

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

Jackson CRUZ-AYALA,

Petitioner,

v.

**MATTHEW ELLISTON, Deputy
Assistant Director for Field Operations,
Eastern Division, 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-1899

PETITION FOR WRIT OF HABEAS CORPUS

This is a petition for a Writ of Habeas Corpus filed on behalf of Mr. Jackson Cruz Ayala seeking relief to remedy his unlawful detention. Respondents are detaining the Petitioner in violation of his Fifth Amendment due process rights, effectively depriving him of a meaningful bond re-determination hearing, exceeding the limits of the Department of Homeland Security's statutory authority. By subjecting Petitioner to unlawful and indefinite detention, Respondents also violate Petitioner's Eighth Amendment rights by inflicting cruel and unusual punishments.

Petitioner fully cooperated with Respondents in their pursuit of his arrest and detention. On or about Wednesday October 29, 2025, federal agents stopped the Petitioner as he was on his

way to work. The federal agents arrested the Petitioner and placed him in the custody of U.S. DHS Immigration and Customs Enforcement where they took him to the ICE Enforcement and Removal Operations (“ERO”) field office in Chantilly, Virginia. The petitioner’s detention was for an unclear purpose as he was previously released from immigration detention after paying a \$9,000 bond and he has an appeal pending with the Board of Immigration Appeals.

Recent Board of Immigration Appeals (“BIA”) precedent, namely *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), strips the government of jurisdiction to issue a bond in Petitioner’s case. Thus, Petitioner’s detention could be indefinite if he pursues all forms of relief from removal available to him. In effect, Petitioner’s indefinite detention creates a chilling effect, as litigating his case may take years. His continued detention also hinders Petitioner’s ability to work with his counsel to mount a zealous defense against removal.

Petitioner submits that his re-detention and possible prolonged detention is in violation of his constitutional rights. Petitioner’s detention is not justified under the Constitution or the Immigration and Nationality Act (“INA”). Petitioner seeks an order from this Court declaring his continued detention unlawful and ordering Respondents to release Petitioner from their custody.

CUSTODY

1. Petitioner is in the physical custody of Respondent Matthew Elliston, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (“U.S. ICE”), the Department of Homeland Security (“DHS”). At the time of the filing of this petition, the Petitioner is detained at the ICE Enforcement and Removal Operations (“ERO”) field office in Chantilly, Virginia. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises 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 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.

3. 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

4. Venue is proper in the United States District Court for the Eastern District of Virginia, the judicial district in which Respondents, and Matthew Elliston reside and where Petitioner is detained. 28 U.S.C. § 1391(e).

PARTIES

5. Petitioner Cruz Ayala is a national and citizen of El Salvador. He is detained by Respondents pursuant to 8 U.S.C. § 1226.

6. Respondent Elliston is sued in his official capacity as the Deputy Assistant Director for Field Operations, Eastern Division, for Enforcement and Removal Operations within U.S. ICE. Respondent Elliston has immediate physical custody of Petitioner. Respondent Elliston is a legal custodian of Petitioner and has authority to release him.

7. Respondent Kristi Noem is sued in her official capacity as the Secretary of the DHS. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. ICE, the component agency responsible for Petitioner’s detention.

8. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (“DOJ”). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the Board of Immigration Appeals (“BIA”).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. The petitioner exhausted his administrative remedies to the extent required by law.

10. Petitioner fully cooperated with Respondents and did not delay or obstruct his detention.

11. Even if Respondents contend that Petitioner has not exhausted his administrative remedies because he has not had a bond hearing nor appealed the anticipated refusal to hold a bond hearing, the Court should waive the exhaustion requirement as he raises serious constitutional concerns and there is no section in the INA requiring exhaustion of administrative remedies. *See Aguilar v. Lewis*, 50 F. Supp. 2d 539, 541 (E.D. Va. 1999) (“[T]here is no federal statute that imposes an exhaustion requirement on [noncitizens] taken into custody pending their removal.”); *see also Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022) (“[W]here Congress had not clearly required exhaustion, sound judicial discretion governs”) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992)); *see also Guitard v. U.S. Secretary of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) (“Exhaustion of administrative remedies may not be required when ... a plaintiff has raised a ‘substantial constitutional question’”).

12. Further, Petitioner’s detention is causing him irreparable harm, and the administrative agency has predetermined the issue that Petitioner would appeal, making his pursuit of this remedy futile. *See McCarthy v. Madigan*, 503 U.S. 140, 146-48 (noting exceptions to the exhaustion

requirement include “irreparable harm” to the petitioner, where there is “some doubt as to whether the agency was empowered to grant effective relief,” or where it would be futile because “**the administrative body is shown to be biased or has otherwise predetermined the issue before it**”) (emphasis added).

13. On September 5, 2025, the Board of Immigration Appeals (“BIA”) published *Matter of Yajure Hurtado*, which strips immigration judges of their authority to issue bond in cases such as the Petitioner’s. 29 I&N Dec. 216 (BIA 2025).

14. The Immigration Judge relied upon *Matter of Yajure Hurtado* in reconsidering Petitioner’s bond determination and finding that the court did not have jurisdiction to grant Petitioner a bond. If Petitioner were to appeal this decision to the BIA, the BIA would rely on its own precedent to deny the appeal.¹

15. This administrative remedy is clearly futile as the BIA has predetermined this issue and bound itself and all Immigration Judges to follow its authority on this matter.

16. Finally, Petitioner would remain in detention during the pendency of his appeal, subject to an intolerable delay, which would exacerbate the harm he and his family are facing while he is detained.

17. There are over 186,000 cases pending at the BIA with just 17 members on the Board; accordingly, immediate action from this court is required to prevent Petitioner’s continued prolonged and unjustified detention.²

18. Petitioner’s only remedy is by way of this judicial action.

¹ The exhaustion requirement serves to “[protect] administrative agency authority and [promote] judicial efficiency.” *Kurfees v. INS*, 275 F.3d 332, 336 (4th Cir. 2001). These purposes would not be served by requiring Petitioner to file a potentially frivolous appeal concerning an issue on which the BIA has already issued a definitive ruling less than one month prior.

² 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 Sep. 18, 2025).

LEGAL FRAMEWORK

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

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

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

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

23. This case concerns the detention provisions at 8 U.S.C. §§ 1226(a) and 1225(b)(2).

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

25. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum

Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

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

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

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

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

30. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA’s detention authorities.³ Courts have likewise rejected *Matter of*

³ *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.

Yajure Hurtado, which adopts the same reading of the statute as ICE.

31. The Respondent’s interpretation defies the plain text of the INA, which demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

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

33. 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). 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.

34. 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

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-Hernandez 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); *Hernandez Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Vasquez Garcia et al. v. Noem*, 2025 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).

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).

35. 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.

36. 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* 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

37. Petitioner is a national and citizen of El Salvador who entered the United States without inspection in 2017.

38. Petitioner was previously in immigration court proceedings and had a bond hearing where he was granted release on payment of a \$9,000 bond.

39. Petitioner sought asylum in the United States. His case was denied by an Immigration Judge, but he timely appealed the denial. He currently has an appeal pending with the Board of Immigration Appeals. The appeal has been pending since 2019. Petitioner does not have a final order of removal.

40. The petitioner is unmarried and his long-time partner, whom he resides with, is pregnant

with their first child together.

41. On October 29, 2025, Petitioner was stopped while on his way to work. The officers did not tell Petitioner why he was stopped or being taken into custody.

42. Respondent transported Petitioner to the U.S. ICE Field Office in Chantilly, Virginia, where he is currently being held.

43. The petitioner fully cooperated with the authorities.

44. Petitioner is not a danger to the community or a flight risk. He has no criminal history in this country or outside the United States.

45. Prior to his arrest, Petitioner was working and providing for his family members. Petitioner's continued detention deprives his loved ones of his companionship and income.

46. Respondents' decision to detain Petitioner is not legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Petitioner's request for release and clarify that he is entitled to release.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the INA

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

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

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

COUNT TWO

Violation of the Bond Regulations

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

51. 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.

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

53. 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 THREE

Violation of Fifth Amendment Right to Substantive and Procedural Due Process

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

55. “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) (emphasis in original).

56. There is no “special justification” which allows the Respondents to deny the Petitioner the liberty he is entitled to under the Immigration Judge’s bond order. The Immigration Judge found the Petitioner was not a danger to the community or a flight risk. Respondents did not identify any specific reason for appealing the Immigration Judge’s decision. The automatic stay provision contravenes the decision of an independent fact finder and allows the government to infringe on Petitioner’s liberty interest in violation of substantive due process.

57. Petitioner’s re-detention grossly deprives the Petitioner of his procedural due process rights. Courts have previously found that individuals released from immigration custody on bond have a protectable liberty interest in remaining out of custody on bond. *See Ortega v. Bonnar*, 415 F. Supp 3d 963, 969 (N.D. Cal. 2019); *Ortiz Vargas v. Jennings*, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020).

58. This court applies the three-factor balancing test set out in *Matthews v. Eldridge* in the context of civil immigration detention. *See, e.g., Santos Garcia v. Garland*, No. 1:21-cv-742 (E.D. Va Mar. 31, 2022). The three factors are (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Matthews v. Eldridge*, 424

U.S. 319, 335 (1976).

59. Here, the factors weigh heavily in favor of the petitioner. First, the Petitioner has a significant private interest at stake. Freedom from bodily restraint “lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 at 630. The petitioner is being detained away from his family and without access to counsel. The violation of Petitioner’s liberty interest is even more stark in this situation because the IJ already determined Petitioner should be released from detention.

60. As to the second factor, there is an enormous risk of the erroneous deprivation of Petitioner’s liberty interest. In fact, it has already occurred. Petitioner is categorically not subject to mandatory detention under the INA, as evidenced by an IJ exercising discretionary authority to issue Petitioner a bond. Petitioner has not had a material change in circumstances since he was released on bond.

61. Regarding the third *Matthews* factor, the government does not have a significant interest at stake in Petitioner’s detention. Petitioner has no criminal record. An IJ issued Petitioner’s bond based on the reasoning that he is neither a danger to the community nor a flight risk. Petitioner has every incentive to show up to any future immigration court proceedings as he is seeking asylum and fears returning to his home country. In contrast to the enormous interest at stake for the Petitioner, the government’s interest is miniscule. On balance, the *Matthews v. Eldridge* factors weigh heavily in favor of the Petitioner.

62. Petitioner’s due process right is violated by keeping him in detention for an unnecessary period as it deprives him of a protectable liberty interest in remaining out of custody on bond. This prolonged detention deprives Petitioner the ability to access counsel because of the remote location of the detention center.

63. Without federal court action, Petitioner will likely continue to remain detained for months, despite an IJ previously ordering him released on bond. Given that the Board of Immigration appeals has over 186,000 cases pending in relation to 17 members on the Board (twelve permanent members and five temporary members) immediate action from this court is required to prevent Petitioner's continued prolonged and unjustified detention.⁴

COUNT FOUR

Violation of Eighth Amendment Right to Protection from Cruel and Unusual Punishments

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

65. Petitioner's continued unlawful detention 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). Numerous federal district courts around the country recently issued decisions rejecting the Respondent's interpretation of the statute and ordering non-citizen Petitioners' release from detention.⁵

⁴ *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 Aug. 29, 2025).

⁵ *Maldonado de Leon v. Baker*, 2025 WL 2968042 (D.Md. Oct. 21, 2025); *Hernandez Hernandez v. Crawford*, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025); *Teyim v. Perry*, 2025 WL 2950183 (E.D. Va. Oct. 15, 2025); *Luna Quispe v. Crawford*, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Jimenez v. FCI Berlin, Wurden*, 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-Hernandez 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,

66. Detainees may challenge the unconstitutional conditions of their confinement through writs of habeas corpus, an avenue which the 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.”) (emphasis added); *see also Coreas v. Bounds*, 451 F. Supp. 3d 407, 419 (D. Md. 2020) (“In the absence of binding Fourth Circuit authority, this Court concludes, consistent with the positions of several circuits, that a claim by an immigration detainee seeking release because of unconstitutional conditions or treatment is cognizable” (citing *Aamer v. Obama*, 742 F.3d 1023, 1038 (D.C. Cir. 2014)).

67. Respondents’ continued custody of the Petitioner has transformed civil immigration detention into cruel and unusual punishment. Petitioner is eligible for relief from removal yet is indefinitely held in detention because of the manner of his entry into the United States.

68. Respondents’ incorrect and reckless interpretation of a detention statute is imposing additional constitutional restraints on Petitioner’s liberty, in the form of cruel and unusual punishment. As such, Petitioner challenges the fact and condition of his detention through this habeas petition.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not

2025); *Zaragoza Mosqueda et al. v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025); *Hernandez Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Vasquez Garcia et al. v. Noem*, 2025 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).

be granted;

3. Issue a writ of habeas corpus ordering Respondents to release Mr. Cruz Ayala without requiring him to pay an additional bond;
4. Enjoin Respondents from re-arresting and re-detaining Mr. Cruz Ayala unless he commits a new violation of any federal, state or local law; and
5. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

/s/ Yusuf Ahmad
Yusuf Ahmad
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Dated: October 29, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Jackson Cruz Ayala, 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 this 29th day of October 2025.

s/Yusuf Ahmad