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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JUAN CARLOS GOMEZ PINZON,

Petitioner,

vs.

FERETI SEMAIA, WARDEN OF THE GEO GROUP ADELANTO ICE PROCESSING CENTER,

DAVID MARIN, DIRECTOR OF LOS ANGELES FIELD OFFICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

KRISTI NOEM, SECRETARY OF THE U.S. DEPARTMENT OF HOMELAND SECURITY; AND

PAM BONDI, ATTORNEY GENERAL OF THE UNITED STATES,

IN THEIR OFFICIAL CAPACITIES,

Respondents

PETITION FOR WRIT OF HABEAS CORPUS

Challenge to Unlawful Incarceration Under Color of Immigration Detention Statutes; Request for Declaratory and Injunctive Relief

Case No. 5:25-cv-3517

INTRODUCTION

1. This habeas petition challenges a detention regime that has quietly but profoundly expanded beyond the limits Congress imposed. Respondents have detained Petitioner under a statutory provision designed for individuals stopped at the border—8 U.S.C. § 1225(b)(2)(A)—even though Petitioner is a long-time resident of the United States who was arrested deep in the interior and placed into ordinary removal proceedings. By mechanically labeling interior residents as "applicants for admission," Respondents have stripped Petitioner of the bond hearing Congress guaranteed under § 1226(a) and subjected him to mandatory detention without any individualized assessment of risk, danger, or necessity. The result is civil confinement untethered from statutory authority and divorced from constitutional limits.

2. Petitioner's case exemplifies the human cost of this unlawful policy. Mr. Mateo has lived in the United States for decades. He is a father, grandfather, and primary source of stability for a close-knit family that depends on him emotionally and financially. He was not apprehended at a border, a port of entry, or during any inspection process. Nevertheless, Respondents classified him as if he were seeking admission, denied him a bond hearing for lack of jurisdiction, and have continued to detain him without ever asking the most basic questions the law requires: whether he poses a danger, whether he is a flight risk, or whether detention serves any legitimate regulatory purpose.

3. This is not an isolated mistake. It is the product of a binding agency interpretation—memorialized in Matter of *Yajure Hurtado*—that treats interior arrests as legally indistinguishable from border encounters and forecloses bond eligibility categorically. Courts in this District and across the Ninth Circuit have repeatedly rejected that interpretation as inconsistent with the text, structure, and purpose of the Immigration and Nationality Act. The Central District of California has already recognized that this classification practice operates uniformly and systemically, making it suitable for classwide adjudication. Yet Respondents continue to apply it, resulting in ongoing detention that exceeds statutory authority and evades meaningful review.

4. Habeas corpus exists for precisely this moment. Petitioner seeks neither special treatment nor premature adjudication of his immigration case. He seeks only what Congress and the Constitution require: a prompt, individualized custody determination under § 1226(a), or release if detention cannot be justified. Because Respondents lack lawful authority to detain Petitioner under § 1225(b)(2)(A), and because continued detention without process violates the Fifth Amendment and the Administrative Procedure Act, this Court should grant the writ and order immediate relief.

JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and seeks a writ of habeas corpus. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution, laws, and treaties of the United States, and under 5 U.S.C. §§ 701–706 because Petitioner challenges agency action that is arbitrary, capricious, and not in accordance with law.

6. This Court has authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201–2202.

7. Neither 8 U.S.C. §§ 1252(b)(9) nor 1252(g) bar this Court's review.

8. Section 1252(b)(9) is a "zipper clause" that channels review of final orders of removal to the courts of appeals; it does not apply where, as here, no final removal order exists and the petitioner challenges only the statutory authority under which he is detained. *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482–83 (1999). As the Supreme Court explained in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), detention claims that raise "questions of law"—including whether statutory provisions require detention without a bond hearing—do not "arise from" removal proceedings and therefore fall outside § 1252(b)(9). Id. at 292–95. The Ninth Circuit has repeatedly held that §§ 1252(a)(5) and (b)(9) do not preclude district-court review of claims that are "independent of or collateral to the removal process," including challenges to unlawful or prolonged immigration detention. *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031–32 (9th Cir. 2016); *Martinez v. Napolitano*, 704 F.3d 620, 622 (9th Cir. 2012). Every

recent decision in this district addressing the exact § 1225/§ 1226 misclassification issue has rejected the government's § 1252(b)(9) argument for this same reason. See, e.g., *Monica Adriana Ruiz Yarleque v. Noem*, No. 5:25-cv-02836-MEMF-SP, 2025 WL 3043936, at 5–7 (C.D. Cal. Oct. 31, 2025); *Garcia v. Noem*, No. 5:25-cv-02771-ODW (PDX), 2025 WL 2986672, at 3–4 (C.D. Cal. Oct. 22, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMX), 2025 WL 2379285, at 1–2 (C.D. Cal. Aug. 15, 2025); *E.C. v. Noem*, No. 5:25-cv-02612-ODW (PDX), at *3 (C.D. Cal. Oct. 28, 2025); Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 884–85 (C.D. Cal. 2025).

9. Section 1252(g) likewise poses no bar. The Supreme Court has held that § 1252(g) applies only to three discrete discretionary actions—commencing proceedings, adjudicating cases, and executing removal orders—and does not cover legal challenges to the scope of DHS's detention authority. *Reno*, 525 U.S. at 482; *Jennings*, 583 U.S. at 294–96. Petitioner challenges none of those actions. His claim is a "purely legal question" that does not implicate any exercise of prosecutorial discretion, and district courts retain jurisdiction over such claims. *United States v. Hovsepian*, 359 F.3d 1144, 1155 (9th Cir. 2004); *Ibarra-Perez v. United States*, No. 24-631, 2025 WL 2461663, at *6 (9th Cir. Aug. 27, 2025). Consistent with this binding authority, courts in this district have repeatedly held that § 1252(g) does not bar review of claims alleging detention under the wrong statutory provision. *Ruiz Yarleque*, 2025 WL 3043936, at *5–6; Garcia*, 2025 WL 2986672, at *3; Arrazola-Gonzalez*, 2025 WL 2379285, at *1; E.C.*, at *3*. Accordingly, this Court has jurisdiction to hear and resolve this petition.

10. Venue is proper in the Central District of California under 28 U.S.C. § 1391(e) because Petitioner is detained at the Desert View Facility at Adelanto ICE Processing Center, located within this judicial district, and because a substantial part of the events or omissions giving rise to this action occurred in this district

PARTIES

11. Petitioner JUAN CARLOS GOMEZ PINZON is a 38-year-old devoted husband and father of three who has been detained in Adelanto ICE Processing Center without any meaningful or individualized bond hearing, despite living in this country for nearly twenty years.

12. Respondent FERETI SEMAIA is the Warden of the GEO Group Adelanto ICE Processing Center, where Petitioner is currently detained. He has immediate custody over Petitioner.

13. Respondent DAVID MARIN is the Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement ("ICE"). He exercises authority over the detention and removal of noncitizens in the Los Angeles region, including Petitioner.

14. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security ("DHS"), the federal agency responsible for immigration enforcement and detention. She is sued in her official capacity.

15. Respondent PAM BONDI is the Attorney General of the United States and the head of the U.S. Department of Justice, which oversees the Executive Office for Immigration Review ("EOIR") and immigration judges. She is sued in her official capacity.

REQUIREMENTS OF 28 U.S.C. § 2243

16. The habeas statute requires courts to act swiftly in reviewing unlawful detention. Under 28 U.S.C. § 2243, the court must "forthwith" grant the writ or issue an order to show cause unless it appears from the petition that the petitioner is not entitled to relief.

17. If an order to show cause is issued, the statute directs that the respondent must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." Id. This statutory framework underscores the urgency of habeas relief, reflecting the historic role of the Great Writ as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

FACTUAL BACKGROUND

18. Petitioner Juan Carlos Gomez Pinzon is a longtime resident of the United States who has lived here since approximately 2006. He entered the country as a teenager and has remained continuously present for nearly two decades, building his life entirely in the United States. His family, community, and future are rooted here.

19. Mr. Gomez Pinzon is the father of three young United States citizen children, all born in California between 2021 and 2025. He has played an active and consistent role in their lives, providing daily care, emotional support, and stability. His detention has separated him from his children at critical stages of their early development and has placed significant strain on his family, who relied on his presence and support.

20. Mr. Gomez Pinzon's ties to his community are deep, longstanding, and concrete. He is not someone living on the margins or in isolation. He is embedded in a network of family members, close friends, and caregivers who have relied on him consistently and who remain prepared to support him through the pendency of his immigration case.

21. Multiple individuals who have known Mr. Gomez Pinzon for years describe him as a steady, dependable presence in their lives—someone who shows up without being asked, who assumes responsibility when others are overwhelmed, and who provides practical and emotional support on a daily basis. Family members recount his central role in caring for young children, supporting relatives during periods of postpartum depression and illness, and maintaining stability in the household. Friends describe him as someone they trust with their homes, their families, and their most vulnerable moments.

22. These letters do not describe sporadic kindness or abstract goodwill. They describe a person whose absence is immediately felt: a father whose detention has disrupted daily childcare routines; a partner whose removal has left others scrambling to fill gaps he reliably covered; and a community member whose support was not symbolic, but functional. Several letter writers explain that Mr. Gomez Pinzon has been a primary source of help with

transportation, childcare, household needs, and emotional support, particularly during periods of crisis.

23. Equally important, the record reflects that Mr. Gomez Pinzon has a clear and stable release plan. A committed sponsor has offered him housing and support and is prepared to ensure his compliance with all court and ICE requirements. His community is not merely vouching for his character; it is prepared to take responsibility for his successful supervision in the community.

24. Mr. Gomez Pinzon has no history of violent conduct and no record suggesting that he poses a danger to the community. There is nothing in the record indicating that his detention is necessary to protect public safety or ensure his appearance.

25. On or about November 7, 2025, Immigration and Customs Enforcement arrested Mr. Gomez Pinzon outside his home and placed him into immigration detention. He has remained detained since that date.

26. Following his arrest, Mr. Gomez Pinzon was placed into removal proceedings before the Immigration Court in Adelanto, California. He intends to pursue relief from removal and has not received a final order of removal.

27. On December 15, 2025, the Immigration Court conducted a custody redetermination hearing. Mr. Gomez Pinzon submitted a full bond packet demonstrating his eligibility for release, including evidence of family ties, stable housing, financial sponsorship, and extensive community support. The record before the Immigration Judge reflected that Mr. Gomez Pinzon had a viable release plan and that detention was not necessary to mitigate any risk of flight or danger.

28. Nonetheless, the Immigration Judge denied bond. The court did not find that Mr. Gomez Pinzon posed a danger to the community or that he was a flight risk. Instead, the denial rested on a categorical legal determination that bond was unavailable, based on the Immigration Judge's conclusion that *Matter of Yajure Hurtado* controlled and that class-based relief under *Bautista* was unavailable.

29. As a result of that legal conclusion, Mr. Gomez Pinzon was denied a meaningful, individualized custody determination. He remains in civil immigration detention despite his deep family ties, lack of dangerousness, and the availability of conditions that would ensure his appearance and compliance.

30. Mr. Gomez Pinzon continues to be detained without any neutral adjudicator having determined that his confinement is necessary. Each day of continued detention prolongs a deprivation of liberty that is not justified by individualized findings and serves no legitimate civil detention purpose.

LEGAL FRAMEWORK

Section 1226(a)—Not Section 1225(b)—Governed When Petitioner Was Arrested in the Interior

31. Pre–final order detention is governed by two distinct INA provisions—8 U.S.C. §§ 1225 and 1226—operating in separate spheres. The Supreme Court has emphasized that § 1225 applies to "aliens seeking admission into the country," whereas § 1226 applies to "aliens already in the country pending the outcome of removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). That division is dispositive here because Petitioner was not encountered at the border or at a port of entry while "seeking admission," but was arrested years after entry, in the interior, following the government's decision to place him into removal proceedings.

32. Section 1225's text and structure confirm its border/inspection focus. Its provisions repeatedly reference "arriving" noncitizens, "stowaways," and actions by "examining immigration officers," reflecting Congress's intent to regulate inspection and admission processing—not interior apprehensions of long-time residents. See *Lepe v. Andrews*, 2025 WL 2716910, at *4 (E.D. Cal. Sept. 23, 2025); *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at *12–14 (D. Nev. Sept. 17, 2025). Critically, § 1225(b)(2)(A) applies by its terms to an "alien seeking admission," i.e., a present-tense inspection posture—not a person living in the United States who was later arrested in the interior. Applying § 1225(b)(2)(A) to interior arrests "pushes the statutory text beyond its breaking point." *Lopez Benitez v. Francis*,

2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025); see also *United States v. Gambino-Ruiz*, 91 F.4th 981, 988–89 (9th Cir. 2024) (rejecting theories that treat individuals as perpetual "applicants" in a way that untethers the statutory scheme from the admission/inspection context).

33. Section 1226, by contrast, governs arrest-and-detention for people already inside the United States pending removal proceedings—and it is expressly discretionary. It authorizes arrest and detention "pending a decision on whether the alien is to be removed," and permits release on bond or conditional parole "except as provided in subsection (c)." 8 U.S.C. § 1226(a)(1)–(2). Implementing regulations provide for a bond hearing before an immigration judge at which the detainee may present evidence regarding danger and flight risk. 8 C.F.R. § 1236.1(d); *In re Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006); *Martinez v. Clark*, 124 F.4th 775, 783 (9th Cir. 2024). This is the statutory framework Congress designed for post-entry custody determinations—precisely Petitioner's posture. See *Lopez Benitez*, 2025 WL 2371588, at *8; *Lepe*, 2025 WL 2716910, at *5.

34. Text, structure, history, and canons confirm § 1226(a) is the default for inadmissible noncitizens arrested in the interior. Reading § 1225 to reach long-time residents apprehended inside the country would collapse Congress's two-track scheme and contradict decades of agency practice applying § 1226(a) to inadmissible noncitizens already residing in the United States. See *Rodriguez v. Bostock*, 2025 WL 2782499, at *3 (W.D. Wash. Sept. 30, 2025); *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 n.6 (BIA 2025). It would also create serious surplusage problems—especially after Congress's 2025 enactment of the Laken Riley Act, which added a narrow mandatory-detention carve-out in § 1226(c)(1)(E), confirming by negative implication that § 1226(a) remains the baseline for other interior arrests. See *Vazquez*, 2025 WL 2676082, at *19; *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010); *Corley v. United States*, 556 U.S. 303, 314 n.5 (2009). When Congress legislates against a settled administrative backdrop, courts presume the new provisions "work in harmony with what has come before," not to silently upend the architecture. *Monsalvo Velazquez v. Bondi*, 145 S. Ct. 1232, 1242 (2025) (quotation omitted).

35. Consistent with those principles, district courts have rejected the government's expansive § 1225 theory with near-total unanimity and have held that interior arrestees are detained under § 1226(a), not § 1225(b). See, e.g., *Chavez Valdovinos v. Noem*, No. 25-CV-2439 TWR (KSC) slip op. at 9 (S.D. Cal. Nov. 25, 2025); *Yohan Diaz-Villatoro v. LaRose*, 2025 WL 3251377, at *3–4 (S.D. Cal. Nov. 21, 2025); *Aparicio Sanchez v. Noem*, 2025 WL 3214987, at *3–4 (S.D. Cal. Nov. 18, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *9 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Benitez v. Noem*, No. 5:25-cv-02190 (C.D. Cal. Aug. 26, 2025) (minute order); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Aguilar Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Rocha Rosado v. Figueroa*, No. CV 25-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01874-SSS-BFM, slip op. at *13 (C.D. Cal. July 28, 2025); *Oliveros v. Kaiser*, No. 25-cv-07117-BLF, 2025 WL 2677125, at *4 (N.D. Cal. Sept. 18, 2025). No court has adopted the government's theory that § 1225(b)(2)(A) mandates detention for long-time residents arrested in the interior.

36. In *Lazaro Maldonado Bautista et al. v. Santacruz*, the Central District of California certified a Rule 23(b)(2) class of noncitizens subjected to this exact detention regime—individuals apprehended in the interior, deemed "applicants for admission," and categorically denied bond eligibility based on DHS's interpretation of § 1225(b)(2)(A). The

court recognized that DHS's classification practice operates uniformly, binds immigration judges, and systematically deprives noncitizens of the custody determinations Congress preserved in § 1226(a). This Court therefore confronts not an isolated misapplication of the statute, but an entrenched agency policy already adjudicated as suitable for classwide relief. *See* Order Granting Motion for Class Certification at 1–2, *Lazaro Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025) (certifying a Rule 23(b)(2) "Bond Eligible Class" of noncitizens apprehended in the interior and denied bond eligibility under § 1225(b)(2)(A) pursuant to DHS policy).

37. Accordingly, because Petitioner was arrested in the interior after years of residence in the United States, his detention is governed by § 1226(a)'s discretionary framework—not § 1225(b)—and he is entitled to the individualized custody process that framework presupposes. See 8 U.S.C. § 1226(a); *Jennings*, 583 U.S. at 288–89; *Lepe*, 2025 WL 2716910, at *4–5; *Lopez Benitez*, 2025 WL 2371588, at *7–8; *Vazquez*, 2025 WL 2676082, at *12–16.

Because § 1226(a) Governs, Petitioner Has a Liberty Interest and Due Process Rights, Including a Constitutionally Adequate Custody Hearing

38. This statutory distinction reflects fundamental constitutional limits on civil immigration detention and Congress's recognition of the different due process rights afforded to those already inside the United States. "The relevant distinction … is between persons inside the United States and persons outside the United States. That distinction is consistent with the long history of our immigration laws and with the Constitution." *Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO, 2025 WL 2716910, at *5 (E.D. Cal. Sept. 23, 2025) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)). Once a person 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.*

39. Congress legislated against that constitutional backdrop. In distinguishing between "arriving" and "residing" noncitizens, Congress reflected "its understanding of

longstanding due process precedent that recognizes the more substantial due process rights of noncitizens already residing in the U.S. [as compared to] those of noncitizens recently arriving." *Vazquez v. Feeley*, No. 2:25-cv-01542-RFB-EJY, 2025 WL 2676082, at *4 (D. Nev. Sept. 17, 2025) (citing *Knauff v. Shaughnessy*, 338 U.S. 537 (1950)). That framework underscores why § 1226(a)'s discretionary, individualized custody process governs interior residents, while § 1225's mandatory inspection detention is confined to the threshold-of-entry context.

40. Civil immigration detention, which is "nonpunitive in purpose and effect," is constitutionally permissible only where it serves the narrow purposes of preventing flight or protecting the community—and only with adequate procedural safeguards. *Zadvydas*, 533 U.S. at 690; *Padilla v. ICE*, 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023). Extending § 1225(b)(2)(A)'s mandatory, unreviewable detention scheme to long-term residents arrested in the interior would contravene those constitutional limits. Courts confronting that theory have rejected it as incompatible with due process. See *Romero v. Hyde*, 2025 WL 2403827, at *12–13 (D. Mass. Aug. 19, 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379, at *9–10 (E.D. Mich. Aug. 29, 2025).

41. Because Petitioner is detained within § 1226(a)'s discretionary civil-detention regime, he has a profound liberty interest in freedom from confinement and a corresponding right to a constitutionally adequate custody determination. The question is not whether the government may ever detain a noncitizen pending removal proceedings; it is whether the government may do so without the individualized process Congress prescribed in § 1226(a) and the Constitution requires for persons already inside the United States.

42. The governing framework for determining what process is constitutionally required before the government may deprive a person of liberty is the balancing test articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976). The Ninth Circuit applies *Mathews* in the immigration-detention context, and district courts throughout the Circuit routinely evaluate prolonged civil detention and bond-hearing adequacy under that framework. See, e.g., *Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022); *Jensen v. Garland*, No. 5:21-cv-01195-CAS-

AFM, 2023 WL 3246522, at *4 (C.D. Cal. May 3, 2023); *Hernandez v. Wofford*, No. 1:25-cv-00986-KES-CDB (HC), 2025 WL 2420390, at *3 (E.D. Cal. Aug. 21, 2025); *Cordero Pelico v. Kaiser*, No. 25-cv-07286-EMC, 2025 WL 2822876, at *6 (N.D. Cal. Oct. 3, 2025); *Naser Noori v. Larose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149, at *10 (S.D. Cal. Oct. 1, 2025); *Oliveros v. Kaiser*, No. 25-cv-07117-BLF, 2025 WL 2677125, at *7 (N.D. Cal. Sept. 18, 2025); *O.P.A.M. v. Wofford*, No. 1:25-cv-01423, 2025 WL 3120552, at *9 (E.D. Cal. Nov. 7, 2025).

43. Under *Mathews*, the private interest here is at its apex: freedom from civil confinement. The risk of erroneous deprivation is also substantial where the government detains a long-time interior resident under a categorical detention theory that forecloses the individualized custody determination Congress prescribed in § 1226(a) and its implementing regulations. The government's countervailing interests—preventing flight and protecting the community—are legitimate but are precisely the interests § 1226(a)'s custody process is designed to test through individualized adjudication.

44. That is the constitutional failure here. Although § 1226(a) presupposes an individualized custody determination based on danger and flight risk, Petitioner was denied meaningful access to that process. The Immigration Judge's bond denial did not rest on individualized findings that Petitioner posed a danger or a flight risk; it rested on a categorical legal conclusion that bond was unavailable at all. A civil detention regime cannot be reconciled with due process where it operates in practice as mandatory, unreviewable confinement for interior residents—particularly where Congress created a discretionary framework specifically to avoid that result.

45. Reflecting these principles, district courts across the country—including courts within this Circuit—have held that detaining interior residents under the wrong statute, thereby denying access to the § 1226(a) bond procedures Congress prescribed, violates due process under *Mathews*. See *Maldonado-Vazquez v. Feeley*, No. 5:24-cv-00452-SVW-PD, 2025 WL 2863421, at *10 (C.D. Cal. June 30, 2025); *Ruiz Yarleque v. Noem*, No. 5:25-cv-02836-MEMF-SP, 2025 WL 3043936, at *7–8 (C.D. Cal. Oct. 31, 2025); *Garcia v. Noem*, No. 5:25-cv-02771-ODW

(PDx), 2025 WL 2986672, at *4–5 (C.D. Cal. Oct. 22, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285, at *2 (C.D. Cal. Aug. 15, 2025); *E.C. v. Noem*, No. 5:25-cv-02612-ODW (PDx), at *5 (C.D. Cal. Oct. 28, 2025); *Oliveros*, 2025 WL 2677125, at *7; *Hernandez Nieves v. Kaiser*, No. 25-cv-06921-LB, 2025 WL 2533110, at *4 (N.D. Cal. Sept. 3, 2025); *Noori*, 2025 WL 2800149, at *10; *Cordero Pelico*, 2025 WL 2822876, at *6; *O.P.A.M.*, 2025 WL 3120552, at *9.

46. In short: because Petitioner is a person inside the United States, his detention implicates a profound liberty interest protected by the Fifth Amendment. And because § 1226(a) is the governing detention statute for interior residents like Petitioner, due process requires an individualized custody determination—one that meaningfully tests whether continued civil confinement is necessary to serve the government's narrow interests in preventing flight or protecting the community. Each day Petitioner is held without that constitutionally adequate process is an ongoing deprivation of liberty.

The Immigration Judge's Categorical Bond Denial Violated Due Process

47. The constitutional violation in this case is straightforward. Section 1226(a) presupposes an individualized custody determination based on danger and flight risk. Due process requires no less. Yet Petitioner was denied that process entirely.

48. At Petitioner's bond hearing, the Immigration Judge did not find that Petitioner posed a danger to the community. Nor did the Immigration Judge find that Petitioner was a flight risk. Instead, the bond denial rested on a categorical legal conclusion that bond was unavailable at all. In other words, the Immigration Judge treated Petitioner as subject to mandatory detention—notwithstanding that § 1226(a) governs his custody and expressly authorizes release on bond or conditional parole.

49. That approach is constitutionally indistinguishable from providing no bond hearing at all. A hearing in which the adjudicator declines to evaluate danger or flight risk, and instead denies bond based on a threshold legal misclassification, is not the individualized custody determination Congress prescribed and the Constitution requires. It is a nullity.

50. Civil immigration detention may be used only to serve the narrow purposes of preventing flight or protecting the community. Those purposes can be assessed only through individualized adjudication. When the government detains an interior resident under a categorical "no bond" theory that forecloses consideration of those factors, detention ceases to function as a civil regulatory measure and instead operates as mandatory confinement without process.

51. Courts confronting this precise scenario have uniformly rejected it. Detaining long-time interior residents under the wrong statute—thereby denying access to § 1226(a)'s discretionary custody framework—violates due process because it eliminates the very procedures designed to guard against erroneous deprivation of liberty. The Constitution does not permit the government to bypass individualized custody determinations by misclassifying detention as mandatory where Congress made it discretionary.

52. That is exactly what occurred here. Petitioner remains confined not because the government has shown that detention is necessary to prevent flight or protect the community, but because he was denied a constitutionally adequate custody determination altogether. Due process does not tolerate that result.

The Government Bears the Burden of Proof at Any Required § 1226(a) Custody Hearing

53. Although § 1226(a) does not expressly allocate the burden of proof at custody redetermination hearings—and the Board of Immigration Appeals has historically placed that burden on the noncitizen in ordinary § 1226(a) proceedings, see *In re Guerra*, 24 I. & N. Dec. 37 (BIA 2006); *In re Adeniji*, 22 I. & N. Dec. 1102, 1116 (BIA 1999)—courts within the Ninth Circuit have made clear that this regulatory allocation cannot control once a detainee has been denied the individualized process the Constitution requires. Where a constitutional violation has occurred, due process—not agency default rules—governs the remedial hearing. See *Singh v. Barr*, 400 F. Supp. 3d 1005, 1018 (S.D. Cal. 2019) (citing *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011)).

54. Under the Fifth Amendment, the government must justify continued civil immigration detention by clear and convincing evidence. *Singh v. Holder*, 638 F.3d at 1203–04 (explaining that the "substantial liberty interest at stake" requires the government to "prove by clear and convincing evidence that an alien is a flight risk or a danger to the community"); *Singh v. Barr*, 400 F. Supp. 3d at 1018; *Rajnish v. Jennings*, No. 3:20-cv-07819-WHO, 2020 WL 7626414, at *4–5 (N.D. Cal. Dec. 22, 2020); *Hernandez v. Wofford*, No. 1:25-cv-00986-KES-CDB (HC), 2025 WL 2420390, at *7–8 (E.D. Cal. Aug. 21, 2025). This heightened burden reflects the profound liberty interest at stake and is necessary to minimize the risk of erroneous deprivation of freedom.

55. The Ninth Circuit has acknowledged that *Singh* grounded its burden allocation in "general principles of procedural due process," and it expressly declined to decide whether *Singh* "remains good law in any respect" after *Jennings*. *Diaz v. Garland*, 53 F.4th 1189, 1196, 1199, 1202 n.4 (9th Cir. 2022). At the same time, the Ninth Circuit has recognized—consistent with those principles—that when bond is available, the government bears the burden of establishing danger by clear and convincing evidence. See *Martinez v. Clark*, 124 F.4th 775, 785–86 (9th Cir. 2024) (noting that "the BIA properly noted that the government bore the burden to establish by clear and convincing evidence that Martinez is a danger to the community" in the custody context).

56. District courts within this Circuit have continued to apply the clear-and-convincing, government-bears-the-burden rule where due process is the source of the hearing right, including in misclassification, prolonged-detention, and remedial-hearing contexts. See *Doe v. Becerra*, 787 F. Supp. 3d 1083, 1089 (E.D. Cal. 2025); *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1038 (N.D. Cal. 2025); *Duong v. Kaiser*, --- F. Supp. 3d ---, 2025 WL 2689266, at *7–10 (N.D. Cal. 2025); *Matute v. Wofford*, No. 1:25-cv-01206-KES-SKO (HC), 2025 WL 2495767, at *8 (E.D. Cal. Oct. 3, 2025); *Gonzalez Salazar v. Noem*, 2025 WL 3063629, at *6; *Ledesma Gonzalez v. Noem*, 2025 WL 2841574, at *9.

57. Courts have likewise ordered that the government may not continue—or resume—civil immigration detention absent proof, by clear and convincing evidence, that detention is necessary to prevent flight or protect the community. See *Faizyan v. Casey*, No. 3:25-CV-02884-RBM-JLB, 2025 WL 3208844, at *8 (S.D. Cal. Nov. 17, 2025) (ordering prompt individualized bond hearing at which government must justify detention by clear and convincing evidence); *Pablo Sequen v. Albarran*, 2025 WL 2935630, at *1 (N.D. Cal. Oct. 15, 2025); *Sadeqi v. LaRose*, No. 25-CV-2587-RSH-BJW, 2025 WL 3154520, at *4 (S.D. Cal. Nov. 12, 2025); *Salazar v. Dedos*, 2025 WL 2676729, at *7–9 (D.N.M. Sept. 17, 2025).

58. Courts outside the Ninth Circuit concur that due process requires the government to bear the burden of justifying continued detention by clear and convincing evidence when a noncitizen has been denied a constitutionally adequate custody determination. See *Velasco Lopez v. Decker*, 978 F.3d 842, 855–56 (2d Cir. 2020); *Ixchop Perez v. McAleenan*, 435 F. Supp. 3d 1055, 1062 (N.D. Cal. 2020); *Darko v. Sessions*, 342 F. Supp. 3d 429, 436 (S.D.N.Y. 2018); *Brito v. Barr*, 415 F. Supp. 3d 258, 266 (D. Mass. 2019).

59. In sum, where—as here—the government has deprived Petitioner of the individualized custody determination § 1226(a) presupposes and due process requires, the Constitution—not agency default rules—controls the remedial hearing. The government must therefore prove, by clear and convincing evidence, that continued detention is necessary to prevent flight or protect the community. Any lesser allocation would fail to cure the constitutional violation and would perpetuate the risk of erroneous deprivation of liberty.

EXHAUSTION OF REMEDIES

60. There is no statutory exhaustion requirement applicable to this habeas petition. *McKart v. United States*, 395 U.S. 185, 193 (1969); *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Accordingly, any exhaustion requirement is prudential, not jurisdictional.

61. Prudential exhaustion is excused where (1) agency expertise is unnecessary, (2) administrative review would be futile, or (3) the petitioner would suffer irreparable harm. *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007). Each of these factors supports waiver here.

62. Agency expertise is not necessary to resolve the question presented. Petitioner's habeas claim turns on a pure question of law: whether his detention following an interior arrest is governed by INA § 1225(b)(2)(A) or INA § 1226(a), and whether due process permits continued detention without an individualized custody determination. There are no disputed facts relevant to that inquiry. The Board of Immigration Appeals has no special competence to resolve questions of habeas jurisdiction, constitutional due process, or the proper scope of federal detention statutes. See *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024).

63. Administrative review would also be futile. On December 15, 2025, the Immigration Judge denied Petitioner's request for a custody redetermination, expressly concluding that bond was unavailable because Petitioner was subject to mandatory detention under INA § 235(b). In doing so, the Immigration Judge relied on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), which adopts DHS's position that noncitizens apprehended in the interior after entry without inspection are categorically detained under § 1225(b). Because the Immigration Judge disclaimed authority to conduct a bond hearing at all, no further administrative review can result in an individualized custody determination.

64. Although Petitioner continues to litigate his removal case, that process provides no mechanism for relief from detention. The Immigration Judge's bond denial rested on a categorical legal conclusion that no adjudicator has authority to consider Petitioner's release. The BIA is bound by its own precedent in *Matter of Yajure Hurtado* and therefore likewise lacks authority to grant the relief sought here. Where agency precedent forecloses the requested relief, exhaustion is excused. See *Singh v. Holder*, 638 F.3d 1196, 1203 n.3 (9th Cir. 2011); *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011).

65. Requiring exhaustion would also result in irreparable harm. Petitioner has already pursued the only available administrative mechanism to challenge his detention by requesting a bond hearing before the Immigration Court and was denied solely because the agency asserts that no adjudicator has authority to consider his release. No administrative process exists that can provide prompt or meaningful custody review. In the meantime, Petitioner remains detained

without any opportunity for an individualized assessment of flight risk or danger. Each additional day of civil detention without access to a constitutionally adequate bond hearing constitutes irreparable harm. See *Iraheta-Martinez v. Garland*, 12 F.4th 942, 949 (9th Cir. 2021); *Sola v. Holder*, 720 F.3d 1134, 1135 (9th Cir. 2013) (per curiam); *Vazquez v. Feeley*, 2025 WL 2676082, at *10 (D. Nev. Sept. 17, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1254 (W.D. Wash. 2025).

66. Courts in this District and elsewhere routinely excuse exhaustion under these circumstances. Where, as here, detention turns on a pure question of law and the BIA is bound by controlling administrative precedent to conclude that detention is mandatory under § 1225(b)(2), further administrative review cannot provide effective relief. See *Hoyos Amado v. U.S. Dep't of Justice*, No. 25-cv-2687-LL (DDL), 2025 WL 3079052, at *3 (S.D. Cal. Nov. 4, 2025). Courts have repeatedly held that exhaustion is excused where the BIA is bound by *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), to conclude that detention is mandatory under § 1225(b)(2). See *Efrain Fernando Caal Chub v. LaRose*, No. 25-CV-3513-RSH-BLM, 2025 WL 3654008, at *2 (S.D. Cal. Dec. 17, 2025); *Garcia v. Noem*, No. 25-CV-2180-DMS-MMP, 2025 WL 2549431, at *4–5 (S.D. Cal. Sept. 3, 2025); *Chavez Valdovinos v. Noem*, No. 25-CV-2439-TWR (KSC), slip op. at 9 (S.D. Cal. Sept. 25, 2025).

67. This case therefore presents a paradigmatic basis for excusing prudential exhaustion. Petitioner sought bond before the Immigration Judge and was denied for lack of jurisdiction; the agency has taken the position that no adjudicator has authority to consider his release; and binding BIA precedent forecloses the relief sought.

68. No further administrative process can provide the relief Petitioner seeks—an individualized custody determination under § 1226(a). Habeas corpus under 28 U.S.C. § 2241 is therefore the only adequate and appropriate remedy.

CLAIMS FOR RELIEF

COUNT ONE

(Unlawful Detention Under the Immigration and Nationality Act and the Administrative Procedure Act)

69. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

70. Petitioner is currently detained pursuant to an unlawful and unauthorized application of 8 U.S.C. § 1225(b)(2)(A), despite being an interior resident of the United States apprehended well after entry and placed into standard removal proceedings.

71. As set forth above, the Immigration and Nationality Act ("INA") draws a clear and dispositive distinction between individuals "seeking admission" at the border, whose detention is governed by § 1225, and individuals already present in the United States pending removal proceedings, whose detention is governed by § 1226. *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018).

72. Petitioner Gomez Pinzon falls squarely within the latter category. He has lived in the United States for many years, established deep family and community ties, worked steadily, and built a stable life entirely within the interior of the country. He was not encountered at or near a border, was not stopped during an inspection or admission process, and was not "seeking admission" at the time of his arrest.

73. Instead, Mr. Gomez Pinzon was arrested by ICE in the interior of the United States and placed into removal proceedings pursuant to INA § 240. He thereafter complied with all requirements imposed by the Immigration Court, appeared for scheduled hearings, and engaged fully with the removal process.

74. Despite this posture, the Department of Homeland Security treated Mr. Gomez Pinzon as subject to mandatory detention. At his custody hearing, the Immigration Judge denied bond for lack of jurisdiction based solely on DHS's assertion that Petitioner was detained under

§ 1225(b)(2)(A). As a result, the Immigration Court made no individualized custody determination and did not assess flight risk, danger, or conditions of release.

75. That classification is contrary to the INA. Section 1225(b)(2)(A) applies, by its plain terms, only to an "alien seeking admission." It does not authorize mandatory detention of individuals arrested years after entry, living and working in the interior of the United States, and placed into ordinary removal proceedings. Applying § 1225 in this context "pushes the statutory text beyond its breaking point." *Lopez Benitez v. Francis*, 2025 WL 2371588, at *7. Courts in the Central District of California have repeatedly rejected DHS's expansive § 1225 theory and held that interior residents apprehended after entry are detained under § 1226(a), not § 1225(b). See *Ruiz Yarleque v. Noem*, 2025 WL 3043936, at *4–7 (C.D. Cal. Oct. 31, 2025); *Garcia v. Noem*, 2025 WL 2986672, at *4–5 (C.D. Cal. Oct. 22, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285, at *2 (C.D. Cal. Aug. 15, 2025); *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 884–85 (C.D. Cal. 2025).

76. By contrast, § 1226(a) expressly governs the arrest and detention of individuals already inside the United States "pending a decision on whether the alien is to be removed," and provides for discretionary release on bond or conditional parole following an individualized custody hearing. 8 U.S.C. § 1226(a)(1)–(2); 8 C.F.R. § 1236.1(d). As the Ninth Circuit has recognized, § 1226(a) uniquely provides "extensive procedural protections" unavailable under other detention provisions. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1202 (9th Cir. 2022).

77. Mr. Gomez Pinzon's circumstances underscore precisely why § 1226(a) applies. He has extensive family and community ties in the United States, strong support documented through character letters, and a stable, verifiable release plan. Nothing about his case resembles the border-inspection or admission-seeking context Congress addressed in § 1225.

78. Nevertheless, Mr. Gomez Pinzon has remained detained without any opportunity to demonstrate that he is neither a danger to the community nor a flight risk, and without any individualized assessment of whether continued detention serves a legitimate regulatory purpose.

79. Because Mr. Gomez Pinzon was arrested in the interior and placed into removal proceedings, his detention is governed by § 1226(a) as a matter of law. Respondents' continued reliance on § 1225(b)(2)(A) is ultra vires, exceeds statutory authority, and results in ongoing unlawful confinement.

80. Respondents' failure to place Petitioner in § 1226(a) custody—and to provide the bond hearing guaranteed by that section and its implementing regulations—is arbitrary, capricious, and contrary to law, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2).

81. Accordingly, Respondents' detention of Petitioner violates the Immigration and Nationality Act and the Administrative Procedure Act, and Petitioner is entitled to immediate relief, including release or, at minimum, a prompt and constitutionally adequate custody determination under § 1226(a).

COUNT TWO

(Violation of Fifth Amendment's Due Process Clause)

82. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

83. The Due Process Clause protects all persons in the United States from the deprivation of liberty without constitutionally adequate procedures. "Freedom from imprisonment" is the core liberty interest the Constitution safeguards. *Zadvydas v. Davis*, 533 U.S. 678, 690–93 (2001).

84. Civil immigration detention is nonpunitive and may be justified only when it serves legitimate regulatory purposes—such as preventing flight or protecting the community—and only when accompanied by constitutionally adequate procedural safeguards. *Id.* at 690; *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017).

85. Because Petitioner is detained pursuant to INA § 1226(a), due process requires an individualized custody determination that meaningfully evaluates whether continued detention is

necessary. The governing framework for assessing what process is constitutionally required is the balancing test articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

86. Under *Mathews*, courts weigh: (1) the private interest affected; (2) the risk of erroneous deprivation under the procedures used and the probable value of additional safeguards; and (3) the government's interest, including any administrative burden. *Id.* at 335; *Vazquez v. Feeley*, 2025 WL 2676082, at *17.

Private Interest

87. Petitioner's private interest in freedom from physical confinement is at its apex. The Supreme Court and Ninth Circuit have repeatedly recognized that civil detention inflicts profound liberty harms, particularly where it separates individuals from their families, livelihoods, and communities. *Zadvydas*, 533 U.S. at 690; *Hernandez*, 872 F.3d at 993–95.

88. Mr. Gomez Pinzon has lived in the United States for many years and has built his entire adult life here. He is deeply embedded in his family and community, serves as a steady source of emotional and practical support, and has strong, well-documented ties to the place he calls home. Character letters submitted on his behalf uniformly describe him as reliable, hardworking, and community-oriented—someone others depend on.

89. His detention has abruptly severed those ties. It has removed him from his family, disrupted financial stability, and imposed emotional and practical hardship on those who rely on him. These are precisely the liberty interests the Fifth Amendment is designed to protect. The first *Mathews* factor weighs decisively in Petitioner's favor.

Risk of Erroneous Deprivation

90. The risk of erroneous deprivation here is extreme. Mr. Gomez Pinzon was denied any individualized custody determination. At his custody hearing, the Immigration Judge denied bond for lack of jurisdiction based solely on DHS's misclassification of him as subject to mandatory detention under § 1225(b)(2)(A). As a result, the court made no findings regarding flight risk, danger, family ties, employment history, or conditions of release.

91. This categorical denial of process created a systemic and ongoing risk of error. Mr. Gomez Pinzon was not evaluated as an individual; he was detained as a legal fiction. Courts throughout this Circuit have recognized that misclassifying interior residents under § 1225(b)(2)(A)—thereby denying access to § 1226(a)'s bond procedures—creates an unacceptably high risk of erroneous deprivation. See, e.g., *Ruiz Yarleque v. Noem*, 2025 WL 3043936, at *7; *Garcia v. Noem*, 2025 WL 2986672, at *4–6; *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285, at *2; *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 884–85 (C.D. Cal. 2025).

92. The probable value of an additional safeguard—a § 1226(a) bond hearing before a neutral adjudicator—is immense. Such hearings are specifically designed to assess whether detention is actually necessary and would almost entirely eliminate the risk of erroneous deprivation present here. *Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022). The second *Mathews* factor weighs heavily in Petitioner's favor.

Government Interest

93. The government's interest in continuing to detain Mr. Gomez Pinzon without an individualized custody determination is minimal. Civil immigration detention is justified only to prevent flight or protect the community. *Zadvydas*, 533 U.S. at 690. Neither interest has been meaningfully assessed here.

94. Mr. Gomez Pinzon has deep family and community ties, a stable residence, and a viable release plan. There has been no individualized finding—by any adjudicator—that he poses a danger or a flight risk. Detention under these circumstances serves no legitimate regulatory purpose.

95. Nor can the government plausibly claim that providing a bond hearing would impose an undue administrative burden. Immigration courts conduct § 1226(a) bond hearings as a matter of course. As courts have emphasized, the government "cannot claim a cognizable interest in avoiding procedures that ensure compliance with the Constitution." *Cordero Pelico v. Kaiser*, 2025 WL 2822876, at *6. The third *Mathews* factor therefore also favors Petitioner.

Balance

96. Balancing the *Mathews* factors confirms that Mr. Gomez Pinzon's continued detention without an individualized custody determination violates due process. His liberty interest is profound; the risk of erroneous deprivation under the procedures used is acute; and the government's interest in avoiding a bond hearing is negligible.

97. Because Respondents have deprived Petitioner of the individualized custody determination required by § 1226(a) and the Fifth Amendment, his continued detention is unconstitutional. Each additional day he remains confined without constitutionally adequate process compounds the violation and inflicts ongoing, irreparable harm.

98. Petitioner is therefore entitled to immediate relief, including release or, at minimum, a prompt bond hearing that complies with due process and meaningfully evaluates whether detention is necessary to serve the government's legitimate regulatory interests.

COUNT THREE

(Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2))

99. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

100. The Administrative Procedure Act ("APA") provides that a reviewing court must "hold unlawful and set aside agency action, findings, and conclusions" that are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" or that are taken "in excess of statutory jurisdiction, authority, or limitations." 5 U.S.C. § 706(2)(A), (C).

101. Respondents are unlawfully detaining Mr. Gomez Pinzon pursuant to an unauthorized interpretation and application of 8 U.S.C. § 1225(b)(2)(A) to a noncitizen apprehended inside the United States, notwithstanding Congress's clear directive that detention of such individuals is governed by 8 U.S.C. § 1226(a).

102. Through Immigration and Customs Enforcement ("ICE") and binding adjudicatory directives adopted by the Board of Immigration Appeals, Respondents have implemented a policy and practice of classifying noncitizens apprehended in the interior of the

United States as "applicants for admission" subject to mandatory detention under § 1225(b)(2)(A), without regard to the statutory distinction between arriving noncitizens and those already present in the country.

103. That policy—memorialized most recently in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)—constitutes final agency action within the meaning of 5 U.S.C. § 704. It binds immigration judges nationwide, dictates detention outcomes, and forecloses the exercise of discretion to conduct individualized custody determinations under § 1226(a).

104. As applied to Mr. Gomez Pinzon, this policy operated categorically. At his custody hearing, the Immigration Judge denied bond for lack of jurisdiction solely because DHS classified him as subject to § 1225(b)(2)(A). No individualized custody determination was made, and no assessment occurred regarding flight risk, danger, community ties, or conditions of release.

105. Respondents' application of § 1225(b)(2)(A) to Mr. Gomez Pinzon is contrary to the plain text, structure, and purpose of the Immigration and Nationality Act.

106. Section 1225 governs the inspection and detention of individuals "seeking admission" at the border or a port of entry. Section 1226 governs detention of individuals already present in the United States pending removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018).

107. Mr. Gomez Pinzon is not an arriving alien. He is a longtime resident of the United States who was apprehended in the interior, had already built substantial family and community ties, and was living and working in this country at the time of his arrest. Nothing in the INA authorizes treating such an individual as an applicant for admission subject to mandatory detention under § 1225(b)(2)(A).

108. Courts within the Central District of California and across the Ninth Circuit have rejected Respondents' interpretation and held that detention of noncitizens apprehended in the interior is governed by § 1226(a), not § 1225(b). See, e.g., *Mosqueda v. Noem*, 2025 WL 2591530, at *4–5 (C.D. Cal. Sept. 8, 2025); *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850,

884–85 (C.D. Cal. 2025); *Lepe v. Andrews*, 2025 WL 2716910, at *5; *Vazquez v. Feeley*, 2025 WL 2676082, at *19–21.

109. By applying § 1225(b)(2)(A) to Mr. Gomez Pinzon notwithstanding this statutory framework, Respondents have acted in excess of statutory jurisdiction and authority, in violation of 5 U.S.C. § 706(2)(C).

110. Respondents' detention of Mr. Gomez Pinzon is also arbitrary and capricious within the meaning of 5 U.S.C. § 706(2)(A).

111. Respondents failed to engage in reasoned decision-making when classifying Mr. Gomez Pinzon as subject to mandatory detention. No individualized assessment was made regarding his circumstances, length of residence, family and community ties, employment history, or the availability of conditions of release—factors directly relevant under § 1226(a).

112. Instead, Respondents relied on a categorical rule that treats interior arrests as indistinguishable from border apprehensions, disregarding statutory distinctions Congress deliberately enacted and eliminating procedural protections Congress expressly preserved.

113. This mechanical misclassification resulted in the denial of a custody hearing for lack of jurisdiction, thereby insulating Respondents' detention decision from meaningful review and perpetuating an ongoing deprivation of liberty unsupported by law or reason.

114. Agency action that "entirely fails to consider an important aspect of the problem" or that "runs counter to the evidence before the agency" is arbitrary and capricious. Here, Respondents ignored Mr. Gomez Pinzon's longstanding residence, extensive family and community ties, stable employment history, and readily available supervision—facts squarely relevant to detention authority under § 1226(a).

115. As a direct result of Respondents' unlawful policy and practice, Mr. Gomez Pinzon has been detained without statutory authorization and without the individualized custody determination required by law.

116. This unlawful detention is ongoing and constitutes continuing agency action that this Court has authority—and an obligation—to set aside under the APA.

117. Mr. Gomez Pinzon is therefore entitled to declaratory and injunctive relief, including an order vacating Respondents' unlawful application of § 1225(b)(2)(A) to his detention and directing that he be immediately released or, at minimum, provided a prompt, constitutionally adequate bond hearing under § 1226(a).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from custody, as his detention under 8 U.S.C. § 1225(b)(2)(A) is unlawful under the Immigration and Nationality Act, the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment;

b. In the alternative, order Respondents to provide Petitioner with a prompt, individualized, and constitutionally adequate custody hearing before a neutral decisionmaker under 8 U.S.C. § 1226(a), to be held within seven (7) days, at which the Government bears the burden of proving, by clear and convincing evidence, that continued detention is necessary to prevent flight or protect the community and that no less restrictive alternative would reasonably satisfy the Government's legitimate interests;

c. Declare that Respondents' reliance on 8 U.S.C. § 1225(b)(2)(A) to detain Petitioner following his apprehension in the interior of the United States is contrary to law and in excess of statutory authority, in violation of 5 U.S.C. § 706(2)(A) and (C);

d. Declare that Respondents' continued detention of Petitioner without an individualized custody determination under § 1226(a) violates the Fifth Amendment's Due Process Clause, including Petitioner's fundamental liberty interest in freedom from arbitrary civil confinement;

e. Expedite briefing and adjudication of this petition pursuant to 28 U.S.C. § 1657(a) and the Court's inherent authority, given Petitioner's ongoing and unlawful deprivation of liberty;

f. Award attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and any other applicable authority; and

g. Grant such other and further relief as the Court deems just and proper.

DATED: December 22, 2025

Respectfully Submitted,

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EXHIBIT LIST

- Exhibit A: Bond Packet
- Exhibit B: IJ Bond Order

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.