UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

JONATHAN BRAVO ARIZMENDI,

Petitioner,

v.

KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security;

TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;

WILLIAM JOYCE, in his official capacity as Field Office Director of Enforcement and Removal Operations of the New York Office of U.S. Immigration and Customs Enforcement;

PAMELA BONDI, in her official capacity as U.S. Attorney General; and

RAUL MALDONADO, Jr., in his official capacity as Warden of the Metropolitan Detention Center;

Respondents.

Civil Action No. 25-7056

ORAL ARGUMENT REQUESTED

EXPEDITED HEARING REQUESTED

PETITIONER JONATHAN BRAVO ARIZMENDI'S
VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Jonathan Bravo Arizmendi ("Mr. Bravo Arizmendi" or "Petitioner") hereby petitions this Court for a writ of habeas corpus to remedy his unlawful detention at the Metropolitan Detention Center ("MDC") by the U.S. Department of Homeland Security ("DHS"), acting through Immigration and Customs Enforcement ("ICE"). Mr. Bravo Arizmendi has been held in immigration custody by Respondents since October 6, 2025, without a bond hearing in violation of his statutory and constitutional rights. This Petition seeks Mr. Bravo Arizmendi's immediate release from detention, and his continued release until his immigration case is fully resolved.

2. Mr. Bravo Arizmendi's continued detention is unlawful for three overarching reasons.

3. First, Mr. Bravo Arizmendi's continued detention is a blatant violation of a recent order entered in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025) ("*Maldonado Bautista I*"), which applies to Mr. Bravo Arizmendi. *Maldonado Bautista I* considered ICE's novel reinterpretation of decades-old law to justify holding any person who entered the United States without inspection in mandatory detention without a bond hearing. *Maldonado Bautista I* rejected ICE's interpretation. In a separate order, the court extended *Maldonado Bautista I* to a certified nationwide class, which includes Mr. Bravo Arizmendi. *See Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025) ("*Maldonado Bautista II*"). The court later explicitly entered a final judgment holding that the certified class is not subject to mandatory detention. *See Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025) ("*Maldonado Bautista III*"). Notwithstanding this clear directive,

ICE and the Executive Office for Immigration Review ("EOIR") have refused to comply with *Maldonado Bautista I*, arguing that it is not a binding judgment and did not grant class-wide declaratory relief. ICE and EOIR's position is meritless. Mr. Bravo Arizmendi is entitled to a bond hearing pursuant to *Maldonado Bautista I* and *II* and the EOIR's refusal to provide such a hearing violates the order's requirements.

4. Second, even setting aside their violation of *Maldonado Bautista*, ICE's continued detention of Mr. Bravo Arizmendi without a bond hearing violates the plain language of the Immigration and Nationality Act ("INA") for many of the same reasons described in *Maldonado Bautista*. ICE (and a subsequent Board of Immigration Appeals ("BIA") decision) have asserted that anyone who entered the country without inspection is subject to 8 U.S.C. § 1225, which requires detention without the possibility of bond, rather than 8 U.S.C. § 1226, which does allow for a bond hearing. ICE's position has no basis in law or fact, as numerous district courts across the country have quickly acknowledged in rejecting similar arguments.[1] Section 1225 applies to

[1] *See, e.g.*, *Artiga v. Genalo*, No. 25-cv-5208 (OEM), 2025 WL 2829434, at *4–8 (E.D.N.Y. Oct. 5, 2025); *J.U. v. Maldonado*, No. 25-cv-4836 (OEM), 2025 WL 2772765, at *4–9 (E.D.N.Y. Sept. 29, 2025); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 483-91 (S.D.N.Y. 2025); *Samb v. Joyce*, No. 25-cv-6373 (DEH), 2025 WL 2398831, at *3 (S.D.N.Y. Aug. 19, 2025); *B.D.V.S. v. Forestal*, No. 25-cv-1968-SEB-TAB, 2025 WL 2855743, at *2 (S.D. Ind. Oct. 8, 2025); *Eliseo A.A., v. Olson*, No. 25-cv-3381 (JWB/DJF), 2025 WL 2886729, at *2–4 (D. Minn. Oct. 8, 2025); *Torres v. Wamsley*, No. 25-cv-5772-TSZ, 2025 WL 2855379, at *3–4 (W.D. Wash. Oct. 8, 2025) (granting preliminary injunction); *Ledesma Gonzalez v. Bostock*, No. 25-cv-1404-JNW-GJL, 2025 WL 2841574, at *2–4 (W.D. Wash. Oct. 7, 2025); *Cordero Pelico v. Kaiser*, No. 25-cv-7286-EMC, 2025 WL 2822876, at *7–15 (N.D. Cal. Oct. 3, 2025) (granting preliminary injunction); *Echevarria v. Bondi*, No. 25-cv-3252-PHX-DWL (ESW), 2025 WL 2821282, at *4–10 (D. Ariz. Oct. 3, 2025); *Elias Escobar v. Hyde*, No. 25-cv-12620-IT, 2025 WL 2823324, at *2–3 (D. Mass. Oct. 3, 2025); *Guerrero Orellana v. Moniz*, No. 25-cv-12664-PBS, 2025 WL 2809996, at *4–10 (D. Mass. Oct. 3, 2025) (granting preliminary injunction); *Casun v. Hyde*, No. 25-cv-427-JJM-AEM, 2025 WL 2806769, at *2 (D.R.I. Oct. 2, 2025); *Rocha v. Hyde*, No. 25-cv-12584-ADB, 2025 WL 2807692, at *2 (D. Mass. Oct. 2, 2025); *Belsai D.S. v. Bondi*, No. 25-cv-3682 (KMM/EMB), 2025 WL 2802947, at *5–7 (D. Minn. Oct. 1, 2025); *Rodriguez v. Bostock*, No. 25-cv-5240-TMC, 2025 WL 2782499, at *16–26 (W.D. Wash. Sept. 30, 2025); *Helbrum v. Williams*, No. 25-cv-349-SHL-SBJ, 2025 WL 2840273, at *4–7 (S.D. Iowa Sept. 30, 2025); *Quispe-Ardiles v. Noem*, No. 25-cv-1382-MSN-WEF, 2025 WL 2783800, at *4–7 (E.D. Va. Sept. 30, 2025); *Alves da Silva v. U.S. Immigr. and Customs Enf't*, No. 25-cv-284-LM-TSM, 2025 WL 2778083, at *2-3 (D.N.H. Sept. 29, 2025); *Quispe v. Crawford*, No. 25-cv-1471-AJT-LRV, 2025 WL 2783799, at *4–6 (E.D. Va. Sept. 29, 2025); *Zumba v. Bondi*, No. 25-cv-14626 (KSH), 2025 WL 2753496, at *4–9 (D.N.J. Sept. 26, 2025); *Lopez v. Hardin*, No. 25-cv-830-KCD-NPM, 2025 WL 2732717, at *2–3 (M.D. Fla. Sept. 25, 2025) (granting preliminary injunction); *Barrajas v. Noem*, No. 25-cv-322-SHL-HCA, 2025 WL 2717650, at *3–

noncitizens "seeking admission" to the United States while Section 1226 applies to noncitizens who are "already in the country." Mr. Bravo Arizmendi, who has resided in the United States for 15 years and was arrested outside of his apartment, plainly falls in the latter category, is subject to Section 1226, and is being deprived of his rights under the INA.

5. Finally, Mr. Bravo Arizmendi's continued detention violates his Fifth Amendment right to due process. ICE failed to conduct an individualized review in detaining Mr. Bravo Arizmendi, depriving him of any meaningful legal process. Furthermore, even if EOIR had provided Mr. Bravo Arizmendi a bond hearing, EOIR's existing procedure violates due process by requiring detainees to affirmatively prove that they are *not* flight risks or dangers to the community, rather than imposing the burden of proof on ICE. This misapplication of the burden of proof in bond hearings violates the Fifth Amendment, leaving Mr. Bravo Arizmendi without any meaningful recourse even if the EOIR had provided a bond hearing.

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6 (S.D. Iowa Sept. 23, 2025) (granting preliminary injunction); *Giron Reyes v. Lyons*, No. 25-cv-4048-LTS-MAR, 2025 WL 2712427, at *4–6 (N.D. Iowa Sept. 23, 2025) (granting preliminary injunction); *Lepe v. Andrews*, No. 25-cv-1163-KES-SKO (HC), 2025 WL 2716910, at *3–10 (E.D. Cal. Sept. 23, 2025) (granting preliminary injunction); *Roman v. Noem*, No. 25-cv-1684-RFB-EJY, 2025 WL 2710211, at *4–6 (D. Nev. Sept. 23, 2025) (granting preliminary injunction); *Chogllo Chafla v. Scott*, No. 25-cv-437-SDN, 2025 WL 2688541, at *4-9 (D. Me. Sept. 21, 2025); *Campos Leon v. Forestal*, No. 25-cv-1774-SEB-MJD, 2025 WL 2694763, at *2–3 (S.D. Ind. Sept. 22, 2025); *Singh v. Lewis*, No. 25-cv-96-RGJ, 2025 WL 2699219, at *3 (W.D. Ky. Sept. 22, 2025); *Barrera v. Tindall*, No. 25-cv-541-RGJ, 2025 WL 2690565, at *2–6 (W.D. Ky. Sept. 19, 2025); *Hasan v. Crawford*, No. 25-cv-1408 (LMB/IDD), 2025 WL 2682255, at *5–9 (E.D. Va. Sept. 19, 2025); *Maldonado Vazquez v. Feeley*, No. 25-cv-1542-RFB-EJY, 2025 WL 2676082, at *11–16, 23 (D. Nev. Sept. 17, 2025) (granting preliminary injunction); *Velasquez Salazar v. Dedos*, No. 25-cv-835-DHU-JMR, 2025 WL 2676729, at *4 (D.N.M. Sept. 17, 2025); *Garcia Cortes v. Noem*, No. 25-cv-2677-CNS, 2025 WL 2652880, at *2–3 (D. Colo. Sept. 16, 2025); *Salcedo Aceros v. Kaiser*, No. 25-cv-6924-EMC, 2025 WL 2637503, at *6–12 (N.D. Cal. Sept. 12, 2025); *Lopez Santos v. Noem*, No. 25-cv-1193, 2025 WL 2642278, at *3–5 (W.D. La. Sept. 11, 2025); *Hernandez Marcelo v. Trump*, No. 25-cv-94-RGE-WPK, 2025 WL 2741230, at *6–9 (S.D. Iowa Sept. 10, 2025); *Guzman v. Andrews*, No. 25-cv-1015-KES-SKO (HC), 2025 WL 2617256, at *3–5, 9 (E.D. Cal. Sept. 9, 2025) (granting preliminary injunction); *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *4–8 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 25-cv-11981-JEK, 2025 WL 2607924, at *7–8 (D. Mass. Sept. 9, 2025); *Jimenez v. FCI Berlin*, No. 25-cv-326-LM-AJ, 2025 WL 2639390, at *3–10 (D.N.H. Sept. 8, 2025); *Mosqueda v. Noem*, No. 25-cv-2304 CAS (BFM), 2025 WL 2591530, at *4–5, 7 (C.D. Cal. Sept. 8, 2025) (granting preliminary injunction); *Doe v. Moniz*, No. 25-cv-12094-IT, 2025 WL 2576819, at *4–6 (D. Mass. Sept. 5, 2025); *Hernandez Nieves v. Kaiser*, No. 25-cv-6921-LB, 2025 WL 2533110, at *4-5 (N.D. Cal. Sept. 3, 2025) (granting preliminary injunction).

6. Mr. Bravo Arizmendi has no other remedy at law than to petition this Court and request the Court order Respondents to immediately release him from custody. Alternatively, Petitioner requests the Court issue an order requiring Respondents to provide an individualized bond hearing. If the Court finds that a bond hearing is necessary, Petitioner respectfully requests that this Court hold such a hearing given the EOIR's inability or unwillingness to afford due process.

JURISDICTION & VENUE

7. "Federal courts have jurisdiction to review habeas petitions filed by immigration detainees who assert that they are 'in custody in violation of the Constitution or laws or treaties of the United States.'" *J.U. v. Maldonado*, No. 25-cv-4836 (OEM), 2025 WL 2772765, at *3 (E.D.N.Y. Sept. 29, 2025) (quoting 28 U.S.C. § 2241(c)(3)).

8. Mr. Bravo Arizmendi was detained by Respondents on October 6, 2025.

9. This Court has subject matter jurisdiction over this Petition pursuant to U.S. Const. art. I, § 9, cl. 2 (habeas corpus); 28 U.S.C. § 2241 *et seq*. (habeas corpus); 28 U.S.C. § 1331 (federal question jurisdiction); and 28 U.S.C. § 1651 (All Writs Act).

10. This Court has authority to grant declaratory and injunctive relief, 28 U.S.C. §§ 2201, 2202, and to issue and enforce the writ of habeas corpus, U.S. Const. art. I, § 9, cl. 2 and 28 U.S.C. § 1651.

11. Respondents have waived sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

12. Venue is proper in this District pursuant to 28 U.S.C. § 2241(d) (stating that "the application [for habeas corpus] may be filed in the district court for the district wherein such person is in custody"); 28 U.S.C. § 1391(b) (stating that venue is proper in "a judicial district in which a

substantial part of the events or omissions giving rise to the claim occurred"). Venue is proper in this District because Mr. Bravo Arizmendi is presently detained within this District and because a substantial part of the events or omissions giving rise to the claim occurred and are occurring in this District.

13. A court hearing a petition for a writ of habeas corpus must issue the writ or an order to show cause to the Respondents "forthwith." 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require the Respondents to respond "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

PARTIES

14. Petitioner Mr. Bravo Arizmendi is a 34-year-old Mexican national who was arrested and detained by ICE without a warrant on October 6, 2025. Mr. Bravo Arizmendi is presently detained at MDC in Kings County, New York, in this District.

15. Respondent Kristi Noem is named in her official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(a), she routinely transacts business in the Eastern District of New York, she supervises Respondents Lyons and Joyce, she is legally responsible for the pursuit of Petitioner's detention and removal, and, as such, is a legal custodian of Petitioner. Respondent Noem's office is located at the U.S. Department of Homeland Security, 500 12th Street SW, Washington, D.C. 20528.

16. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. In this capacity, Respondent Lyons is responsible for administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a), he routinely transacts business in the Eastern District of New York, he supervises

Respondent Joyce, he is legally responsible for the pursuit of Petitioner's detention and removal, and, as such, is a legal custodian of Petitioner. Respondent Lyons's office is located at the U.S. Department of Homeland Security, 500 12th Street SW, Washington, D.C. 20528.

17. Respondent William Joyce is named in his official capacity as Acting Field Office Director of the New York Office for U.S. Immigration and Customs Enforcement. In this capacity, Respondent Joyce is responsible for the administration of immigration laws and execution of detention and removal determinations and, as such, is a legal custodian of Petitioner. Respondent Joyce's office is located at 26 Federal Plaza, New York, NY 10278.

18. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General. In this capacity, Attorney General Bondi is responsible for administration of the immigration laws as exercised by the Executive Office for Immigration Review, including immigration courts and the BIA, pursuant to 8 U.S.C. § 1103(g). She routinely transacts business in the Eastern District of New York and is legally responsible for administering Petitioner's removal and custody redetermination proceedings and the standards used in those proceedings. Respondent Bondi's office is located at the United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington D.C. 20530.

19. Respondent Raul Maldonado, Jr. is named in his official capacity as Warden of MDC, a federal incarceration facility located within this District where Petitioner is currently detained. In his capacity as Warden, he oversees the administration and management of MDC, and, as such, is a legal custodian of Petitioner. His business address is 80 29th St, Brooklyn, NY 11232.

FACTS AND PROCEDURAL BACKGROUND

I. Mr. Bravo Arizmendi's Life in the United States

20. Since arriving in the United States 15 years ago in 2010, Mr. Bravo Arizmendi has resided in Newburgh, New York. *See* Declaration of Samuel Karnes ("Karnes Decl.") ¶ 4. He is a loving father to three U.S. citizen children [redacted], for whom he provides weekly child support for them. *See id.* ¶ 5. Prior to his current detention, he had never missed a single support payment. *Id.* He spent the evening just prior to his arrest with his three children at his home in Newburgh, and he looks forward to spending each weekend with them. *See id.* ¶ 7. Mr. Bravo Arizmendi also occasionally provides financial support to his U.S. citizen ex-wife on a voluntary basis. *See id.* ¶ 5.

21. Mr. Bravo Arizmendi works at a construction company and maintained steady employment for approximately one year up until the time of his arrest and detention. *See id.* ¶ 6. Prior to this, Mr. Bravo Arizmendi maintained steady employment at a local café for approximately eight years. *See id.*

22. During his 15 years in New York, Mr. Bravo Arizmendi has integrated himself into his local community and has demonstrated upstanding moral character. He has significant family ties in the area. *See id.* ¶ 5. He attends church in his community and has contributed significant time and labor building homes with Habitat for Humanity in his local community. *See id.* ¶¶ 6-7.

23. Mr. Bravo Arizmendi has no criminal history in any country. *See id.* ¶ 8. He has no history of evading law enforcement and complied with ICE officers during his unlawful October 2025 arrest, as described further in Section II herein. *See id.*

24. While detained, Mr. Bravo Arizmendi is unable to provide financial or practical support to his three U.S. citizen children and ex-spouse, which has caused them significant hardship and has left Mr. Bravo Arizmendi feeling distraught and helpless. *See id.* ¶ 7.

II. ICE Unlawfully Arrests and Detains Mr. Bravo Arizmendi

25. On October 6, 2025, three armed men in civilian clothes, who never identified themselves as ICE officers, surrounded Mr. Bravo Arizmendi and arrested him as he was preparing to go to work at his construction job. *See id.* ¶¶ 9-15. The men showed Mr. Bravo Arizmendi a photograph of another person, asking if Mr. Bravo Arizmendi knew the person in question. *See id.* ¶ 12. Mr. Bravo Arizmendi stated that the man was his neighbor. *See id.* But the three men continued interrogating Mr. Bravo Arizmendi, asking him for his ID, immigration status, and whether he "had papers." *See id.* ¶ 13. Mr. Bravo Arizmendi provided his New York State driver's license and did not provide information about his immigration status. *See id.* The three men arrested Mr. Bravo Arizmendi without a warrant in response, stating that Mr. Bravo Arizmendi "cannot leave" and "you have to come with us." *See id.* ¶ 14. Mr. Bravo Arizmendi has been detained ever since and is currently held at MDC.

26. DHS placed Mr. Bravo Arizmendi in removal proceedings pursuant to 8 U.S.C. § 1229a and charged Mr. Bravo Arizmendi with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for allegedly entering the United States without inspection. *See* Declaration of Stephen M. Baldini ("Baldini Decl." or "Baldini Declaration"), Ex. 1, Notice to Appear.

27. As a result of his detention, Mr. Bravo Arizmendi has experienced significant emotional and physical distress. *See* Karnes Decl. ¶¶ 7, 52. Given his lack of criminal history, Mr. Bravo Arizmendi has never been in jail before his current detention.

28. Conditions at MDC are dire. Mr. Bravo Arizmendi's cell is smaller than an individual legal visitation room, which is approximately ten feet by twelve feet. *See id.* ¶ 51. His cell has become unbearably cold as temperatures have dropped, and the jumpsuit and thin blanket provided by MDC do not keep him warm. *See id.*

29. MDC has become notorious for its "barbaric," violent, unsanitary, unsafe, and inhumane conditions, in which detainees like Mr. Bravo Arizmendi are held alongside criminal detainees in conditions akin to solitary confinement. *See* Katie Rose Quandt and Maeve Brennan, Lockdowns, Violence, and "Barbaric Conditions" in a Federal Jail Known for its Famous Detainees, *The Appeal* (June 30, 2025), https://theappeal.org/brooklyn-metropolitan-detention-center-solitary-watch/ (attached to the Baldini Declaration as Exhibit 2). The MDC regularly guards mistreat the detainees, restrict them to their cells when they are not supposed to, and make noise and keep lights on at night, inhibiting detainees' ability to sleep. *See* Baldini Decl., Ex. 2, *The Appeal* Article on MDC Conditions.

30. Mr. Bravo Arizmendi struggles to eat due to significant dental pain for which he is still awaiting medical treatment. *See* Karnes Decl. ¶ 40; Baldini Decl., Ex. 3, MDC Medical Records. The pain in his jaw makes it difficult to fall asleep or stay asleep. *See* Karnes Decl. ¶¶ 40, 46, 50-51.

31. Despite numerous requests for treatment due to a painful dental condition, Mr. Bravo Arizmendi has not yet been able to obtain adequate medical treatment while detained at MDC. Though the pain affects his ability to eat and sleep, he has been told to simply wait. *See id.* ¶¶ 43-49. As a result, Mr. Bravo Arizmendi has been left in excruciating pain, with nothing more than ibuprofen and vague suggestions of a future visit with a specialist. *Id.* Mr. Bravo Arizmendi requires immediate and appropriate dental treatment, *i.e.*, an extraction according to

the recommendation of a dentist at MDC, but has been told to simply wait—through excruciating pain that impedes his ability to eat or sleep—for an off-campus specialist visit that may never come.

32. Despite making multiple requests to the medical department at MDC, an ICE representative, and to the BOP Legal Department through his immigration counsel, he has received no information about when he will be seen by a specialist—if at all. *See id.* ¶¶ 47-49. He reports that there is no option for a medically suitable diet offered to him while he awaits—indefinitely—for treatment, although he is unable to eat even the rice, given how undercooked and hard it is. *See id.* ¶ 40.

33. The conditions at MDC and the constant stress of being detained without the ability to support his family or see his children have had a significant detrimental impact on Mr. Bravo Arizmendi's mental and physical health. *See id.* ¶¶ 52-53. These conditions of his detention have left Mr. Bravo Arizmendi exhausted and often feeling powerless and afraid. *See id.* ¶¶ 7, 54. Detention is incredibly difficult on Mr. Bravo Arizmendi, mentally and physically, and he struggles now to maintain hope that he may ever be permitted to leave. *See id.*

34. Mr. Bravo Arizmendi's family is similarly distraught by his detention. *See id.* ¶¶ 7, 52-53. His children are unaware that he is in custody and regularly ask why he cannot visit as usual. *See id.* ¶ 52. His children have sent letters and drawings, provided through his immigration counsel, which bring Mr. Bravo Arizmendi to tears when he looks at them. *See id.*; Baldini Decl., Ex. 4, Children's Drawings.

III. ICE Reinterprets the INA and *Maldonado Bautista* Grants Class-Wide Relief

35. On November 20, 2025, the United States District Court for the Central District of California issued *Maldonado Bautista I.*

36. *Maldonado Bautista I* considered ICE's novel attempt to reinterpret decades-old law, which they claim requires any person who entered the United States without inspection to be held in mandatory detention without a bond hearing. The *Maldonado Bautista* court rejected ICE's argument, granted partial summary judgment, and entered a class-wide declaratory judgment that members of a defined class, which includes Mr. Bravo Arizmendi, are entitled to bond hearings.

37. Despite this, ICE (and a subsequent BIA decision) have asserted that anyone who entered the country without inspection is subject to 8 U.S.C. § 1225, which requires detention without the possibility of bond, rather than 8 U.S.C. § 1226, which does allow for bond. ICE's position has no basis in law or fact, as district courts across the country have acknowledged.

IV. ICE and the EOIR Defy *Maldonado Bautista I* and *II* and Refuse to Provide Mr. Bravo Arizmendi a Bond Hearing

38. On November 20, 2025, Mr. Bravo Arizmendi moved the Varick Immigration Court for a bond hearing, based in part upon *Maldonado Bautista I* and his membership in the class defined in *Maldonado Bautista II*. *See* Baldini Decl., Ex. 5, Motion to Calendar Custody Redetermination Hearing.

39. On December 2, 2025, Immigration Judge Charles Conroy denied the motion, claiming—incorrectly—that the court in *Maldonado Bautista I* did not issue a class-wide declaratory judgment or class-wide injunction and thus *Maldonado Bautista II* did not have a preclusive effect on other cases. *See* Baldini Decl., Ex. 6, Order Denying Bond Hearing. This interpretation is meritless.

40. In this same vein, ICE and the EOIR have generally refused to comply with *Maldonado Bautista I* and *II*, arguing that *Maldonado Bautista II* is not a binding judgment and otherwise did not grant class-wide declaratory relief. Their position is likewise meritless, as *Maldonado Bautista III* confirmed.

41. Mr. Bravo Arizmendi is entitled to a bond hearing pursuant to *Maldonado Bautista I* and *II*, and the EOIR's refusal to provide such a hearing violates the orders' requirements.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

I. Administrative Exhaustion Has Been Satisfied

42. On November 14, 2025, Mr. Bravo Arizmendi moved the EOIR in the Varick Immigration Court to suppress DHS' alleged evidence of alienage, *i.e.*, an inaccurate and inconsistent Form I-213, and to terminate the removal proceedings instituted against him as a result of his unlawful arrest (the "Motion to Suppress and Terminate"). *See* Baldini Decl., Ex. 7, Motion to Suppress and Terminate; Baldini Decl., Ex. 8, Form I-213. On November 21, 2025, DHS filed its opposition to the Motion to Suppress and Terminate, and on December 5, 2025, Mr. Bravo Arizmendi filed his reply thereto. *See* Baldini Decl., Ex. 9, DHS Opposition to Motion to Suppress and Terminate; Baldini Decl., Ex. 10, Mr. Bravo Arizmendi's Reply in Support of Motion to Suppress and Terminate. The EOIR later denied Mr. Bravo Arizmendi's Motion to Suppress and Terminate. *See* Karnes Decl. ¶¶ 34.

43. As described above, Mr. Bravo Arizmendi also moved the EOIR for a bond hearing on November 20, 2025. *See* Baldini Decl., Ex. 5, Motion to Calendar Custody Redetermination Hearing. The EOIR denied his motion. *See* Baldini Decl., Ex. 6, Order Denying Bond Hearing.

44. Additionally, Mr. Bravo Arizmendi has requested release from his detention directly from ICE. *See* Karnes Decl. ¶ 35; Baldini Decl., Ex. 11, Release Request from S. Karnes. ICE denied Mr. Bravo Arizmendi's request. *See* Karnes Decl. ¶ 36; Baldini Decl., Ex. 12, Denial of Release Request.

45. Accordingly, Mr. Bravo Arizmendi has exhausted all avenues for administrative remedy and has satisfied the requirement of administrative exhaustion. There is no viable possibility of the agency remedying the past and ongoing violations of Mr. Bravo Arizmendi's

rights under the INA and the Constitution. ICE and the EOIR have made clear their meritless position that *Maldonado Bautista II* holds no preclusive effect, and the EOIR has denied Mr. Bravo Arizmendi's requests for relief despite his class membership and entitlement to a bond hearing pursuant to the *Maldonado Bautista I* and *II*. Thus, absent this Court's intervention, Mr. Bravo Arizmendi will remain unlawfully detained.

II. To the Extent Administrative Exhaustion Has Not Been Satisfied, It Should Be Excused

46. Even if the Court determines administrative exhaustion has not been satisfied, it should be excused.

47. Courts in this Circuit excuse administrative exhaustion and grant habeas petitions for relief from custody when "(1) available remedies provide no genuine opportunity for adequate relief; (2) irreparable injury may occur without immediate judicial relief; (3) administrative appeal would be futile; and (4) in certain instances a plaintiff has raised a substantial constitutional question." *Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003) (as amended July 24, 2003). A petitioner need not demonstrate all four factors for a court to excuse administrative exhaustion. *Lopez Benitez v. Francis*, No. 25-cv-5937 (DEH), 2025 WL 2371588, at *13-14 (S.D.N.Y. Aug. 13, 2025) (excusing administrative exhaustion and granting habeas relief where petitioner demonstrated factors (1) and (4)).

48. Courts have excused the exhaustion requirement in cases like Mr. Bravo Arizmendi's because a case like his satisfies all four prongs of the *Beharry* test. *See, e.g.*, *Artiga v. Genalo*, No. 25-cv-5208 (OEM), 2025 WL 2829434, at *3-4 (E.D.N.Y. Oct. 5, 2025); *J.U.*, 2025 WL 2772765, at *4; *Lopez Benitez*, 2025 WL 2371588, at *14; *Alvarez Puga v. Assistant Field Off. Dir.*, No. 25-cv-24535-CIV, 2025 WL 2938369, at *2 (S.D. Fla. Oct. 15, 2025).

LEGAL FRAMEWORK

I. Mr. Bravo Arizmendi's Detention is Unlawful

a. Mr. Bravo Arizmendi's detention violates *Maldonado Bautista*

49. On November 20, 2025, the United States District Court for the Central District of California granted partial summary judgment on behalf of individual plaintiffs declaring that "noncitizens already in the United States" are subject to Section 1226(a)'s discretionary detention provision, and therefore entitled to a bond hearing, not Section 1225(b)(2)(A)'s mandatory detention provision. *Maldonado Bautista I*, 2025 WL 3289861, at *9. On November 25, 2025, the *Maldonado Bautista* court extended its declaratory judgment to a certified nationwide class (the "Bond Eligible Class") consisting of "[a]ll noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination." *Maldonado Bautista II*, 2025 WL 3288403, at *9 ("When considering this determination with [*Maldonado Bautista I*], the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.").

50. Mr. Bravo Arizmendi clearly falls within the class defined in *Maldonado Bautista II*, and Respondents are bound by the court's judgment, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Indeed, the court later entered an explicit final judgment. *See Maldonado Bautista III*, 2025 WL 3678485, at *1. Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

51. Consistent with EOIR practice around the country, the immigration judge overseeing Petitioner's immigration proceedings denied a motion for a bond hearing, arguing that

the *Maldonado Bautista* court "did not issue a class-wide declaratory judgment" and therefore *Maldonado Bautista I* "do[es] not have preclusive effect." *See* Baldini Decl., Ex. 6.

52. The EOIR is flatly wrong. *Maldonado Bautista II* explicitly "extends the same declaratory relief granted to Petitioners [in *Maldonado Bautista I*] to the Bond Eligible Class as a whole." *Maldonado Bautista II*, 2025 WL 3288403, at *9. The *Maldonado Bautista* court later explicitly entered a final judgment declaring that "the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2)." *Maldonado Bautista III*, 2025 WL 3678485, at *1. The EOIR's refusal to comply with *Maldonado Bautista*'s requirements—and thus Mr. Bravo Arizmendi's continued detention—is therefore unlawful.

b. Mr. Bravo Arizmendi's detention is unlawful under the INA

53. Even setting aside Respondents' violation of *Maldonado Bautista*, their interpretation of the INA, which the *Maldonado Bautista* court considered, remains incorrect.

54. As relevant here, the INA contains two methods for detaining noncitizens: 8 U.S.C. §§ 1225 and 1226. *See Jennings v. Rodriguez*, 583 U.S. 281, 287–89 (2018). Section 1225 imposes mandatory detention on noncitizens who are "seeking admission" to the United States; Section 1226 permits discretionary detention of noncitizens who are "already in the country." *Id.* at 287–89 (stating that Section 1225 governs "an alien seeking to enter the country" whereas Section 1226 governs aliens "once inside the United States").

55. Section 1225(b) requires mandatory detention of certain noncitizens who are "seeking admission" to this country. 8 U.S.C. § 1225(b)(2)(A) ("[I]f the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien *shall* be detained . . . .") (emphasis added); *Jennings*, 583 U.S. at 287 (stating

that Section 1225 applies to "an alien *seeking to enter* the country") (emphasis added). The only exception to detention under this section is temporary parole for humanitarian reasons or public benefit. *See* 8 U.S.C. § 1182(d)(5)(A).

56. By contrast, Section 1226(a) provides discretionary authority to the government to detain noncitizens who are already in the country. 8 U.S.C. § 1226(a) ("[A]n alien *may be* arrested and detained pending a decision on whether the alien is to be removed . . . .") (emphasis added); *Jennings*, 583 U.S. at 289 (stating that Section 236 "authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings") (emphasis added).

57. Seeking to justify its improper action, ICE concocts an argument that it has detained Mr. Bravo Arizmendi pursuant to Section 1225. This position is pretextual and baseless. Mr. Bravo Arizmendi lived in New York for 15 years before his arrest. "As noted, § 1226 applies to aliens already present in the United States." *Jennings*, 583 U.S. at 303. Because he was unquestionably "already present in the United States"—and has been for years—Mr. Bravo Arizmendi's detention can only be pursuant to Section 1226.

58. ICE contests this conclusion, reinterpreting the settled understanding of the INA based on a July 8, 2025 internal agency memorandum. *See* ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission, Am. Immigr. Laws. Ass'n (July 7, 2025), https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission, (screen captures of ICE Memo announcing interim guidance) (attached to the Baldini Declaration as Exhibit 13).

59. ICE's novel interpretation of the INA is contrary to binding precedent, numerous other cases considering this same argument, and basic principles of statutory interpretation. This Court should join the overwhelming majority of district courts and reject ICE's argument.

60. ICE's new interpretation of the statutory scheme is contrary to longstanding binding precedent. *See J.U.*, 2025 WL 2772765, at *8 (holding that "Respondent's interpretation of the statutory scheme does not square with more than a century of Supreme Court's holdings interpreting the relationship between §§ 1225(b) and 1226(a)"). As far back as 1958, the Supreme Court held that "our immigration laws have long made a distinction between those aliens who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality." *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958). "In the latter instance the Court has recognized additional rights and privileges not extended to those in the former category who are merely 'on the threshold of initial entry.'" *Id.* "The distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "[O]nce an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Id.*

61. In *Jennings*, the Supreme Court reaffirmed this principle, stating that Section 1225(b) governs "aliens seeking admission into the country" whereas Section 1226(a) governs "aliens already in the country." 583 U.S. at 289; *see also J.U.*, 2025 WL 2772765, at *8.

62. The BIA's recent decision in *Matter of Yajure Hurtado*, which merely adopts the same position advocated by ICE, is in conflict with the applicable statutes passed by Congress and decades of binding Supreme Court precedent, for the reasons already explained. 29 I. & N. Dec. 216, 2025 WL 2674169 (Sept. 5, 2025). The Court has no obligation to credit *Matter of Yajure Hurtado*, and indeed, it can and should reject it outright. "[T]hese administrative agency decisions are not entitled to substantial deference." *Hyppolite v. Noem*, 25-cv-4304 (NRM), 2025 WL

2829511, at *11 (citing *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 402 (2024) ("Congress has [not] taken the power to authoritatively interpret [a] statute from the courts and given it to [an] agency.")).

63. That the Court is not required to defer to the BIA's interpretation is especially so when the agency's view has not remained "consistent over time." *Loper Bright*, 603 U.S. at 386 ("'the longstanding 'practice of the government''—like any other interpretive aid—'can inform [a court's] determination of what the law is'"); *see also Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944) ("The weight of such a judgment in a particular case will depend upon the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control.").

64. *Matter of Yajure Hurtado* is not just inconsistent with prior interpretations of the law but further represents a radical departure from decades of practice and understanding of Section 1225. Accordingly, it is particularly unpersuasive in light of the immigration courts' consistent prior statements and actions to the contrary. *See Matter of Yajure Hurtado*, 2025 WL 2674169 at 225 n.6 ("We acknowledge that for years Immigration Judges have conducted [§ 1226(a)] bond hearings for aliens who entered the United States without inspection."); *Martinez v. Hyde*, No. 25-cv-11613-BEM, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) (discussing prior BIA decisions "clearly holding that the detention of a non-citizen arrested within the United States is governed under section 1226, rather than section 1225"); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1248 (W.D. Wash. 2025) (same).

65. In light of this history, the Court must treat this newfound "assertion of a 'previously unheralded power' to detain non-citizens present in the United States under Section

1225(b)(2)(A) with 'a measure of skepticism.'" *Martinez*, 2025 WL 2084238, at *8 (quoting *W. Virginia v. Env't Prot. Agency*, 597 U.S. 697, 748 (2022) (Gorsuch, J., concurring)). That is unsurprising, given that in the months since Respondents began to broadly invoke section 1225(b)(2)(A) to justify mandatory detention of noncitizens who already reside within the United States, an even greater number of district courts have rejected that illogical interpretation of the INA. *See Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025) ("[T]he administration's new position . . . has been challenged in at least 362 cases in federal district courts. The challengers have prevailed, either on a preliminary or final basis, in 350 of those cases decided by over 160 different judges sitting in about fifty different courts spread across the United States."); *Y- C- v. Genalo*, No. 25-CV-06558 (NCM), 2025 WL 3653496, at *2 (E.D.N.Y. Dec. 17, 2025) ("Within the Eastern District of New York, at least six judges have considered the issue in the last three months and have unanimously rejected the government's interpretation.") (collecting cases); *see also supra* n.1 (listing cases).

66. Even setting aside the numerous decisions rejecting their argument, "Respondents' position violates the canon of statutory interpretation that 'every clause and word of a statute should have meaning.'" *Hyppolite*, 2025 WL 2829511, at *9. Section 1225(b)(2)(A) states that, "in the case of an alien who is an *applicant for admission*, if the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A) (emphasis added). "If the mandatory detention provision in § 1225(b)(2) applied to *all* noncitizens who are 'applicants for admission,' then there would be no need for Congress to have separately referenced a sub-category of persons 'seeking admission' in the specific section that relates to mandatory detention." *Hyppolite*, 2025 WL 2829511, at *9. Adopting Respondents'

position would thus require the Court to "elide[] or avoid[] section 1225(b)(2)(A)'s 'seeking admission' language . . ., treating it as mere surplusage of the 'applicant' requirement." *Id.* (collecting cases holding same).

67. Interpreting the statute's words "in their context and with a view to their place in the overall statutory scheme," as courts must, further undermines Respondents' position. *See King v. Burwell*, 576 U.S. 473, 486 (2015); *see also Graham Cnty. Soil & Water Conservation Dist. v. U.S. ex rel. Wilson*, 559 U.S. 280, 290 (2010) (stating that the court's duty is to "construe statutes, not isolated provisions") (internal quotation marks omitted). "In considering § 1225(b)(2)(A) within its statutory context, it was clearly intended to apply to noncitizens who are *presently* seeking to enter the United States, and not those . . . who have lived in the country for almost three years." *Hyppolite*, 2025 WL 2829511, at *9. Section 1225(b)(2)(A) is explicitly subject to subparagraphs (B) and (C), which set out specific exceptions and rules for "crewm[e]n", "stowaway[s]", and aliens "*arriving*" on land, making clear that "seeking admission" in that section "is meant to refer to those who are presenting themselves at the border, or who were recently apprehended just after entering"—not those like Mr. Bravo Arizmendi who have been present for years. *Hyppolite*, 2025 WL 2829511, at *9.

68. Furthermore, it is a basic canon of statutory interpretation that a statute should be construed as to give effect to all its provisions and that no part will be superfluous. *Corley v. United States*, 556 U.S. 303, 314 (2009). If an interpretation of one provision "would render another provision superfluous[,]" courts presume that interpretation is incorrect. *Bilski v. Kappos*, 561 U.S. 593, 607–08 (2010). This presumption is "strongest when an interpretation would render superfluous another part of the same statutory scheme." *Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 386 (2013). Under ICE's newfound theory, nearly all noncitizens in the United States not

previously admitted or who entered without inspection are suddenly subject to mandatory detention pursuant to Section 1225(b). But if that were correct, then it would render superfluous numerous provisions of the same statutory scheme, including Sections 1226(c)(1)(A), (D), and (E).

69. Section 1226(c)(1)(A) provides that the "Attorney General shall take into custody any alien who is inadmissible by reason of having committed any offense covered in section 1182(a)(2) of this title," such as crimes of moral turpitude and offenses relating to controlled substances. 8 U.S.C. § 1226(c)(1)(A). "[T]his mandatory detention under § 1226(c) would be unnecessary if all persons who have not been admitted into the United States were already subject to § 1225(b)'s mandatory detention provisions." *Hasan v. Crawford*, No. 25-cv-1408 (LMB/IDD), 2025 WL 2682255, at *8 (E.D. Va. Sept. 19, 2025); *J.U.*, 2025 WL 2772765, at *8 (same).

70. Section 1226(c)(1)(D) provides that the "Attorney General shall take into custody any alien who is inadmissible under section 1182(a)(3)(B) of this title or deportable under section 1227(a)(4)(B) of this title," which include aliens engaged in terrorist activities. Again, "this mandatory detention under § 1226(c) would be unnecessary if all persons who have not been admitted into the United States were already subject to § 1225(b)'s mandatory detention provisions." *Hasan*, 2025 WL 2682255, at *8; *J.U.*, 2025 WL 2772765, at *8 (same).

71. Section 1226(c)(1)(E)—added by amendment just this year via the enactment of the Laken Riley Act—makes certain noncitizens subject to mandatory detention if (1) they are inadmissible under certain provisions in 8 U.S.C. § 1182, and (2) they are charged with, arrested for, convicted of, or admit to having committed certain crimes. 8 U.S.C. § 1226(c)(1)(E). "When Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect." *Stone v. I.N.S.*, 514 U.S. 386, 397 (1995). Yet, "if § 1225(b)(2) already mandated

detention of any alien who has not been admitted, regardless of how long they have been here, then adding § 1226(c)(1)(E) to the statutory scheme was pointless." *Hyppolite*, 2025 WL 2829511, at *10 (quoting *Lopez-Campos v. Raycraft*, No. 25-cv-12486 (BRM), 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025)). ICE's theory that Section 1225(b) applies to practically every noncitizen who entered without inspection and was then arrested while residing in the United States, regardless of whether they committed any crime, would make Section 1226(c)(1)(E)'s criminal conduct requirement entirely superfluous. *Id.*; *Gomes v. Hyde*, No. 25-cv-11571-JEK, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025).

72. To summarize, Mr. Bravo Arizmendi, who has lived in the United States for 15 years and was not "seeking admission" at the time of his arrest, is plainly being detained pursuant to Section 1226(a), which entitles him to a bond hearing. Respondents' argument that Mr. Bravo Arizmendi is being detained pursuant to Section 1225(b)(2)(A) is inconsistent with the plain language of the statute, settled case law, and the EOIR's own prior interpretations of the law. Respondents' continued detention of Mr. Bravo Arizmendi violates the INA and is therefore unlawful.

c. Mr. Bravo Arizmendi's detention violates the Due Process Clause of the Fifth Amendment

73. The Due Process Clause of the Fifth Amendment to the Constitution of the United States provides that "[n]o person shall . . . be deprived of life, liberty, or property, without due process of law." As the Supreme Court has repeatedly instructed, freedom "from government custody, detention, or other forms of physical restraint" is at "the heart" of what the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690; *see also Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action."). This is particularly true in the context of

civil detention. *See, e.g.*, *Addington v. Texas*, 441 U.S. 418, 425 (1979) ("This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection."); *Kansas v. Hendricks*, 521 U.S. 346, 368 (1997) (requiring "strict procedural safeguards" to justify involuntary civil commitment of certain sex offenders); *Foucha*, 504 U.S. at 81-82, 86 (holding unconstitutional a state civil commitment "statute [that] place[d] the burden on the detainee to prove that he is not dangerous").

74. The protection of the Due Process Clause applies to noncitizens in the United States "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693 (citations omitted). Although Respondents now regularly contend that individuals who have not been admitted to the U.S. lack due process rights, more than a century of consistent Supreme Court case law has held otherwise. *See, e.g.*, *Yamataya v. Fisher*, 189 U.S. 86, 101 (1903); *Leng May Ma*, 357 U.S. at 187; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

75. Given noncitizens' due process rights and the procedural rights conferred by Section 1226(a) and its implementing regulations, a decision to detain a noncitizen *requires* an individualized determination as to the noncitizen's risk of flight and danger to the community. *See, e.g.*, *Velesaca v. Decker*, 458 F. Supp. 3d 224, 235 (S.D.N.Y. 2020); *Lopez Benitez*, 2025 WL 2371588, at *10; *Kelly v. Almodovar*, No. 25-CV-6448 (AT), 2025 WL 2381591, at *3 (S.D.N.Y. Aug. 15, 2025); *Rosado v. Figueroa*, No. 25-CV-2157, 2025 WL 2337099, at *13 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Pinchi v. Noem*, No. 5:25-CV-5632-PCP, 2025 WL 2084921, at *1 (N.D. Cal. July 24, 2025).

76. Furthermore, courts in this jurisdiction have routinely held that if a noncitizen does not receive individualized consideration pre-deprivation, his due process rights are irrevocably

violated, and no amount of procedure provided post-detention can remedy that violation. *See, e.g.*, *Rodriguez-Acurio v. Almodovar*, No. 25-CV-6065 (NJC), 2025 WL 3314420, at *30 (E.D.N.Y. Nov. 28, 2025) ("Respondents' detention of [petitioner] with no notice or opportunity to be heard and no showing of changed circumstances violates her due process rights."); *J.U.*, 2025 WL 2772765, at *10 ("Respondent's ongoing detention of Petitioner with no process at all, much less prior notice, no showing of changed circumstances, or an opportunity to respond, violates his due process rights."); *Hyppolite*, 2025 WL 2829511, at *16 (ordering petitioner's immediate release and that he not be re-detained "without providing him notice and an opportunity to be heard at a pre-deprivation bond hearing before a neutral decisionmaker, at which the government will bear the burden of showing that his detention is authorized").

77. Finally, even if a noncitizen is provided a bond hearing, EIOR procedure independently violates the Due Process Clause by requiring the noncitizen to meet the burden of proof to establish that they are *not* a flight risk or a danger to the community. Numerous courts have found this to be an unconstitutional inversion of the burden of proof in situations where a noncitizen's liberty is at stake. *See, e.g.*, *Velasco Lopez*, 978 F.3d 842, 855–57 (2d Cir. 2020); *Black v. Decker*, 103 F.4th 133, 155–56 (2d Cir. 2024); *Hernandez-Lara v. Lyons*, 10 F.4th 19, 30–41 (1st Cir. 2021); *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 213–214 (3d Cir. 2020). Instead, the Supreme Court has held that the government must meet the burden of proof by clear and convincing evidence to justify civil detention. *See, e.g.*, *United States v. Salerno*, 481 U.S. 739, 751 (1987) (affirming legality of pre-trial detention where burden of proof was on the government); *Foucha*, 504 U.S. at 81-82, 86 (holding unconstitutional a state civil commitment statute that the placed burden of proving lack of dangerousness on the detainee); *Addington*, 441 U.S. at 427 ("The individual should not be asked to share equally with society the

risk of error when the possible injury to the individual is significantly greater than any possible harm to the state.").

78. Respondents' detention of Mr. Bravo Arizmendi therefore violates the Due Process Clause in at least three respects. First, Respondents violated Mr. Bravo Arizmendi's due process rights by arresting him and detaining him without providing an individualized determination pursuant to Section 1226(a) and have even refused to provide him with any such determination after his arrest. Second, Respondents violated Mr. Bravo Arizmendi's due process rights by failing to provide him with notice and an opportunity to be heard *prior* to depriving him of his liberty. Finally, Respondents have violated Mr. Bravo Arizmendi's due process rights by impermissibly shifting the burden of proof for bond determinations onto noncitizens, depriving him of due process even if they had provided a bond hearing, which they have not. Respondents continued detention of Mr. Bravo Arizmendi therefore violates the Fifth Amendment and is unlawful.

II. Mr. Bravo Arizmendi is Entitled to Immediate Release

79. "The typical remedy for [unlawful executive] detention is, of course, release." *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

80. Courts considering the detention of noncitizens under similar circumstances have concluded that "a bond determination by a DHS officer or an immigration judge would not remedy the core constitutional violation" given that such "detention was unlawful from its inception because ICE detained her under the wrong statute and without any notice or opportunity to be heard, much less the procedures required under Section 1226(a)." *Rodriguez-Acurio*, 2025 WL 3314420, at *31. Accordingly, "'disposing of the matter as law and justice require' necessitates [petitioner's] release from detention and relief guarding against her re-detention in violation of this Court's determinations that she is not subject to mandatory detention under Section 1225(b)." *Id.*

at *32 (quoting 28 U.S.C. § 2243); *see also O.F.B. v. Maldonado*, No. 25-CV-6336 (HG), 2025 WL 3277677, at *8 (E.D.N.Y. Nov. 25, 2025) ("The government's ongoing detention of the petitioner, in the face of this complete failure of process, entitles him to immediate release."); *Ye v. Maldonado*, No. 25-CV-6417 (AMD), 2025 WL 3521298, at *9 (E.D.N.Y. Dec. 8, 2025) (same).

81. Moreover, the BIA's decision in *Yajure Hurtado* that, "[b]ased on the plain language of [Section 1225], Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission" renders it "futile" to "require a bond hearing before an immigration judge." *Rodriguez-Acurio*, 2025 WL 3314420, at *31. *Yajure Hurtado* is "binding on all immigration judges" and has resulted in a "Kafkaesque" situation in which "not only are immigration judges not holding bond hearings, but any request for release on bond would be denied." *Rodriguez-Acurio*, 2025 WL 3314420, at *31. (quoting *Barco Mercado*, 2025 WL 3295903, at *12).

82. Mr. Bravo Arizmendi is therefore entitled to immediate release from Respondents' unlawful detention.

CLAIMS FOR RELIEF

COUNT ONE
VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT
MALDONADO BAUTISTA

83. Petitioner realleges and incorporates by reference each and every allegation contained above.

84. As a member of the Bond Eligible Class, Petitioner is subject to detention only pursuant to 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2).

85. *Maldonado Bautista I* and *II* hold that Respondents violate the INA in applying the mandatory detention statute at Section 1225(b)(2) to Bond Eligible Class members. *Maldonado Bautista III* entered a final judgment to the same effect.

86. Respondents are parties to *Maldonado Bautista* and bound by the Court's judgments, which have the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

87. By denying Petitioner a bond hearing under Section 1226(a) and asserting that he is subject to mandatory detention under Section 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in Maldonado Bautista.

COUNT TWO
VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT
8 U.S.C. § 1225(b)(2) and 1226(a)

88. Petitioner realleges and incorporates by reference each and every allegation contained above.

89. 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 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.

90. When Petitioner was arrested on October 6, 2025, he was an "alien[] already in the country," and accordingly "may only be subject to detention as a matter of discretion under § 1226(a)." *See J.U.*, 2025 WL 2772765, at *9. Respondents' application of Section 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT THREE
VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT – 5 U.S.C. § 706(2)

91. Petitioner realleges and incorporates by reference each and every allegation contained above.

92. The Administrative Procedure Act ("APA") provides that "a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof." 5 U.S.C. § 702.

93. The statute further provides that the reviewing court shall "compel agency action unlawfully withheld or unreasonably delayed," 5 U.S.C. § 706(1), and "hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" and "contrary to constitutional right, power, privilege, or immunity," *id.* at § 706(2)(A)-(B).

94. Respondents' failure to provide Mr. Bravo Arizmendi with a bond hearing reflects an arbitrary and capricious interpretation of 8 U.S.C. § 1226(a) and an unreasoned departure from past precedent. This failure constitutes a final agency action within the meaning of the APA.

95. Respondents' failure to provide Mr. Bravo Arizmendi with a bond hearing is contrary to 8 U.S.C. § 1226(a), and is therefore arbitrary, capricious, and not in accordance with the law.

96. Respondents' failure to provide Mr. Bravo Arizmendi with a bond hearing is a violation of the Due Process Clause and is therefore not in accordance with law and contrary to constitutional right.

97. Mr. Bravo Arizmendi has no other adequate remedy in court to obtain direct review of the agency actions and omissions challenged here to redress Respondents' failure to provide him with the bond procedures required by due process and the INA.

98. Respondents' failure to provide Mr. Bravo Arizmendi with such a bond hearing has caused and continues to cause him substantial and concrete harm.

99. Accordingly, Respondents are in violation of the APA. 5 U.S.C. §§ 706(1), (2)(A)-(B).

COUNT FOUR
VIOLATION OF RIGHT TO DUE PROCESS UNDER THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION

100. Petitioner realleges and incorporates by reference each and every allegation contained above.

101. 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*, 533 U.S. at 690.

102. A person also has the right to procedural due process, and courts weigh the factors from *Mathews v. Eldridge*: (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." 424 U.S. 319, 335 (1976).

103. Respondents' detention of Mr. Bravo Arizmendi without an individualized bond hearing, or any meaningful legal process, violates his Fifth Amendment rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Bravo Arizmendi respectfully requests that this Court:

1. Exercise jurisdiction over this matter;

2. Enjoin Respondents from moving Mr. Bravo Arizmendi outside the jurisdiction of this Court and United States pending its adjudication of this petition and full and fair adjudication of his immigration case, including any potential appeal;

3. Release Mr. Bravo Arizmendi from custody of the Respondents pending disposition of the Petition;

4. Declare that Mr. Bravo Arizmendi's detention violates the *Maldonado Bautista* Order, the APA, the INA, and the Due Process Clause of the Fifth Amendment;

5. Issue a Writ of Habeas Corpus ordering Mr. Bravo Arizmendi's unconditional release from custody of Respondents, restoring him to the same status of liberty that he enjoyed prior to his arrest, pending the disposition of his removal proceedings, and any potential appeal in those proceedings by Mr. Bravo Arizmendi;

6. Find that Respondents' litigation position is substantially unjustified;

7. Award Mr. Bravo Arizmendi costs and reasonable attorneys' fees; and

8. Order such other relief as this Court may deem just and proper.

Date: December 23, 2025

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

By: */s/ Stephen M. Baldini*

Stephen Baldini
Andrew A. McWhorter
Dara R. Mouhot
Akin Gump Strauss Hauer & Feld LLP
One Bryant Park
New York, NY 10036
Telephone: (212) 872-1000
Facsimile: (212) 872-1002
sbaldini@akingump.com
amcwhorter@akingump.com
dmouhot@akingump.com

Attorneys for Petitioner
Jonathan Bravo Arizmendi