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

Eustaquio Pineda Castro, *Petitioner* v. Russell Hott, in his official capacity as *Field Office Director, Washington Field Office, U.S. Immigration and Customs Enforcement*; Kristi Noem, in her official capacity as *Secretary of the Department of Homeland Security*; Pamela Jo Bondi, in her official capacity as *Attorney General of the United States*, *Respondents*.	)	Case No.

PETITION FOR HABEAS CORPUS
PURSUANT TO 28 U.S.C. 2241

INTRODUCTION

1. Since at least the passage of the Immigration and Nationality Act of 1952, noncitizens who entered the country illegally could generally be released on bond while their removal proceedings were pending. Yet in September of 2025, the Board of Immigration Appeals (BIA) issued a published decision—*Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)—holding for the first time that all noncitizens who entered the country without admission are categorically ineligible for bond regardless of how long they have lived in the United States.

2. Dozens of federal judges, including four members of this Court,[1] have already found the government's novel interpretation incompatible with the INA. The provision on which

[1] *Mahamudul Hasan v. Crawford*, __ F. Supp. 3d __, 2025 WL 268225 (E.D. Va. Sept. 19, 2025) (Brinkema, J.); *Luna Quispe v. Crawford*, No. 25-1471 (E.D. Va. Sept. 24, 2025) (Trenga, J.);

the government relies states that noncitizens who are "seeking admission" are subject to mandatory detention while in removal proceedings. 8 U.S.C. 1225(b)(2)(A). Congress defined "admission" as the "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. 1101(a)(13)(A). Thus, only noncitizens who presented themselves at a port of entry are subject to mandatory detention while in removal proceedings. The BIA's contrary interpretation disregards the plain text of these provisions and renders superfluous other provisions that require the mandatory detention of noncitizens who have engaged in criminal activity—including a provision enacted earlier this year as part of the Laken Riley Act.

3. The government's argument also flouts the Justice Department's own regulations. Since 1997, the Justice Department has precluded immigration judges from granting bond to so-called "arriving aliens"—*i.e.*, those who seek admission at a port of entry—but not to those who crossed the border surreptitiously. This distinction was the result of a deliberate choice made by the Attorney General following the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, Div. C, 110 Stat. 3009-546. And under bedrock principles of administrative law, agencies cannot "overrule" by adjudication regulations that were promulgated after notice and comment.

4. Because the government is detaining Petitioner in violation of the INA and the Justice Department's own regulations, the Court should conduct a bond hearing itself or order an Immigration Judge to conduct a bond hearing within 15 days.

Quispe-Ardiles v. Noem, No. 25-1382 (E.D. Va. September 30, 2025) (Nachmanoff, M.); *Boquin Oliva v. Noem*, No. 25-1592 (E.D. Va. October 29, 2025) (Alston, R.).

JURISDICTION AND VENUE

5. This action arises under the Fifth Amendment to the U.S. Constitution, 8 U.S.C. 1225(b)(2)(A), and 8 C.F.R. 1003.19(h). This Court has jurisdiction under 28 U.S.C. 2241; art. I, § 9, cl. 2 of the U.S. Constitution; 28 U.S.C. 2201; 28 U.S.C. 1331; and 5 U.S.C. 702, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties. This Court may grant relief pursuant to 28 U.S.C. 2241 and 28 U.S.C. 1651.

6. Venue is proper before this Court because a substantial part of the facts giving rise to the claim occurred in the Alexandria Division of the Eastern District of Virginia. 28 U.S.C. 1391(e). Petitioner was detained in Northern Virginia and is presently detained by Respondents in Virginia out of the Chantilly ERO Field Office. Exh. A (ICE Detainee Locator).

PARTIES

7. Petitioner Eustaquio Pineda Castro is a native and citizen of Guatemala. He has been detained by Respondents in Virginia since January 7, 2026.

8. Respondent Russell Hott is Field Office Director of the Washington Field Office of Enforcement and Removal Operations ("ERO"), U.S. Immigration and Customs Enforcement ("ICE"), and the federal agent charged with overseeing all ICE detention centers in Virginia. Petitioner is detained under Mr. Hott's authority. He is sued in his official capacity.

9. Respondent Kristi Noem is the Secretary of Homeland Security, which encompasses Immigration and Customs Enforcement (ICE). She is sued in her official capacity.

10. Respondent Pamela Jo Bondi is the Attorney General of the United States. She is the head of the U.S. Department of Justice, which encompasses the Executive Office for Immigration Review including the Immigration Court which adjudicates Petitioner's underlying

immigration proceedings. She and her designees are authorized by statute to release noncitizens on bond pursuant to 8 U.S.C. 1226(a). She is sued in her official capacity.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. While individuals who seek relief pursuant to 28 U.S.C. 2241 must ordinarily exhaust administrative remedies, *Timms v. Johns*, 627 F.3d 525, 530-31 (4th Cir. 2010), the INA only statutorily requires exhaustion of remedies for noncitizens seeking review of a final order of removal. 8 U.S.C. 1252(d)(1). Accordingly, noncitizens need not exhaust administrative remedies when challenging the legality of their detention. *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 710 (D. Md. 2016). *See also Aguilar v. Lewis*, 50 F. Supp. 2d 539, 541 (E.D. Va. 1999) ("[T]here is no federal statute that imposes an exhaustion requirement on aliens taken into custody pending their removal.").

LEGAL FRAMEWORK

A. Discretionary Versus Mandatory Detention In Removal Proceedings

12. Noncitizens who are detained by the Department of Homeland Security (DHS) while in removal proceedings generally can request a bond—or "custody redetermination"—hearing before an immigration judge. 8 U.S.C. 1226(a); 8 C.F.R. 1236.1(d)(1). If the noncitizen does not present a danger to others, a threat to the national security, or a flight risk, the immigration judge may order him released on conditional parole or upon the posting of a monetary bond of no less than $1,500. 8 U.S.C. 1226(a)(2)(A)-(B); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

13. Certain categories of noncitizens are subject to mandatory detention while in removal proceedings. Under a provision enacted in the IIRIRA, if "an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under [8 U.S.C. 1229a]." 8 U.S.C. 1225(b)(2)(A). In the same bill, Congress defined "admission" and "admitted" as the "the lawful entry of the alien into the United States after inspection and

authorization by an immigration officer." 8 U.S.C. 1101(a)(13)(A). Thus, the terms "admission" and "admitted" "'refer to inspection and authorization by an immigration officer at the port of entry.'" *Bracamontes v. Holder*, 675 F.3d 380, 387 (4th Cir. 2012) (quoting *Hing Sum v. Holder*, 602 F.3d 1092, 1101 (9th Cir. 2010)).

14. In early 1997, the Justice Department promulgated regulations to implement the provisions of the IIRIRA. Under the proposed rule, all "[i]nadmissible aliens in removal proceedings" would be ineligible for bond. *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal*, 62 Fed. Reg. 444, 483 (Jan. 3, 1997). After receiving comments, however, the Attorney General deleted the proposed provision and replaced it with one that would apply only to "[a]rriving aliens."[2] *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10361 (March 6, 1997). Meanwhile, "arriving alien" was defined in relevant part as "an alien who seeks admission to or transit through the United States … at a port-of-entry." *Id.* at 10330 (codified at 8 C.F.R. 1.1(q)). "The effect of this change is that inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge, while arriving aliens do not." *Id.* at 10323. In other words, "aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination." *Id.*

15. The IIRIRA also made subject to mandatory detention noncitizens who have been convicted of certain crimes or engaged in terrorist activity. For example, the IIRIRA made noncitizens who are inadmissible by reason of having committed certain criminal offenses are

[2] This provision was originally promulgated as 8 C.F.R. 236.1(c)(5)(i) and was later transferred to 8 C.F.R. 1003.19(h)(2)(i)(B).

subject to mandatory detention under 8 U.S.C. 1226(c)(1)(A), and those who are inadmissible for having engaged in terrorist activity subject to mandatory detention under 8 U.S.C. 1226(c)(1)(D). More recently, in the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3, Congress provided that noncitizens are subject to mandatory detention if they are entered the country without admission and were thereafter charged with, arrested for, convicted of, or admitted committing various offenses. 8 U.S.C. 1226(c)(1)(E). As may be apparent, all of these provisions of 8 U.S.C. 1226(c) would be superfluous if all noncitizens who were present without admission were already subject to mandatory detention under 8 U.S.C. 1225(b)(2)(A).

B. The Government's Novel and Widely Rejected Theory That All Noncitizens Who Entered Without Admission Are Subject to Mandatory Detention

16. On Friday, July 4, 2025, President Trump signed the One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72. Among other things, the bill appropriated $45 billion to ICE to detain noncitizens through fiscal year 2029. § 90003, 139 Stat. 358.

17. On Tuesday, July 8, 2025, ICE Director Todd Lyons issued a memorandum stating that DHS and the Department of Justice had "revisited" its legal position regarding the statutory basis for detaining noncitizens who were present in the country without being admitted.[3] According to Lyons, DHS now believed that noncitizens who were present without admission were subject to mandatory detention under 8 U.S.C. 1225(b) rather than discretionary detention under 8 U.S.C. 1226(a), and were thus ineligible to request bond hearings before immigration judges. *Id.* The memo further stated that this change in legal interpretation might "warrant re-detention of a previously released alien in a given case." *Id.*

[3] The memo can be viewed on the website of the American Immigration Lawyers Association at https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission.

18. On September 5, 2025, the BIA issued a precedential decision adopting ICE's novel argument that all noncitizens who are present without admission are subject to mandatory detention under 8 U.S.C. 1225(b)(2)(A). *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The BIA acknowledged that 8 U.S.C. 1225(b)(2)(A) only applies to noncitizens who are "seeking admission" and "not clearly and beyond a doubt entitled to be admitted," but reasoned that noncitizens who are present without admission are deemed to be "applicant[s] for admission" by virtue of 8 U.S.C. 1225(a)(1). 29 I&N Dec. at 218. The BIA also acknowledged that its interpretation rendered superfluous multiple provisions of 8 U.S.C. 1226(c), including the one recently enacted in the Laken Riley Act, but stated that "redundancies are common in statutory drafting." 29 I&N Dec. at 221-22 (quoting *Barton v. Barr*, 590 U.S. 222 (2020)).

19. To date, dozens of federal district judges have either outright rejected the government's novel interpretation,[4] or found that noncitizens challenging the government's

[4] *Singh v. Lewis*, No. 25-96, 2025 LX 400065 (W.D. Ky. Sept. 22, 2025) (Jennings, J.) (granting habeas petition); *Chafla v. Scott*, No. 25-437, 2025 LX 422663 (D. Maine Sept. 21, 2025) (Neumann, J.) (granting habeas petition); *Mahamudul Hasan v. Crawford*, No. 25-1408, 2025 LX 499354 (E.D. Va. Sept. 19, 2025) (Brinkema, J.) (granting habeas petition); *Barrera v. Tindall*, No. 25-451, 2025 LX 435572 (W.D. Ky. Sept. 19, 2025) (Jenning, J.) (granting habeas petition); *Salazar v. Dedos*, No. 25-835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025) (Urias, J.) (granting habeas petition); *Garcia Cortes v. Noem*, No. 25-2677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025) (Sweeney, J.) (granting habeas petition); *Pizarro Reyes v. Raycraft*, No. 25-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (White, J.) (granting habeas petition); *Sampiao v. Hyde*, No. 25-11981, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (Kobick, J.) (granting habeas petition); *Jimenez v. FCI Berlin*, No. 25-326, 2025 LX 360066 (D.N.H. Sept. 8, 2025) (McCafferty, J.) (granting habeas petition); *Doe v. Moniz*, No. 25-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025) (Talwani, J.) (granting habeas petition); *Lopez Benitez v. Francis*, No. 25-5937, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025) (Ho, J.) (granting habeas petition); *Lopez-Campos v. Raycraft*, No. 25-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025) (McMillion, J.) (granting habeas petition); *Diaz v. Mattivelo*, No. 25-12226, 2025 WL 2457610 (D. Mass. Aug. 27, 2025) (Kobick, J.) (granting habeas petition); *Jose J.O.E. v. Bondi*, No. 25-3051, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) (Tostrud, J.) (granting habeas petition); *Leal-Hernandez v. Noem*, No. 25-2428, 2025 WL 2430025 (D. Md. Aug. 24, 2025) (Rubin, J.) (granting habeas petition); *Romero v. Hyde*, No. 25-11631, __ F.Supp.3d __, 2025 WL 2403827 (D. Mass. Aug. 19, 2025) (Murphy, J.) (granting habeas petition); *Samb v. Joyce*, No. 25-6373, 2025 WL 2398831 (S.D.N.Y. Aug. 19,

interpretation were substantially likely to prevail on the merits.[5] These judges have not been unsparing in their criticism of the government's newfound position. One called it a "nonstarter." *Doe v. Moniz*, No. 25-12094, 2025 WL 2576819 at *10 (D. Mass. Sept. 5, 2025). Another called it "willfully blind." *Leal-Hernandez v. Noem*, No. 25-2428, 2025 WL 2430025 at *25 (D. Md. Aug. 24, 2025). Another called it "a policy argument, projected onto Congress." *Romero v. Hyde*, No. 25-11631, __ F. Supp. 3d __, 2025 WL 2403827 at *28 (D. Mass. Aug. 19, 2025). And another noted that the government "could not identify any federal court that has adopted their novel reading of § 1225(b)(2)(A)." *Pizarro Reyes v. Raycraft*, No. 25-12546, 2025 WL 2609425 at *20 (E.D. Mich Sept. 9, 2025).

20. It is not difficult to understand why federal district courts have rejected the government's novel interpretation. By its terms, 8 U.S.C. 1225(b)(2)(A) only applies to

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2025) (Ho, J.) (granting habeas petition); *dos Santos v. Noem*, No. 25-12052, 2025 WL 2370988 (D. Mass. Aug. 14, 2025) (Kobick, J.) (granting habeas petition); *Diaz Martinez v. Hyde*, No. 25-11613, __ F.Supp.3d __, 2025 WL 2084238 (D. Mass. July 24, 2025) (Murphy, J.) (granting habeas petition); *Gomes v. Hyde*, No. 25-11571, 2025 WL 1869299 (D. Mass. July 7, 2025) (Kobick, J.) (granting habeas petition).

[5] *Aceros v. Kaiser*, No. 25-06924, 2025 LX 330524 (N.D. Cal. Sept. 12, 2025) (Chen, J.) (granting preliminary injunction); *Guzman v. Andrews*, No. 25-01015, 2025 LX 354551 (E.D. Cal. Sept. 9, 2025) (Sherriff, J.) (granting preliminary injunction); *Mosqueda v. Noem*, No. 25-2304, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025) (Snyder, J.) (granting temporary restraining order); *Nieves v. Kaiser*, No. 25-6921, 2025 LX 320701 (N.D. Cal. Sept. 3, 2025) (Beeler, J.) (granting preliminary injunction); *Garcia v. Noem*, No. 25-2180, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025) (Sabraw. J.) (granting temporary restraining order); *Garcia v. Kaiser*, No. 25-06916, 2025 LX 322337 (N.D. Cal. Aug. 29, 2025) (Gonzalez Rogers, J.) (granting preliminary injunction); *Kostak v. Trump*, No. 25-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025) (Edwards, J.) (granting temporary restraining order and preliminary injunction); *Benitez v. Noem*, No. 25-02190, 2025 LX 322897 (C.D. Cal. Aug. 26, 2025) (Klausner, J.) (granting temporary restraining order); *Ramirez Clavijo v. Kaiser*, No. 25-06248, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025) (Freeman, J.) (granting preliminary injunction); *Arrazola-Gonzalez v. Noem*, No. 25-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025) (Wright, J.) (granting temporary restraining order); *Maldonado v. Olson*, No. 25-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025) (Nelson, J.) (granting temporary restraining order); *Maldonado Bautista v. Santacruz*, No. 25-01873, 2025 LX 341363 (C.D. Cal. July 28, 2025) (granting temporary restraining order); *Vazquez v. Bostock*, No. 25-05240, 779 F. Supp. 3d 1239 (W.D. Wash. April 24, 2025) (Cartwright, J.) (granting preliminary injunction)

noncitizens who are "seeking admission," and Congress defined "admission" as the "lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. 1101(a)(13)(A). Accordingly, "[c]onstruing section 1225(b)(2) to apply to noncitizens already residing in the country would read the word 'entry' out of the definitions of 'admitted' and 'admission.'" *Chafla v. Scott*, No. 25-437, 2025 LX 422663 (D. Maine Sept. 21, 2025) (citing 8 U.S.C. 1101(a)(13)(A)). As importantly, if "the [BIA was] correct that § 1225(b)'s mandatory detention provisions apply to all persons who have not been admitted into the United States, that would render superfluous those provisions of § 1226 that apply to certain categories of inadmissible aliens, such as § 1226(c)(1)(A), (D), and (E)." *Mahamudul Hasan v. Crawford*, __ F. Supp. 3d __, 2025 WL 268225 at *22 (E.D. Va. Sept. 19, 2025) (Brinkema, J.). Indeed, the BIA's interpretation "would render the Laken Riley Act a meaningless amendment, since it would have prescribed mandatory detention for noncitizens already subject to it." *Aceros v. Kaiser*, 2025 WL 2637503 at *28 (N.D. Cal. Sept. 12, 2025).

21. As importantly, the Justice Department's own regulations only preclude Immigration Judges from granting bond to "[a]rriving aliens," 8 C.F.R. 1003.19(h)(1)(B)(ii), as distinct from noncitizens who previously entered the country and are merely present without admission. When the Justice Department promulgated these regulations following notice and comment, it specifically stated that "'aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.'" *Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1261 (W.D. Wash. April 24, 2025) (quoting 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997)). And as should go without saying, "an administrative agency may not slip by the notice and comment rule-making requirements needed to amend a rule by merely adopting a *de facto* amendment to its regulation through

adjudication." *Marseilles Land & Water Co. v. FERC*, 345 F.3d 916, 920 (D.C. Cir. 2003) (Silberman, J.) (citing cases).

STATEMENT OF FACTS

22. Petitioner is a 21-year-old adult male native and citizen of Guatemala. In 2022, he fled Guatemala and entered the United States by crossing the border in June just after his 18th birthday. Initially, he lived in Pawtucket, Rhode Island. In 2023 he moved to Virginia to live near family and has remained living in Virginia ever since. He currently lives in Fredericksburg, Virginia with his brother and other family members. On January 7, 2026, Petitioner was detained by ICE and is being held in ICE custody. Petitioner is not an "arriving alien"; and was previously issued a Notice to Appear, that alleges that he is an "alien present in the United States who has not been admitted or paroled" and was thus inadmissible under 8 U.S.C. 1182(a)(6)(A)(i).[6]

23. In the interim, Petitioner has found stable employment as a trailer mechanic and has been supporting himself. Exh. B.

24. Petitioner was detained by ICE after a traffic stop in which he was a passenger. Petitioner was brought into custody for a bench warrant in relation to a failure to appear in a traffic case.

25. Upon release, Petitioner will continue residing with his brother in Fredericksburg, Virginia. Exh. C.

[6] Based on information and belief.

CLAIMS

FIRST CLAIM FOR RELIEF

Violation of the Immigration and Nationality Act

26. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

27. By its terms, 8 U.S.C. 1225(b)(2)(A) only applies to noncitizens who are "seeking admission" but not "clearly and beyond doubt entitled to be admitted." The terms "admission" and "admitted" are defined to require a "lawful entry" following "inspection and authorization by an immigration officer." 8 U.S.C. 1101(a)(13)(A). Accordingly, 8 U.S.C. 1225(b)(2)(A) does not apply to noncitizens like Petitioner who evade inspection. Such noncitizens are instead detained under 8 U.S.C. 1226 while in removal proceedings, and are thus eligible for release on bond under 8 U.S.C. 1226(a) unless they are subject to mandatory detention under 8 U.S.C. 1226(c).

28. The application of 8 U.S.C. 1225(b)(2)(a) to Petitioner unlawfully mandates his continued detention without a bond hearing in violation of the INA.

SECOND CLAIM FOR RELIEF

Violation of Federal Regulations

29. Petitioner incorporates by reference the allegations of fact set forth in preceding paragraphs.

30. Under 8 C.F.R. 1236.1(d)(1), immigration judges may grant bond to any noncitizen in removal proceeding under section 240 of the Act who is not subject to a final order or to any of the exceptions in 8 C.F.R. 1003.19. None of the exceptions in 8 C.F.R. 1003.19 preclude immigration judges from granting bond to noncitizens simply for being present with admission. As relevant here, the regulations only preclude immigration judges from granting bond to noncitizens who qualify as "arriving aliens," 8 C.F.R. 1003.19(h)(1)(B)(ii), *i.e.*, those who

presented themselves for inspection at a port of entry. When these regulations were initially promulgated, the Justice Department explained that "inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge." 62 Fed. Reg. 10312, 10323 (March 6, 1997). The Justice Department thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. 1226 and its implementing regulations.

31. Notwithstanding these regulations, the BIA held in *Matter of Yajure Hurtado* that all noncitizens who are present without admission are ineligible to receive a bond from immigration judges. Application of this decision to Petitioner unlawfully mandates his continued detention without a bond hearing in violation of 8 C.F.R. §§ 1236.1 and 1003.19.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1.) Assume jurisdiction over this matter;

2.) Set this matter for expedited consideration;

3.) Declare that no statute or regulation prohibits an immigration judge from holding a custody redetermination hearing for Petitioner, and that Petitioner is properly detained, if at all, under 8 U.S.C. 1226(a);

4.) Issue a Writ of Habeas Corpus and conduct a bond hearing within 15 days, or order Petitioner's release within 15 days unless Respondents provide him with a bond hearing before an immigration judge;

5.) Award Petitioner his costs of suit and reasonable attorneys' fees pursuant to the Equal Access to Justice Act ("EAJA"), 5 U.S.C. 504, 28 U.S.C. 2412; and

6.) Grant such further relief as the Court deems just and proper.

Respectfully submitted,

Dated: January 10, 2026

s/Briana Carlson
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