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

WILLIAM ALEXANDER RAMOS-RODAS,

Petitioner,

v.

PAMELA BONDI, Attorney General of the United States,
KRISTI NOEM, Secretary of the U.S. Department of Homeland Security
PAUL PERRY, Warden, Caroline Detention Center;
RUSSEL HOTT, Field Office Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; in their official capacities,

Respondents.

Case No: 1:26-cv-096

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

This is a petition for a writ of habeas corpus filed on behalf of the Petitioner, seeking relief from unlawful immigration detention. Respondents are detaining Petitioner in violation of Petitioner's constitutional due process rights and beyond the Department of Homeland Security's lawful statutory authority. By subjecting Petitioner to unlawful and indefinite detention, Respondents further violate the Eighth Amendment's prohibition on cruel and unusual punishment.

On September 3, 2025, between about 5:40 a.m. and 6:00 a.m., William left his home in Washington, D.C. He entered a car parked along the street while waiting for his brother so they could go to work together.

Several officers suddenly surrounded the vehicle. They ordered William to open the door and get out. William asked why. The officers gave no reason. They warned that they would break the door if he did not comply.

The officers then broke the car window. They pulled William from the vehicle by force. They took him into custody. They did not explain the reason for the stop, arrest, or seizure.

William did not flee. He did not resist. He did not threaten the officers. He was sitting in a parked car and waiting for his brother.

Shortly after the arrest, William's brother came outside. He found the car with a broken window. The family could not find William and called the police to report him missing.

When police arrived, an officer reviewed a video recorded by a neighbor. The officer confirmed that immigration officers had taken William into custody. The neighbor later refused to share the video with the family.

William has remained in immigration detention since September 3, 2025.

At the time of arrest, William had a pending asylum application, [redacted] No hearing date had been set. ICE arrested and detained him without a warrant, without explanation, and without showing lawful cause.

William was born on [redacted] in El Salvador. He entered the United States on February 5, 2018. He is single and has no children.

William is a calm and respectful person. He avoids trouble and acts with care. He has shown steady and responsible conduct.

He works in construction from Monday through Saturday. His workday usually runs from about 6:30 a.m. to 5:00 or 6:00 p.m. After work, he goes straight home to rest and prepare for the next day.

On Sundays, William cleans the house, buys groceries, and handles basic needs. He spends that day with his family. He has strong family ties and steady daily routines.

The Petitioner has been held at Caroline Detention Center. His A-Number is [redacted]. The Petitioner submits that his detention is in violation of his constitutional rights. His detention is not justified under the Constitution or the Immigration and Nationality Act ("INA"). He seeks an order from this Court declaring his continued detention unlawful and ordering Respondents to release him or to hold a custody redetermination hearing.

CUSTODY

1. The Petitioner is in physical custody of Respondents Russel Hott is the Field Office Director, ICE ERO, DHS generally, and Paul Perr is the Warden of the Caroline Detention Center located in Virginia.
2. At the time of the filing of this petition, the Petitioner is detained at the Caroline Detention Center, Virginia. The Facility contracts with DHS to detain noncitizens like the Petitioner. He is under the direct control of Respondents and their agents.

JURISDICTION

3. This Court has jurisdiction over this habeas action under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 *et. seq.*, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), as the 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 of the United States.
4. 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.

VENUE

5. Venue is proper in this District because the Petitioner is detained at Caroline Detention Center within this District and because a Respondent with immediate custody is located here.

PARTIES

6. The Petitioner, whose A Number is [redacted] is a native and citizen of El Salvador, currently detained at Caroline Detention Center, Virginia.
7. Respondent Paul Perry is the Warden of the facility and has immediate custody over Petitioner. He is the Petitioner's legal custodian.
8. Respondent Russel Hott is the Field Office Director, ICE ERO with responsibility for field operations relevant to Petitioner's detention. Respondent is a legal custodian with the authority to release him.
9. Respondent Kristi Noem is the Secretary of DHS and is responsible for policies and practices concerning detention and removal.
10. Respondent Pamela Bondi is the Attorney General of the United States.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. The Petitioner should not be required to engage in futile EOIR bond and appeal litigation where the outcome is foreordained against him
12. Even if Respondents contend that the Petitioner has not exhausted his administrative remedies because he has not file for bond with the Immigration Court or appealed a likely BIA denial, the Court should waive the exhaustion requirement. Filing for bond would be futile given that IJ decisions on bond are controlled by the BIA's *Matter of Yajure-*

Hurtado, 29 I&N Dec. 216 (BIA 2025), which found that any noncitizen present in the United States without having been inspected and admitted is subject to detention under 8 U.S.C. § 1225(b)(2), rather than 8 U.S.C. § 1226(a), regardless of how long they have resided in the United States and where they were encountered by immigration authorities.

13. Thus, filing for bond with the Immigration Court and appealing a sure denial to the BIA would create an intolerable delay and would certainly result in the BIA affirming the IJ's bond decision. *See Shalala v. Ill. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000).

14. The Petitioner's only remedy is by way of this judicial action.

STATUTORY FRAMEWORK

15. On September 5, 2025, BIA issued *Matter of Yajure Hurtado*, establishing that any noncitizen present in the United States without having been inspected and admitted is subject to detention under 8 U.S.C. § 1225(b)(2), rather than 8 U.S.C. § 1226(a), regardless of how long they have resided in the United States and where they were encountered by immigration authorities. 29 I&N Dec. 216 (BIA 2025).

Relevant Sections of the Immigration and Nationality Act

16. **U.S.C. § 1225 / INA § 235**: Chapter titled "Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing."

17. **8 U.S.C. § 1225(a)(1) / INA § 235(a)(1)**: Defines applicant for admission, "***for purposes of this chapter***" as "an alien present in the United States who has not been admitted or who arrives in the United States[.]"

18. **U.S.C. § 1225(b)(1) / INA § 235(b)(1)**: Lays out the class of noncitizens subject to expedited removal. Section 1225(b)(1)(A)(i) subjects to expedited removal any applicants for admission "who [are] *arriving in* the United States [("Arriving Aliens")] **or** who [are] described in clause (iii)" **and** who lack valid entry documents. 8 U.S.C. § 1225(b)(1)(A)(i) (emphases added). Clause (iii) provides for expedited removal of applicants for admission who are not "arriving in" the United States but who have not been admitted or paroled into the United States **and** cannot establish two years of physical presence in the United States "immediately prior to the determination of inadmissibility." 8 U.S.C. § 1225(b)(1)(A)(iii).

19. **8 U.S.C. § 1225(b)(2)(A) / INA § 235(b)(2)(A)**: A noncitizen who is an "applicant for admission" and is not clearly and beyond a doubt entitled to be admitted *must* be kept in DHS custody during the pendency of removal proceedings under 8 U.S.C. § 1229A (INA § 240). These are non-expedited proceedings and are commenced by the issuance of a charging document known as a Notice to Appear, Form I-862. Section 1225(b)(2) applies to arriving aliens and certain individuals stopped shortly after entry.

20. **8 U.S.C. § 1226 / INA § 236:** Chapter titled "Apprehension and detention of aliens."

21. **8 U.S.C. § 1226(a) / INA § 236(a)**: Allows the Attorney General, *on warrant*, to arrest and detain a noncitizen pending the outcome of their removal proceedings. Noncitizens arrested under a warrant may be released on bond or recognizance in DHS's discretion. Predecessor statutes to § 1226(a) authorized arrest, detention, and release of noncitizens inside the United States and permitted discretionary bond; when Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act

("IIRIRA"), it stated that § 1226 "restates the current provisions in [the predecessor statute] regarding the authority of the Attorney General to arrest, detain, and release on bond a[ ] [noncitizen] who is not lawfully present in the United States[,]" indicating continuity. H.R. Rep. No. 104-469, pt. 1, at 229.

22. **8 U.S.C. § 1226(c) / INA § 236(c)**: Creates grounds of mandatory detention for criminal and terrorist noncitizens. The Laken Riley Act (LRA) added 8 U.S.C. § 1226(c)(1)(E), which requires DHS to keep detained noncitizens who are arrested for, charged with, or convicted of certain crimes, who are also inadmissible for being present in the country without inspection or admission, for lacking valid documentation, or for committing fraud or misrepresentation.

23. **8 U.S.C. § 1357(a) / INA § 287(a)**: Permits immigration officials to arrest noncitizens without a warrant where (1) the officer sees the noncitizen entering the country in violation of law; (2) the officer has reason to believe that the noncitizen is in the United States unlawfully and is likely to escape before a warrant can be obtained; or (3) the officer has reason to believe the noncitizen has committed a felony. The BIA construed the "reason to believe" standard with probable cause and recognized that a person in a vehicle may be deemed likely to escape before a warrant can be secured. *Matter of Mariscal-Aguilar*, 28 I&N Dec. 666 (BIA 2022).

Longstanding Interpretation of 8 U.S.C. §§ 1225 and 1226

24. Since 1996, the immigration courts, Board of Immigration Appeals, and federal courts recognized the plain text of these two sections, accepting that § 1225(b) only covers a narrow subset of detainees, with the rest subject to discretionary detention under the "catch-all" provision of § 1226(a). A longstanding practice of the government applying

the law in a certain way can inform the court's determination of what the law is. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 386 (2024).

25. The U.S. Supreme Court added temporal and geographical confines to treating a noncitizen as an applicant for admission. In *Department of Homeland Security v. Thuraissigiam,* the Court noted that DHS historically treated noncitizens as applicants for admission only when encountered within 14 days of entry, and within 100 miles of the border. 591 U.S. 121, 134 n.2 (2020) (citing 69 Fed. Reg. 48879 (2004)). When the Court analyzed the constitutionality of expedited removal proceedings, it noted that the broad definition of an applicant for admission contained in § 1225 applies *for the purposes of those subject to expedited removal. Id.* at 124.

26. Indeed, in *Jennings v. Rodriguez*, the seminal case analyzing §§ 1225 and 1226, the United States Supreme Court maintained that § 1225(b) concerns "primarily [those] seeking entry," and is generally applicable "at the Nation's borders and ports of entry, where the Government must determine whether [a noncitizen] seeking to enter the country is admissible." 583 U.S. 281, 297, 287 (2018). On the other hand, § 1226 "authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings." *Id.* at 289 (emphasis added).

27. The discretionary detention provision in § 1226 has been referred to as a catch-all provision, with the Supreme Court dubbing it a "default rule" that "applies to [noncitizens] already present in the United States." *Id.* at 288, 301.

28. In *Matter of Akhmedov*, the BIA acknowledged that noncitizens arrested within the interior of the United States and placed into removal proceedings with the issuance of a Notice to Appear (NTA) are detained under § 1226(a) and therefore the Immigration

Judge had jurisdiction to consider their bond request. 29 I&N Dec. 166 (BIA 2025). *Matter of Q. Li* held that the detention of a noncitizen who is detained and arrested at or near the border and placed into *expedited* removal proceedings is not governed by § 1226(a) but rather by § 1225(b). 29 I&N Dec. 66, 69 (BIA 2025).

Matter of Yajure-Hurtado and DHS Policy on Detention

29. In July 2025, DHS issued a policy alert laying out a novel interpretation of these two sections unsupported by the above case law: 8 U.S.C. § 1225(b)(2) requires mandatory detention of all noncitizens present without admission, and that Immigration Judges therefore lack jurisdiction to grant them bond.

30. In *Matter of Yajure-Hurtado*, the BIA upheld DHS's policy and departed from three decades of statutory interpretation, holding that the detention of any noncitizen who is in the United States without being admitted is governed by § 1225(b)(2), irrespective of whether the noncitizen's encounter with immigration officials was when they were "arriving" or whether they have been physically present in the United States for more than two years. 29 I&N Dec. 216 (BIA 2025).

31. Accordingly, the decision held that Immigration Judges effectively only have jurisdiction over deciding bond for noncitizens who have been inspected and admitted, and that all noncitizens present in the United States without admission or parole must be detained during the pendency of their removal proceedings. *Id.* at 218, 223. It is in this context that the Petitioner requests habeas relief.

32. Respondents continue to subject the Petitioner to what is effectively mandatory detention based on this flawed logic.

Chevron Overruled – Independent Statutory Interpretation Required

33. For decades, courts deferred to reasonable agency interpretations of ambiguous statutes under *Chevron* deference. On June 8, 2024, the U.S. Supreme Court overturned *Chevron U.S.A., Inc. v. NRDC* in *Loper Bright Enterprises v. Raimondo*, holding that the Administrative Procedure Act requires courts to exercise their own independent judgment in deciding whether an agency has acted within its statutory authority. 603 U.S. 369 (2024). In its decision, the Court emphasized that judges may not defer to an agency interpretation merely because a statute is ambiguous; instead, the courts must decide the best interpretation, giving respectful consideration - but not deference - to the Executive Branch. *Id.*

STATEMENT OF FACTS

34. On September 3, 2025, between about 5:40 a.m. and 6:00 a.m., William left his home in Washington, D.C. He entered a car parked along the street while waiting for his brother so they could go to work together.

35. Several officers suddenly surrounded the vehicle. They ordered William to open the door and get out. William asked why. The officers gave no reason. They warned that they would break the door if he did not comply.

36. The officers then broke the car window. They pulled William from the vehicle by force. They took him into custody. They did not explain the reason for the stop, arrest, or seizure.

37. William did not flee. He did not resist. He did not threaten the officers. He was sitting in a parked car and waiting for his brother.

38. Shortly after the arrest, William's brother came outside. He found the car with a broken window. The family could not find William and called the police to report him missing.

39. When police arrived, an officer reviewed a video recorded by a neighbor. The officer confirmed that immigration officers had taken William into custody. The neighbor later refused to share the video with the family.

40. William has remained in immigration detention since September 3, 2025.

41. At the time of arrest, William had a pending asylum application, A-[redacted] No hearing date had been set. ICE arrested and detained him without a warrant, without explanation, and without showing lawful cause.

42. William was born on [redacted] in El Salvador. He entered the United States on February 5, 2018. He is single and has no children.

43. William is a calm and respectful person. He avoids trouble and acts with care. He has shown steady and responsible conduct.

44. He works in construction from Monday through Saturday. His workday usually runs from about 6:30 a.m. to 5:00 or 6:00 p.m. After work, he goes straight home to rest and prepare for the next day.

45. On Sundays, William cleans the house, buys groceries, and handles basic needs. He spends that day with his family. He has strong family ties and steady daily routines.

46. The Petitioner has been held at Caroline Detention Center. His A-Number is [redacted]

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF FIFTH AMENDMENT RIGHT TO SUBSTANTIVE AND PROCEDURAL DUE PROCESS

47. The Petitioner incorporates by reference all preceding paragraphs.

48. The Petitioner's detention under 8 U.S.C. § 1225 violates his substantive due process rights under the Fifth Amendment to the United States Constitution as it subjects him to arbitrary detention.

49. "Government detention violates the Fifth Amendment "unless the detention is ordered in a *criminal proceeding* with adequate procedural protections or, in certain special and narrow nonpunitive circumstances where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v. Davis*, 553 U.S. 678, 690 (2001) (internal citations and quotations omitted).

50. Here, there is no "special justification" which allows the Respondents to deny the Petitioner the liberty to which he is entitled. Respondents have not alleged any "special justification" to support the Petitioner's continued detention.

51. Further, the BIA's decision in *Matter of Yahure Hurtado* claims that the immigration judge lacks the jurisdiction to grant bond to any noncitizen who has entered the United States without being inspected and admitted or paroled based on 8 U.S.C. § 1225. According to the BIA, anyone who entered without inspection or parole, no matter how long present in the United Sates before encountering immigration authorities, are essentially subject to mandatory detention. 29 I&N Dec. at 228.

52. Substantive due process also affords the Petitioner "a right to adequate food, shelter, clothing, and medical care . . . [and to] safety and freedom from bodily restraint." *See Youngberg v. Romeo*, 457 U.S. 307, 315-18 (1982).

53. Without federal court action, the Petitioner will likely remain detained for months. Given that as of the third quarter for fiscal year 2025 the BIA has 186,473 cases pending and only 16 appellate immigration judges (11 permanent members and five temporary members), immediate action from this court is required to prevent the Petitioner's long-term detention. *See Executive Office for Immigration Review Adjudication Statistics*, U.S. DEP'T OF JUSTICE, https://www.justice.gov/eoir/media/1344986/dl?inline (last updated July 31, 2025); *Board of Immigration Appeals*, U.S. DEP'T OF JUSTICE, https://www.justice.gov/eoir/board-of-immigration- appeals (last updated Sept. 16, 2025).

COUNT TWO

VIOLATION OF EIGHT AMENDMENT RIGHT TO PROTECTION FROM CRUEL AND UNUSUAL PUNISHMENT

54. The Petitioner incorporates all preceding paragraphs by reference.

55. ICE subjected Petitioner to force and confinement that go beyond any civil purpose. Officers seized him at dawn while he sat in a parked car and waited for his brother to go to work. They gave no reason, broke the car window, pulled him out by force, and took him into custody. They detained him without explanation and without a warrant. This use of force and continued confinement imposed harm for its own sake and crossed from regulation into punishment.

56. Petitioner's detention is excessive in relation to any legitimate goal. He was calm,

compliant, and not fleeing. He posed no threat and did not resist. He had a pending asylum application with no hearing date. Despite this, the government chose violent seizure and continued detention rather than a measured civil process. The severity of the response bears no rational link to enforcement needs.

57. The punishment is also grossly disproportionate to Petitioner's conduct and life circumstances. He is a steady construction worker with a fixed routine and strong family ties. He spends his days working and his time off caring for basic needs and family. Detaining him under harsh conditions after a violent arrest inflicts needless harm on a peaceful person. That imbalance violates the Eighth Amendment's ban on cruel and unusual punishment.

58. This relentless mental and emotional pain, coupled with the indefinite nature of his confinement, heightens the cruelty of the Petitioner's detention and underscores the punishment's unusual severity.

59. The Eighth Amendment to the U.S. Constitution prohibits the government from inflicting cruel and unusual punishment on individuals.

60. To state a cognizable claim under the Eighth Amendment, the Petitioner must allege acts or omissions sufficiently harmful to show deliberate indifference to his needs. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976).

61. Even if no harm has occurred, the lack of safety in the Petitioner's detention conditions is sufficient for judicial intervention. *See Helling v. McKinney*, 509 U.S. 25, 33 (1993) (explaining that the Supreme Court and Courts of Appeals have recognized a remedy for unsafe conditions where a tragic event has not yet occurred, i.e. one need not wait for a traffic event to occur to file a claim for future harm under the Eighth Amendment).

62. The Petitioner's continued unlawful detention also constitutes cruel and unusual punishment under the Eighth Amendment because the Petitioner is subject to mandatory, indefinite detention based solely on Respondents' erroneous interpretation of 8 U.S.C. § 1225(b)(2).

63. Detainees may challenge their confinement's unconstitutional conditions through writs of habeas corpus, an avenue which the U.S. Supreme Court has never explicitly foreclosed. *See Preiser v. Rodriguez*, 411 U.S. 475, 499-500 (1973) (stating that when "a prisoner is put under additional and unconstitutional restraints during his lawful custody, it is arguable that habeas corpus will lie to remove the restraints making the custody illegal.").

64. Respondents' continued custody of the Petitioner has transformed civil immigration detention into cruel and unusual punishment.

PRAYER FOR RELIEF

WHEREFORE, the Petitioner respectfully requests that this Court grant the following relief:

A. Assume jurisdiction over this matter.

B. Issue an order directing Respondents to Show Cause why the Writ should not be granted.

C. Enjoin Respondents from transferring Petitioner outside this District during this action or in a way that would strip this Court's jurisdiction.

D. Order immediate release on reasonable conditions if a timely hearing is not held.

E. If Bond is Ordered:

1. Order that Petitioner is detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A);

2. Direct Respondents to provide Petitioner with a bond hearing before an immigration judge within seven days, with the following safeguards:
   - The government bears the burden of proof by clear and convincing evidence.
   - Petitioners shall have the opportunity to present evidence and witnesses.
   - The immigration judge shall issue written findings of fact and conclusions of law.
   - **Any appeal shall not automatically stay the release order**;

F. Grant any other relief which this Court deems just and proper.

DATED: January 13, 2026

Respectfully submitted,
Petitioner

By: /s/
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner and submit this verification on his behalf. 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.

Dated: January 13, 2026

/s/
Jorge E. Artieda, Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2026, I served a true and correct copy of the foregoing Petition on Respondents by USPS Certified Mail, Signature Required, to:

Caroline Detention Facility
Attn: **Warden Paul Perry**
11093 S.W. Lewis Memorial Drive
P.O. Box 1460
Bowling Green, VA 22427

U.S. Immigration and Customs Enforcement
and Removal Operations, Washington Field Office
Attn: **Field Office Director, Russell Hott**
14797 Murdock Street, Mail Stop 5216
Chantilly, VA 20598-5216

The Honorable Kristi Noem
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/s/

Jorge E. Artieda