

**CATHOLIC LEGAL IMMIGRATION NETWORK (CLINIC)**

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*Counsel for Petitioner*

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**CARLOS AMAYA-VELIS,**

*Petitioner-Plaintiff,*

v.

KEVIN RAYCRAFT, Director of the  
Detroit Field Office, U.S.  
Immigration and Customs  
Enforcement, *et al.*,

*Respondents-Defendants.*

Case No. 4:26-cv-73

**PETITIONER'S MOTION TO ALTER, AMEND, OR VACATE JUDGMENT  
PURSUANT TO FED. R. CIV. P. 59(e)**

Petitioner, Carlos Amaya-Velis, hereby seeks reconsideration of this Court's opinion and order (ECF 4) and judgment denying habeas relief (ECF 5). Fed. R. Civ. P. 59(e) allows a district court to alter, amend, or vacate a prior judgment. Its purpose is "to allow the district court to correct its own errors, sparing the parties and appellate courts the burden of unnecessary appellate proceedings." *Howard v. United States*, 533 F.3d 472, 475 (6th Cir. 2008) (internal quotations omitted). A district court may amend a judgment where there is "(1) a clear error of

law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice.” *Intera Corp. v. Henderson*, 428 F.3d 605, 620 (6th Cir. 2005).

On January 12, 2026, Mr. Amaya-Velis filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued detention by Immigration and Customs Enforcement without a meaningful opportunity for release. On January 14, 2026, the Court dismissed the petition without prejudice, concluding that it lacked jurisdiction under 8 U.S.C. § 1252(b)(9) and, in the alternative, that prudential exhaustion before the Board of Immigration Appeals was required. Petitioner respectfully seeks reconsideration of that judgment.

### ARGUMENT

#### **I. The Court’s Jurisdictional Analysis Relies Improperly on Channeling Provisions, Resulting in Manifest Injustice and Effectively Insulating Detention from Review**

The Court finds that it has no jurisdiction to review Petitioner’s detention, relying on statutory channeling provisions as well as its assertion that Petitioner has not raised a constitutional claim. Denial of reconsideration would result in manifest injustice because the Court’s dismissal leaves Petitioner subject to ongoing civil detention without access to any forum, administrative or judicial, capable of providing meaningful custody review. As a result, Petitioner’s detention continues not because the government has prevailed on the merits, but because procedural doctrines have combined to foreclose any statutory or constitutional review of his detention altogether. Rule 59(e) exists to prevent precisely this outcome.

The Supreme Court has repeatedly emphasized that “[f]reedom from imprisonment - from government custody, detention, or other forms of physical restraint - lies at the heart of the liberty that [the Due Process] Clause protects,” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Even in the immigration context, civil detention is constitutionally permissible only where it bears a reasonable relation to a legitimate governmental purpose and is accompanied by adequate

procedural safeguards. *Id.* at 690–91; *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). When detention is prolonged without access to a meaningful opportunity for release review, the resulting deprivation of liberty raises the most serious due process concerns. The Court’s analysis does not address this aspect of Petitioner’s due process claim, leaving unresolved a constitutional issue central to the legality of continued detention. The Court asserts that the Petitioner does not raise a constitutional claim but fails to address the Petitioner’s allegations of due process violations relating to his arrest and detention with any specificity.

The due process concerns are further heightened by the government’s own decision to grant Petitioner deferred action. Deferred action reflects the government’s determination to defer removal and forego enforcement against Petitioner for a designated period. Where the government has *affirmatively elected not to pursue removal*, continued detention cannot reasonably be justified as serving the purposes of effectuating removal or ensuring appearance, and instead results in continued physical restraint that is disconnected from any legitimate governmental purpose.

Here, the Court’s dismissal produces a result the Supreme Court has cautioned against: prolonged detention insulated from judicial review by the interaction of channeling provisions and prudential doctrines. Although the Court emphasized separation-of-powers concerns and the importance of allowing the agency to act in the first instance, those principles presuppose the existence of an administrative forum empowered to provide relief. Where the agency has already issued binding precedent foreclosing relief and has reaffirmed that position through institutional guidance, judicial abstention does not preserve agency authority - it renders constitutional injury unreviewable.

Since the Court issued its dismissal order, the futility of administrative exhaustion has become even clearer. The Chief Immigration Judge has issued nationwide guidance instructing immigration judges that *Maldonado Bautista* does not vacate *Matter of Yajure Hurtado* and that *Yajure Hurtado* remains binding precedent.<sup>1</sup> Because the Board of Immigration Appeals has not vacated or limited *Yajure Hurtado*, and because immigration judges remain bound to apply it, administrative review would almost certainly result in denial of custody review, after a lengthy period of unlawful and unnecessary detention. This confirms that exhaustion would not serve its traditional purposes of permitting agency correction or factual development. See *McCarthy v. Madigan*, 503 U.S. 140, 148–49 (1992). This is not a case of anticipated denial, but of institutional preclusion of relief.

Nor does channeling review to the courts of appeals cure the injustice. As the Supreme Court has recognized, channeling provisions may not be applied in a manner that effectively denies any forum for meaningful review of detention. See *INS v. St. Cyr*, 533 U.S. 289, 300–01 (2001). Where, as here, Petitioner remains detained while administrative and appellate pathways are structurally foreclosed or illusory, the absence of district-court habeas review results in continued physical restraint without any mechanism to test the lawfulness of custody.

The manifest injustice is compounded by Petitioner's Special Immigrant Juvenile status, discussed further below. Congress has determined that SIJ beneficiaries are entitled to protection and a meaningful opportunity to pursue lawful permanent residence while physically present in the United States. Continued detention in the absence of any custody-review mechanism

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<sup>1</sup> E-mail from Chief Immigration Judge Teresa Riley, Exec. Off. for Immigr. Rev., to Assistant Chief Immigr. Judges (Jan. 13, 2026, 3:09 PM) (subject line: "Guidance").

frustrates that statutory design and imposes severe liberty costs without corresponding governmental justification.

**II. The Court's Alternative Exhaustion Holding Constitutes Clear Error of Law**

The Court's alternative holding requiring administrative exhaustion rests on a threshold premise that an administrative pathway exists through which Petitioner could obtain meaningful custody review. As noted above, that premise is incorrect. Under the BIA's stated policy in *Matter of Yajure-Hurtado*, Petitioner is not entitled to administrative review of his detention. 29 I&N Dec. 216 (BIA 2025). EOIR's Chief Immigration Judge has directed immigration judges nationwide to follow *Yajure-Hurtado* to decline jurisdiction in bond proceeding for Petitioner and similarly-situated individuals. *Supra* note 1. Mr. Amaya-Velis is not seeking premature judicial review of an adverse agency decision; he is challenging the absence of any forum, administrative or otherwise, authorized to adjudicate his eligibility for release. Where the agency has affirmatively disclaimed authority to act and binding precedent forecloses relief, requiring exhaustion does not promote agency autonomy or judicial efficiency; it operates only to prolong an ongoing deprivation of liberty. In such circumstances, prudential exhaustion is neither required nor appropriate.

Exhaustion in the habeas context is not jurisdictional. It is a prudential doctrine that "may be excused where administrative remedies are inadequate or not efficacious, where pursuit of administrative remedies would be a futile gesture, or where irreparable injury will result absent immediate judicial review." *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992); see also *Fazzini v. Northeast Ohio Corr. Ctr.*, 473 F.3d 229, 233 (6th Cir. 2006).

**III. The Court's Analysis Did Not Account for Petitioner's Special Immigrant Juvenile Status**

The Court's exhaustion and jurisdictional analyses did not address Petitioner's Special Immigrant Juvenile ("SIJ") status. That omission is significant. SIJ status fundamentally alters the legal posture of detention. Congress has provided that SIJ beneficiaries are deemed paroled for purposes of adjustment of status, are exempt from removal based on entry without inspection, and are entitled to pursue lawful permanent residence while physically present in the United States. *See* 8 U.S.C. §§ 1101(a)(27)(J), 1255(h). Continued detention of an SIJ beneficiary pending removal proceedings therefore raises distinct statutory and constitutional concerns that require separate analysis.

On January 13, 2026, one day before this Court issued its dismissal order, the United States District Court for the District of Colorado issued a detailed habeas decision squarely addressing this issue. In *Alfaro Herrera v. Baltazar*, the court granted §2241 relief to an SIJ beneficiary, who, like Mr. Amaya-Velis, was detained and denied meaningful release review based on allegations of entry without inspection. *Alfaro Herrera v. Baltazar*, No. 1:25-CV-04014-CNS, 2026 WL 91470 (D. Colo. Jan. 13, 2026). The court held that § 2241 jurisdiction existed notwithstanding 8 U.S.C. § 1252, rejected prudential exhaustion, and concluded that prolonged detention of an SIJ beneficiary violated substantive and procedural due process. *Id.* The court explained that SIJ beneficiaries occupy a distinct statutory category and that requiring exhaustion before the Board of Immigration Appeals, where no relief is available, would merely prolong an ongoing constitutional injury. *Id.* While not binding, this decision demonstrates that reasonable jurists have recognized SIJ status as legally dispositive in otherwise similar detention postures.

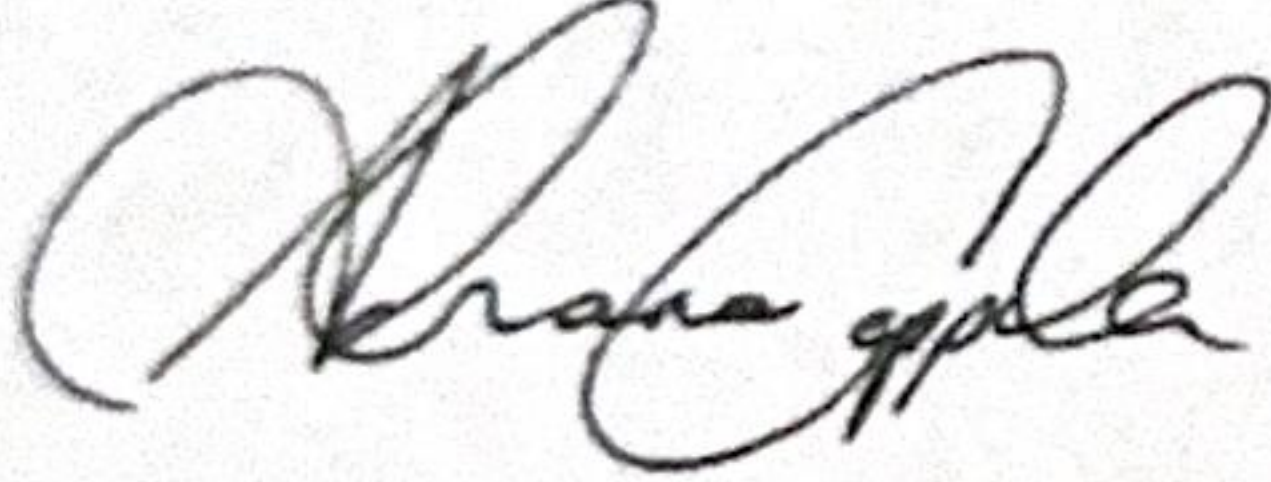
The Court's failure to address SIJ status leaves a critical aspect of Petitioner's claim unresolved and materially affects both the exhaustion and jurisdictional analysis, warranting reconsideration.

#### **IV. Conclusion**

For the foregoing reasons, Petitioner seeks reconsideration of this Court's opinion and order (ECF 4) and judgment denying habeas relief (ECF 5). Rule 59(e) relief is warranted where procedural doctrines operate to shield ongoing constitutional injury from judicial review.

Because the dismissal order leaves Petitioner detained with no available forum to adjudicate the legality of his custody, reconsideration is necessary to prevent manifest injustice.

Respectfully submitted,



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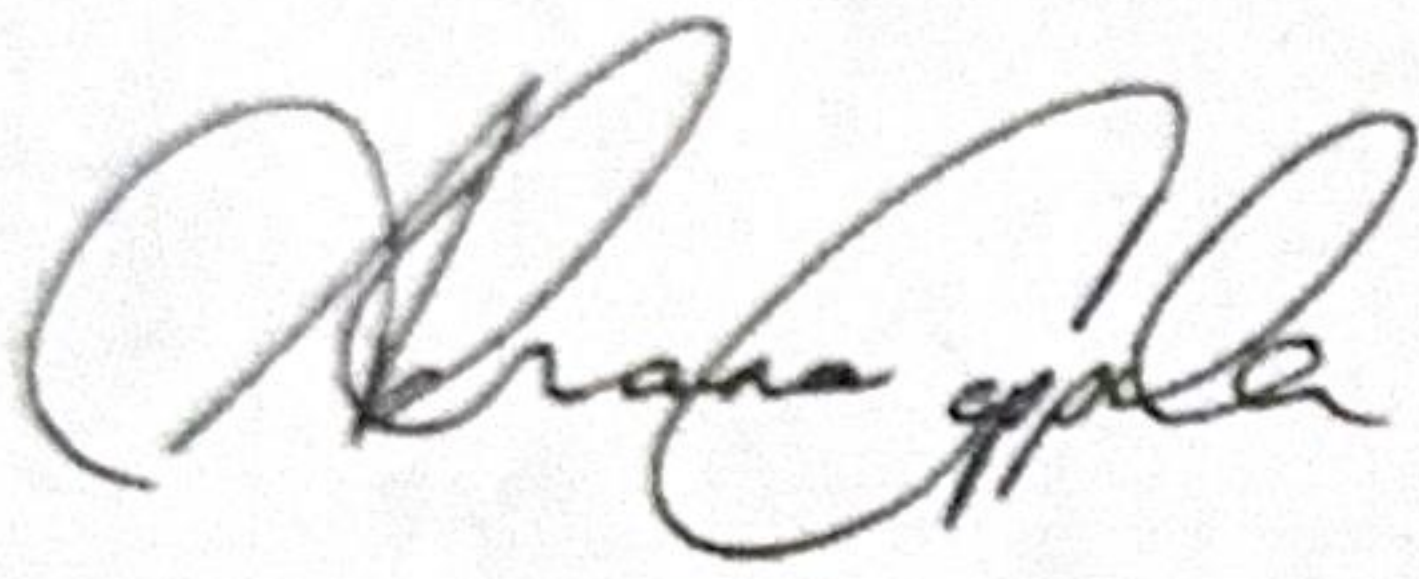
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*Counsel for Petitioner*

Dated: 1/26/2026

**CERTIFICATE OF SERVICE**

I hereby certify that on January 26, 2026, a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF system which sends notice of electronic filing to all counsel of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Adriana Coppola", written over a horizontal line.

Adriana Coppola  
**Catholic Legal Immigration Network (CLINIC)**  
*Pro Bono Counsel for Petitioner*

Dated: 1/26/2026