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

JOSE MORATO-ALAVE,

Petitioner,

v.

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

Respondents.

Case No: 1:25-cv-2165

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

This is a petition for a writ of habeas corpus filed on behalf of Mr. Jose Morato-Alave ("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.

The Petitioner has fully cooperated with Respondents. He is not a flight risk or a danger to the community. Petitioner is a 41-year-old national of Bolivia. He entered the United States in 2007 and has lived continuously in Maryland since that time. He resides with his partner, Karen, and their three U.S.-born children: K[redacted], age 15, who attends high school; J[redacted], age 12, who attends middle school; and J[redacted] age 6, who attends elementary school.

Since 2012, Petitioner has worked in construction to support his household. He works five days each week, commuting to Washington, D.C. for his job. On weekends, he spends time with his children, including riding bikes with them around their neighborhood. Petitioner has maintained a stable work life and family life for more than a decade. His only contact with law enforcement was a DUI case from 2012, which was resolved and has not resulted in any further legal issues.

Petitioner is closely involved in his children's lives. After learning that their father had been detained by immigration officials, his youngest child experienced a panic attack severe enough that an ambulance was called to stabilize him.

On Friday, November 21, 2025, Petitioner was driving to work in Washington, D.C. He was operating his vehicle with a valid Maryland driver's license. After proceeding through a green light, he began to make a right turn. At that moment, two vehicles moved into position and blocked him—one from the front and one from the rear—preventing him from continuing forward or reversing.

Several officers approached his vehicle. They walked to his window and asked him for identification. Petitioner provided his valid Maryland driver's license upon

request. The officers then instructed him to exit the vehicle. Once he stepped out, they placed him in handcuffs. No further explanation was provided to him at the scene.

Petitioner was taken away for processing. He had no prior notice of any enforcement action and was on his way to his routine work shift when the stop occurred. His detention resulted in an immediate and unexpected separation from his partner and children. His family received no advance information about where he was being taken or why he had been detained.

Petitioner's arrest involved officers blocking his vehicle with two cars, directing him out of the vehicle after he complied with their request for identification, and placing him in handcuffs at a routine traffic location despite his long-standing residence, stable work history, and minimal contact with law enforcement. His sudden removal has caused significant disruption to his household, including medical distress for his oldest child and the loss of the family's primary source of financial support.

The Petitioner has been held at Farmville Detention Facility. His A-Number is [redacted] These events took place while he was employed, going to work, and supporting his U.S.-citizen child.

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

JURISDICTION

3. 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.
4. 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

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

PARTIES

6. Petitioner Morato-Alave, A Number [redacted] is a native and citizen of Bolivia, currently detained at Farmville Detention Facility, located in Farmville, Virginia.
7. Respondent Jeff Crawford is the Warden of the Farmville Detention Facility and has immediate custody over Petitioner. He is the Petitioner's legal custodian.
8. 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.
9. Respondent Kristi Noem is the Secretary of DHS and is responsible for policies and practices concerning detention and removal.
10. Respondent Pamela Bondi is the Attorney General of the United States.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. Petitioner should not be required to engage in futile EOIR bond and appeal litigation where the outcome is foreordained against him
12. Even if Respondents contend that Petitioner has not exhausted his administrative remedies because he has not filed 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.

13. 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).

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

STATUTORY FRAMEWORK

15. 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

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

17. **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[.]"

18. **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).

19. **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.

20. **8 U.S.C. § 1226 / INA § 236:** Chapter titled "Apprehension and detention of aliens."

21. **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.

22. **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.

23. **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

24. 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).

25. 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.

26. 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).

27. 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.

28. 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

29. 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.

30. 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).

31. 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 Petitioner petitions for habeas relief.

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

Chevron Overruled – Independent Statutory Interpretation Required

33. 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

34. The Petitioner has fully cooperated with Respondents. He is not a flight risk or a danger to the community. Petitioner is a 41-year-old national of Bolivia. He entered the United States in 2007 and has lived continuously in Maryland since that time. He resides with his partner, Karen, and their three U.S.-born children: K[redacted], age 15, who attends high school; J[redacted], age 12, who attends middle school; and J[redacted], age 6, who attends elementary school. Since 2012, Petitioner has worked in construction to support his household. He works five days each week, commuting to Washington, D.C. for his job. On weekends, he spends time with his children, including riding bikes with them around their neighborhood. Petitioner has maintained a stable work life and family life for more than a decade. His only contact with law enforcement

was a DUI case from 2012, which was resolved and has not resulted in any further legal issues. Petitioner is closely involved in his children's lives. After learning that their father had been detained by immigration officials, his youngest child experienced a panic attack severe enough that an ambulance was called to stabilize him.

35. On Friday, November 21, 2025, Petitioner was driving to work in Washington, D.C. He was operating his vehicle with a valid Maryland driver's license. After proceeding through a green light, he began to make a right turn. At that moment, two vehicles moved into position and blocked him—one from the front and one from the rear—preventing him from continuing forward or reversing. Several officers approached his vehicle. They walked to his window and asked him for identification. Petitioner provided his valid Maryland driver's license upon request. The officers then instructed him to exit the vehicle. Once he stepped out, they placed him in handcuffs. No further explanation was provided to him at the scene. Petitioner was taken away for processing. He had no prior notice of any enforcement action and was on his way to his routine work shift when the stop occurred. His detention resulted in an immediate and unexpected separation from his partner and children. His family received no advance information about where he was being taken or why he had been detained.

36. Petitioner's arrest involved officers blocking his vehicle with two cars, directing him out of the vehicle after he complied with their request for identification, and placing him in handcuffs at a routine traffic location despite his long-standing residence, stable work history, and minimal contact with law enforcement. His sudden removal

has caused significant disruption to his household, including medical distress for his oldest child and the loss of the family's primary source of financial support.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF FIFTH AMENDMENT RIGHT TO SUBSTANTIVE AND PROCEDURAL DUE PROCESS

37. Petitioner incorporates by reference all preceding paragraphs.

38. 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.

39. "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).

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

41. 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]

42. 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).

43. Without federal court action, 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 Petitioner 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

44. Petitioner incorporates all preceding paragraphs by reference.

45. Petitioner is a 41-year-old national of Bolivia who entered the United States in 2007. He has lived in Maryland during his entire time in the country. He resides with his long-term partner, Karen, and their three U.S.-born children: K[redacted], age 15; J[redacted] age 12; and J[redacted], age 6. Petitioner has worked in construction since 2012 to support his family, commuting five days a week to Washington, D.C. On weekends, he spends time with his children, including riding bicycles with them. His only prior encounter with law enforcement was a DUI case from 2012, which was resolved. After learning that her father had been detained, Petitioner's oldest daughter experienced a panic attack severe enough to require ambulance intervention.

46. On Friday, November 21, 2025, Petitioner was driving to work in Washington, D.C., with a valid Maryland driver's license. After proceeding through a green light, he began turning right. At that moment, two vehicles moved into position to block him—one pulling in front of his car and the other closing in from behind—preventing him from moving in either direction. Officers approached Petitioner's window. They asked him for identification, and Petitioner provided his valid Maryland driver's license. The officers then ordered him to step out of the vehicle. Once he complied, they placed him in handcuffs. No explanation was provided to him at the time of the stop, either before or after the restraints were applied. Petitioner was taken away for processing without being told where he was being taken, on what basis, or for how long.

47. Petitioner's apprehension occurred during his routine commute to his job. He had no

advance notice of any enforcement interest in him. The stop involved complete immobilization of his vehicle on a public roadway, physical restraint after full cooperation, and immediate removal without information.

48. Petitioner's family was not informed of his whereabouts. His partner was left alone to care for three minor children, including one who had a recent medical history of panic and anxiety that escalated upon learning her father had been detained. His children lost contact with him without warning, and the family lost its main source of income without any preparation.

49. Petitioner reports that his detention conditions include limited communication with his family and no clear information about the purpose or expected length of his confinement. He remains held away from his home under conditions that resemble punitive confinement, despite the civil nature of immigration custody. The abrupt separation from his children, the lack of notice or explanation, and the severity of his confinement have caused ongoing distress to Petitioner and significant instability within his household.

50. Petitioner had maintained a steady, uneventful life for more than a decade. His sudden apprehension—carried out through vehicle blockage, immediate handcuffing, and removal without explanation—created a level of fear and confusion for both him and his family that was immediate and severe. His daughter's medical episode reflects the extent of the impact of the detention on the household.

51. Petitioner remains confined under restrictive conditions that are far more severe than anything he experienced in his daily life prior to his arrest. He has not been provided with clear information about his status, and he is held in a manner that prevents him from caring for his partner and children or maintaining the normal patterns of life he

established over 17 years in Maryland.

52. The combination of the manner of apprehension, the immediate disappearance into custody, the placement in a criminal incarceration setting, and the effects on his family have created conditions far more severe than those typically associated with civil immigration detention. Petitioner remains confined under these conditions without notice of any imminent resolution.

53. This relentless mental and emotional pain, coupled with the indefinite nature of his confinement, heightens the cruelty of Petitioner's detention and underscores the punishment's unusual severity.

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

55. To state a cognizable claim under the Eighth Amendment, 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).

56. 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).

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

58. 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.").

59. Respondents' continued custody of Petitioner has transformed civil immigration detention into cruel and unusual punishment. He 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.

PRAYER FOR RELIEF

WHEREFORE, Mr. Morato-Alave 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. If Bond is Ordered:

1. Order that Petitioner is detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A);

2. Direct Respondents to provide Petitioner with a bond hearing before an immigration judge within seven days, with the following safeguards:

- The government bears the burden of proof by clear and convincing evidence.
- Petitioners shall have the opportunity to present evidence and witnesses.
- The immigration judge shall issue written findings of fact and conclusions of law.
- **Any appeal shall not automatically stay the release order**;

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

DATED: November 24, 2025

Respectfully submitted,
Petitioner

By: /s/
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Falls Church, VA 22040
(703) 388-6055 (telephone)
(703) 649-6491 (facsimile)
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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: November 24, 2025

/s/
Jorge E. Artieda, Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2025, I served a true and correct copy of the foregoing Petition on Respondents by USPS Certified Mail, Signature Required, to:

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

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

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

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