

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

4 Juventino Rios Resendiz,

5 c/o Immigrants First PLLC
6 9401 Centreville Rd, Suite 204
7 Manassas, VA 20110

8 Petitioner,

9 v.

10 Todd M. Lyons, Acting Director, Immigration
11 Customs and Enforcement; Russell Hott, Field
12 Office Director of Enforcement and Removal
13 Operations, Washington Field Office,
14 Immigration and Customs Enforcement; Kristi
15 NOEM, Secretary, U.S. Department of
16 Homeland Security; Pamela BONDI, U.S.
17 Attorney General, US Department of Justice;
18 Jeffrey N. Dillman, Superintendent of Riverside
19 Regional Jail; Jeffrey Crawford, Warden of the
20 Farmville Detention Center; Paul Perry,
21 Superintendent of Caroline Detention Facility

22 Respondents.
23
24

Civil Action No. 1:25-cv-01872

**AMENDED PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Juventino Rios Resendiz, is in the physical custody of Respondents, most likely at the Riverside Regional Jail in Prince George, Virginia. 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. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, 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.

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

5. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.

1 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for
2 having entered the United States without inspection.

3 6. Respondents' new legal interpretation is plainly contrary to the statutory
4 framework and contrary to decades of agency practice applying § 1226(a) to people like
5 Petitioner.

6 7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released
7 unless Respondents provide a bond hearing under § 1226(a) within seven days.

8
9 **JURISDICTION**

10 8. Petitioner is in the physical custody of Respondents. Petitioner was last detained
11 at the Riverside Regional Jail in Prince George, Virginia (confirmation he was there as of
12 10/24/2025) and is likely still there. But there is a chance Petitioner was moved elsewhere in
13 Virginia, possibly to the Farmville Detention Center or Caroline Detention Facility.

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

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

19
20 **VENUE**

21 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
22 500 (1973), venue lies in the United States District Court for the Eastern District of Virginia, the
23 judicial district in which Petitioner currently is detained.

12. 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 Eastern District of Virginia.

6 REQUIREMENTS OF 28 U.S.C. § 2243

13. 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.*

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

18 PARTIES

15. Petitioner, Juventino Rios Resendiz, is alleged to be a citizen of Mexico who has been in immigration detention at the Riverside Regional Jail. After arresting Petitioner, ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ, pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

1 16. Respondent Todd M. Lyons is the Acting Director of ICE. In his official capacity,
2 he oversees all ICE operations nationwide, including detention and removal decisions. He is
3 responsible for setting and enforcing ICE policy and may authorize or delay removal of
4 noncitizens in ICE custody.

5 17. Respondent Russell Hott is the Director of the Washington Field Office of ICE's
6 Enforcement and Removal Operations division. As such, Russell Hott is Petitioner's immediate
7 custodian and is responsible for Petitioner's detention and removal. He is named in his official
8 capacity.

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

13 19. Respondent Department of Homeland Security (DHS) is the federal agency
14 responsible for implementing and enforcing the INA, including the detention and removal of
15 noncitizens.

16 20. Respondent Pamela Bondi is the Attorney General of the United States. She is
17 responsible for the Department of Justice, of which the Executive Office for Immigration Review
18 and the immigration court system it operates is a component agency. She is sued in her official
19 capacity. The Executive Office for Immigration Review (EOIR) is the federal agency responsible
20 for implementing and enforcing the INA in removal proceedings, including for custody
21 redeterminations in bond hearings.

22 21. Respondent Jeffrey N. Dillman is the Superintendent of Riverside Regional Jail in
23 Prince George, Virginia. It is believed that this respondent has immediate physical custody of the
24

1 Petitioner. Petitioner was last detained at the Riverside Regional Jail in Prince George, Virginia
2 (confirmation he was there as of 10/24/2025) and is likely still there.

3 22. Jeffrey Crawford is the Warden of the Farmville Detention Center, where
4 Petitioner is detained. If Petitioner was transferred out of the Riverside Regional Jail and
5 transferred to a detention center, there is a possibility that this respondent has immediate physical
6 custody of Petitioner. He is sued in his official capacity.

7 23. Superintendent Paul Perry is the Superintendent of the Caroline Detention
8 Facility, where Petitioner is detained. If Petitioner was transferred out of the Riverside Regional
9 Jail and transferred to a detention center, there is a possibility that this respondent has immediate
10 physical custody of Petitioner. He is sued in his official capacity.

11 12 LEGAL FRAMEWORK

13 24. The INA prescribes three basic forms of detention for the vast majority of
14 noncitizens in removal proceedings.

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

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

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

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

4 29. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
5 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
6 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section
7 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,
8 139 Stat. 3 (2025).

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

14 31. Thus, in the decades that followed, most people who entered without inspection
15 and were placed in standard removal proceedings received bond hearings, unless their criminal
16 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent
17 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”
18 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)
19 (1994); *see also* H.R. Rep. No. 104–469, pt. 1, at 229 (1996) (noting that § 1226(a) simply
20 “restates” the detention authority previously found at § 1252(a)).

21 32. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
22 rejected well-established understanding of the statutory framework and reversed decades of
23 practice.
24

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

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

10 35. Since Respondents adopted their new policies, dozens of federal courts have
11 rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected
12 *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

13 36. Even before ICE or the BIA introduced these nationwide policies, IJs in the
14 Tacoma, Washington, immigration court stopped providing bond hearings for persons who
15 entered the United States without inspection and who have since resided here. There, the U.S.
16 District Court in the Western District of Washington found that such a reading of the INA is
17 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not
18 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d
19 1239 (W.D. Wash. 2025).

20 37. Subsequently, court after court has adopted the same reading of the INA’s
21 detention authorities and rejected ICE and EOIR’s new interpretation. *See, e.g., Gomes v. Hyde*,
22 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*,

23 _____
24 ¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 No. CV 25-11613-BEM, --- F. Supp. 3d ---, 2025 WL 2084238 (D. Mass. July 24, 2025);
 2 *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11,
 3 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL
 4 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025
 5 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,
 6 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-
 7 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-
 8 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH),
 9 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-
 10 BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-
 11 02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-
 12 JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051
 13 (ECT/DJF), --- F. Supp. 3d ---, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v.*
 14 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025);
 15 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,
 16 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D.
 17 Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D.
 18 Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass.
 19 Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2
 20 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not §
 21 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL
 22 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-
 23 RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).
 24

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

4 39. Section 1226(a) applies by default to all persons "pending a decision on whether
5 the [noncitizen] is to be removed from the United States." These removal hearings are held under
6 § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

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

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

18 42. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
19 recently entered the United States. The statute's entire framework is premised on inspections at
20 the border of people who are "seeking admission" to the United States. 8 U.S.C.
21 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
22 applies "at the Nation's borders and ports of entry, where the Government must determine
23
24

1 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
2 U.S. 281, 287 (2018).

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

6 44. Petitioner is being irreparably harmed by his ongoing unlawful detention without
7 a bond hearing.

8 45. The Immigration Court lacks jurisdiction to adjudicate the constitutional claims
9 raised by Petitioner, and any attempt to raise such claims would be futile. *See Flores-Powell*,
10 677 F. Supp. 2d at 463 (holding “exhaustion is excused by the BIA’s lack of authority to
11 adjudicate constitutional questions and its prior interpretation” of the relevant statute).

12 46. There is no statutory requirement for Petitioner to exhaust administrative
13 remedies. Accordingly, there is no requirement for Petitioner to further exhaust administrative
14 remedies before pursuing this Petition. *See Portela-Gonzalez v. Sec’y of the Navy*, 109 F.3d 74,
15 (1st Cir. 1997) (explaining that, where statutory exhaustion is not required, administrative
16 exhaustion not required in situations of irreparable harm, futility, or predetermined outcome).
17 However, in this case, with the Petitioner making a motion for custody redetermination
18 following his detention that that motion being denied by the Immigration Judge, the Petitioner
19 has truly exhausted all possible administrative remedies.

FACTS

47. Petitioner, Juventino Rios Resendiz ([REDACTED] (DOB: [REDACTED]), has resided in the United States since he was a 15-year-old minor. That means he was in the United States since the year 2004 or 2005 (when he most recently entered without admission and inspection). He has resided in the United States since then. His residence is in Newport News, Virginia.

48. Petitioner has been detained and in ICE custody since October 20, 2025. He has been detained at the Riverside Regional Jail (at this time, undersigned Counsel does not know how long he has been detained- Petitioner's wife knows because undersigned counsel could not get in touch with her in time before this habeas filing). He was last confirmed to be detained there on October 24, 2025 and is likely to still be there. Enclosed is the most recent status from the ICE detainee locator webpage (12:05am on 10/25/2025). *See Exhibit A.*

49. DHS placed Petitioner in removal proceedings before the Annandale Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection. He has a master calendar hearing on November 4, 2025.

50. Petitioner is married and has three U.S. citizen children, all of whom are minors.

51. Petitioner is pursuing immigration relief. He is currently in removal proceedings under INA § 212(a)(6)(A)(i), 8 U.S.C. 1182(a)(6)(A)(i), as an alien present without admission. Petitioner is pursuing the immigration relief of EOIR-42B cancellation of removal based on having at least ten years of continuous physical presence, having good moral character for at least the last 10 years, not having any criminal bars, and showing that his U.S. citizen children, the qualifying relatives, his U.S. citizen children, would suffer exceptional and extremely

1 unusual hardship upon his removal from the United States. His children are already suffering
2 because they miss their father.

3 52. Further, Petitioner works as a mechanic and pays his taxes. Upon information and
4 belief, he was not have a criminal history that would make him mandatorily detainable under
5 INA Section 236(c).

6 53. Following Petitioner's arrest, ICE issued a custody determination to continue
7 Petitioner's detention without an opportunity to post bond or be released on other conditions.

8 54. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider
9 Petitioner's bond request.

10 55. As a result, Petitioner remains in detention. Without relief from this court, he
11 faces the prospect of months, or even years, in indefinite immigration custody, separated from
12 his family and community.

13 14 CLAIMS FOR RELIEF

15 COUNT I

16 Violation of the INA

17 56. Petitioner incorporates by reference the allegations of fact set forth in the
18 preceding paragraphs.

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

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

COUNT II
Violation of the Bond Regulations

59. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

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

Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present

without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323

inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §

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

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

COUNT III
Violation of Due Process

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

64. 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).

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

66. 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 Commonwealth of Virginia 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 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 26th day of October, 2025.

2 

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