

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ERIK JAHIR GONZALES CAMBAR

(A No. ,

Petitioner,

v.

PAMELA BONDI, *in her official Capacity*
as Attorney General of the United States;

KRISTI NOEM, *in her official capacity as*
Secretary of the U.S. Department of Homeland
Security;

TODD M. LYONS, *in his official capacity as*
Acting Director, Immigration and
Customs Enforcement; U.S. Department of
Homeland Security;

MIGUEL VERGARA, *in his official capacity as*
Field Office Director, San Antonio Field Office,
U.S. Immigration and Customs Enforcement

SERVANDO BRITO *in his official capacity as*
Warden of Karnes County Immigration
Processing Center

Respondents.

Case No. 5:26-cv-00210

**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

1. Erik Jahir Gonzales Cambar is a Honduran citizen who came to the United States as an unaccompanied alien child (“UAC”) in February 2023. He is the beneficiary of an

approved application for special immigrant juvenile status and will be eligible for lawful permanent resident (green card) status once a visa becomes available.

2. Despite this, on November 22, 2025, immigration officers arrested Mr. Gonzales Cambar while he was walking to the grocery store. On information and belief, Mr. Gonzales Cambar repeatedly told the officers that he has SIJ status. They detained him nevertheless.
3. The Respondents' arrest and detention of Mr. Gonzales Cambar appears to result from their reinterpretation of the Immigration and Nationality Act's detention provisions in July 2025. There is a growing body of case law from the federal district courts holding that Respondents' reinterpretation of 8 U.S.C. § 1225(b)(2)(A) is contrary to law. *See, e.g., Blanco v. Noem*, 1:25-CV-2111-RP-, 2026 U.S. Dist. LEXIS 5293 (W.D. Tex. Jan. 12, 2026) (holding that in case of SIJ grantee, "Petitioner is correct that his detention under § 1225(b)(2) is in violation of the INA"); *Silva v. Bondi*, 1:25-CV-2155-DAE, 2026 U.S. Dist. LEXIS 5286, at *16-17 (W.D. Tex. Jan. 12, 2026); This is another such case.
4. Mr. Gonzales Cambar's detention is unconstitutional and an unlawful restraint; he seeks an order from this Court requiring his immediate release or, alternatively, that the Respondents provide him with a bond hearing before a neutral and impartial adjudicator.

JURISDICTION AND VENUE

5. Mr. Gonzales Cambar is detained in the Karnes County Immigration Processing Center at 409 FM 1144 Karnes City, Texas 78118 in Karnes County which is within the jurisdiction of the United States District Court for the Western District of Texas.

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (“habeas corpus”), 28 U.S.C. § 1651 (“All Writs Act”), 28 U.S.C. § 1331 (“federal question”), the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*, 8 U.S.C. § 1232, and U.S. CONST. amend. V (the “Due Process Clause”).
7. This Court may grant relief under 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, the All Writs Act, 28 U.S.C. § 1651.
8. This Court has jurisdiction to adjudicate habeas corpus claims brought by foreign nationals who challenge the legality of their detention by U.S. immigration officials. *See Reno v. Flores*, 507 U.S. 292, 307 (1993) (“It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.”). Title 8 U.S.C. § 1252(g) does not operate as a jurisdictional bar because that statute does not apply to actions taken to detain foreign nationals. *See Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (“Section 1252(g) ‘applies only to three discrete actions,’ i.e. commencement of removal proceedings, adjudication of removal cases, and execution of removal orders”). Additionally, 8 U.S.C. § 1252(b)(9), does not preclude jurisdiction because that statute applies to review of removal orders and not to detention decisions made prior to the issuance of a removal order. *See Demore v. Kim*, 538 U.S. 510, 517 (2003) (“‘where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear.’”) (quoting *Webster v. Doe*, 486 U.S. 592, 603 (1988)); *see also Silva v. Bondi*, 2026 U.S. Dist. LEXIS 5286, at *4-8 (W.D. Tex. Jan. 12, 2026) (rejecting Respondents’ arguments that these statutes serve as a bar to jurisdiction to habeas proceedings challenging detention under 8 U.S.C. § 1225).

EXHAUSTION

9. Mr. Gonzales Cambar requested a bond redetermination before an immigration judge. On December 30, 2025, an immigration judge sitting in the Pearsall Immigration Court refused to consider his request because she determined that “the Court lacks authority to hear [his] bond request.” Exhibit A (Immigration Judge Order Dec. 30, 2025). The claim is therefore exhausted. Further, to the extent an administrative exhaustion requirement would normally apply in this situation, “[b]ecause Respondents argue the detention of Petitioner is mandatory, claiming no one, including the [immigration judge], can review the detention issue, any attempt to require Petitioner to exhaust any administrative remedies [would be] futile.” *Blanco*, 2026 U.S. Dist. LEXIS 5293, at 6 n.3 (alteration in original) (internal quotations and citations omitted).

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the Respondents forthwith, unless Mr. Gonzales Cambar is not entitled to relief. *See* 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.*

PARTIES

11. Mr. Gonzales Cambar is a native and citizen of Honduras and is now detained by Respondents in the Karnes County Immigration Processing Center at 409 FM 1144 Karnes City, Texas 78118. He is in custody, and under the direct control, of Respondents and their agents.

12. Respondent Servando Brito is sued in his official capacity as the warden Karnes County Immigration Processing Center. Warden Brito has immediate physical custody of Mr. Gonzales Cambar and has the authority to release him.
13. Respondent Miguel Vergara is sued in his official capacity as the San Antonio Field Office Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement. Miguel Vergara is the immediate supervisor of Respondent Brito.
14. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement and supervises and oversees Respondent Miguel Vergara.
15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Respondent Kristi Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act (“INA”), and oversees ICE, the component agency directly responsible for Mr. Gonzales Cambar’s detention. *See* 8 U.S.C. § 1103(a). Respondent Kristi Noem is a legal custodian of Petitioner.
16. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. The Attorney General oversees the Executive Office for Immigration Review and, within the Executive Branch, is the arbiter of all questions of law pertaining to the Immigration and Nationality Act. *See* 8 U.S.C. § 1103(a)(1), 1103(g).

STATEMENT OF FACTS

17. Mr. Gonzales Cambar arrived in the United States on February 6, 2023, when he was fifteen years old. He came with his eight-year-old brother. No adults accompanied them.

18. On the day he arrived, immigration officers arrested Mr. Gonzales Cambar on a warrant stating that he would remain detained by the Department of Homeland Security under authority set forth in 8 U.S.C. § 1226. *See* Exhibit B (Warrant for Arrest).
19. The following day, immigration officers served Mr. Gonzales Cambar with a Notice to Appear (“NTA”) in immigration court to defend against the charge under U.S.C. § 1182(a)(6)(A)(i) that he was present in the United States without admission or parole or who entered the United States at a time or place other than as designated by the Attorney General. *See* Exhibit C. The Notice to Appear did not charge him as an “arriving alien,” but instead charged him as “an alien present in the United States who has not been admitted or paroled.” *Id.*
20. On February 23, 2023, the Department of Health and Human Services (“HHS”), Office of Refugee Resettlement (“ORR”), Division of Unaccompanied Children Operations released Mr. Gonzales Cambar to the care of his mother. *See* Exhibit D (“ORR Verification of Release”). ORR released Mr. Gonzales Cambar pursuant to 6 U.S.C. § 279 and 8 U.S.C. § 1232. *See id.*
21. On December 16, 2024, Mr. Gonzales Cambar successfully petitioned United States Citizenship and Immigration Services for a Special Immigrant Juvenile Status (“SIJ”). *See* 8 U.S.C. 1101(a)(27)(J). Once an immigrant successfully petitions for SIJ classification, the immigrant becomes eligible for a visa under 8 U.S.C. § 1153(b)(4) (allocating a certain percentage of visas annually to “special immigrants,” including special immigrant juveniles). *See* Exhibit E (“Notice of Action, SIJ petition approval”). That process is described more thoroughly below.

22. On November 22, 2025, immigration officers arrested Mr. Gonzales Cambar while he was walking to the grocery store. On information and belief, Mr. Gonzales Cambar repeatedly told the officers that he has SIJ status. They detained him nevertheless.
23. On information and belief, Mr. Gonzales Cambar has no criminal record.
24. Mr. Gonzales Cambar requested a bond hearing with the Pearsall, Texas Immigration Court. On that day, an immigration judge refused to consider this request, opining that “the Court lacks authority to hear [his] bond request.” Exhibit (citing *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)). That decision asserts that immigration judges lack jurisdiction to hold bond hearings for foreign nationals who are present in the United States without admission. *See id.* at 220.

SIJ LEGAL FRAMEWORK

25. Congress established special immigrant juvenile (“SIJ”) status in 1990 “to protect abused, neglected or abandoned children who, with their families, illegally entered the United States, and it entrusted the review of SIJ petitions to USCIS, a component of the Department of Homeland Security.” *Osorio-Martinez v. Att’y Gen. of U.S.*, 893 F.3d 153, 163 (3d Cir. 2018).
26. “Congress also afforded [SIJ beneficiaries] a host of procedural rights designed to sustain their relationship to the United States and to ensure they would not be stripped of SIJ protections without due process.” *Id.* at 171.
27. Once an immigrant successfully petitions for SIJ classification, the immigrant becomes eligible for a visa under 8 U.S.C. § 1153(b)(4) (allocating a certain percentage of visas annually to “special immigrants,” including special immigrant juveniles).

28. “For many SIJ petitioners seeking LPR status, completing this process takes a long time because a SIJ cannot file an Adjustment of Status application unless the appropriate immigration visa is available.” *Casa Libre v. Mayorkas*, 637 F. Supp. 3d 805, 810 (C.D. Cal. 2022) (citing 7 USCIS-PM F.7).
29. As a result of this visa cap, “a person who has received SIJ status . . . may wait years for the opportunity to file for adjustment of status.” *Joshua M. v. Barr*, 439 F. Supp. 3d 632, 661 n.19 (E.D. Va. 2020).

CLAIMS FOR RELIEF

COUNT ONE

Violation of 8 U.S.C. § 1225(b)(2)(A).

30. Mr. Gonzales Cambar incorporates and realleges all paragraphs as if fully set forth here.
31. Respondents’ theory that Mr. Gonzales Cambar is subject to mandatory detention under 8 U.S.C. § 1225(b) rests on their mistaken recent reinterpretation of the Immigration and Nationality Act’s detention provisions at 8 U.S.C. §§ 1225(b) and 1226(a). At least five reasons demonstrate the incorrectness of the Respondents’ position.
32. First, when Mr. Gonzales Cambar became a SIJ grantee in 2024, that “converted him from being an arriving alien to an alien present in the United States.” *Rodriguez v. Perry*, 747 F. Supp. 3d 911, 916 (E.D. Va. 2024). In *Jennings*, the Supreme Court instructed that 8 U.S.C. § 1225(b) “applies primarily to aliens seeking entry into the United States (‘applicants for admission’ in the language of the statute).” *Id.* at 297. Section 1226, on the other hand, applies to aliens already present in the United States.” *Id.* at 303. “Section 1226(a) creates a default rule for those aliens by permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal

proceedings.” *Id.* “Section 1226(a) also permits the Attorney General to release those aliens on bond . . .” *Id.*

33. Mr. Gonzales Cambar’s SIJ status makes clear that he is “already present in the United States.” *Jennings*, 583 U.S. at 303. Under these circumstances, *Jennings* instructs that he is entitled to a bond hearing under 8 U.S.C. § 1226(a); *see Blanco*, 2026 U.S. Dist. LEXIS 5293, at *15 (holding in case of SIJ grantee “that Petitioner is correct that his detention under § 1225(b)(2) is in violation of the INA.”).
34. Second, the Respondents’ application of their reinterpretation of § 1225(b)(2) flies in the face of their prior actions towards Mr. Gonzales Cambar. On February 6, 2023, immigration officers arrested him on a warrant “as authorized by section 236 of the [INA] . . .” That same day, immigration officials also issued Mr. Gonzales Cambar a Notice of Custody Determination, stating their detainment of the Petitioner was under the authority “contained in section 236 of the [INA],” and, because he was an unaccompanied child, released him to the custody of ORR. And the NTA charges him as “an alien present in the United States” and not as an “arriving alien.”
35. In short, the Respondents’ treatment of Mr. Gonzales Cambar since he arrived in the United States unequivocally demonstrates that he is detained pursuant to § 1226(a). *See Blanco*, 2025 U.S. Dist. LEXIS 270379, at *17.
36. Third, the Respondents’ reinterpretation of the law governing detention for foreign nationals without administratively final removal orders is contrary to statutory interpretation. It is settled that a “statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant . . .” *Hibbs v. Winn*, 542 U.S. 88, 101 (2004) (internal quotations omitted)). Last year, “the

Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025), amended § 1226, authorizing mandatory detention for certain categories of individuals who entered the United States without inspection.” *Blanco*, 2026 U.S. Dist. LEXIS 5293, at *10 (W.D. Tex. Jan. 12, 2026). “Specifically, the Act created § 1226(c)(1)(E), which requires mandatory detention for people who both (1) are charged as being inadmissible for entry without inspection or lacking valid documentation to enter the United States and (2) have been arrested, charged with, or convicted of certain crimes.” *Id.* (citing 8 U.S.C. § 1226(c)(1)(E)). “If all noncitizens charged as inadmissible due to entry without inspection were already subject to mandatory detention under § 1225(b)(2), it would make no sense for Congress to have amended the statute to require mandatory detention for specific subcategories of those individuals.” *Id.* (citation omitted); *see Silva*, 2026 U.S. Dist. LEXIS 5286, at *18 (same).

37. Fourth, the Respondents’ reinterpretation of the detention provisions upsets decades of practice. *See Blanco*, 2026 U.S. Dist. LEXIS 5293, at *11. Mandatory detention for all applicants has only been the official policy of the DHS since July 8, 2025, when the Acting Director of U.S. Immigration and Customs Enforcement, Todd Lyons, issued his internal memorandum explaining that the agency had revisited its legal position. *See, e.g., Jian Guo v. Vergara*, 2026 U.S. Dist. LEXIS 2523, at *9 (W.D. Tex Jan. 5, 2026) (“In July 2025, Todd Lyons, Acting Director of ICE, issued an internal memorandum (the ‘Lyons Memorandum’) explaining that the agency had ‘revisited its legal position’ and ‘determined that [Section 1225] of the [INA], rather than [Section 1226], is the applicable immigration detention authority for all applicants for admission.’”) (alterations in original)). The Respondents’ nearly three-decade interpretation of the INA’s detention

provisions should inform the Court as to the correctness of that interpretation. See *id.* (citing *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 386 (2024)).

38. Fifth, the Respondents themselves have issued conflicting interpretations of these detention provisions since July 2025. The novelty of the Respondents' new theory of immigration detention is underscored by the conflicting pronouncements of it by the Respondents themselves. In an August 4, 2025, order, the Attorney General determined that foreign nationals arrested in the interior of the United States (other than at a port of entry) are entitled to bond hearings and are detained under 8 U.S.C. § 1226. She did this by designating as precedent "in all proceedings involving the same or similar issues" the Board's decision in *Matter of Akhmedov*, 29 I. & N. Dec. 166 n.1 (BIA 2025).
39. In *Akhmedov*, the Board considered the Department of Homeland Security's appeal of an Immigration Judge's grant of bond to a foreign national arrested in the interior of the United States. See 29 I. & N. Dec. at 166, 168. The Board's decision - as adopted by the Attorney General - could hardly be clearer: "The respondent's custody determination is governed by the provisions of section 236(a) of the Immigration and Nationality Act, 8 U.S.C. § 1226(a) (2018)." *Id.* at 166.
40. Just like the foreign national in *Akhmedov*, Mr. Gonzales Cambar was arrested by immigration officers in the interior of the United States. Just like the foreign national in *Akhmedov*, Mr. Gonzales Cambar is entitled to a bond hearing.
41. By statute, the Attorney General's determinations and rulings on all questions of law pertaining to the Immigration and Nationality Act bind the Executive Branch. See 8 U.S.C. § 1103(a)(1). Under pertinent regulation, "[t]he Board shall be governed by the provisions and limitations prescribed by applicable law, regulations, and procedures, and

by decisions of the Attorney General (through review of a decision of the Board, by written order, or by determination and ruling pursuant to section 103 of the Act).” 8 C.F.R. § 1003.1(d)(1)(i).

42. *Yajure Hurtado* cannot be reconciled with the Attorney General’s decision in *Akhmedov* (decided a month earlier) where the Attorney General determined that 8 U.S.C. § 1226(a) governs foreign nationals who enter the United States unlawfully and who immigration officers later encounter. *See Akhmedov*, 29 I. & N. Dec. at 166. By statute and the Respondents’ own regulation, *Akhmedov* governs and instructs that Ms. Aguilar Robles is entitled to a bond hearing.

COUNT TWO

Violation of Fifth Amendment Right to Due Process

43. Mr. Gonzales Cambar incorporates and realleges paragraphs 1-42 as if fully set forth here.
44. It is settled that the Fifth Amendment’s Due Process Clause applies to all “persons” within the United States. *See Matthews v. Diaz*, 426 U.S. 67, 77 (1976). The term “persons” includes foreign nationals such as Mr. Gonzales Cambar. *See id.*
45. It is equally well settled that freedom from confinement is a core liberty interest and violation of that liberty interest raises a colorable substantive due process claim. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)); *Reno v. Flores*, 507 U.S. 292, 301 (1993) (collecting cases); *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (bodily freedom is the “most elemental of liberty interests”).

46. The Respondents' detention of Mr. Gonzales Cambar without any mechanism to challenge his confinement violates Mr. Gonzales Cambar's right to substantive due process.
47. Mr. Gonzales Cambar also has the right to procedural due process. Immigration proceedings are civil and they are intended to be "nonpunitive in purpose and effect." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Over a century of Supreme Court precedent instructs that the Fifth Amendment entitles foreign nationals to procedural due process. *See Reno*, 507 U.S. at 306 (citing *The Japanese Immigrant Case*, 189 U.S. 86, (1903)). The Respondents' refusal to provide any process whatsoever contravenes over a century of Supreme Court precedent interpreting the Due Process Clause as applying to foreign nationals such as Mr. Gonzales Cambar. *See, e.g., Matthews v. Eldridge*, 424 U.S. 319, 335 (1976).
48. "Many courts within and outside this District and Circuit have addressed whether a petitioner in these circumstances can properly be subject to re-arrest and detention under §1225(b), with the courts sometimes couching the discussion in terms of a constitutional issue and sometimes as a statutory-interpretation issue." *Blanco*, 2025 U.S. Dist. LEXIS 270379, at *11-12 (citations omitted). "The overwhelming weight of persuasive authority, however, agrees with Petitioner's position that § 1226(a)—and not § 1225(b)—applies such that the Government cannot unilaterally reclassify Petitioner as a § 1225(b) detainee and thereby deny him any opportunity for a bond hearing." *Id.* at *12.
49. To determine whether civil detention violates a detainee's Fifth Amendment procedural due process rights, courts apply the three-part test articulated in *Matthews v. Eldridge*, 424 U.S. 319 (1976). *Chavero v. Bondi*, 2025 U.S. Dist. LEXIS 261484, at *9 (W.D.

Tex. Dec. 18, 2025). Under that test, courts must weigh (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.* (quoting *Matthews*, 424 U.S. at 335).

50. Mr. Gonzales Cambar invokes “the most elemental of liberty interests”; “[t]he interest in being free from physical detention. . .” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). To be sure, the Respondents’ refusal to provide any process whatsoever creates significant risk that Mr. Gonzales Cambar will be deprived of that interest.

51. The Government’s interest in implementing its novel reinterpretation of 8 U.S.C. § 1225(b)(2)(A) is minimal. “For decades since the passage of IIRIRA, the agencies charged with interpreting and enforcing the INA applied § 1226(a) to noncitizens like Petitioner, who entered the U.S. without inspection and were apprehended while residing in the U.S.” *Silva*, 2026 U.S. Dist. LEXIS, at *18 (internal quotations omitted). “Indeed, mandatory detention for all applicants has only been the official policy of the Department of Homeland Security (“DHS”) . . . since July 8, 2025, when Acting Director of U.S. Immigration and Customs Enforcement, Todd M. Lyons, issued an internal memorandum explaining that the agency had “revisited its legal position. . .” *Martinez v. Hyde*, 792 F. Supp. 3d 211, 217-218 (D. Mass. 2025). In contrast, the resumed application of decades of agency practice will satisfy the Government’s interest in enforcement of the immigration laws.

52. In Mr. Gonzales Cambar's case, all three *Matthews* factors weigh heavily in favor of holding that the Respondents' refusal to provide him any process whatsoever violates his right to procedural due process. The Court should grant the petition for a Writ of Habeas Corpus for this reason as well.

COUNT THREE

Violation of 8 U.S.C. § 1227(c)

53. Mr. Gonzales Cambar incorporates and realleges paragraphs 1-52 as if fully set forth here.
54. Under 8 U.S.C. § 1227(c), foreign nationals such as Mr. Gonzales Cambar who are SIJ designees "can be removed on certain grounds, such as having been convicted of a serious criminal offense" but "cannot be removed for having entered the country illegally." *See Rodriguez*, 747 F. Supp. 3d at 917 (citing 8 U.S.C. § 1101(a)(27)(J)); *see generally*, 8 U.S.C. §§ 1227(a)(1)(A) (foreign nationals who were inadmissible to the time of entry are deportable); 1227(a)(1)(B) (foreign nationals present in violation of the law are deportable).
55. The bar to removing SIJ grantees for having entered the United States illegally originates in the Immigration Act of 1990. *See* Pub. L. No. 101-649, 104 Stat. 4978, 5005-5006, § 153 (Nov. 29, 1990). At that time, the Immigration and Nationality Act distinguished between "deportation and "exclusion." *See Sale v. Haitian Ctrs. Council, Inc.*, 509 U.S. 155, 175 (1993) (discussing distinction between deportable and excludable foreign nationals). Deportation proceedings were the method of proceeding against foreign nationals physically present in the United States while exclusion proceedings were the

- method of proceeding against foreign nationals seeking admission. *See Vartelas v. Holder*, 566 U.S. 257, 261 (2012); *Landon v. Plasencia*, 459 U.S. 21, 25-26 (1982).
56. Following passage of the Illegal Immigration Reform and Immigrant Responsibility Act, “[a]n inadmissible alien is one who was not admitted legally to the United States and is removable under § 1182, whereas a deportable alien is in the United States lawfully and is removable under § 1227.” *Joshua M.*, 439 F. Supp. 3d at 662 (quoting *Vasquez-Hernandez v. Holder*, 590 F.3d 1053, 1055 (4th Cir. 2010)). Although Congress maintained the bar to removing SIJ grantees in § 1227, it did not enact a corresponding bar in § 1182.
57. “[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.” *Nken v. Holder*, 556 U.S. 418, 430 (2009) (quoting *INS v. Cardoza-Fonseca*, 480 U.S. 421, 432 (1987)) (alteration in original). The purpose of the SIJ status is to “protect abused, neglected or abandoned children who, with their families, illegally entered the United States.” *Osorio-Martinez*, 893 F.3d at 163 (internal quotation omitted). Given the statute’s purpose, Congress’s omission of a corresponding bar on to removability in § 1182 is evidence of its understanding that such a provision was not necessary because a charge under §§ 1182(a)(6)(A)(i) or 1182(a)(7)(A)(i)(I) do not properly lie for SIJ grantees.
58. Because 8 U.S.C. § 1227(c) prohibits the respondents from removing Mr. Gonzales Cambar from the United States, it follows that the Respondents’ detention of him in order to effectuate removal is unlawful. *See Rodriguez*, 747 F. Supp. 3d at 917. The Court

should order the Respondents to release Mr. Gonzales Cambar from their custody forthwith.

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 Mr. Gonzales Cambar's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1236, and 8 U.S.C. § 1227(c).
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or, alternatively, order that a neutral and impartial adjudicator conduct a bond hearing pursuant to 8 U.S.C. § 1236(a);
- (5) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/Brian Scott Green
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** Motion for Pro Hac Vice Forthcoming*

Dated: January 16, 2026

Attorneys for the Petitioner

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

I represent, Mr. Gonzales Cambar, 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 this sixteenth day of January, 2026.

/s/ Daniel I. Smulow
Daniel I. Smulow

Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Daniel I. Smulow, hereby declare that, pursuant to Federal Rule of Civil Procedure 4(i), on January 16, 2026, I directed to be served the following documents in the above-captioned matter:

- Petition for Writ of Habeas Corpus; and
- Civil Cover Sheet

I caused the aforementioned documents to be served by USPS certified mail, return receipt requested, at the following addresses:

Mary Kruger, Chief
Civil Division
601 NW Loop 410,
Suite 600
San Antonio, Texas 78216

Miguel Vergara, Field Officer Director
Department of Homeland Security
Immigration and Customs Enforcement ERO
San Antonio Field Office
1777 NE Loop 410
Floor 15
San Antonio, TX 78217

Servando Brito, Warden
Karnes Cnty. Imm. Processing Center
409 FM 1144
KARNES CITY, TX 78118

Todd Lyons, Director
U.S Immigration and Customs Enforcement
500 12th St SW
Washington, DC 20536

Pamela Bondi, Attorney General
Office of the Attorney General
950 Pennsylvania Ave., N.W.
Washington, DC 20530

And

Kristi Noem, Secretary of Homeland Security
Office of General Counsel
U.S. Department of Homeland Security 277
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 16, 2026 at Baltimore, Maryland.

/s/ Daniel I. Smulow
Daniel I. Smulow

Attorney for Petitioner