorized by the INA and
19 violates the Fifth Amendment, as it is predicated on an improper statutory classification and
20 imposed without any individualized determination of necessity. As set forth herein, Respondents
21 have failed to establish any lawful basis for continued confinement.

22 **21.** The facts relevant to this Petition are straightforward, largely undisputed, and
23 supported by documentary evidence, including DHS custody determinations and records
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1 reflecting Petitioner's prior release under INA § 236 and sustained compliance with supervision
2 requirements. There are no complex factual disputes that would warrant prolonged proceedings.
3 Rather, this case presents a pure question of law concerning the legality of Petitioner's detention,
4 which this Court is empowered to resolve expeditiously.

5 **22.** Given the ongoing deprivation of liberty, each day of continued detention
6 constitutes irreparable harm. Courts have consistently recognized that unlawful civil detention
7 demands immediate judicial review and prompt relief, particularly where, as here, the
8 Government has failed to provide even the most basic procedural safeguards required by due
9 process.

10 **23.** Here, expedited relief is necessary. Petitioner was detained on May 5, 2026, has
11 not received an individualized bond hearing, has no criminal record, and is being held under an
12 unlawful mandatory-detention classification. His Master Calendar Hearing is scheduled for May
13 19, 2026. The Court should order Respondents to answer immediately and grant the writ,
14 requiring Petitioner's immediate release or, at minimum, a constitutionally adequate custody
15 redetermination under § 1226(a).g

16 **24.** Accordingly, pursuant to § 2243, this Court should issue the writ or, in the
17 alternative, an order to show cause directing Respondents to justify Petitioner's detention;
18 expedite consideration of this Petition in light of the ongoing constitutional violation; and grant
19 immediate relief, including Petitioner's release from custody, as law and justice require.

20 PARTIES

21 **25.** Petitioner, Luis Angel Oxlaj-Xitumul is a native and citizen of Guatemala. His
22 A-Number is  He was born on  in Guatemala. He currently
23 remains detained by ICE at Delaney Hall Detention Facility in Newark, New Jersey. Petitioner is
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subject to ongoing removal proceedings and is being held under color of federal immigration authority in violation of the Constitution and laws of the United States.

26. At all times relevant to this Petition, Petitioner has been deprived of his liberty without an individualized determination of necessity, despite a prior discretionary release by DHS and a demonstrated history of compliance with supervision requirements.

27. Respondent Luis Soto, in his official capacity as Warden of Delaney Hall Detention Facility, is the immediate physical custodian of Petitioner and is responsible for his day-to-day confinement. He is a proper respondent under the “immediate custodian rule” governing habeas corpus proceedings. See *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004).

28. Respondent John Tsoukaris, in his official capacity as Field Office Director of Enforcement and Removal Operations, Newark Field Office, U.S. Immigration and Customs Enforcement, exercises legal custody and supervisory authority over Petitioner's detention and removal proceedings. He has the authority to make or influence custody determinations, including decisions regarding continued detention or release, and is therefore a proper respondent.

29. Respondent Markwayne Mullin, in his official capacity as Secretary of the U.S. Department of Homeland Security, is ultimately responsible for the administration and enforcement of immigration detention policies and has legal authority over the agencies and officials detaining Petitioner. He is named in his official capacity to ensure that the Court can grant complete and effective relief.

LEGAL FRAMEWORK

30. The detention authority asserted by Respondents in this case exceeds the limits imposed by the Immigration and Nationality Act (“INA”), conflicts with the plain structure of

the immigration detention statutes, and violates the Due Process Clause of the Fifth Amendment. Petitioner challenges both the statutory basis for his detention under 8 U.S.C. § 1225(b) and the constitutionality of his continued imprisonment without an individualized determination of necessity.

31. The Supreme Court has repeatedly recognized that “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” protected by the Due Process Clause.¹ Immigration detention therefore must remain strictly tethered to clear statutory authorization and constitutional limitations.² Congress created distinct detention frameworks within the INA, and the government may not collapse those frameworks into a limitless detention power over noncitizens who have long been physically present inside the United States.³

32. The INA establishes separate detention authorities depending on the procedural posture and physical location of the noncitizen. Section 1225 governs inspection and processing of certain applicants for admission, particularly individuals encountered at or near the border during the admission process.⁴ Section 1226, by contrast, governs arrest and detention of noncitizens already present within the interior of the United States while removal proceedings are pending.⁵

33. This distinction is critical because detention under § 1225(b) is treated by DHS as mandatory and generally unavailable for bond before an Immigration Judge, whereas detention under § 1226(a) expressly contemplates individualized custody review and release on bond.⁶

¹ *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

² *Demore v. Kim*, 538 U.S. 510, 523 (2003).

³ *Jennings v. Rodriguez*, 583 U.S. 281, 297–98 (2018).

⁴ 8 U.S.C. § 1225(a)-(b).

⁵ 8 U.S.C. § 1226(a).

⁶ 8 C.F.R. § 1236.1(d).

1 Congress therefore drew a deliberate line between individuals actively undergoing border
2 inspection and those already residing within the United States pending immigration proceedings.

3 **34.** The Supreme Court has repeatedly emphasized that detention authority under the
4 INA must be interpreted narrowly and according to the statutory structure enacted by Congress.⁷
5 Immigration detention statutes cannot be expanded through administrative interpretation in a
6 manner that raises grave constitutional concerns.⁸

7 **35.** Respondents nevertheless seek to detain Petitioner—a longtime New Jersey
8 resident arrested at his workplace years after release into the interior—as though he were a newly
9 arriving border applicant for admission. That position directly conflicts with the statutory
10 framework and recent controlling authority emerging from the District of New Jersey.

11 **36.** The District of New Jersey has repeatedly rejected DHS’s attempt to classify
12 long-present interior residents as subject to mandatory detention under § 1225(b). In a growing
13 line of recent cases, courts within this District have concluded that individuals arrested years
14 after entry and long after release into the United States are not properly detained under §
15 1225(b), but rather fall within § 1226(a).⁹

16 **37.** In *Lomeu v. Soto*, the District of New Jersey held that detention under § 1225(b)
17 was unlawful where the petitioner had been physically present within the United States and
18 detained during interior enforcement operations rather than during border inspection
19 proceedings.¹⁰ The court rejected the government’s attempt to extend the “applicant for
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⁷ *Nielsen v. Preap*, 586 U.S. 392, 404–05 (2019).

22 ⁸ *Zadvydas*, 533 U.S. at 689.

23 ⁹ *Lomeu v. Soto*, No. 25-16589, 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Rivera Zumba v. Bondi*, No. 25-14626,
2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Bethancourt Soto v. Soto*, 807 F. Supp. 3d 397 (D.N.J. 2025); *Castillo v.*
Lyons, No. 25-16219, 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Rivas Rodriguez v. Rokosky*, No. 25-17419, 2025
WL 3485628 (D.N.J. Dec. 3, 2025)

24 ¹⁰ *Lomeu*, 2025 WL 2981296, at *9.

admission” fiction indefinitely after release into the country and concluded that detention authority instead arose under § 1226(a).¹¹

38. Similarly, in *Rivera Zumba v. Bondi*, the court held that the government unlawfully subjected the petitioner to mandatory detention under § 1225(b)(2) after arresting him within the interior of the United States.¹² The court emphasized that Congress created distinct statutory detention schemes and that DHS could not erase those distinctions through expansive interpretation.¹³

39. Likewise, in *Rivas Rodriguez v. Rokosky*, the court concluded that mandatory detention under § 1225(b)(1) violated both the governing statutory framework and constitutional due process protections where the petitioner had longstanding presence within the United States.¹⁴

40. Most significantly, recent District of New Jersey decisions have expressly ordered immediate release where DHS improperly detained petitioners under § 1225(b). Courts in this District have recognized that when detention under § 1225 is itself unlawful, the proper remedy is release—not continued imprisonment pending further proceedings.¹⁵

41. These decisions are especially persuasive here because Petitioner’s factual posture is even stronger than many prior cases granting relief. Petitioner: entered the United States as a child; was formally released by ORR into the interior on January 6, 2018; obtained SIJS approval and deferred action on April 5, 2023; obtained employment authorization and lawful work authorization documents; possessed a New Jersey driver’s license; had prior removal

¹¹ Id.

¹² *Rivera Zumba*, 2025 WL 2753496, at *6–8.

¹³ Id.

¹⁴ *Rivas Rodriguez*, 2025 WL 3485628, at *5–7.

¹⁵ See *Bethancourt Soto*, 807 F. Supp. 3d at 411–12; *Castillo*, 2025 WL 2940990, at *8.

1 proceedings dismissed by the Immigration Court upon joint request of the parties on September
2 8, 2022; and was arrested years later at his workplace in Madison, New Jersey.

3 **42.** These facts place Petitioner squarely within the reasoning of the recent D.N.J.
4 habeas cases rejecting mandatory detention under § 1225(b).

5 **43.** Section 1226(a) authorizes DHS to arrest and detain noncitizens pending removal
6 proceedings already occurring within the United States.¹⁶ Unlike § 1225(b), § 1226(a) expressly
7 permits release on bond or conditional parole after an individualized custody determination.¹⁷

8 **44.** The statutory structure confirms that Congress intended § 1226—not § 1225—to
9 govern individuals arrested in the interior years after entry and after release into the country.
10 Reading § 1225(b) to authorize mandatory detention indefinitely after release would effectively
11 erase the distinction Congress created between border-processing detention and interior
12 detention.¹⁸

13 **45.** Recent federal courts have rejected precisely that interpretation. The Second
14 Circuit recently held that § 1225(b)(2)(A) does not apply to noncitizens who are already
15 physically present within the United States after entry and who are arrested during interior
16 enforcement operations.¹⁹ The court concluded that such individuals are instead governed by §
17 1226(a).²⁰ The Second Circuit further warned that DHS’s interpretation would create
18 “extraordinary constitutional concerns” by authorizing mandatory detention without bond for
19 millions of individuals living inside the United States.²¹ That reasoning strongly supports relief
20 here.

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22 ¹⁶ 8 U.S.C. § 1226(a).

¹⁷ Id.

¹⁸ *Jennings*, 583 U.S. at 297–98.

23 ¹⁹ *Brito v. Garland*, ___ F.4th ___, 2026 WL ____ (2d Cir. 2026).

²⁰ Id.

24 ²¹ Id.

1 **46.** Petitioner was not apprehended at the border. He was arrested on May 5, 2026, at
2 his workplace in Madison, New Jersey after years of residence in the United States, years after
3 ORR release, years after obtaining immigration protections, and years after integration into the
4 community. Under these circumstances, § 1226(a) governs any lawful detention authority.

5 **47.** Even assuming *arguendo* that the INA could be interpreted to permit Petitioner's
6 detention under § 1225(b), such detention would violate the Fifth Amendment Due Process
7 Clause.

8 **48.** The Supreme Court has consistently recognized that noncitizens physically
9 present within the United States are entitled to due process protections against arbitrary
10 detention.²² Although Congress possesses broad immigration authority, that authority is not
11 immune from constitutional scrutiny.²³ Civil immigration detention must remain reasonably
12 related to legitimate governmental objectives and may not become arbitrary, punitive, or
13 excessive.²⁴

14 **49.** Petitioner's detention bears none of the hallmarks traditionally associated with
15 border-processing detention under § 1225(b). He has lived in the United States for years,
16 possesses substantial community ties, has no criminal record, obtained SIJS approval and
17 deferred action, and was arrested during an interior workplace operation rather than during
18 attempted entry into the country.

19 **50.** The government has made no individualized determination that Petitioner poses a
20 danger to the community or a flight risk. Instead, DHS seeks to impose categorical mandatory
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23 ²² *Zadvydas*, 533 U.S. at 693.

24 ²³ *Boumediene v. Bush*, 553 U.S. 723, 765 (2008).

²⁴ *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997).

1 detention solely through statutory labeling. The Constitution does not permit deprivation of
2 liberty through legal fiction divorced from reality.²⁵

3 **51.** Recent District of New Jersey decisions recognize precisely this constitutional
4 problem. Courts in this District have repeatedly held that continued mandatory detention under §
5 1225(b), when applied to long-present interior residents, violates procedural due process because
6 the government deprives individuals of liberty without individualized review.²⁶

7 **52.** Those due process concerns are especially compelling here because Petitioner has
8 no criminal history; did not resist arrest; was lawfully employed; has longstanding residence in
9 New Jersey; has an approved SIJS petition; has previously received deferred action from USCIS;
10 and remains eligible to pursue lawful permanent residence.

11 **53.** Under these circumstances, continued imprisonment without immediate release
12 constitutes an unlawful and unconstitutional deprivation of liberty.

13 **FACTS**

14 **54.** Petitioner Luis Angel Oxlaj-Xitumul (“Petitioner”) is a native and citizen of
15 Guatemala and has resided in the United States for many years after entering this country as a
16 child. He was born on  in Salama, Baja Verapaz, Guatemala. His identity
17 and nationality are confirmed through his Guatemalan passport, Guatemalan birth certificate, and
18 official civil registry documents contained in the record.

19 **55.** Petitioner entered the United States as an unaccompanied child when he was
20 approximately fifteen years old and was subsequently placed in the custody of the Office of
21 Refugee Resettlement (“ORR”) pursuant to the Homeland Security Act of 2002 and the William
22 Wilberforce Trafficking Victims Protection Reauthorization Act (“TVPRA”). On January 6,

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24 ²⁵ *Zadvydas*, 533 U.S. at 690.

²⁶ *Lomeu*, 2025 WL 2981296, at 9; *Bethancourt Soto*, 807 F. Supp. 3d at 410–12.

1 2018, the federal government formally released Petitioner from ORR custody into the care of his
2 brother, Marlon Danilo Oxlaj Xitumul, in Plainfield, New Jersey. The ORR Verification of
3 Release specifically confirms that Petitioner was released into the interior of the United States
4 under federal supervision and with the expectation that he would continue appearing in
5 immigration proceedings while residing in the community.

6 **56.** That release was not temporary border holding or continued border-processing
7 custody. Rather, the federal government affirmatively permitted Petitioner to reside in New
8 Jersey for years while pursuing immigration relief. From that point forward, Petitioner
9 established deep ties to the State of New Jersey and integrated fully into the community.

10 **57.** After his release, Petitioner complied with the immigration process and remained
11 physically present in the United States openly and continuously for years. At no point did
12 Petitioner abscond, evade immigration authorities, commit criminal conduct, or pose any threat
13 to public safety. To the contrary, the record demonstrates a consistent pattern of compliance,
14 stability, and community integration.

15 **58.** Petitioner ultimately became eligible for Special Immigrant Juvenile Status
16 (“SIJS”), a humanitarian form of immigration protection reserved for vulnerable immigrant
17 youth whom state juvenile courts determine cannot reunify with one or both parents due to
18 abuse, abandonment, neglect, or similar grounds under state law.²⁷ On April 5, 2023, USCIS
19 thereafter approved Petitioner’s Form I-360 SIJS petition.

20 **59.** The approval notice is legally significant in several respects. First, USCIS
21 formally recognized Petitioner as eligible for humanitarian immigration protection under federal
22 law. Second, USCIS granted deferred action, thereby expressly authorizing Petitioner to remain
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24 ²⁷ See 8 U.S.C. § 1101(a)(27)(J).

1 in the United States while awaiting visa availability. Third, USCIS advised Petitioner that he was
2 eligible to apply for employment authorization. These governmental actions are fundamentally
3 inconsistent with Respondents' present attempt to characterize Petitioner as a newly arriving
4 border applicant subject to mandatory detention under § 1225(b).

5 **60.** Pursuant to USCIS authorization, Petitioner obtained lawful employment
6 authorization documentation and a Social Security card. He also obtained a New Jersey driver's
7 license issued by the State of New Jersey. These official federal and state documents further
8 demonstrate that Petitioner was fully integrated into the interior of the United States and
9 recognized by governmental authorities as a long-term resident permitted to live and work
10 openly within the community.

11 **61.** Petitioner's SIJS priority date subsequently became current, and in April 2026,
12 Petitioner filed his Form I-485 adjustment application seeking lawful permanent residence. Thus,
13 at the time of his arrest, Petitioner was actively pursuing adjustment of status through an already
14 approved humanitarian immigration pathway.

15 **62.** Importantly, Petitioner's immigration proceedings were previously dismissed by
16 the Newark Immigration Court. On or about March 18, 2022, Immigration Judge Shana W. Chen
17 ordered the proceedings dismissed "upon joint request by both parties." This dismissal is
18 extraordinarily significant because DHS itself jointly requested termination of proceedings,
19 thereby abandoning any contention that Petitioner should remain treated as a continuously
20 detained arriving alien undergoing border inspection procedures.

21 **63.** Following dismissal of proceedings, Petitioner continued residing peacefully in
22 New Jersey. He worked, complied with immigration requirements, and remained available to
23 immigration authorities. He built substantial ties to the community and continued pursuing
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1 lawful immigration status through the humanitarian protections already recognized and approved
2 by USCIS.

3 **64.** Petitioner has no criminal record whatsoever. He has never been convicted of a
4 crime, has never been accused of violent conduct, and has never posed a danger to the
5 community. There is no evidence that he presents any public-safety concern. Likewise, there is
6 no evidence that Petitioner is a flight risk. To the contrary, his years of residence in New Jersey,
7 stable employment history, family ties, SIJS approval, work authorization, Social Security
8 documentation, and prior compliance with immigration proceedings overwhelmingly establish
9 substantial equities favoring release.

10 **65.** Nevertheless, on May 5, 2026, ICE officers conducted a workplace enforcement
11 action at [REDACTED] where Petitioner was employed.

12 According to the information presently available, approximately eight ICE officers arrived in a
13 truck and surrounded workers at the site. Petitioner did not flee, resist, obstruct officers, or
14 engage in any threatening conduct. He remained compliant throughout the encounter.

15 **66.** During the arrest, one ICE officer reportedly acknowledged that Petitioner had
16 lawful immigration proceedings pending and was “on the way to residency” due to his
17 immigration status and pending pathway toward lawful permanent residence. However, another
18 officer overrode that assessment and directed that all individuals present be taken into custody
19 regardless of their immigration posture. Despite Petitioner’s lack of criminal history, lack of
20 resistance, and pending immigration pathway, officers handcuffed him and transported him into
21 ICE custody.

22 **67.** During the May 5, 2026 workplace enforcement operation, Petitioner presented
23 ICE officers with his valid CDL driver’s license and valid Employment Authorization Document
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1 demonstrating lawful work authorization in the United States. Petitioner fully cooperated with
2 officers and did not resist arrest in any manner. According to the information presently available,
3 one ICE officer acknowledged that Petitioner had a lawful immigration process pending and
4 stated that had Petitioner possessed the I-485 receipt notice at the scene, he would not have been
5 apprehended. Nevertheless, officers detained Petitioner during the operation despite his pending
6 adjustment process, valid documentation, lack of criminal history, and longstanding community
7 presence.

8 **68.** Petitioner was thereafter transferred to Delaney Hall Detention Facility in
9 Newark, New Jersey, where he remains imprisoned. ICE is presently detaining Petitioner under a
10 purported mandatory detention theory pursuant to 8 U.S.C. § 1225(b), despite the fact that
11 Petitioner entered the United States as a child; ORR released him into the interior of the country
12 in 2018; he has resided in New Jersey for years; he received SIJS approval and deferred action;
13 he received federal employment authorization; he received a Social Security card; he obtained a
14 New Jersey driver's license; and his prior removal proceedings were dismissed upon joint
15 motion before the Immigration Court.

16 **69.** On information and belief, DHS has not provided Petitioner any individualized
17 custody determination, bond hearing, or meaningful opportunity to contest his continued
18 imprisonment. Instead, Respondents seek to categorically detain Petitioner under a statutory
19 framework designed for applicants encountered during border inspection proceedings—not for
20 longtime community residents arrested years after release into the United States.

21 **70.** Petitioner's continued detention has caused and continues to cause severe and
22 irreparable harm. He has been separated from his family, deprived of his liberty, removed from
23 his employment, and subjected to incarceration despite having no criminal record and despite
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1 years of lawful presence authorized and facilitated by federal immigration authorities
2 themselves.

3 **71.** Petitioner's next Master Calendar Hearing is currently scheduled for May 19,
4 2026, at 1:30 p.m. before Immigration Judge Shana W. Chen in Newark, New Jersey. Yet
5 despite the imminence of those proceedings, Respondents continue imprisoning Petitioner under
6 an unlawful mandatory-detention theory that directly conflicts with the growing body of recent
7 precedent from the District of New Jersey holding that § 1225(b) does not authorize mandatory
8 detention of individuals arrested within the interior after longstanding physical presence in the
9 United States.²⁸

10 **72.** Under these circumstances, Petitioner's continued detention is unlawful, arbitrary,
11 and unconstitutional

12 **CLAIMS FOR RELIEF**

13 **COUNT I**

14 **UNLAWFUL DETENTION UNDER 8 U.S.C. § 1225(b)**

15 **73.** Petitioner realleges and incorporates by reference all preceding paragraphs as
16 though fully set forth herein.

17 **74.** Respondents are unlawfully detaining Petitioner pursuant to 8 U.S.C. § 1225(b), a
18 detention statute that does not apply to Petitioner's factual or procedural posture. Section 1225
19 governs inspection and detention of certain applicants for admission encountered during the
20 admission process at or near the border. By contrast, Petitioner has lived in the United States for
21 years, was released into the interior by the federal government as an unaccompanied child,
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23 ²⁸ See *Lomeu v. Soto*, No. 25-16589, 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Rivera Zumba v. Bondi*, No. 25-
24 14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Rivas Rodriguez v. Rokosky*, No. 25-17419, 2025 WL 3485628
(D.N.J. Dec. 3, 2025); *Bethancourt Soto v. Soto*, 807 F. Supp. 3d 397 (D.N.J. 2025).

1 obtained humanitarian immigration protections, and was arrested during an interior workplace
2 enforcement operation in Madison, New Jersey.

3 **75.** Petitioner was not apprehended while attempting to enter the United States. He
4 was not stopped at a port of entry. He was not encountered during border inspection proceedings.
5 Rather, ICE arrested him on May 5, 2026, at his workplace in New Jersey—more than eight
6 years after ORR released him into the interior of the United States.

7 **76.** Since his release in 2018, Petitioner has established substantial ties to the United
8 States and to the State of New Jersey. USCIS approved his Special Immigrant Juvenile Status
9 petition and granted deferred action. He obtained employment authorization, a Social Security
10 card, and a New Jersey driver's license. Moreover, his prior removal proceedings were dismissed
11 by the Immigration Court upon joint request of the parties before Immigration Judge Shana W.
12 Chen.

13 **77.** Recent decisions from the District of New Jersey have repeatedly rejected DHS's
14 attempt to impose mandatory detention under § 1225(b) on individuals arrested in the interior
15 after longstanding physical presence in the United States. In *Lomeu v. Soto*, the court held that
16 detention under § 1225(b) was unlawful where the petitioner had already been released into the
17 country and later arrested during interior enforcement proceedings. Likewise, in *Rivera Zumba v.*
18 *Bondi*, the District of New Jersey rejected DHS's expansive interpretation of § 1225(b)(2),
19 concluding that detention authority properly arose under § 1226(a), not § 1225(b). Similar
20 conclusions were reached in *Rivas Rodriguez v. Rokosky*, *Bethancourt Soto v. Soto*, and *Castillo*
21 *v. Lyons*.

22 **78.** These cases recognize that DHS cannot indefinitely preserve the legal fiction of
23 “arriving alien” status after the government itself has released an individual into the United
24

1 the courts recognized that where detention under § 1225(b) itself is unlawful, the proper remedy
2 is release from custody—not continued detention pending additional administrative proceedings.

3 **85.** Immediate release is especially warranted here because Petitioner presents
4 overwhelming equities favoring release and absolutely no evidence supporting continued
5 detention.

6 **86.** Petitioner has no criminal history whatsoever. He has never been convicted of a
7 crime, accused of violent conduct, or identified as a danger to the community. He did not resist
8 arrest during the May 5, 2026 workplace enforcement operation. One ICE officer reportedly
9 acknowledged during the arrest that Petitioner had lawful immigration proceedings pending and
10 was on a pathway toward lawful permanent residence. Nevertheless, another officer ordered that
11 all workers be detained regardless of individual immigration posture.

12 **87.** Petitioner has longstanding family and community ties in New Jersey, where he
13 has lived openly for years after being released by ORR into the care of his brother in 2018. He
14 possesses SIJS approval and deferred action from USCIS. He obtained federal employment
15 authorization, a Social Security card, and state-issued identification documents. He complied
16 with immigration proceedings, remained available to authorities, and had prior proceedings
17 dismissed upon joint request before the Newark Immigration Court.

18 **88.** Petitioner's SIJS priority date is now current, and he filed his Form I-485
19 adjustment application in April 2026, placing him on an active pathway toward lawful permanent
20 residence. At the time of arrest, Petitioner presented ICE officers with his valid CDL driver's
21 license and valid work permit. One officer reportedly acknowledged that Petitioner had a
22 pending lawful immigration process and stated that had Petitioner possessed the I-485 receipt
23 notice at the scene, he would not have been apprehended. These facts strongly demonstrate that
24

1 even ICE officers themselves recognized Petitioner was not the type of individual properly
2 subject to mandatory detention under 8 U.S.C. § 1225(b).

3 **89.** Under these circumstances, continued detention serves no legitimate regulatory
4 purpose. The Supreme Court has repeatedly recognized that freedom from physical restraint lies
5 at the core of the liberty protected by the Due Process Clause. The government may not continue
6 imprisoning Petitioner under a detention statute that does not legally apply to him.

7 **90.** Every additional day of detention inflicts irreparable constitutional injury.
8 Petitioner has been separated from his family, deprived of liberty, removed from employment,
9 and incarcerated despite years of lawful presence authorized and facilitated by the federal
10 government itself.

11 **91.** Because Respondents lack lawful statutory authority to continue detaining
12 Petitioner under § 1225(b), the Court should immediately order his release from ICE custody.

13 **COUNT III**

14 **VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE**

15 **92.** Petitioner realleges and incorporates by reference all preceding paragraphs as
16 though fully set forth herein.

17 **93.** Respondents' continued detention of Petitioner violates the Fifth Amendment Due
18 Process Clause.

19 **94.** The Supreme Court has consistently recognized that noncitizens physically
20 present within the United States are entitled to due process protections against arbitrary
21 governmental detention. Civil immigration detention must remain reasonably related to
22 legitimate governmental objectives and may not become punitive, excessive, or arbitrary.
23
24

1 **95.** Procedurally, Respondents are depriving Petitioner of liberty without any
2 meaningful individualized determination that detention is necessary. DHS has not established
3 that Petitioner presents a danger to the community or a risk of flight. Instead, Respondents rely
4 entirely on a categorical mandatory-detention theory under § 1225(b), despite overwhelming
5 evidence that Petitioner falls outside the scope of that statute.

6 **96.** Recent decisions from the District of New Jersey have recognized that applying §
7 1225(b) mandatory detention to long-present interior residents violates due process because the
8 government deprives individuals of liberty without individualized review. The constitutional
9 concerns become even more severe where, as here, the detainee possesses longstanding
10 residence, family ties, employment authorization, humanitarian protections, and no criminal
11 history.

12 **97.** Substantively, Petitioner's detention has become arbitrary and excessive. Federal
13 immigration authorities previously released Petitioner into the United States as an
14 unaccompanied child, permitted him to reside openly in New Jersey for years, approved SIJS
15 protections, granted deferred action, authorized him to work, issued employment documentation,
16 and jointly dismissed prior removal proceedings before the Immigration Court. After years of
17 treating Petitioner as part of the domestic immigration system, Respondents now attempt to
18 abruptly classify him as though he were a newly arriving border applicant subject to mandatory
19 detention.

20 **98.** The Constitution does not permit the government to manipulate statutory labels in
21 order to justify imprisonment disconnected from reality and disconnected from the statutory
22 structure enacted by Congress.

1 custody review where detention becomes prolonged or where liberty interests are severely
2 implicated.

3 **106.** Accordingly, if this Court declines to order Petitioner's immediate release
4 outright, the Court should alternatively order Respondents to provide Petitioner with an
5 immediate individualized bond hearing before an Immigration Judge pursuant to § 1226(a), with
6 the government bearing the burden of proving by clear and convincing evidence that continued
7 detention is necessary because Petitioner poses either a danger to the community or a genuine
8 flight risk.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Petitioner Luis Angel Oxlaj-Xitumul respectfully requests that this Court grant
11 the following relief:

- 12 1. Assume jurisdiction over this habeas petition under 28 U.S.C. § 2241;
- 13 2. Issue an order to show cause requiring Respondents to justify Petitioner's detention
14 immediately under 28 U.S.C. § 2243;
- 15 3. Declare that Petitioner's detention under 8 U.S.C. § 1225(b) is unlawful;
- 16 4. Declare that Petitioner's detention violates the Fifth Amendment Due Process Clause;
- 17 5. Grant the writ of habeas corpus;
- 18 6. Order Respondents to immediately release Petitioner from custody;
- 19 7. In the alternative, order Respondents to provide Petitioner with a prompt individualized
20 bond hearing under 8 U.S.C. § 1226(a), before an Immigration Judge, at which the
21 government bears the burden of proving by clear and convincing evidence that Petitioner
22 is a danger or flight risk;

