IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JHONNY ADALBERTO GUEVARA GOMEZ,

Petitioner,

v.

JEFF CRAWFORD, Warden, Farmville Detention Center;
RUSSEL HOTT, Field Office Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; and
PAMELA BONDI, Attorney General of the United States, in their official capacities,

Respondents.

Case No: 1:25-cv-1781

AMENDED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

This is a petition for a writ of habeas corpus filed on behalf of Mr. Jhonny Adalberto Guevara Gomez ("Petitioner"), seeking relief from unlawful immigration detention. Respondents are detaining Petitioner in violation of Petitioner's constitutional due process rights and beyond the Department of Homeland Security's lawful statutory authority. By subjecting Petitioner to unlawful and indefinite detention, Respondents further violate the Eighth Amendment's prohibition on cruel and unusual punishment.

Mr. Guevara Gomez has fully cooperated with Respondents. He is not a flight risk or a danger to the community. Positive Equities and Community Ties

Jhonny Adalberto Guevara Gómez ( ) was born on January 26, 1995, in El Salvador and has lived in the United States since September 2011. He met his now-wife, a U.S. citizen, on May 16, 2012, and they married on November 15, 2014. They have two U.S.-citizen children, ages and whom he helps raise and support.

He works Monday through Saturday installing carpet and has long been the primary provider for the household. On Sundays, he spends time with his family and plays soccer in his community, and he tries to assist those who need help. He files immigration paperwork to stabilize his status; a family-based I-130 petition was filed in January 2025 and remains pending.

His record shows a DUI approximately four to five years ago, for which he completed all classes and requirements. Since then, he has received traffic tickets for driving without a license. In 2024, he was cited for public intoxication. He has a Master Calendar hearing scheduled for November 4, 2025, at 9:00 a.m.

He is currently experiencing illness in detention, reporting ear pain, fever, flu-like symptoms, cough, body aches, and neck pain. With his detention, his spouse has had to assume full financial responsibility for the family, which has been difficult.

On the afternoon of Thursday, October 9, 2025, in Fauquier County, a family argument led a relative to call the police. Officers arrested Mr. Guevara Gómez. He had consumed alcohol. His wife did not press charges. He remained in local custody through

the weekend, and in the early hours of Sunday he was transferred to ICE custody and moved to the Chantilly facility. Mr. Guevara Gomez has been held at Farmville since that Saturday.

Mr. Guevara Gómez is a long-resident interior arrest with deep family and community ties, a pending immediate-relative I-130 filed earlier in the year, and no ongoing criminal prosecution arising from the family dispute. The local matter concluded without his spouse pressing charges, yet he was nevertheless taken into civil immigration custody from local jail. The transfer occurred despite his established residence since 2011, U.S.-citizen spouse and children, steady employment, and documented compliance with prior program requirements in his earlier DUI case. The family's finances and childcare were immediately disrupted when he was moved to ICE custody, and his spouse has struggled to cover household expenses alone.

Mr. Guevara Gomez submits that his detention is in violation of his constitutional rights. His detention is not justified under the Constitution or the Immigration and Nationality Act ("INA"). He seeks an order from this Court declaring his continued detention unlawful and ordering Respondents to release him or to hold a custody redetermination hearing.

CUSTODY

1. Mr. Guevara Gomez is in physical custody of Respondents Russel Hott is the Field Office Director, ICE ERO, DHS generally, and Jeff Crawford is the Warden of the Farmville Detention Center located in Farmville, Virginia.

2. At the time of the filing of this petition, Mr. Guevara Gomez is detained at Farmville Detention Center located in Farmville, Virginia. The Facility contracts with DHS to detain noncitizens like Mr. Guevara Gomez. Mr. Guevara Gomez is under the direct control of Respondents and their agents.

3.

JURISDICTION

4. This Court has jurisdiction over this habeas action under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et. seq.*, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), as the Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States.
5. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

6. Venue is proper in this District because Petitioner is detained at Farmville Detention Center within this District and because a Respondent with immediate custody is located here.

PARTIES

7. Petitioner Jhonny Adalberto Guevara Gomez, A Number 216-641-157, is a native and citizen of El Salvador, currently detained at Farmville Detention Center, in Farmville, Virginia.
8. Respondent Jeff Crawford is the Warden of the Farmville Detention Center and has immediate custody over Petitioner. He is the Petitioner's legal custodian.
9. Respondent Russel Hott is the Field Office Director, ICE ERO with responsibility for field operations relevant to Petitioner's detention. Respondent is a legal custodian with the authority to release him.
10. Respondent Kristi Noem is the Secretary of DHS and is responsible for policies and practices concerning detention and removal.
11. Respondent Pamela Bondi is the Attorney General of the United States.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. Petitioner should not be required to engage in futile EOIR bond request and appeal litigation where the outcome is foreordained against him
13. Even if Respondents contend that the Petitioner has not exhausted his administrative remedies because he has not filel for bond with the Immigration Court or appealed a likely BIA denial, the Court should waive the exhaustion requirement. Filing for bond would be futile given that IJ decisions on bond are controlled by the BIA's *Matter of Yajure-Hurtado,* 29 I&N Dec. 216 (BIA 2025), which found that any noncitizen present in the United States without having been inspected and admitted is subject to detention under 8 U.S.C. § 1225(b)(2), rather than 8 U.S.C. § 1226(a), regardless

of how long they have resided in the United States and where they were encountered by immigration authorities.

14. Thus, filing for bond with the Immigration Court and appealing a sure denial to the BIA would create an intolerable delay and would certainly result in the BIA affirming the IJ's bond decision. *See Shalala v. Ill. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000).

15. The Petitioner 's only remedy is by way of this judicial action.

STATUTORY FRAMEWORK

16. On September 5, 2025, BIA issued *Matter of Yajure Hurtado*, establishing that any noncitizen present in the United States without having been inspected and admitted is subject to detention under 8 U.S.C. § 1225(b)(2), rather than 8 U.S.C. § 1226(a), regardless of how long they have resided in the United States and where they were encountered by immigration authorities. 29 I&N Dec. 216 (BIA 2025).

Relevant Sections of the Immigration and Nationality Act

17. **U.S.C. § 1225 / INA § 235**: Chapter titled "Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing."

18. **8 U.S.C. § 1225(a)(1) / INA § 235(a)(1)**: Defines applicant for admission, "***for purposes of this chapter***" as "an alien present in the United States who has not been admitted or who arrives in the United States[.]"

19. **U.S.C. § 1225(b)(1) / INA § 235(b)(1)**: Lays out the class of noncitizens subject to expedited removal. Section 1225(b)(1)(A)(i) subjects to expedited removal any applicants for admission "who [are] *arriving in* the United States [("Arriving

Aliens")] **or** who [are] described in clause (iii)" **and** who lack valid entry documents. 8 U.S.C. § 1225(b)(1)(A)(i) (emphases added). Clause (iii) provides for expedited removal of applicants for admission who are not "arriving in" the United States but who have not been admitted or paroled into the United States **and** cannot establish two years of physical presence in the United States "immediately prior to the determination of inadmissibility." 8 U.S.C. § 1225(b)(1)(A)(iii).

20. **8 U.S.C. § 1225(b)(2)(A) / INA § 235(b)(2)(A)**: A noncitizen who is an "applicant for admission" and is not clearly and beyond a doubt entitled to be admitted *must* be kept in DHS custody during the pendency of removal proceedings under 8 U.S.C. § 1229A (INA § 240). These are non- expedited proceedings and are commenced by the issuance of a charging document known as a Notice to Appear, Form I-862. Section 1225(b)(2) applies to arriving aliens and certain individuals stopped shortly after entry.

21. **8 U.S.C. § 1226 / INA § 236:** Chapter titled "Apprehension and detention of aliens."

22. **8 U.S.C. § 1226(a) / INA § 236(a)**: Allows the Attorney General, *on warrant*, to arrest and detain a noncitizen pending the outcome of their removal proceedings. Noncitizens arrested under a warrant may be released on bond or recognizance in DHS's discretion. Predecessor statutes to § 1226(a) authorized arrest, detention, and release of noncitizens inside the United States and permitted discretionary bond; when Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA"), it stated that § 1226 "restates the current provisions in [the predecessor statute] regarding the authority of the Attorney General to arrest,

detain, and release on bond a[ ] [noncitizen] who is not lawfully present in the United States[,]" indicating continuity. H.R. Rep. No. 104-469, pt. 1, at 229.

23. **8 U.S.C. § 1226(c) / INA § 236(c)**: Creates grounds of mandatory detention for criminal and terrorist noncitizens. The Laken Riley Act (LRA) added 8 U.S.C. § 1226(c)(1)(E), which requires DHS to keep detained noncitizens who are arrested for, charged with, or convicted of certain crimes, who are also inadmissible for being present in the country without inspection or admission, for lacking valid documentation, or for committing fraud or misrepresentation.

24. **8 U.S.C. § 1357(a) / INA § 287(a)**: Permits immigration officials to arrest noncitizens without a warrant where (1) the officer sees the noncitizen entering the country in violation of law; (2) the officer has reason to believe that the noncitizen is in the United States unlawfully and is likely to escape before a warrant can be obtained; or (3) the officer has reason to believe the noncitizen has committed a felony. The BIA construed the "reason to believe" standard with probable cause and recognized that a person in a vehicle may be deemed likely to escape before a warrant can be secured. *Matter of Mariscal-Aguilar*, 28 I&N Dec. 666 (BIA 2022).

Longstanding Interpretation of 8 U.S.C. §§ 1225 and 1226

25. Since 1996, the immigration courts, Board of Immigration Appeals, and federal courts recognized the plain text of these two sections, accepting that § 1225(b) only covers a narrow subset of detainees, with the rest subject to discretionary detention under the "catch-all" provision of § 1226(a). A longstanding practice of the government applying the law in a certain way can inform the court's determination of what the law is. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 386 (2024).

26. The U.S. Supreme Court added temporal and geographical confines to treating a noncitizen as an applicant for admission. In *Department of Homeland Security v. Thuraissigiam,* the Court noted that DHS historically treated noncitizens as applicants for admission only when encountered within 14 days of entry, and within 100 miles of the border. 591 U.S. 121, 134 n.2 (2020) (citing 69 Fed. Reg. 48879 (2004)). When the Court analyzed the constitutionality of expedited removal proceedings, it noted that the broad definition of an applicant for admission contained in § 1225 applies *for the purposes of those subject to expedited removal. Id.* at 124.

27. Indeed, in *Jennings v. Rodriguez*, the seminal case analyzing §§ 1225 and 1226, the United States Supreme Court maintained that § 1225(b) concerns "primarily [those] seeking entry," and is generally applicable "at the Nation's borders and ports of entry, where the Government must determine whether [a noncitizen] seeking to enter the country is admissible." 583 U.S. 281, 297, 287 (2018). On the other hand, § 1226 "authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings." *Id.* at 289 (emphasis added).

28. The discretionary detention provision in § 1226 has been referred to as a catch-all provision, with the Supreme Court dubbing it a "default rule" that "applies to [noncitizens] already present in the United States." *Id.* at 288, 301.

29. In *Matter of Akhmedov*, the BIA acknowledged that noncitizens arrested within the interior of the United States and placed into removal proceedings with the issuance of a Notice to Appear (NTA) are detained under § 1226(a) and therefore the Immigration Judge had jurisdiction to consider their bond request. 29 I&N Dec. 166

(BIA 2025). *Matter of Q. Li* held that the detention of a noncitizen who is detained and arrested at or near the border and placed into *expedited* removal proceedings is not governed by § 1226(a) but rather by § 1225(b). 29 I&N Dec. 66, 69 (BIA 2025).

Matter of Yajure-Hurtado and DHS Policy on Detention

30. In July 2025, DHS issued a policy alert laying out a novel interpretation of these two sections unsupported by the above case law: 8 U.S.C. § 1225(b)(2) requires mandatory detention of all noncitizens present without admission, and that Immigration Judges therefore lack jurisdiction to grant them bond.

31. In *Matter of Yajure-Hurtado*, the BIA upheld DHS's policy and departed from three decades of statutory interpretation, holding that the detention of any noncitizen who is in the United States without being admitted is governed by § 1225(b)(2), irrespective of whether the noncitizen's encounter with immigration officials was when they were "arriving" or whether they have been physically present in the United States for more than two years. 29 I&N Dec. 216 (BIA 2025).

32. Accordingly, the decision held that Immigration Judges effectively only have jurisdiction over deciding bond for noncitizens who have been inspected and admitted, and that all noncitizens present in the United States without admission or parole must be detained during the pendency of their removal proceedings. *Id.* at 218, 223. It is in this context that the Petitioner asks for habeas relief.

33. Respondents continue to subject Petitioner to what is effectively mandatory detention based on this flawed logic.

Chevron Overruled – Independent Statutory Interpretation Required

34. For decades, courts deferred to reasonable agency interpretations of ambiguous statutes under *Chevron* deference. On June 8, 2024, the U.S. Supreme Court overturned *Chevron U.S.A., Inc. v. NRDC* in *Loper Bright Enterprises v. Raimondo*, holding that the Administrative Procedure Act requires courts to exercise their own independent judgment in deciding whether an agency has acted within its statutory authority. 603 U.S. 369 (2024). In its decision, the Court emphasized that judges may not defer to an agency interpretation merely because a statute is ambiguous; instead, the courts must decide the best interpretation, giving respectful consideration - but not deference - to the Executive Branch. *Id.*

STATEMENT OF FACTS

35. Jhonny Adalberto Guevara Gómez (A[redacted] was born on [redacted] in El Salvador and has lived in the United States since September 2011. He met his now-wife, a U.S. citizen, on May 16, 2012, and they married on November 15, 2014. They have two U.S.-citizen children, ages [redacted] and [redacted] whom he helps raise and support.

36. He works Monday through Saturday installing carpet and has long been the primary provider for the household. On Sundays, he spends time with his family and plays soccer in his community, and he tries to assist those who need help. He files immigration paperwork to stabilize his status; a family-based I-130 petition was filed in January 2025 and remains pending.

37. His record shows a DUI approximately four to five years ago, for which he completed all classes and requirements. Since then, he has received traffic tickets for driving without a license. In 2024, he was cited for public intoxication. He has a Master Calendar hearing scheduled for November 4, 2025, at 9:00 a.m.

38. Mr. Guevara Gomez is detained at the Farmville Detention Center and is currently experiencing illness in detention, reporting ear pain, fever, flu-like symptoms, cough, body aches, and neck pain. With his detention, his spouse has had to assume full financial responsibility for the family, which has been difficult.

39. On the afternoon of Thursday, October 9, 2025, in Fauquier County, a family argument led a relative to call the police. Officers arrested Mr. Guevara Gómez. He had consumed alcohol. His wife did not press charges. He remained in local custody through the weekend, and in the early hours of Sunday he was transferred to ICE custody and moved to the Chantilly facility. Mr. Guevara Gomez has been held at Farmville since that Saturday.

40. Mr. Guevara Gómez is a long-resident interior arrest with deep family and community ties, a pending immediate-relative I-130 filed earlier in the year, and no ongoing criminal prosecution arising from the family dispute. The local matter concluded without his spouse pressing charges, yet he was nevertheless taken into civil immigration custody from local jail. The transfer occurred despite his established residence since 2011, U.S.-citizen spouse and children, steady employment, and documented compliance with prior program requirements in his earlier DUI case. The family's finances and childcare were immediately disrupted when he was moved to ICE custody, and his spouse has struggled to cover household expenses alone.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF FIFTH AMENDMENT RIGHT TO SUBSTANTIVE AND PROCEDURAL DUE PROCESS

41. The Petitioner incorporates by reference all preceding paragraphs.

42. The Petitioner 's detention under 8 U.S.C. § 1225 violates his substantive due process rights under the Fifth Amendment to the United States Constitution as it subjects him to arbitrary detention.

43. "Government detention violates the Fifth Amendment "unless the detention is ordered in a *criminal proceeding* with adequate procedural protections or, in certain special and narrow nonpunitive circumstances where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v. Davis*, 553 U.S. 678, 690 (2001) (internal citations and quotations omitted).

44. Here, there is no "special justification" which allows the Respondents to deny the Petitioner the liberty to which he is entitled. Respondents have not alleged any "special justification" to support the Petitioner's continued detention.

45. Further, the BIA's decision in *Matter of Yahure Hurtado* claims that the immigration judge lacks the jurisdiction to grant bond to any noncitizen who has entered the United States without being inspected and admitted or paroled based on 8 U.S.C. § 1225. According to the BIA, anyone who entered without inspection or parole, no

matter how long present in the United Sates before encountering immigration authorities, are essentially subject to mandatory detention. 29 I&N Dec. at 228. [1]

46. Substantive due process also affords the Petitioner "a right to adequate food, shelter, clothing, and medical care . . . [and to] safety and freedom from bodily restraint." *See Youngberg v. Romeo*, 457 U.S. 307, 315-18 (1982).

47. Without federal court action, the Petitioner will likely remain detained for months. Given that as of the third quarter for fiscal year 2025 the BIA has 186,473 cases pending and only 16 appellate immigration judges (11 permanent members and five temporary members), immediate action from this court is required to prevent Mr. Guevara Gomez long-term detention. *See Executive Office for Immigration Review Adjudication Statistics*, U.S. DEP'T OF JUSTICE, https://www.justice.gov/eoir/media/1344986/dl?inline (last updated July 31, 2025); *Board of Immigration Appeals*, U.S. DEP'T OF JUSTICE, https://www.justice.gov/eoir/board-of-immigration- appeals (last updated Sept. 16, 2025).

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[1] Importantly, several federal district courts have rejected this argument as well as the arguments from *Matter of Yahure Hurtado*'s predecessor, *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). *See Quispe-Ardiles v. Noem, 1:25-cv—01382-MSN-WEF* (E.D.V.A. Sept. 30, 2025); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (noting court's disagreement with BIA's analysis in *Yajure Hurtado*); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Doe v. Moniz*, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Martinez v. Hyde*, 2025 WL 2084238 (D. Mass. July 24, 2025); *dos Santos v. Noem*, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Pena v. Hyde*, 2025 WL 2108913 (D. Mass. July 28, 2025); *Gomes v. Hyde*, 2025 WL 1869299 (D. Mass. July 7, 2025); *Orellana Juarez v. Moniz*, 2025 WL 1698600 (D. Mass. June 11, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Samb v. Joyce*, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Leal-Romero v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Lopez-Campos v. Raycroft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Carmona-Lorenzo v. Trump*, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Palma Perez v. Berg*, 2025 WL 2531566 (D. Neb. Sept 3, 2025); *O.E. v. Bondi*, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Jacinto v. Trump*, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); *Maldonado v. Olson*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Garcia Jimenez v. Kramer*, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Anicasio v. Kramer*, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); *Escalante v. Bondi*, 2025 WL 2212104 (D. Minn. July 31, 2025); *Zaragoza Mosqueda et al. v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025); *Romero Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Vasquez Garcia et al. v. Noem*, 25025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025

COUNT TWO

VIOLATION OF EIGHT AMENDMENT RIGHT TO PROTECTION FROM CRUEL AND UNUSUAL PUNISHMENT

48. The Petitioner incorporates all preceding paragraphs by reference.

49. Petitioner Jhonny Adalberto Guevara Gómez [redacted] has lived in the United States since September 2011. He is married to a U.S. citizen (married Nov. 15, 2014) and is the father of two U.S.-citizen children (ages [redacted] and [redacted]. He works installing carpet Monday through Saturday and is the primary household provider. A family-based I-130 was filed in January 2025 and remains pending.

50. On October 9, 2025, after a family argument in Fauquier County that did not result in his wife pressing charges, Petitioner was taken into local custody and, by early Sunday, transferred to ICE custody. He had no ongoing criminal prosecution arising from that event.

51. Petitioner's detention is not tied to any adjudicated criminal punishment. He is a long-resident interior arrestee with deep family and community ties, steady employment, and a pending immediate-relative petition.

52. Since his transfer to ICE custody, Petitioner has experienced significant and undisputed harms: immediate loss of employment income critical to rent, utilities, food, transportation, and medical needs for his U.S.-citizen children and spouse; abrupt disruption of his caregiving functions; and physical illness (ear pain, fever, flu-like symptoms, cough, body aches, and neck pain).

53. The government's continued detention, in light of Petitioner's decade-plus residence, established community ties, lack of any pending criminal case from the October 9 incident, and his ongoing family-based immigration process, is

excessive in relation to any nonpunitive purpose (such as ensuring attendance or protecting public safety). These same facts show detention is not reasonably related to a legitimate governmental objective and instead operates as punishment.

54. Detaining Petitioner under these circumstances—where lesser, effective alternatives to detention are obvious (e.g., release on recognizance, reporting, or bond consistent with his community ties and caregiving responsibilities)—imposes needless and disproportionate suffering on him and his U.S.-citizen family.

55. The combination of (a) interior arrest and civil transfer despite no active criminal prosecution from the family dispute; (b) prolonged separation from his U.S.-citizen spouse and children who depend on his daily care and income; and (c) confinement while ill, collectively renders his custody cruel and unusual within the meaning of the Eighth Amendment (or, alternatively, punitive and unconstitutional under the Fifth Amendment's Due Process Clause).

56. The Eighth Amendment to the U.S. Constitution prohibits the government from inflicting cruel and unusual punishment on individuals.

57. To state a cognizable claim under the Eighth Amendment, a Petitioner must allege acts or omissions sufficiently harmful to show deliberate indifference to his needs. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976).

58. Even if no harm has occurred, the lack of safety in Petitioner's detention conditions is sufficient for judicial intervention. *See Helling v. McKinney*, 509 U.S. 25, 33 (1993) (explaining that the Supreme Court and Courts of Appeals have recognized a remedy for unsafe conditions where a tragic event has not yet

occurred, i.e. one need not wait for a traffic event to occur to file a claim for future harm under the Eighth Amendment).

59. The Petitioner's continued unlawful detention also constitutes cruel and unusual punishment under the Eighth Amendment because the Petitioner is subject to mandatory, indefinite detention based solely on Respondents' erroneous interpretation of 8 U.S.C. § 1225(b)(2).

60. Detainees may challenge their confinement's unconstitutional conditions through writs of habeas corpus, an avenue which the U.S. Supreme Court has never explicitly foreclosed. *See Preiser v. Rodriguez*, 411 U.S. 475, 499-500 (1973) (stating that when "a prisoner is put under additional and unconstitutional restraints during his lawful custody, it is arguable that habeas corpus will lie to remove the restraints making the custody illegal.").

61. Respondents' continued custody of the Petitioner has transformed civil immigration detention into cruel and unusual punishment. The Petitioner is eligible for multiple forms of relief from removal yet is indefinitely held in detention solely due to his manner of entry into the United States.

COUNT THREE

62. If he prevails, the Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. Section 2412.

PRAYER FOR RELIEF

WHEREFORE, Mr. Guevara Gomez respectfully requests that this Court grant the following relief:

A. Assume jurisdiction over this matter.

B. Issue an order directing Respondents to Show Cause why the writ should not be granted.

C. Enjoin Respondents from transferring Petitioner outside this District during this action or in a way that would strip this Court's jurisdiction.

D. Order immediate release on reasonable conditions if a timely hearing is not held.

E. Award reasonable costs and attorney fees.

F. Grant any other relief which this Court deems just and proper.

DATED: October 15, 2025

Respectfully submitted,
Petitioner

By: _____/s/_____
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: October 15, 2025

_____/s/_____
Jorge E. Artieda, Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2025, I served a true and correct copy of the foregoing Petition on Respondents by USPS Certified Mail, Signature Required, to:

1. Farmville Detention Center
   Attn: **Warden, Jeff Crawford**
   508 Waterworks Road
   Farmville, VA 23901-2674

2. U.S. Immigration and Customs Enforcement
   Enforcement and Removal Operations, Washington Field Office
   Attn: **Field Office Director, Russell Hott**
   14797 Murdock Street, Mail Stop 5216
   Chantilly, VA 20598-5216

3. **The Honorable Kristi Noem**
   Secretary of Homeland Security
   U.S. Department of Homeland Security
   Office of the Executive Secretary
   Mail Stop 0525
   Washington, DC 20528

4. **The Honorable Pamela Bondi**
   Attorney General of the United States
   U.S. Department of Justice
   950 Pennsylvania Avenue, NW
   Washington, DC 20530

/s/

Jorge E. Artieda