

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA**

Alexandria Division

VICTOR HUGO MANGANDID BARILLAS,

Petitioner,

v. Case Number

Donald J. TRUMP, in his official capacity as President of the United States;

Russell HOTT, in his official capacity as

Field Office Director of Washington,

Immigration and Customs Enforcement;

Jeffrey CRAWFORD, in his official capacity as Warden of Farmville Detention Center;

Todd LYONS, in his official capacity as

Acting Director, U.S. Immigration and Customs Enforcement;

**Kristi NOEM, in her official capacity as Secretary of the United States Department of
Homeland Security;**

Marco RUBIO, in his official capacity as Secretary of State;

Pamela BONDI, in her official capacity as

Attorney General, U.S. Department of Justice;

**Jeanine Ferris PIRRO in her official capacity as United States Attorney for the District of
Columbia; and**

**Lindsey HALLIGAN, in her official capacity as United States Attorney for the Alexandria
Division of the Eastern District Court,**

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
(Expedited Consideration Requested)

INTRODUCTION

1. Petitioner is a noncitizen from Guatemala.
2. He first entered the United States without inspection in 2001 through Texas.
3. He was not apprehended or detained.
4. In 2004, he departed from the US and reentered without inspection in 2005.
5. He was not apprehended or detained.
6. A final order of removal was entered in April 2011, and the Petitioner was removed to Guatemala.
7. He reentered without inspection in November 2011, was not apprehended or inspected, and has continuously remained in this country since that time.
8. Petitioner submitted an I-918 Petition for U Nonimmigrant Status received by USCIS on May 21, 2019.
9. On March 22, 2024, USCIS sent him Notice that he was granted a U-visa bona fide determination along with deferred action, effective until February 4, 2029.
10. The Petitioner was arrested on December 30, 2025, at around 8:07 a.m.
11. He was driving to a cafe to have breakfast with his daughter when he was intercepted by three ICE patrol cars at the intersection of Hull Street and Elkhardt Road.
12. They stopped him and asked for his driver's license.
13. He showed them his license and also told them he had a work permit.
14. However, the ICE agent told him to get out of the car because he had a removal order.
15. The Petitioner has remained in custody since the date of his apprehension.

16. The current practice of ICE is to transfer detainees to facilities outside the jurisdiction of the court where their Petition for a Writ of Habeas Corpus ("Petition") was originally filed.
17. This divests the Court of subject matter jurisdiction over the detainee and his Petition, and he loses his constitutional right to habeas corpus relief to challenge the legality of his detention.
18. Petitioner is being held at the Farmville Detention Center ("FDC"), which is within this Court's jurisdiction and the basis upon which he is suing: Donald J. TRUMP, in his official capacity as President of the United States; Russell HOTT, in his official capacity as Field Office Director of Washington, Immigration and Customs Enforcement; Jeffrey CRAWFORD, in his official capacity as Warden of Farmville Detention Center; Todd LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary of the United States Department of Homeland Security; Marco RUBIO, in his official capacity as Secretary of State; Pamela BONDI, in her official capacity as Attorney General, U.S. Department of Justice; Jeanine Ferris PIRRO in her official capacity as United States Attorney for the District of Columbia; and, Lindsey HALLIGAN in her official capacity as United States Attorney for the Alexandria Division of the Eastern District Court.
19. Petitioner files this Petition asserting that he has been illegally detained since his arrest.

JURISDICTION

20. The district court has subject matter jurisdiction under 28 U.S.C. § 2241 ("[w]rits of habeas corpus may be granted by...the district courts ... within their respective jurisdictions"); 28 U.S.C. § 1331 ("[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States"); and Article I § 9, cl. 2 of the U.S. Constitution ("[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."). The court may grant relief

pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651. The Petitioner's action arises under the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

VENUE

21. Venue is proper in this Court as the Petitioner was detained in this judicial district at the time of filing this Petition. 28 U.S.C. § 1391.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. The Petitioner is not required to exhaust his administrative remedies. Usually, “a plaintiff’s failure to exhaust [his] administrative remedies precludes [him] from obtaining federal review of claims that would have properly been raised before the agency in the first instance.” *Brito v. Garland*, 22 F.4th 240, 255 (1st Cir. 2021).
23. However, there are two types of exhaustion: statutory and common-law. *Id.* at 255. “The former deprives a federal court of jurisdiction, while the latter ‘cedes discretion to a [federal] court to decline the exercise of jurisdiction.’” *Id.* (quoting *Anversa v. Partners Healthcare Sys., Inc.*, 835 F.3d 167, 174 (1st Cir. 2016)).
24. Under 28 U.S.C. § 2241, which empowers federal district courts to hear Petitions for a Writ of Habeas Corpus, there is no exhaustion requisite. Therefore, this Court is not statutorily stripped of jurisdiction.
25. Pursuant to INA Section 236(e), federal courts have the discretion to review, in habeas corpus proceedings, the statutory or constitutional challenges involving the alien’s detention. *Demore v. Kim*, 538 U.S. 510, 517 (2003) (“Section 1226(e) contains no explicit provision barring habeas review, and we think that its clear text does not bar respondent’s constitutional challenge to the legislation authorizing his detention without bail.”).

26. In discretionary cases, exhaustion exigencies may be waived, and the court may assert jurisdiction to prevent the Petitioner from suffering “irreparable harm.” *Portela-Gonzalez v. Sec’y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 145, 146 (1992)). Irreparable harm ensues when a Petitioner will suffer prolonged detention without due process. *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019) (citation omitted); see also *Gomes v. Hyde*, No. 1:25-cv-11571, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) (finding the “prolonged loss of liberty” from “several additional months” in possibly unlawful detention would “constitute irreparable harm”) Bond denial appeals take six months or more to be heard by the BIA. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1245 (W.D. Wa. 2025).
27. The Petitioner will endure a potentially indefinite term of unlawful detention with no option of bond while his removal proceedings are pending, which constitutes irreparable harm as defined by our case law and deprives him of due process.
28. Furthermore, exhaustion may be excused where “an administrative appeal would be futile.” *Linfors v. United States*, 673 F.2d 332, 334 (11th Cir. 1982) (alterations added; citations omitted). In the instant case, a bond appeal to the BIA would prove useless because, pursuant to their recent decision in *Matter of Yajure Hurtado*, an alien like Petitioner will be subject to mandatory detention without bond. *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 221(BIA 2025).
29. This Court should therefore waive exhaustion requirements and exert its jurisdiction over the Petitioner and his Petition.
30. Petitioner further alleges as follows:

PARTIES

31. Petitioner, **Elder Antonio Buezo Ramirez**, is a noncitizen from Guatemala, who is currently detained at Farmville Detention Center.
32. Respondent **Donald J. Trump** is named in his official capacity as the President of the United States. In this position, he is responsible for the policies and actions of the executive branch, including the Department of State and Department of Homeland Security. Respondent Trump's address is the White House, 1600 Pennsylvania Ave. NW, Washington, DC 20500
33. Respondent **Russell Hott** is named in his official capacity as the Acting Field Office Director of the Washington Field Office for Immigration and Customs Enforcement ("ICE") within the United States Department of I-Homeland Security. In this position, he is responsible for the administration of immigration laws and the execution of detention and removal determinations within the Washington Field Office's area of responsibility, including overseeing decisions to apprehend, detain, release, and transfer individuals in ICE custody. Respondent Hott was Petitioner's custodian at the time he filed his original habeas petition. Respondent Hott's address is Washington ICE ERO Field Office, 14797 Murdock St , Chantilly, VA 20151.
34. Respondent **Jeffrey Crawford** is named in his official capacity as the Director of the Farmville Detention Center where Petitioner was detained when Petitioner's Initial Petition for Writ of Habeas Corpus and Complaint were filed. Respondent Crawford's address is Farmville Detention Center, 508 Waterworks Dr., Farmville, VA 23901.
35. Respondent **Todd Lyons** is named in his official capacity as the Acting Director of ICE. He is responsible for the administration and enforcement of the Immigration laws of the United States; routinely transacts business in the Eastern District of Virginia, is legally responsible for pursuing any effort to remove the Petitioner; and, as such, is a custodian of the Petitioner. His address is

ICE, Office of the Principal Legal Advisor, 500 12th St SW, Mall stop 5900, Washington, DC 20536-5900.

36. Respondent **Kristi Noem** is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this position, she is responsible for the administration of the immigration laws pursuant to Section 103(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C § 1103(a); routinely transacts business in the Eastern District of Virginia; is legally responsible for pursuing any effort to detain and remove the Petitioner; and, as such, is a custodian of the Petitioner. Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr Ave. SE, Washington, DC 20528-0485
37. Respondent **Marco Rubio** is named in his official capacity as the United States Secretary of State. In this role, he has the authority to determine, based on "reasonable" grounds, that the "presence or activities" of a noncitizen "would have serious adverse foreign policy consequences for the United States." He is responsible for the duties enumerated under Section 237(a)(4)(C)(1), and he routinely transacts business in the Eastern District of Virginia and, as such, is a custodian of the Petitioner. His address is United States Department of State, 2201 C Street, NW, Washington, DC 20520.
38. Respondent **Pamela Bondi** is named in her official capacity as the Attorney General of the United States. In this position, she routinely transacts business in the Eastern District of Virginia, is responsible for the administration of the Immigration laws pursuant to Section 103(a) of the INA, and, as such, is a custodian of the Petitioner.
39. Respondent **David Wesling** is named in his official capacity as the Acting Boston Field Office Director of U.S. Immigration and Customs Enforcement. He is a legal custodian of the Petitioner.

40. Respondent **Todd Lyons** is named in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. He is a legal custodian of the Petitioner.
41. Respondent **Kristi Noem** is named in her official capacity as the Secretary of U.S. Department of Homeland Security. She is a legal custodian of the Petitioner.
42. Respondent **Jeanine Ferris Pirro** is named in her official capacity as the United States Attorney for the District of Columbia. She is a legal custodian of the Petitioner.; and
43. Respondent **Lindsey Halligan** is named in her official capacity as the United States Attorney of the Alexandria Division of the Eastern District Court. She is a legal custodian of the Petitioner.

STATEMENT OF FACTS

44. Petitioner is a noncitizen from Guatemala.
45. He first entered the United States without inspection in 2001 through Texas.
46. He was not apprehended or detained.
47. In 2004, he departed from the US and reentered without inspection in 2005.
48. He was not apprehended or detained.
49. A final order of removal was entered in April 2011, and the Petitioner was removed to Guatemala.
50. He reentered without inspection in November 2011, was not apprehended or inspected, and has continuously remained in this country since that time.
51. Petitioner submitted an I-918 Petition for U Nonimmigrant Status received by USCIS on May 21, 2019.
52. On March 22, 2024, USCIS sent him Notice that he was granted a U-visa bona fide determination along with deferred action, effective until February 4, 2029.
53. The Petitioner was arrested on December 30, 2025, at around 8:07 a.m.

54. He was driving to a cafe to have breakfast with his daughter when he was intercepted by three ICE patrol cars at the intersection of Hull Street and Elkhardt Road.
55. They stopped him and asked for his driver's license.
56. He showed them his license and also told them he had a work permit.
57. However, the ICE agent told him to get out of the car because he had a removal order.
58. The Petitioner has remained in custody since the date of his apprehension.
59. The current practice of ICE is to transfer detainees to facilities outside the jurisdiction of the court where their Petition for a Writ of Habeas Corpus ("Petition") was originally filed.
60. This divests the Court of subject matter jurisdiction over the detainee and his Petition, and he loses his constitutional right to habeas corpus relief to challenge the legality of his detention.
61. Petitioner is currently detained at the Farmville Detention Center ("FDC").

LEGAL BACKGROUND

Legal Standard

62. District courts have the authority to grant writs of habeas corpus. *See* 28 U.S.C. § 2241(a). Habeas corpus is “a remedy for unlawful executive detention.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (citation omitted).
63. A writ may be issued to a Petitioner who demonstrates that he is being held in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3); *see also* *Torrence v. Lewis*, 60 F. 4th 209, 213 (4th Cir. 2023) (citing *Weeks v. Angelone*, 176 F.3d 249, 262 (4th Cir. 1999)) (quoting 28 U.S.C. § 2254(a)), *Aff’d*, 528 U.S. 225 (2000). (“[A] federal court may grant habeas relief ‘only on the ground that [the Petitioner] is in custody in violation of the Constitution or laws or treaties of the United States.’”).

64. The Court's jurisdiction extends to challenges involving immigration-related detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
65. "[T]he heart of habeas corpus" is to give a detainee the opportunity to "challeng[e] the fact or duration of his physical confinement," and to "seek[] immediate release or a speedier release from that confinement." *Preiser v. Rodriguez*, 411 U.S. 475, 498 (1973).

ARGUMENT

Procedural Due Process

66. The Fifth Amendment states that "[n]o person shall be . . . deprived of life, liberty, or property without due process of law." U.S. CONST. amend. V.
67. Due process is guaranteed to all people "within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
68. The mandatory detention imposed by ICE pursuant to 8 U.S.C. § 1231(a)(5) violates the Petitioner's right to procedural due process. *Id.* at 679.

Deferred Action

69. When DHS decides that a U-visa application is bona fide, the applicant is granted deferred action, which protects him from removal. Immigration and Nationality Act (INA) § 214(p)(6).
70. The Petitioner was granted that benefit on March 22, 2024, which entitled him to protection until February 3, 2029.
71. However, on December 30, 2025, ICE officials stopped the Petitioner, advised him that he had an order of removal, and arrested and detained him pursuant to 8 U.S.C. § 1231(a)(5), which states the following:

72. “If the Attorney General finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, the alien is not eligible and may not apply for any relief under this chapter, and the alien *shall* be removed under the prior order at any time after the reentry.” 8 U.S. Code § 1231. (emphasis added).
73. This procedure by ICE violates procedural due process.
74. The Supreme Court held in *Goldberg v. Kelly* that government benefits constitute property interests protected by due process, and the beneficiary must receive notice and a hearing before they can be taken away. *Goldberg v. Kelly*, 397 U.S. 254, 264 (1970).
75. The current enforcement actions by ICE amount to a de facto revocation of deferred action status without prior notice or opportunity to be heard and therefore defy the Petitioner’s right to due process. *Id.*
76. Consequently, ICE’s arrest of the Petitioner, the Government’s unilateral, arbitrary termination of a property interest, was illegal.
77. A person cannot be held in custody if the underlying arrest was made unlawfully. *See United States ex rel. Bilokumsky v. Tod*, 263 U.S.149, 158 (1923).
78. Thus, the Petitioner’s confinement is illicit and empowers this Court to grant habeas relief.

The Accardi Doctrine

79. Procedural due process requires that individuals receive fair notice and a meaningful opportunity to be heard before being deprived of liberty. *Accardi v. Shaughnessy*, 347 U.S. 260, 330 (1954).

80. The Supreme Court determined, in *Accardi v. Shaughnessy*, that an agency must adhere to its own rules. *Id.* at 329-331.
81. Failure to do so allows for arbitrary government action and deprives those affected of due process. *Id.* at 329.
82. When an agency publishes a policy, such as a directive regarding U-visa holders and deferred action, it establishes a predictable standard upon which the public may rely. *Id.*
83. If the agency suddenly ignores this policy, it deprives the individual of "fair notice" of the rules governing their life or liberty. *Id.*
84. On December 2, 2021, ICE issued ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims*, which prescribes that ICE officers will exercise prosecutorial discretion...to facilitate access to justice and victim-based immigration benefits for alien crime victims. ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims* (December 2, 2021).
85. The policy further provides that when an alien has a pending or approved application for victim-based immigration benefits, ICE will refrain from taking enforcement actions against the applicant until USCIS makes a "[n]egative bona fide determination... for [the] pending U visa petition[]." *Id.*
86. "To that end, absent exceptional circumstances, ICE officers will refrain from taking civil immigration enforcement actions, [namely detention or removal] against aliens who are known beneficiaries of victim-based immigration benefits or those known to have pending applications for such benefits." *Id.*
87. This directive has been made available to the public for decades, and is still posted, on ICE's official website (ice.gov).

88. On January 30, 2025, ICE issued Directive 11005.4, *Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits*.
89. This directive rescinded the 2021 "Victim-Centered Approach" (Directive 11005.3), which had previously required agents to refrain from enforcement against those with pending victim visas (U-visas). Directive 11005.4, *Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits*.
90. Current ICE directive 11005.4 states it is "internal guidance" and not enforceable. *Id.*
91. However, this policy dictates agency behavior, inflicting civil immigration enforcement action against individuals with victim-based protection. *Id.*
92. ICE must follow its own notice and revocation protocols before taking liberty-restricting actions against protected individuals. *See Accardi*, 347 U.S. at 329-331.
93. Once USCIS issues a bona fide determination and grants deferred action, ICE is bound by the agency's internal regulations regarding how that status must be managed. *Id.*
94. Mandatory detention under 8 U.S. Code § 1231 (reinstatement of removal) bypasses these procedural safeguards. *Id.*
95. To satisfy due process, a formal revocation proceeding involving individualized notice or hearing is required before a person with deferred action can be detained. *Id.* at 331.
96. The deprivation of a meaningful opportunity to be heard prior to confinement renders the Petitioner's custody illegal and gives this Court the authority to grant a writ of habeas corpus. *Id.*

Substantive Due Process

97. The Government has violated Petitioner's right to substantive due process.
98. "Freedom 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). "[G]overnment detention violates that Clause 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.'" *Id.* (emphasis in original) (internal citations omitted).
99. Petitioner is not detained pursuant to a criminal proceeding or under nonpunitive circumstances that outweigh his "constitutionally protected interest in avoiding physical restraint." *Id.* at 690.
100. Therefore, the Government has violated Petitioner's right to substantive due process.
101. For that reason, his detention is unlawful and entitles this Court to grant a writ for habeas corpus.

Reinstatement of Removal

102. Detention under 8 U.S. Code § 1231 violates due process.
103. That statute states: "If the Attorney General finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, the alien is not eligible and may not apply for any relief under this

chapter, and the alien shall be removed under the prior order at any time after the reentry.” 8 U.S. Code § 1231, “Detention and removal of aliens ordered removed.”

104. The detention is mandatory during the "removal period." *Id.*
105. Under the statute, an alien with a reinstated removal order has no statutory right to a bond hearing. *Id.*
106. The statute mandates removal without a hearing for aliens who illegally reenter after removal, preventing them from seeking relief, and establishing a streamlined process for reinstatement of prior removal orders. *Id.*
107. Procedural due process requires that hearings must be available to those being denied liberty by the government. *Accardi*, 347 U.S. at 331.
108. Under this statute, mandatory detention without the opportunity to seek bond violates procedural due process. *Id.*, *see also* 8 U.S. Code § 1231, “Detention and removal of aliens ordered removed.”
109. The Petitioner’s confinement is therefore unconstitutional and authorizes this Court to grant a writ for habeas relief.

CLAIMS FOR RELIEF

COUNT 1

110. The foregoing allegations are realleged and incorporated herein.
111. When DHS decides that a U-visa application is bona fide, the applicant is granted deferred action, which protects him from removal. Immigration and Nationality Act (INA) § 214(p)(6).
112. The Petitioner was granted that benefit on March 22, 2024, which entitled him to protection until February 3, 2029.

113. However, after ICE officials arrested him when they indicated there was a prior order of removal, the Petitioner was detained pursuant to 8 U.S. Code § 1231, which provides:
114. “If the Attorney General finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, the alien is not eligible and may not apply for any relief under this chapter, and the alien shall be removed under the prior order at any time after the reentry.” 8 U.S. Code § 1231. (emphasis added).
115. This procedure by ICE violates procedural due process.
116. The Supreme Court held in *Goldberg* that government benefits constitute property interests protected by due process, and the beneficiary must receive notice and a hearing before they can be taken away. *Goldberg v. Kelly*, 397 U.S. 254, 264 (1970).
117. The current enforcement actions by ICE amount to a de facto revocation of deferred action status without prior notice or opportunity to be heard and therefore defy the Petitioner’s right to due process. *Id.*
118. Consequently, ICE’s arrest of the Petitioner, the Government’s unilateral, arbitrary termination of a property interest, was illegal.
119. A person cannot be held in custody if the underlying arrest was made unlawfully. *See Bilokumsky*, 263 U.S. at 158.
120. Thus, the Petitioner’s confinement is illicit and empowers this Court to grant habeas relief.
121. The Petitioner therefore asks that this Court Issue a Writ of Habeas Corpus ordering his immediate release.

122. He states a preference for immediate release over a bond hearing in the Immigration Court as this is the better alternative to reclaim his right to procedural due process, which, among other things, guarantees the right to be heard at a meaningful time. That constitutional right would be better served by immediate release upon the adjudication of the habeas writ acknowledging the unlawfulness of his confinement.

123. Petitioner states a preference for immediate release since the granting of a reasonable bond by the Immigration Court is not guaranteed, resulting in prolonged detention without due process and irreparable harm. *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019) (citation omitted); *see also Gomes v. Hyde*, No. 1:25-cv-11571, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) (finding the “prolonged loss of liberty” from “several additional months” in possibly unlawful detention would “constitute irreparable harm”)

124. In the alternative, the Petitioner requests that this Court order a bond hearing within the next seven days in the Immigration Court, where Respondents must justify his detention or release him pending his removal proceedings; that Respondents be enjoined from invoking the automatic stay provision pursuant to 8 C.F.R. § 1003.19(i)(2) if Petitioner is granted bond; and that Respondents file a status report with this Court within 3 days of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the reasons for that denial.

COUNT 2

125. The foregoing allegations are realleged and incorporated herein.

126. Pursuant to the *Accardi* doctrine, procedural due process requires that individuals receive fair notice and a meaningful opportunity to be heard before being deprived of liberty. *Accardi*, 347 U.S. at 331.

127. The Supreme Court determined, in *Accardi*, that an agency must adhere to its own rules. *Id.* at 329.
128. Failure to do so allows for arbitrary government action and deprives those affected of due process. *Id.*
129. When an agency publishes a policy, such as a directive regarding U-visa holders and deferred action, it establishes a predictable standard upon which the public may rely. *Id.*
130. If the agency suddenly ignores this policy, it deprives the individual of "fair notice" of the rules governing their life or liberty. *Id.*
131. On December 2, 2021, ICE issued ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims*, which prescribes that ICE officers will exercise prosecutorial discretion...to facilitate access to justice and victim-based immigration benefits for alien crime victims. ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims* (December 2, 2021).
132. The policy further provides that when an alien has a pending or approved application for victim-based immigration benefits, ICE will refrain from taking enforcement actions against the applicant until USCIS makes a "[n]egative bona fide determination... for [the] pending U visa petition[]." *Id.*
133. "To that end, absent exceptional circumstances, ICE officers will refrain from taking civil immigration enforcement actions, [namely detention or removal] against aliens who are known beneficiaries of victim-based immigration benefits or those known to have pending applications for such benefits." *Id.*
134. This directive has been made available to the public for decades, and is still posted, on ICE's official website (ice.gov).

135. On January 30, 2025, ICE issued Directive 11005.4, *Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits*.
136. This directive rescinded the 2021 "Victim-Centered Approach" (Directive 11005.3), which had previously required agents to refrain from enforcement against those with pending victim visas (U-visas). Directive 11005.4, *Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits*.
137. Current ICE directive 11005.4 states that it is "internal guidance" and not enforceable. *Id.*
138. However, this policy dictates agency behavior, inflicting civil immigration enforcement action against individuals with victim-based protection. *Id.*
139. ICE must follow its own notice and revocation protocols before taking liberty-restricting actions against protected individuals. *See Accardi* at 329..
140. Once USCIS issues a bona fide determination and grants deferred action, ICE is bound by the agency's internal regulations regarding how that status must be managed. *Id.*
141. Mandatory detention under 8 U.S. Code § 1231 (reinstatement of removal) bypasses these procedural safeguards. *Id.*
142. To satisfy due process, a formal revocation proceeding involving individualized notice or hearing is required before a person with deferred action can be detained. *Id.* at 329-331.
143. The deprivation of a meaningful opportunity to be heard prior to confinement renders the Petitioner's custody illegal and gives this Court the authority to grant a writ of habeas corpus. *Id.*

144. The Petitioner therefore asks that this Court Issue a Writ of Habeas Corpus ordering his immediate release.
145. He states a preference for immediate release over a bond hearing in the Immigration Court as this is the better alternative to reclaim his right to procedural due process, which, among other things, guarantees the right to be heard at a meaningful time. That constitutional right would be better served by immediate release upon the adjudication of the habeas writ acknowledging the unlawfulness of his confinement.
146. Petitioner states a preference for immediate release since the granting of a reasonable bond by the Immigration Court is not guaranteed, resulting in prolonged detention without due process and irreparable harm. *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019) (citation omitted); see also *Gomes v. Hyde*, No. 1:25-cv-11571, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) (finding the “prolonged loss of liberty” from “several additional months” in possibly unlawful detention would “constitute irreparable harm”)
147. In the alternative, the Petitioner requests that this Court order a bond hearing within the next seven days in the Immigration Court, where Respondents must justify his detention or release him pending his removal proceedings; that Respondents be enjoined from invoking the automatic stay provision pursuant to 8 C.F.R. § 1003.19(i)(2) if Petitioner is granted bond; and that Respondents file a status report with this Court within 3 days of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the reasons for that denial.

COUNT 3

148. The foregoing allegations are realleged and incorporated herein.
149. Detention under 8 U.S. Code § 1231 violates due process.

150. That statute states: "If the Attorney General finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, the alien is not eligible and may not apply for any relief under this chapter, and the alien shall be removed under the prior order at any time after the reentry." 8 U.S. Code § 1231, "Detention and removal of aliens ordered removed."
151. The detention is mandatory during the "removal period." *Id.*
152. Under the statute, an alien with a reinstated removal order has no statutory right to a bond hearing. *Id.*
153. The statute mandates removal without a hearing for aliens who illegally reenter after removal, preventing them from seeking relief, and establishing a streamlined process for reinstatement of prior removal orders. *Id.*
154. Procedural due process requires that hearings must be available to those being denied liberty by the government. *Accardi*, 347 U.S. at 329-331.
155. Under this statute, mandatory detention without the opportunity to seek bond violates procedural due process. *Id.*
156. The petitioner's confinement is therefore unconstitutional and authorizes this Court to grant a writ for habeas relief.
157. The Petitioner therefore asks that this Court Issue a Writ of Habeas Corpus ordering his immediate release.
158. He states a preference for immediate release over a bond hearing in the Immigration Court as this is the better alternative to reclaim his right to procedural due process, which, among other things, guarantees the right to be heard at a meaningful time. That constitutional right

would be better served by immediate release upon the adjudication of the habeas writ acknowledging the unlawfulness of his confinement.

159. Petitioner states a preference for immediate release since the granting of a reasonable bond by the Immigration Court is not guaranteed, resulting in prolonged detention without due process and irreparable harm. *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019) (citation omitted); see also *Gomes v. Hyde*, No. 1:25-cv-11571, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) (finding the “prolonged loss of liberty” from “several additional months” in possibly unlawful detention would “constitute irreparable harm”)

160. In the alternative, the Petitioner requests that this Court order a bond hearing within the next seven days in the Immigration Court, where Respondents must justify his detention or release him pending his removal proceedings; that Respondents be enjoined from invoking the automatic stay provision pursuant to 8 C.F.R. § 1003.19(i)(2) if Petitioner is granted bond; and that Respondents file a status report with this Court within 3 days of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the reasons for that denial.

COUNT 4

161. The foregoing allegations are realleged and incorporated herein.

162. The Petitioner is presently detained at Farmville Detention Center in Farmville, Virginia.

163. The Petitioner asserts that the current practice by ICE, arbitrarily transferring, at their whim and to suit their agenda, detainees to facilities in remote locations, contravenes his constitutional due process rights.

164. Transferring a detainee out of the jurisdiction where his Petition was originally filed strips from the court its subject matter jurisdiction over the alien and his Petition, depriving him of his right to seek habeas relief .

165. The Petitioner therefore asks this Court to enjoin ICE, DHS, or any other government official from transferring him outside this jurisdiction, the Alexandria Division of the Eastern District Court of Virginia, as he was detained in this jurisdiction at the time the Petition was originally filed, which confers upon this Court subject-matter jurisdiction pursuant to 28 U.S.C. § 2241.

PRAYER FOR RELIEF

Petitioner asks that this Court grant the following relief:

166. Assume jurisdiction over this matter;

167. Issue a Writ of Habeas Corpus ordering Petitioner's immediate release.

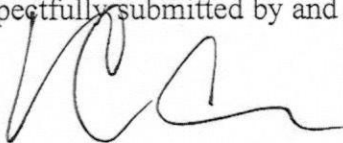
168. He states a preference for immediate release over a bond hearing in the Immigration Court as this is the better alternative to reclaim his right to procedural due process, which, among other things, guarantees the right to be heard at a meaningful time. That constitutional right would be better served by immediate release upon the adjudication of the habeas writ acknowledging the unlawfulness of his confinement.

169. Petitioner states a preference for immediate release since the granting of a reasonable bond by the Immigration Court is not guaranteed, resulting in prolonged detention without due process and irreparable harm. *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019) (citation omitted); see also *Gomes v. Hyde*, No. 1:25-cv-11571, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) (finding the "prolonged loss of liberty" from "several additional months" in possibly unlawful detention would "constitute irreparable harm")

170. In the alternative, order a bond hearing within the next seven days in the Immigration Court pursuant to 8 U.S.C. § 1226(a), where Respondents must justify his detention or release him pending his removal proceedings;
171. Enjoin Respondents from invoking the automatic stay provision pursuant to 8 C.F.R. § 1003.19(i)(2) if Petitioner is granted bond;
172. Order Respondents to file a status report with this Court within 3 days of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the reasons for that denial.
173. Order ICE, DHS, or any other governmental officials to maintain Petitioner within this jurisdiction, Eastern District Court of Virginia, Alexandria Division, where the Petitioner was being held when this Petition was originally filed. This Court has subject-matter jurisdiction over the Petitioner pursuant to 28 U.S.C. § 2241, and no jurisdiction-stripping statute applies to prevent habeas corpus review of detention.
174. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
175. Order any further relief this Court deems just and proper.

VICTOR HUGO MANGANDID BARILLAS

Respectfully submitted by and through his Counsel,



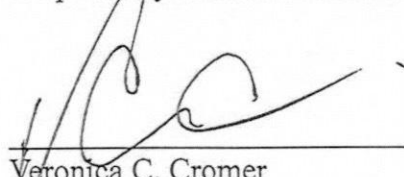
Veronica C. Cromer
Virginia State Bar Number: 38143
Counsel for Applicant

Dyer Immigration Law Group
P.O. Box 5337
Glen Allen, VA 23058
Telephone: 804-377-7247
Facsimile: 804-377-7248
Email: veronica@dyerimmigration.com

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

We represent Petitioner, **VICTOR HUGO MANGANDID BARILLAS**, and submit this verification on his behalf. We hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 are true and correct to the best of our knowledge.

Respectfully submitted this 22th day of January 2026,



Veronica C. Cromer
Virginia State Bar Number: 38143
Counsel for Petitioner
Dyer Immigration Law Group
P.O. Box 5337
Glen Allen, VA 23058
Telephone: 804-377-7247
Facsimile: 804-377-7248
Email: veronica@dyerimmigration.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Petition for a Writ of Habeas Corpus was sent by first class mail, postage prepaid, to the following: Donald Trump, President of the United States, at White House, 1600 Pennsylvania Ave. NW, Washington, DC 20500; Russell Hott, the Acting Field Office Director of the Washington Field Office for Immigration and Customs Enforcement

("ICE") within the United States Department of I-Homeland Security, at Washington ICE ERO Field Office, 14797 Murdock St , Chantilly, VA 20151; Jeffrey Crawford, the Director of the Farmville Detention Center at Farmville Detention Center, at 508 Waterworks Dr., Farmville, VA 23901; Todd Lyons, the Acting Director of ICE, at ICE, Office of the Principal Legal Advisor, 500 12th St SW, Washington, DC 20536-5900; Kristi Noem, the Secretary of Homeland Security in the United States, at Department of Homeland Security Headquarters, St. Elizabeth's West Campus, Washington, D.C. 20528; Pamela J. Bondi, the United States Attorney General, at US Department of Homeland Security, at Office of the General Counsel, 2707 Martin Luther King Jr Ave. SE, Washington, DC 20528-0485; Marco Rubio, United States Secretary of State, at 2201 C Street N.W., Washington, D.C. 20451; Jeanine Ferris Pirro, United States Attorney for the District of Columbia, at United States Attorney's Office for the District of Columbia, 601 D Street, NW, Washington, DC 20579; and Justin W. Williams, United States Attorney of the Alexandria Division of the Eastern District Court, at United States Attorney's Building, 2100 Jamieson Avenue, Alexandria, Virginia 22314 on this 22nd day of January 2026.



Veronica C. Cromer
Virginia State Bar Number: 38143
Counsel for Petitioner
Dyer Immigration Law Group
P.O. Box 5337
Glen Allen, VA 23058
Telephone: 804-377-7247
Facsimile: 804-377-7248
Email: veronica@dyerimmigration.com