

adjudicating habeas petitions compound the constitutional injury where a petitioner remains in custody without lawful authority.

II. LEGAL GROUNDS FOR RELEASE

A. This Habeas Petition Is Fully Briefed And Ripe For Decision

This Court issued an Order to Show Cause on January 6, 2026, requiring Respondents to file a response and supporting documents pursuant to 28 U.S.C. § 2243. Respondents have filed their Response, and Petitioner has filed a Reply. No further briefing is contemplated or necessary.

The material facts are not in dispute. Petitioner's claim turns on questions of statutory interpretation, compliance with mandatory regulatory procedures, and the constitutionality of continued civil detention. Accordingly, this matter is ripe for prompt disposition on the existing record.

B. Expedited Ruling Is Warranted Given Ongoing Unlawful Detention

Petitioner has been detained since September 3, 2025, following a warrantless arrest at a routine ICE check-in while he was living in the community under a valid Order of Supervision issued on November 19, 2020.

ICE did not provide written notice of revocation of supervision, did not afford Petitioner an opportunity to respond, and made no individualized determination of flight risk or danger, as required by 8 C.F.R. § 241.4(l)(1). These failures are undisputed in the record.

Respondents justify continued detention by categorically recharacterizing Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b). Petitioner has repeatedly demonstrated that this interpretation is legally erroneous because he was already present in the United States, had been released under supervision for years, and is in full removal proceedings governed by 8 U.S.C. § 1226(a).

Even assuming *arguendo* that § 1226(a) controls, Petitioner has been detained without any individualized custody determination or bond hearing, in violation of the Fifth Amendment's Due Process Clause.

C. Continued Detention Constitutes Irreparable Harm

Each additional day of detention inflicts irreparable harm. Petitioner suffers from Type II diabetes requiring daily insulin, as well as high blood pressure and kidney-related complications. He has lived in the United States continuously since 2001. He has complied with all supervision requirements since his release in 2020, has substantial family ties in the United States, and poses no danger to the community.

Because habeas relief addresses unlawful physical restraint, delay itself perpetuates the very injury the Great Writ is designed to remedy. No countervailing administrative or judicial interest justifies postponing decision where the record is complete and the liberty interest is profound.

III. Relief Requested

WHEREFORE, Petitioner respectfully requests that this Court:

1. Expedite its ruling on the pending Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2243; and
2. Grant such other and further relief as the Court deems just and proper.

Dated: January 21, 2026

Respectfully submitted,

/s/ Michelle M. Reyes*
Michelle M. Reyes, Esq.
Fla. Bar No. 1004206
Law Firm of Michelle Reyes
1225 Ave. Ponce de Leon PH 1141
San Juan, PR 00907
Tel. (813) 600-5403
Email: attorney.reyes@reyesfirm.com