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2025 SEP 25 AM 11:43

JUDGE LEON SCHYDLOWER

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Cristobal Pu-Us

Petitioner,

Case No.

v.

PETITION FOR WRIT OF
HABEAS CORPUS

EP 25 CV 0417

Mary de Anda Ybarra, Field Office Director of
Enforcement and Removal Operations, El Paso
Field Office, Immigration and Customs
Enforcement; Todd M Lyons, Acting Director
of U.S. Immigration and Customs Enforcement;
Kristi NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; Acquisition
Logistics LLC, Warden of DOW Detention
Facility at Fort Bliss (a.k.a. ERO El Paso Camp
East Montana).

Respondents.

INTRODUCTION

1. Petitioner Cristobal Pu- Us is in the physical custody of Respondents at the ERO DOW Detention Facility at Fort Bliss (a.k.a. ERO El Paso Camp East Montana). He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention.

2. Petitioner is charged with, inter alia, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

3. Petitioner is also charged with, inter alia, being an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General. *See* 8 U.S.C. § 1182(a)(7)(A)(i)(I).

4. Petitioner filed a Motion for Bond Determination with the Chicago Immigration Court on June 30, 2025, before his hearing on July 11, 2025. In the interim, on July 8, 2025, acting ICE director Todd M. Lyons sent a memo to the Office of the Principal Legal Advisor (“OPLA”) attorneys instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond. Ex.1, Acting director Todd M. Lyons’ Memorandum, dated July 8, 2025.

1 5. Petitioner's detention became unlawful on July 11, 2025, when Petitioner was granted
2 release on bond by an Immigration Judge ("IJ"), but was not released from custody at the Marion
3 County Jail. Ex. 2, Order of the Immigration Judge (July 11, 2025). His continued detention is an
4 unlawful violation of due process, incorrect interpretation of immigration law, and is *ultra vires*.

5 6. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board)
6 issued a precedent decision, binding on all immigration judges, holding that an immigration
7 judge has no authority to consider bond requests for any person who entered the United States
8 without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board
9 determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and
10 therefore ineligible to be released on bond.

11 7. Petitioner's detention on this basis violates the plain language of the Immigration
12 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
13 previously entered and are now residing in the United States. Instead, such individuals are
14 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.
15 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for
16 having entered the United States without inspection.

17 8. Respondents' new legal interpretation is plainly contrary to the statutory
18 framework and contrary to decades of agency practice applying § 1226(a) to people like
19 Petitioner.

20 9. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released
21 per the IJ finding granting him bond.

22 **JURISDICTION**
23
24

10. Petitioner is in the physical custody of Respondents. Petitioner is detained at the DOW Detention Facility at Fort Bliss (a.k.a. ERO El Paso Camp East Montana) in El Paso, TX.

11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

12. 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.

VENUE

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 Western District of Texas, 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 Western District of Texas.

REQUIREMENTS OF 28 U.S.C. § 2243

15. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

16. 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

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
2 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
3 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
4 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

5 **PARTIES**

6 17. Petitioner Cristobal Pu-Us is a citizen of Guatemala who has been in immigration
7 detention since June 16, 2025. After arresting Petitioner in Elgin, IL, ICE did not set bond. On
8 June 30, 2025, Immigration counsel filed a Motion for Bond Determination with the Chicago
9 Immigration Court. On July 11, 2025, the IJ set a bond of \$3000 for the Petitioner. Hours later,
10 ICE filed Form EOIR-43; thus, executing an automatic stay on the order. Ex. 3, EOIR-43, Notice
11 of ICE Intent to Appeal Custody Redetermination (July 11, 2025). On July 21, 2025, Form
12 EOIR-26, appealing the IJ’s order granting bond. Ex. 4, EOIR-26, Notice of Appeal from a
13 Decision of an Immigration Judge (July 21, 2025). At this time, Petitioner is unable to obtain
14 review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29
15 I. & N. Dec. 216 (BIA 2025).

16 18. Respondent Mary de Anda Ybarra is the Director of the El Paso Field Office of
17 ICE’s Enforcement and Removal Operations division. As such, Mary de Anda Ybarra is
18 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. She is
19 named in her official capacity.

20 19. Respondent Todd M. Lyons is named in their official capacity as the Acting Director of
21 U.S. Immigration and Customs Enforcement. ICE is the agency within DHS that is specifically
22 responsible for managing all aspects of the immigration enforcement process, including
23 immigration detention. ICE is responsible for apprehension, incarceration, and removal of
24

1 noncitizens from the United States and as such Acting Director Lyons is a legal custodian of
2 Petitioner.

3 20. Respondent Kristi Noem is the Secretary of the Department of Homeland
4 Security. She is responsible for the implementation and enforcement of the Immigration and
5 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
6 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

7 21. Respondent Department of Homeland Security (DHS) is the federal agency
8 responsible for implementing and enforcing the INA, including the detention and removal of
9 noncitizens.

10 22. Respondent Pamela Bondi is the Attorney General of the United States. She is
11 responsible for the Department of Justice, of which the Executive Office for Immigration Review
12 and the immigration court system it operates is a component agency. She is sued in her official
13 capacity.

14 23. Respondent Executive Office for Immigration Review (EOIR) is the federal
15 agency responsible for implementing and enforcing the INA in removal proceedings, including
16 for custody redeterminations in bond hearings.

17 24. Respondent Acquisition Logistics LLC was contracted by U.S. government as
18 Warden and operator of the DOW Detention Facility at Fort Bliss (a.k.a. ERO El Paso Camp
19 East Montana), where Petitioner is detained. It has immediate physical custody of Petitioner. It is
20 sued in its official capacity as the jailer and legal custodian of the Petitioner.

21
22 **LEGAL FRAMEWORK**
23
24

1 25. The INA prescribes three basic forms of detention for the vast majority of
2 noncitizens in removal proceedings.

3 26. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
4 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally
5 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),
6 while noncitizens who have been arrested, charged with, or convicted of certain crimes are
7 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

8 27. Second, the INA provides for mandatory detention of noncitizens subject to
9 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
10 referred to under § 1225(b)(2).

11 28. Last, the INA also provides for detention of noncitizens who have been ordered
12 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

13 29. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

14 30. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
15 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
16 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section
17 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,
18 139 Stat. 3 (2025).

19 31. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
20 that, in general, people who entered the country without inspection were not considered detained
21 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited
22 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
23 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

1 32. Thus, in the decades that followed, most people who entered without inspection
2 and were placed in standard removal proceedings received bond hearings, unless their criminal
3 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent
4 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”
5 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)
6 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply
7 “restates” the detention authority previously found at § 1252(a)).

8 33. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
9 rejected well-established understanding of the statutory framework and reversed decades of
10 practice. *See* Ex. 1.

11 34. The new policy, entitled “Interim Guidance Regarding Detention Authority for
12 Applicants for Admission,” claims that all persons who entered the United States without
13 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). *See*
14 Ex.1. The policy applies regardless of when a person is apprehended and affects those who have
15 resided in the United States for months, years, and even decades.

16 35. Petitioner came to be in immigration proceedings based on a DHS filing that clearly
17 identified her as subject to detention “pursuant to the authority contained in section 236”;
18 (section 236 of the INA is codified at 8 U.S.C. § 1226.). Ex. 5, Notice of Custody
19 Redetermination. For decades, § 1225 has applied only to noncitizens “seeking admission into
20 the country”—i.e., new arrivals. *Jennings*, 583 U.S. at 289. This contrasts with § 1226, which
21 applies to noncitizens “already in the country.” *Id.* at 289. Petitioner has been in the United
22 States for over 13 years.

1 36. On September 5, 2025, the BIA adopted the same position in a published
2 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the
3 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are
4 ineligible for IJ bond hearings.

5 37. Since Respondents adopted their new policies, dozens of federal courts have
6 rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected
7 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

8 38. Even before ICE or the BIA introduced these nationwide policies, IJs in the
9 Tacoma, Washington, immigration court stopped providing bond hearings for persons who
10 entered the United States without inspection and who have since resided here. There, the U.S.
11 District Court in the Western District of Washington found that such a reading of the INA is
12 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not
13 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d
14 1239 (W.D. Wash. 2025).

15 39. Subsequently, court after court has adopted the same reading of the INA's
16 detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*,
17 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,
18 No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025);
19 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,
20 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL
21 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025
22 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,
23 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-
24

1 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-
 2 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),
 3 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavljo v. Kaiser*, No. 25-CV-06248-
 4 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-
 5 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-
 6 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051
 7 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*
 8 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
 9 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,
 10 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.
 11 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.
 12 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.
 13 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2
 14 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §
 15 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL
 16 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-
 17 RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

18 40. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it
 19 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the
 20 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

21 41. Section 1226(a) applies by default to all persons “pending a decision on whether
 22 the [noncitizen] is to be removed from the United States.” These removal hearings are held under
 23 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”
 24

42. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also* *Gomes*, 2025 WL 1869299, at *7.

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

44. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

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

FACTS

46. Petitioner has resided in the United States since 2013 and lives in Elgin, IL.

1 47. On June 16, 2025, Petitioner was arrested after parking his car in Elgin, IL.
2 Petitioner is now detained at the DOW Detention Facility at Fort Bliss (a.k.a. ERO El Paso
3 Camp East Montana).

4 48. DHS placed Petitioner in removal proceedings before the Chicago Immigration
5 Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being
6 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States
7 without inspection, and being an immigrant who, at the time of application for admission, is not
8 in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other
9 valid entry document required by the Act, and a valid unexpired passport, or other suitable travel
10 document, or document of identity and nationality as required under the regulations issued by the
11 Attorney General under 8 U.S.C. § 1182(a)(7)(A)(i)(I).

12 49. Petitioner lives and supports his long-term partner, who at the time of writing is
13 eight-months pregnant, and his stepchildren in Elgin, Illinois. This detention is a substantial
14 deprivation and burden that puts Petitioner and his family at risk without Petitioner's parental
15 and financial support. Petitioner is neither a flight risk nor a danger to the community.

16 50. Following Petitioner's arrest and transfer to Marion County Jail, ICE issued a
17 custody determination to continue Petitioner's detention without an opportunity to post bond or
18 be released on other conditions.

19 51. On June 30, 2025, Petitioner filed a Motion for Bond Determination with the
20 Chicago Immigration Court. On July 11, 2025, The IJ determined that Petitioner was eligible for
21 bond under 8 U.S.C. § 1226 and ordered that Petitioner should be released upon posting bond in
22 the amount of \$3,000.

1 52. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
2 Petitioner's bond request. Which, in turn, makes the Petitioner ineligible for bond, even though
3 he was granted bond months before the BIA decided *Matter of Yajure Hurtado*. Up to that point,
4 the Petitioner was detained due to ICE filing a Notice of ICE Intent to Appeal Custody
5 Redetermination ("EOIR-43") and Notice of Appeal from a Decision of an Immigration Judge
6 ("EOIR-26").

7 53. As a result, Petitioner remains in detention. Without relief from this court, he
8 faces the prospect of months, or even years, in immigration custody, separated from his family
9 and community. Moreover, the Petitioner will miss the opportunity of missing the birth of his
10 first child.

11
12
13 **CLAIMS FOR RELIEF**

14 **COUNT I**
15 **Violation of the INA**

16 54. Petitioner incorporates by reference the allegations of fact set forth in the
17 preceding paragraphs.

18 55. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
19 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
20 relevant here, it does not apply to those who previously entered the country and have been
21 residing in the United States prior to being apprehended and placed in removal proceedings by
22 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
23 § 1225(b)(1), § 1226(c), or § 1231.
24

1 56. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
2 detention and violates the INA.

3 **COUNT II**
4 **Violation of the Bond Regulations**

5 57. Petitioner incorporates by reference the allegations of fact set forth in preceding
6 paragraphs.

7 58. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-
8 Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.
9 Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the
10 agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present
11 without having been admitted or paroled (formerly referred to as [noncitizens] who entered
12 without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323
13 (emphasis added). The agencies thus made clear that individuals who had entered without
14 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §
15 1226 and its implementing regulations.

16 59. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and
17 practice of applying § 1225(b)(2) to individual like Petitioner.

18 60. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
19 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

20 **COUNT III**
21 **Violation of Due Process**

22 61. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in
23 the preceding paragraphs as if fully set forth herein.
24

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

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

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

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Western District of Texas while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner in accordance to the IJ order finding him to not be a flight risk nor to be a danger to society; or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner's detention is unlawful;
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

1 DATED this 23 of, September 2025.

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4 Sebastian Wright Garcia
5 Sebastian Wright Garcia, Esq.
6 Attorney for Petitioner
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**In the matter of:
PU-US, Cristobal**

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INDEX OF EXHIBITS IN SUPPORT OF PETITION

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