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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

PROCORO MORA ARELLANO

Petitioner,

v.

CURRENT WARDEN,

Miami Federal Bureau of Prisons Detention Center;

GARRETT J. RIPA, Director of Miami Field

Office, U.S. Immigration and Customs

Enforcement; **TODD LYONS**, Acting Director of

U.S. Immigration and Customs Enforcement,

In his official capacity; **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.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

**ORAL ARGUMENT
REQUESTED**

COMES NOW, Petitioner, Procoro Mora Arellano, through undersigned counsel, hereby respectfully petitions this Honorable Court for a writ of habeas corpus under 28 U.S.C. § 2241 and in furtherance thereof states:

INTRODUCTION

1. Petitioner is a 49-year-old citizen of Mexico who is unlawfully detained in the physical and legal custody of Respondents at the Miami Federal Bureau of Prisons (“BOP”) facility in Miami, Florida.

2. The Petitioner was unlawfully detained by Respondents without cause and without a warrant in Florida on or about September 3, 2025, in violation of the Immigration and Nationality Act and of his Fourth and Fifth Amendment Due Process Rights under the U.S. Constitution. Accordingly, to vindicate Petitioner’s constitutional and statutory rights this court should grant the instant petition for writ of habeas corpus.

3. The Department of Justice’s Executive Office of Immigration Review has issued precedential decisions of the board of Immigration Appeals that purport to unlawfully subject the Petitioner to indefinite mandatory detention in violation of his Due Process rights under the constitution and in violation of the Immigration and Nationality Act.

4. Subsequent to his unlawful detention in Tampa, Florida on September 3, 2025, Petitioner was transferred by the Respondents to the Miami Bureau of Prisons (BOP) Detention Center.

5. At the time of his warrantless arrest and detention, Petitioner had a pending 42B Non Lawful Permanent Resident Cancellation of Removal (“Non LPR COR”) Application, a pending T Visa Application as a victim of a severe form of human trafficking [Exhibit 1, T Visa Receipt] an immigration court hearing date of April 8, 2026 [Exhibit 2, Notice of Hearing], and a current Employment Authorization Document [Exhibit 3, USCIS I-765 Application for Employment Authorization Document (“EAD”) Approval Notice valid from 03/14/2024 to 03/13/2029].

6. Petitioner was under a DHS Order of Supervision issued on November 19, 2020, when he was abruptly detained without notice in violation of 8 U.S.C. § 1357(a)(2) [Exhibit 4, Order of Release on Recognizance). The Petitioner has complied with everything required of him by the government since his release under supervision.

7. Respondents have detained the Petitioner based not on his personal circumstances or individualized facts but because of Respondent's incorrect categorical determination that the 5th amendment notwithstanding, non-citizens are not entitled to Due Process of law.

8. To the extent that the Respondents intend the subject to the Petitioner to indefinite mandatory detention throughout the remainder of all his proceedings in the United states based on the BIA's recent presidential decisions in *Matter of Q.Li*, 29 I. & N. Dec. 66, 69 (BIA 2025) (holding that "all non-citizens who fall within this scope of 8 U.S.C. § 1225 (b) (applicants for admission) must be detained under that section and are 'ineligible for any subsequent release on bond' under § 1226(a)" and to oppose bond before the Immigration Judge (IJ) pursuant to *Matter of Yahure Hurtado*, 29 I & N Dec. 216, 229 (BIA) (holding that IJ's have no jurisdiction to consider bond for persons charged as "arriving aliens" in removal proceedings), Petitioner's detention is unlawful, in violation of his Due Process Rights and the INA.

9. Any characterization of Petitioner status as an "applicant for admission" pursuant to 8 U.S.C. § 1225(b) and his detention without bond by ICE, an agency within DHS, is in violation of 8 U.S.C. § 1226(a).

10. Petitioner's detention violates: (1) The INA and its implementing regulations (8 U.S.C. §§ 1226, 1357; 8 C.F.R. § 241.4; (2) The Administrative Procedure Act (5 U.S.C. § 706(2)(A)); (3) The Fifth Amendment's Due Process Clause; and (4) Binding Supreme Court

precedent, including *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

11. Petitioner suffers from medical conditions that should be considered when determining whether he should be released or subject to prolonged indefinite detention such as Type II Diabetes that requires daily insulin intake and high blood pressure.

12. Immediate release is warranted because:

- a. ICE failed to comply with statutory and regulatory requirements for revoking his Order of Supervision (“OSUP”) under 8 C.F.R. § 241.4.
- b. ICE arrested Petitioner without a warrant and without exigent circumstances, violating 8 U.S.C. § 1357(a)(2) and ICE’s Broadcast Statement of Policy.
- c. Petitioner’s detention is improperly characterized as mandatory under 8 U.S.C. § 1225(b), rather than discretionary under § 1226(a).
- d. Continued detention violates the Fifth Amendment’s Due Process Clause and the Administrative Procedure Act (“APA”), 5 U.S.C. § 706(2)(A).

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), the Immigration and Nationality Act (“INA”), 8 U.S.C. §§ 1101-1537, regulations implementing the INA, the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701-706, and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C.

§ 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

4. The federal government has waived its sovereign immunity and permitted judicial review of agency action under 5 U.S.C § 702. In addition, sovereign immunity does not bar claims against federal officials that seek to prevent violations of federal law (rather than provide monetary relief).

VENUE

5. Venue is proper in this District because Petitioner is detained at Miami Federal BOP, within the Southern District of Florida.

6. The federal district courts have jurisdiction to hear habeas corpus claims by non-citizens challenging the lawfulness or constitutionality of the immigration detention. See e.g. *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

7. Venue is further proper because Respondents are employees, officers, and agencies of the United States and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of Florida.

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

REQUIREMENTS OF 28 U.S.C. § 2243

9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to 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) (emphasis added).

10. There is no statutory exhaustion requirement in 28 U.S.C § 2241. In the absence of a statutory exhaustion requirement prudential exhaustion may be judicially required. Whether or not to require prudential exhaustion falls within the Honorable Courts sound judicial discretion provided that such discretionary requirement complies with statutory schemes and the intent of Congress. See *Leonardo v. Crawford*, 646 F.3d 1157 (9th Cir. 2011), citing *McCarthy v. Madigan*, 503 U.S. 140, 146-49 (1992), superseded by statute on other grounds as stated in *Booth v. Churner*, 532 U.S. 731 (2001); *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007).

11. Moreover, the fundamental questions presented by this petition is whether ICE had legal authority to re-detain an individual previously released on an Order of Supervision; Whether DHS must provide new, individualized findings of flight risk or danger before re-detaining someone on OSUP; and whether continued detention violates the INA and the Constitution.

12. This Honorable Court is not bound by and is not required to give deference to any agency interpretation of a statute. See *Loper Bright v. Raimondo*, 603 U.S. 369, 413 (2024) (holding that federal judges are not required to, and pursuant to the Administrative Procedure Act (the “APA”), are not to defer to an agency interpretation of the law simply because a statute is ambiguous as that is the role of the federal courts).

13. Thus, requiring prudential exemption is a futile exercise and will only result in the extended unlawful detention of the Petitioner.

14. The Court must grant the Petition for Writ of Habeas Corpus or issue an Order to Show Cause (OSC) to the Respondents “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an Order to Show Cause is issued, the Court must require Respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

15. The Petitioner is in custody for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

PARTIES

16. Petitioner Procoro Mora Arellano has been present in the U.S. since 2001. He was under a valid Order of Supervision issued on November 19, 2020, when he was detained at his routine ICE check-in on September 3, 2025, without notice. He is a pending applicant for T Visa as victim of a severe form of human trafficking, Non LPR COR Application, and has a valid EAD. Further, he has an approved I-130, petition for family member from his lawful permanent resident mother. He was in removal proceedings in the Orlando Immigration Court and had his next Master Calendar Hearing on April 8, 2026, when he was unlawfully detained at his ICE check in appointment in Tampa, Florida on September 3, 2025. He was later transferred to the Miami BOP and has been detained there since.

17. Respondent is the Warden of Miami BOP and has immediate physical custody of the Petitioner pursuant to the facilities contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.

18. Respondent, Garrett J. Ripa, is the Director of the Miami Field Office of ICE's Enforcement and Removal Operations Division, a component of the Department of Homeland Security. As such he is Petitioner's immediate custodian for purposes of habeas and is responsible for Petitioner's detention and removal. He is sued in his official capacity.

19. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, the federal agency responsible for implementing and enforcing the INA including the detention and removal of non-citizens and a component agency of the Department of Homeland Security.

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

21. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice. In that capacity she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (“EOIR”) which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

1. Petitioner is a citizen and national of Mexico. He is currently detained at under the custody of U.S. Immigration and Customs Enforcement (“ICE”) in the Miami BOP following a warrantless arrest at a routine ICE check-in on September 3, 2025. When he was detained, ICE provided no written notice of revocation of his Order of Supervision, no opportunity to opportunity to respond to the reasons for revocation stated in the notification, no individualized determination of flight risk or danger, and no lawful basis for detention under the Immigration and Nationality Act (“INA”).

2. He first entered the United States when he was an adolescent and has an approved I-130 Petition from his LPR Mother from 1992. He was subsequently ordered removed to Mexico on or about January 6, 1998, after a possession of marijuana conviction in 1997.

3. Petitioner later entered the United States near Brownsville, Texas without inspection in 2001. He has remained in the United States since. On or about April 6, 2020, he was detained subsequent to a DUI conviction and was detained pursuant to an immigration hold.

4. On June 25, 2020, a Notice to Appear was issued and removal proceedings were commenced in Orlando Immigration Court. [Exhibit 5, Notice to Appear] On October 27, 2020, he filed his 42B Cancellation of Removal application with the immigration court and in January 2024, he filed his T Visa application with USCIS.

5. He was released from detention on November 19, 2020, under an Order of Release and Recognizance and was under an Order of Supervision from ICE. [Order of Release on Recognizance].

6. On September 3, 2025, Petitioner attended his routine ICE check in appointment and was arrested without a warrant and without prior notice of OSUP revocation. ICE provided no individualized determination of flight risk or danger.

7. Petitioner suffers from Type II Diabetes, which requires daily insulin treatment, as well as from high blood pressure and kidney issues that cause swelling in his legs, feet, and ankles.

8. As of the the date he was released in 2020 until his unlawful detention on September 3, 2025, Petitioner has complied with all supervision requirements, attended all scheduled ICE check in appointments and court appearances.

9. As of the the date he was released in 2020 until his unlawful detention on September 3, 2025, Petitioner has no other criminal history and poses no danger to the community.

10. He has strong ties, including his two U.S. Citizen children, his third child is a DACA recipient, his elderly lawful permanent resident mother, his grandchildren, and his wife. He has resided in the U.S. continuously since 2001. He has been working as a fruit vendor in Plant City since he was released in 2020 until he was unlawfully detained on September 3, 2025.

LEGAL FRAMEWORK

A. ICE Violated Mandatory OSUP Revocation Procedures

11. Under 8 C.F.R. § 241.4(d)(1), noncitizens are permitted to be released under an Order of Supervision “if the noncitizen demonstrates to the satisfaction of the Attorney General or her designee that his or her release will not pose a danger to the community or to the safety of other persons or to the property or a significant risk of flight pending such [noncitizen’s] removal from the United States.” 8 C.F.R. § 241.4(e) provides the criteria for release including requiring a conclusion that, “detainee is presently a non-violent person”; “detainee is not likely to pose a threat to the community following release”; “the detainee is not likely to violate the conditions of release”; and “the detainee does not pose a significant flight risk if released”. 8 CFR §§ 241.4(e)(2)-(6).

12. Under 8 C.F.R. § 241.4(l)(1), if the [noncitizen] violates the conditions of the release, “the [noncitizen] will be notified of the reasons for the revocation of his or her parole, and ICE must provide written notice of revocation and an informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.”

13. Here, ICE did not notify the reasons for revocation nor gave the Petitioner the opportunity to respond to the reasons for revocation. Courts have held that failure to follow these regulations violates due process. *Bonitto v. Bureau of Immigr. & Customs Enf’t*, 547 F. Supp. 2d 747, 755 (S.D. Tex. 2008); *Villanueva Herrera v. Tate*, No. H-25-3364, 2025 WL (S.D. Tex. Sept. 26, 2025).

14. These safeguards are not discretionary, they are binding regulations with the force of law. See *Vitarelli v. Seaton*, 359 U.S. 535, 547 (1959) (“An executive agency is bound by its own regulations.”). ICE’s failure to comply renders Petitioner’s detention unlawful. Courts have

repeatedly held that ignoring these procedures violates due process. *Bonitto v. Bureau of Immigr. & Customs Enf't*, 547 F. Supp. 2d 747, 755 (S.D. Tex. 2008).

15. ICE's categorical revocation based on a policy shift, without individualized findings, contravenes the APA's prohibition on arbitrary and capricious action. See *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009); *Dep't of Homeland Sec. v. Regents of Univ. of Cal.*, 591 U.S. 1, 24–33 (2020).

B. The Government Violated the Petitioner's Due Process Rights by Re-Detaining Him

16. The government's decision to re-detain Petitioner without complying with its own regulations and without affording even minimal procedural safeguards violates the Fifth Amendment's Due Process Clause. Freedom from physical restraint lies at the core of liberty protected by due process, and individuals who have been conditionally released under an Order of Supervision have a constitutionally protected interest in their continued liberty. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Young v. Harper*, 520 U.S. 143, 147–48 (1997).

17. Petitioner lived under an Order of Supervision for five (5) years, complied fully with its conditions, and developed strong family and community ties. Yet ICE re-detained him without notice, without stating reasons for revocation, and without providing the informal interview required by 8 C.F.R. § 241.4(l)(1). This failure to follow binding regulations creates an unacceptably high risk of arbitrary and erroneous deprivation of liberty.

18. The government's only justification—a change in enforcement priorities—cannot override constitutional protections. Under *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976), the balance of interests weighs heavily in favor of Petitioner: his liberty interest is overwhelming, the risk of error is substantial, and the burden on the government to comply with its own regulations

is minimal. Accordingly, the government's actions constitute a clear violation of due process and warrant immediate release.

C. Release and Indefinite Mandatory Detention

19. On July 8, 2025, ICE issued interim guidance instructing all ICE employees to consider anyone charged with inadmissibility under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without inspection—to be an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention. The July 8, 2025, DHS policy memorandum states it was issued “in coordination with the Department of Justice (DOJ).” [Exhibit 6, July 8, 2025, ICE Guidance Regarding Detention Authority for Applications for Admission].

20. Petitioner's Notice to Appear charges him with inadmissibility pursuant to INA § 212(a)(6)(A)(i), codified at 8 U.S.C. § 1182(a)(6)(A)(i), alleging that is he present in the United States without being admitted or paroled, or arrived in the United States at any time or place other than as designated by an Attorney General. [Notice to Appear]. Because of this charge, Respondents purport that he is purportedly subject to indefinite, mandatory detention. However, whether or not Respondents are correct turns on what provision of law governs Petitioner's detention.

21. ICE asserts noncitizens such as the Petitioner are subject to mandatory detention under § 1225(b) as an “applicant for admission.” That interpretation is legally erroneous. Petitioner has lived in the U.S. for decades, was previously released under OSUP, and is in full removal proceedings under § 1229a. The Supreme Court has made clear that § 1226(a) governs detention of noncitizens “already in the country.” *Jennings v. Rodriguez*, 583 U.S. 281, 289–90 (2018).

Applying § 1225(b) here would render § 1226 superfluous, violating basic canons of statutory interpretation. See *Corley v. United States*, 556 U.S. 303, 314 (2009).

22. Further, if a Petitioner “developed strong ties to the country”, that highlights the serious concern his detention without bond raises under the Fifth Amendment’s Due Process Clause. See *Nielsen v. Preap*, 586 U.S. 392, 419-20 (2010). In *Dep’t of Homeland Sec. v. Thuraissigiam*, the Supreme Court affirmed the long-held principle that “aliens who have established connections in this country have due process rights.” 591 U.S. 103, 107. Here, it is clear that the Petitioner has developed strong ties to the country because he first arrived as an adolescent and has been continuously physically present since 2001.

23. Similarly, in constitutional due-process, protections regarding detention flow simply as a matter of “geographic” presence within the United States, see *Velasquez Rincon v. Hyde*, F. Supp. 3d, 2025 WL 3122784, at *5–7 (D. Mass. Nov. 7, 2025) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)), notwithstanding any legal fiction that might affect a non-citizen’s “rights regarding admission,” see *id.* (emphasis added) (quoting *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140).

24. Whatever theoretical route one takes, the only conclusion that makes sense is that Petitioner is a “person” who cannot “be deprived of life, liberty, or property, without due process of law.” U.S. CONST. amend. V.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

25. The allegations in the above paragraphs are realleged and incorporated herein.

26. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without

Due Process of law.” U.S. Const. Amend. V. Due Process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

27. To determine whether a civil detention violates a detainee’s Fifth Amendment procedural Due Process rights, courts apply the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *United States v. Silvestre-Gregorio*, 983 F.3d 848, 852 (6th Cir. 2020) (applying the *Mathews v. Eldridge* test in the context of immigration).

28. *Mathews v. Eldridge* requires a court to consider the following three factors: “(1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of that interest; and (3) the government’s interest, including the fiscal and administrative burdens that the additional or substitute procedures entail.” *See Lopez-Campos v. Raycraft, et al.*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025) at *9 (citing *Mathews*, 424 U.S. at 335).

29. The Petitioner was detained without in violation of law and his Due Process Rights when his supervision was terminated without notice or an opportunity to be heard, without a warrant, based on no individualized circumstances applicable to him and in violation of 8 U.S.C. § 1357(a)(2) and ICE’s Broadcast Statement of Policy. Further, the Petitioner was detained based upon the Administration’s novel interpretation of existing law, and without notice or any opportunity to contest the redetermination of his custody. All of the foregoing violates his Due Process Rights.

30. Subjecting the Petitioner to indefinite, mandatory detention on the flimsy legal pretext of the July 8, 2025, ICE guidance violates his Due Process Rights.

31. Detention must be nonpunitive and reasonably related to statutory purposes.

32. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A), the Immigration and Nationality Act – 8 U.S.C. § 1226, and Federal Regulations Not in Accordance with Law and in Excess of Statutory Authority Unlawful Detention

33. The allegations in the above paragraphs are realleged and incorporated herein.

34. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A). An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

35. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

36. By categorically detaining the Petitioner and transferring Petitioner away from the district in which he resides or the district in which he lives without consideration of Petitioner's individualized facts and circumstances, Respondents have violated the INA, implementing regulations, and the APA.

37. On information and belief, Respondents have made no finding that Petitioner is a danger to the community or a flight risk.

38. By detaining and transferring the Petitioner categorically, Respondents have

further abused their discretion because, since the agency made its initial determination to release the Petitioner into the United States, on information and belief, there have been no changes to Petitioner's facts or circumstances that support detention.

39. Respondents have already considered Petitioner's facts and circumstances and determined that Petitioner was not a flight risk or danger to the community when they initially released him into the United States. On information and belief, there have been no changes to the facts that justify his detention.

40. For these reasons, Petitioner's detention violates 5 U.S.C. § 706(2)(A).

COUNT THREE

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance with Law and in Excess of Statutory Authority Violation of 8 C.F.R. § 239.2(c)

41. The allegations in the above paragraphs are realleged and incorporated herein.

42. Under the APA, a court "shall . . . hold unlawful . . . agency action" that is "not in accordance with law;" "contrary to constitutional right;" "in excess of statutory jurisdiction, authority, or limitations;" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A)-(D).

43. Petitioner does not concede that DHS has the authority to reverse its initial processing choice to release him under an order of supervision and retain him without a notice an opportunity to be heard as required by law.

44. Under the APA, an agency must provide "reasoned explanation for its action" and "may not depart from a prior policy *sub silentio* or simply disregard rules that are still on the books." *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). *see also Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 24-33 (2020) (holding

that rescission of immigration policy without considering “particular reliance interests” is arbitrary and capricious in violation of the APA).

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Petitioner’s re-detention and revocation of his Order of Supervision without an individualized determination, without notice, and without an opportunity to be heard violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1357(a)(2);
- (4) Declare that the application of the July 8, 2025, ICE Guidance to Petitioner violates the Due Process Clause of the Fifth Amendment;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, or in the alternative, promptly provide him with bond hearing before an immigration judge;
- (6) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court’s approval;
- (7) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (8) Grant any further relief this Court deems just and proper.

Dated: January 6, 2026

Respectfully submitted,

/s/ Michelle M. Reyes*
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Table of Exhibits

Exhibit 1	T Visa Receipt
Exhibit 2	Notice of Hearing
Exhibit 3	USCIS I-765 Application for Employment Authorization Document ("EAD") Approval Notice valid from 03/14/2024 to 03/13/2029
Exhibit 4	Order of Release on Recognizance
Exhibit 5	Notice to Appear
Exhibit 6	July 8, 2025, ICE Guidance Regarding Detention Authority for Applications for Admission

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

I represent Petitioner, **Procoro Mora Arellano** and submit this verification on his behalf because the Petitioner is currently detained and because of the urgent nature of the relief requested. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge. I am authorized to make this verification as the legal representative of the Petitioner, **Procoro Mora Arellano**.

Dated this January 6, 2026

/s/ Michelle M. Reyes
Michelle M. Reyes, Esq.