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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA (Las Vegas)

ABIMAEL BEQUER ARROYO LUCAS,

JESUS GUSTAVO HUERTA CORTEZ,

DAGLIS NOELY FLORES ZELAYA

Petitioners,

v.

KRISTI NOEM,
in her official capacity as Secretary, U.S. Department of Homeland Security; 245 Murray Lane SW, Washington, DC 20528;

U.S. DEPARTMENT OF HOMELAND SECURITY

PAMELA J. BONDI,
in her official capacity as

Case No.:_____

Agency No: A#

[redacted]

VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Attorney General of the United States,
950 Pennsylvania Avenue, NW,
Washington, DC, 20530;

U.S. DEPARTMENT OF JUSTICE

TODD LYONS,
in his official capacity as Acting Director and Senior Official Performing the Duties of the Director for U.S. Immigration and Customs Enforcement, 500 12th Street, SW, Washington, DC 20536;

BRIAN HENKEY,
in his official capacity as Acting Field Office Director, Salt Lake City Field Office Director, U.S. Immigration & Customs Enforcement, 2975 Decker Lake Drive Suite 100, West Valley City, UT 84119-6096

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

JOHN MATTOS,
in his official capacity as Warden, Nevada Southern Detention Facility, 2190 E. Mesquite Ave. Pahrump, NV 89060

Respondents.

INTRODUCTION

1. Petitioners have resided in the United States from three (3) to twenty-five (25) years. Originally from other countries, they are now in removal proceedings in Immigration Court, and but for changes in policy by the Department of Homeland Security ("DHS") and the Department of Justice ("DOJ"), Las Vegas Immigration Judges ("IJs") would have considered Petitioners' release on bond.

2. Normally, Petitioners would be able to request a bond hearing in Immigration Court, and obtain a bond, under the INA and long-standing policy and practice, and as required by 8 U.S.C. § 1226(a). But last year, in violation of the INA, the Board of Immigration Appeals ("BIA") ordered that all individuals who entered the U.S. without inspection (known as "EWIs") are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and are therefore purportedly ineligible for bond. See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025). Respondents' legal interpretation is wrong. As such, Petitioners seek relief from this Court to restore their statutory and constitutional due process right to a bond hearing because Petitioners have been prevented from establishing that they are not a flight risk or danger to the community.

3. To be clear, Petitioners do not ask this Court to adjudicate their removability. They merely seek relief from this Court regarding the IJs' jurisdiction to hold individualized bond hearings and enter bond orders—one Petitioner has an order denying bond on jurisdictional grounds without deciding on the merits while another was refused a bond hearing because of lack of jurisdiction. Given this IJs' reliance on Respondents' incorrect legal interpretation, Petitioners' fitness for bond will not likely be determined on the merits. All three have demonstrated strong merit-based claims that they pose neither a danger to the community nor a flight risk. Release on bond would allow Petitioners the opportunity to reunite with their family, work and earn income, resume responsibilities as caregivers, and access greater resources while pursuing their pending removal proceedings in Immigration Court.

JURISDICTION AND VENUE

4. Petitioners are in the custody of Respondents. Petitioners are detained at the Nevada Southern Detention Center, 2190 E Mesquite Ave, Pahrump, NV 89060 ("NSDC") in

Pahrump, Nevada. NSDC is a private detention center operated by CoreCivic, Inc., under contract with U.S. Immigration and Customs Enforcement ("ICE").

5. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

6. This 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.

7. Venue is proper in this District under 28 U.S.C. § 2241; 28 U.S.C. § 1391(b); and 28 U.S.C. § 1391(e)(1) because when this Petition was filed Petitioner was detained within the geographic jurisdiction of the District of Nevada (Las Vegas). Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and a substantial part of the events or omissions giving rise to the claim occurred in this district. *See* 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

9. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it

and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

10. Petitioner Abimael Bequer Arroyo Lucas is a 41-year-old man from Guatemala who has resided in the United States since approximately November 2022.

11. Petitioner Daglis Noely Flores Zelaya is a 32-year-old man from Honduras who has resided in the United States since 2012.

12. Petitioner Jesus Gustavo Huerta Cortez is a 29-year-old man from Mexico who has resided in the United States since 2001.

13. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioners' detention. Ms. Noem has ultimate custodial authority over Petitioners and is sued in her official capacity.

14. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens. Respondent DHS is a legal custodian of Petitioners.

15. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review (EOIR) and the immigration court system it operates is a component agency. She is sued in her official capacity.

16. Respondent Department of Justice (DOJ) is the federal agency responsible for adjudicating removal and related bond cases. EOIR, and its components the immigration courts and Board of Immigration Appeals (BIA) is a division of DOJ.

17. Respondent Todd Lyons is the Acting Director and Senior Officer Performing the Duties of the Director of ICE. Respondent Lyons is responsible for ICE's policies, practices, and procedures, including those relating to the detention of immigrants during their removal procedures. Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in his official capacity.

18. Respondent ICE is the subagency of DHS that is responsible for carrying out removal orders and overseeing immigration detention. Respondent ICE is a legal custodian of Petitioners.

19. Respondent Brain Henkey is the Acting Director of the Salt Lake City Field Office of ICE Enforcement and Removal Operations, a federal law enforcement agency within the Department of Homeland Security ("DHS"). ERO is a directorate within ICE whose responsibilities include operating the immigration detention system. In his capacity as ICE ERO Salt Lake City, Acting Field Office Director, Respondent Knight exercises control over and is a custodian of immigration detainees held at NSDC. At all times relevant to this Complaint, Respondent Knight was acting within the scope and course of his employment with ICE. He is sued in his official capacity.

20. Respondent John Mattos is the Warden of NSDC which detains individuals suspected of civil immigration violations pursuant to a contract with ICE. Respondent Mattos exercises physical control over immigration detainees held at NSDC. Respondent Mattos is sued in his official capacity.

21. Respondents individually and collectively will be referred to as "Respondents."

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FACTS

A. ABIMAEL BEQUER ARROYO LUCAS

22. Petitioner Abimael Bequer Arroyo Lucas is a 41-year-old resident of Saint George, UT. **Exh. A** (Declaration of Abimael Bequer Arroyo Lucas), at ¶ 1. He is originally from Guatemala, but he has continuously lived in the United States for over two years, having fled from a rival political group after they had followed and threatened him on two occasions. *Id.* ¶¶ 1, 2. [redacted]

23. [redacted] *Id.* After that incident, petitioner decided to flee for the United States by crossing the Mexican border without admission. *Id.*

24. Since residing in Saint George, Utah, Petitioner worked as a landscaper doing some maintenance work and a busboy at a restaurant. *Id.* ¶ 5. He sent any money saved back home to support his wife and two sons he had to leave in Guatemala. *Id.* On or about September 3, 2025, Petitioner was alone driving home from a friend's party when he was pulled over and arrested on a driving under the influence charge ("DUI"). *See id.* ¶¶ 6, 7; *see also* **Exh. B** (Abimael Bequer Arroyo Lucas, Register of Actions, Case No. 255602281). After serving time on the DUI, on or about December 16, 2025, Petitioner was released from criminal custody. *See* **Exh. A** (Declaration of Abimael Bequer Arroyo Lucas), at ¶ 8. But ICE immediately took him into custody and transferred him to NSDC in Pahrump, NV, where he has been detained since. *Id.*

25. Petitioner's Notice to Appear designates him as "an alien present in the United States who has not been admitted or paroled." *See* **Exh. C** (Abimael Bequer Arroyo Lucas, Notice to Appear, ("NTA")). His Form I-213 indicates immigration officials first encountered him within the interior of the U.S., three years after his entry without inspection. *See* **Exh. D** (Abimael Bequer Arroyo Lucas, Form I-213), at PET023.

26. Prior to the DUI, Petitioner did not have a criminal record in the United States or in Guatemala. *See id.* at PET023-024; *see also* **Exh. A** (Declaration of Abimael Bequer Arroyo Lucas), at ¶ 7. Petitioner's DUI conviction was first time misdemeanor. **Exh. B** (Abimael Bequer Arroyo Lucas, Register of Actions, Case No. 255602281). This conviction does not render him subject to mandatory detention under INA ¶ 236(c), as "the BIA has never held that a simple DUI offense is a crime involving moral turpitude." *Marmolejo-Campos v. Holder*, 558 F.3d 903, 913 (9th Cir. 2009). Petitioner requested a bond hearing and on January 22, 2026, the IJ denied bond due to lack of jurisdiction based on *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 216.[1] **Exh. E** (Abimael Bequer Arroyo Lucas, IJ Order Denying Bond, dated January 22, 2026).

B. JESUS GUSTAVO HUERTA CORTEZ

27. Petitioner Jesus Gustavo Huerta Cortez is a twenty-nine (29) year-old resident of Las Vegas, Nevada. *See* **Exh. F** (Declaration of Jesus Gustavo Huerta Cortez), at ¶ 1. He is originally from Mexico but was brought to the United States at age four (4). *Id.* He has lived in

[1] The IJ acknowledged the class action declaratory judgment in *Maldonado-Bautista v. Santacruz*, but nonetheless found that the decision ruling ICE's July 8, 2025 detention policy change unlawful was not a final, binding order on the immigration court. *See id.*

Las Vegas continuously since 2001—approximately twenty-five (25) years, nearly his entire life. *Id.*

28. Petitioner is married to Linda Sanchez, a United States citizen. *Id.* ¶ 18. Together, they have a blended household of seven (7) children, all of whom are United States citizens, whose ages range from seven (7) months to eleven (11) years old. *Id.* ¶¶ 19, 23. During his seven (7) year marriage to his U.S. citizen wife, he has served as the primary financial provider for their household of nine. *Id.* at ¶¶ 19, 22–23.

29. All of his family members reside in Las Vegas, Nevada. *Id.* ¶ 26. Petitioner has deep roots in the Las Vegas community, where he has lived and worked for over two (2) decades. *Id.* ¶¶ 4, 26.

30. Petitioner left high school with only a few credits remaining to work and help support his mother and siblings. *Id.* ¶ 7. Since then, he has worked consistently to support his family, including in landscaping and carpentry. *Id.* ¶¶ 7–8.

31. As a minor, Petitioner applied for and received Deferred Action for Childhood Arrivals (DACA), along with employment authorization and a Social Security number, which allowed him to work lawfully and support his family. *Id.* ¶ 9. He renewed his DACA status twice. *Id.* ¶ 10. The program required recurring applications, substantial fees, and remained subject to ongoing legal uncertainty. *Id.* Around 2020, financial constraints and the program's instability resulted in a lapse in Petitioner's renewal. *Id.*

32. On October 7, 2024, Petitioner received minor traffic citations for speeding and driving without a license. *Id.* ¶ 16. Due to fear and confusion about his immigration status, he failed to appear in court and bench warrants were issued. *Id.*

33. On December 10, 2025, he was pulled over by highway patrol while driving alone on the freeway. *Id.* ¶ 15. He had an open container in his vehicle and exhibited signs of impairment. *Id.* After failing sobriety tests, he was arrested for DUI. *Id.* This was his first arrest. *Id.* At the time of his arrest, Petitioner was struggling with alcohol use following the death of his mother in July 2025. *Id.* ¶¶ 11, 13. What began as occasional drinking to cope with grief became daily use, though he continued to work and support his family. *Id.* ¶ 13. He takes full responsibility for his actions and deeply regrets the December 10, 2025 incident. *Id.* ¶ 15. Petitioner recognizes the seriousness of driving under the influence. *Id.*

34. Following his December 10, 2025 arrest, Petitioner was held at Clark County Detention Center (CCDC) for four (4) days. *Id.* ¶ 17. His wife posted bail, and he was released into the custody of the City of Las Vegas Detention Center (LVDC) due to the outstanding bench warrants from the October 7, 2024 traffic citations. *Id.* Petitioner spent two (2) days at LVDC. *Id.* The criminal court granted his release with "time served" and closed the case. *Id.*; *see also* **Exh. G** (Jesus Gustavo Huerta Cortes, Registers of Action, Case Nos. 24-052587 and 24-052588).

35. The morning after the court hearing, on or about December 16, 2025, he was released directly to an ICE officer and transferred to NSDC in Pahrump, Nevada, where he remains detained. *See* **Exh. F** (Declaration of Jesus Gustavo Huerta Cortez), at ¶ 17.

36. Petitioner was never asked about his citizenship status by any officer at CCDC or LVDC. *Id.* He did not know he had an immigration hold until he was released to ICE from criminal custody. *Id.*

37. Petitioner only has partial copies of his NTA and Form I-213. *See* **Exh. H** (Jesus Gustavo Huerta Cortez, Partial NTA, page 1 of 4, and Partial Form I-213, page 3 of 4). His

NTA designates him as "an alien present in the United States who has not been admitted or paroled." *Id.* Petitioner's arrest for DUI, that is still pending and not a conviction, does not subject him to mandatory detention under INA § 236(c). *See* **Exh. I** (Jesus Gustavo Huerta Cortez, Register of Actions, Case No. 25-CR-107942).

38. At a master calendar hearing, the IJ declined Petitioner's request for a bond hearing because he entered without inspection. *See* **Exh. F** (Declaration of Jesus Gustavo Huerta Cortez), at ¶ 31.

C. DAGLIS NOELY FLORES ZELAYA

39. Petitioner Daglis Noely Flores Zelaya is a 32-year-old resident of Las Vegas, Nevada. *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 1. He is originally from Honduras, but he has lived in the United States for fourteen (14) years, having first entered the United States in 2012. *Id.* ¶ 1. He has one U.S. citizen child, [redacted] with his partner of seven (7) years, Isabel, and has raised Isabel's other child, [redacted] since she was 1-year-old. *Id.* ¶ 2. [redacted] is 8-years-old and considers Petitioner to be her father and calls him "dad." *Id.* [redacted] recently turned 3-years-old, while Petitioner was in detention. *Id.* ¶¶ 2, 11.

40. Petitioner worked in roofing in Texas from 2012 until November 2024, when he and his family moved to Las Vegas, Nevada. *Id.* ¶ 3. Once in Las Vegas, Petitioner briefly worked for a factory. *Id.* But in early 2025, Petitioner and his partner decided he would serve as the primary care provider for their two children while his partner worked. *Id.* ¶ 4.

41. In the early morning hours of January 2, 2026, Petitioner was arrested for domestic violence in his home. *Id.* ¶ 6. On January 3, 2026, the Clark County District Attorney denied the charges and the Las Vegas Justice Court ordered Petitioner's release from custody. *Id.*; *see also* **Exh. K** (Daglis Noely Flores Zelaya, Register of Actions, Case No. 26-PC-

000507). On Sunday, January 4, 2026, ICE picked Petitioner up from CCDC pursuant to a detainer. *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 6. ICE transported him to the ERO field office in Las Vegas, asked him if he wanted to accept deportation without seeing a judge, and then when he refused, transported him to NSDC in Pahrump, Nevada, where he has remained since. *Id.*

42. Petitioner does not have a copy of his NTA. *Id.* ¶ 7. While at the Las Vegas Field Office, officers asked him to sign various documents but Petitioner refused. *Id.* Officers only provided him with copies of the administrative warrant, detainer, and immigration court pro bono list. *Id.*; *see also* **Exhs. L–N** (Daglis Noely Flores Zelaya, Administrative Warrant, ICE Detainer, and EOIR Las Vegas Pro Bono List). Petitioner has asked ICE for copies of his NTA and Form I-213 several times since he has been detained at NSDC, but they have ignored him. *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 7. Petitioner's first master calendar hearing was on February 3, 2026. *Id.* He intended to ask the IJ for a copy of his NTA and I-213 at the hearing, but he was not permitted to speak. *Id.* The IJ only told him she was continuing the case three weeks for him to obtain counsel. *Id.* Petitioner has recently sent a letter to the IJ requesting copies of his NTA and I-213. *Id.*

43. Though ICE has not served Petitioner with a copy of his NTA, as the INA requires, he is likely charged with being a noncitizen present in the U.S. who has not been admitted and paroled. Petitioner entered the U.S. in 2012 and was not apprehended at that time. *Id.* He only encountered ICE in the interior of the U.S., after release from a criminal arrest. *Id.* ¶¶ 1, 6. The issuance of an administrative arrest warrant and the language in the detainer likewise suggest his designation as a noncitizen present without admission or parole. *See* **Exhs. L–M** (Daglis Noely Flores Zelaya, Administrative Warrant, and ICE Detainer).

44. Petitioner's arrest for domestic violence, that was denied by the district attorney the following day, does not subject him to mandatory detention under INA § 236(c).

45. Petitioner has not requested a bond hearing because the IJs at the Las Vegas Immigration Court have denied bond for lack of jurisdiction pursuant to *Matter of Yajure-Hurtado*, despite the class certification and declaratory judgment issued in *Maldonado-Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal.).[2] *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 8.

46. The IJs' continued denial of bond on the basis of no jurisdiction is a clear violation of both the INA and the Due Process Clause of the United States Constitution and for these reasons, Petitioners file the instant petition.

LEGAL FRAMEWORK

Discretionary and Mandatory Detention

47. The Immigration and Nationality Act, codified at Title 8 of the United States Code, prescribes three (3) basic forms of detention for noncitizens in removal proceedings—discretionary detention under § 1226(a), mandatory detention under § 1226 (c), and mandatory detention under § 1225. See 8 U.S.C. § 1229(a).

48. This Court—and many other courts across the country—has recognized now on several occasions that noncitizens who have been designated as "an alien present in the United States who has not been admitted or paroled" and have been in the United States for more than

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[2] Even after the *Maldonado-Bautista* court clarified the effect of its order on December 18, 2026, EOIR has instructed immigration judges to continue to deny bond for lack of jurisdiction under *Matter of Yajure Hurtado*. *See* **Exh. O** (EOIR Email regarding *Maldonado-Bautista* Guidance, dated January 13, 2026). Petitioner Abimael's bond denial mirrors the language in Exhibit M. *See* **Exh. E** (Abimael Bequer Arroyo Lucas, IJ Order Denying Bond, dated January 22, 2026).

two (2) years are subject to discretionary detention under § 1226(a) rather than mandatory detention under § 1225. For the Court's reference, Petitioners have collected the decisions rejecting the government's position since the BIA's decision in *Matter of Yajure-Hurtado* was published from district courts within the jurisdiction of the Ninth Circuit, including an order vacating *Matter of Yajure Hurtado* and enforcing judgment in a class action lawsuit challenging

ICE's and the BIA's sudden re-interpretation of § 1226(a),[3] and from district courts nationwide.[4]

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[3] *Maldonado-Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal. Feb. 18, 2026); *Herrera v. Knight*, No. 2:25-CV-01366-RFB-DJA, 2025 WL 2581792 (D. Nev. Sept. 5, 2025); *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Roman v. Noem*, No. 2:25-CV-01684-RFB-EJY, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Silva v. Larose*, No. 25-cv-2329-JES-KSC, 2025 U.S. Dist. LEXIS 191833 (S.D. Cal. Sep. 29, 2025); *Carlos v. Noem*, No. 2:25-CV-01900-RFB-EJY, 2025 WL 2896156 (D. Nev. Oct. 10, 2025); *E.C. v. Noem*, No. 2:25-CV-01789-RFB-BNW, 2025 WL 2916264 (D. Nev. Oct. 14, 2025); *Perez Sanchez v. Bernacke*, No. 2:25-CV-01921-RFB-MDC (D. Nev. Oct. 17, 2025); *Aparicio v. Noem*, No. 2:25-CV-01919-RFB-DJA, 2025 WL 2998098 (D. Nev. Oct. 23, 2025); *Dominguez-Lara v. Noem*, No. 2:25-CV-01553-RFB-EJY, 2025 WL 2998094 (D. Nev. Oct. 24, 2025); *Bautista-Avalos v. Bernacke*, 2:25-CV-01987-RFB-BNW (D. Nev. Oct 27, 2025); *Arce-Cervera v. Noem*, No. 2:25-CV-01895-RFB-NJK, 2025 WL 3017866 (D. Nev. Oct. 28, 2025); *Alvarado Gonzalez v. Mattos*, No. 2:25-CV-01599-RFB-NJK (D. Nev. Oct. 30, 2025); *Rodriguez Cabrera v. Mattos*, No. 2:25-cv-01551-RFB-EJY (D. Nev. Nov. 3, 2025); *Berto Mendez v. Noem*, No. 2:25-cv-02062-RFB-MDC, 2025 WL 3124285 (D. Nev. Nov. 7, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Cuevas Guzman v. Andrews*, No. 1:25-CV-01015-KES-SKO (HC), 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC (EMC), 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Oliveros v. Kaiser*, No. 25-CV-07117-BLF, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Lepe v. Andrews*, --- F. Supp. 3d ---, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Roa v. Albarran*, No. 25-CV-07802, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025); *Valencia Zapata v. Kaiser*, --- F. Supp. 3d ---, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025); *Santiago Flores v. Noem*, No. 5:25-cv-02490-AB-AJR, 2025 WL 3050062 (C.D. Cal. Sept. 29, 2025); *Cordero Pelico v. Kaiser*, No. 25-CV-07286, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025); *Echevarria v. Bondi*, No. 25-CV-03252, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Alvarenga Matute v. Wofford*, No. 25-CV-01206, 2025 WL 2817795 (E.D. Cal. Oct. 3, 2025); *Ortiz Donis v. Chestnut*, No. 1:25-CV-01228 JLT SAB, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *Alvarez Chavez v. Kaiser*, No. 3:25-cv-06984-LB, 2025 WL 2909526 (N.D. Cal. Oct. 9, 2025); *Garcia v. Noem*, No. 5:25-CV-02771-ODW (PDX), 2025 WL 2986672 (C.D. Cal. Oct. 22, 2025); *Equivel-Ipina v. Larose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO (HC), 2025 WL 3013328 (E.D. Cal. Oct. 27, 2025); *Ruiz Yarleque v. Noem*, No. 5:25-CV-02836-MEMF-SP, 2025 WL 3043936, (C.D. Cal. Oct. 31, 2025); *Beltran v. Noem*, No. 25CV2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187-SKO (HC), 2025 WL 3089712 (E.D. Cal. Nov. 5, 2025); *Zaragoza v. Noem*, 5:25-cv-2925-HDV-PVC (C.D. Cal. Nov. 7, 2025) (Dkt. 8); *Otilio B.F. v. Andrews*, 1:25-cv-01398-KES-EPG (HC), -- F. Supp. 3d ----, 2025 WL 3152480 (E.D. Cal. Nov. 11, 2025); *Sharan S. v. Chestnut*, No. 1:25-CV-01427-KES-SKO (HC), 2025 WL 3167826 (E.D. Cal. Nov. 12, 2025); *Moran Bernal v. Noem*, No. 5:25-cv-2995-CVSSC (C.D. Cal. Nov. 12, 2025) (Dkt. 9); *Pelico Calel v. Larose*, No. 3:25-CV-02883-GPC-JLB, 2025 WL

3171898 (S.D. Cal. Nov. 13, 2025); *Maravilla Amaya v. Noem*, No. 25CV2892-BTMDEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025); *Estuardo Marin v. Andrews*, No. 1:25-CV-01422-SAB-HC, 2025 WL 3171484 (E.D. Cal. Nov. 13, 2025); *Salgado v. Mattos*, No. 2:25-cv-01872, 2025 U.S. Dist. LEXIS 225122 (D. Nev. Nov. 17, 2025); *Cornejo-Mejia v. Bernacke*, No. 2:25-cv-02139-RFB-BNW, 2025 U.S. Dist. LEXIS 226849 (D. Nev. Nov. 18, 2025); *Ortiz v. Bernacke*, No. 2:25-cv-01833-RFB-NJK, 2025 U.S. Dist. LEXIS 227525 (D. Nev. Nov. 19, 2025); *Duran v. Bernacke*, No. 2:25-cv-02105-RFB-EJY, 2025 U.S. Dist. LEXIS 227789 (D. Nev. Nov. 19, 2025); *Sales v. Mattos*, No. 2:25-cv-01819-RFB-BNW, 2025 U.S. Dist. LEXIS 227864 (D. Nev. Nov. 19, 2025); *Cabrera-Cortes v. Knight*, No. 2:25-cv-01976-RFB-MDC, 2025 U.S. Dist. LEXIS 228260 (D. Nev. Nov. 20, 2025); *Ramirez v. Noem*, No. 2:25-cv-02136-RFB-MDC, 2025 U.S. Dist. LEXIS 230420 (D. Nev. Nov. 24, 2025); *Hernandez v. Noem*, No. 2:25-cv-02304-RFB-EJY, 2025 U.S. Dist. LEXIS 253786 (D. Nev. Dec. 3, 2025); *Garcia-Arauz v. Noem*, No. 2:25-cv-02117-RFB-EJY, 2025 U.S. Dist. LEXIS 253788 (D. Nev. Dec. 3, 2025); *Fernandez v. Knight*, No. 2:25-cv-02221-RFB-BNW, 2025 U.S. Dist. LEXIS 250274 (D. Nev. Dec. 4, 2025); *Isidoro v. Bernacke*, No. 2:25-cv-02312-RFB-NJK, 2025 U.S. Dist. LEXIS 253021 (D. Nev. Dec. 8, 2025); *Gonzalez v. Knight*, No. 2:25-cv-02081-RFB-BNW, 2025 U.S. Dist. LEXIS 254170 (D. Nev. Dec. 9, 2025); *Marquez v. Knight*, No. 2:25-cv-02203-RFB-NJK, 2025 U.S. Dist. LEXIS 254396 (D. Nev. Dec. 9, 2025); *Flores-Gracias v. Bernacke*, No. 3:25-cv-00688-RFB-CSD, 2025 U.S. Dist. LEXIS 254465 (D. Nev. Dec. 9, 2025); *Salguero v. DHS*, No. 2:25-cv-02328-RFB-NJK, 2025 U.S. Dist. LEXIS 255517 (D. Nev. Dec. 10, 2025); *Gallegos Rangel v. Knight*, No. 2:25-cv-02161-RFB-BNW, 2025 U.S. Dist. LEXIS 255504, (D. Nev. Dec. 10, 2025); *Quinonez Orosco v. Lyons*, No. 2:25-cv-02240-RFB-EJY, 2025 U.S. Dist. LEXIS 255511, (D. Nev. Dec. 10, 2025); *Garcia Soto v. Knight*, No. 2:25-cv-02138-RFB-BNW, 2025 U.S. Dist. LEXIS 255270 (D. Nev. Dec. 10, 2025); *Perez Gonzalez v. Noem*, No. 2:25-cv-02137-RFB-DJA, 2025 U.S. Dist. LEXIS 256265 (D. Nev. Dec. 11, 2025); *Mejia Soto v. DHS*, No. 2:25-cv-02281-RFB-EJY, 2025 U.S. Dist. LEXIS 256266 (D. Nev. Dec. 11, 2025); *Reyes v. Henkey*, No. 2:25-cv-02206-RFB-NJK, 2025 U.S. Dist. LEXIS 257213 (D. Nev. Dec. 12, 2025); *Vicharra v. Henkey*, No. 2:25-cv-02336-RFB-EJY, 2025 U.S. Dist. LEXIS 257214 (D. Nev. Dec. 12, 2025); *Hernandez v. Chestnut*, No. 1:25-cv-01388-JLT-EPG-HC, 2025 U.S. Dist. LEXIS 257748 (E.D. Cal. Dec. 12, 2025); *Banuelos v. Bondi*, No. 2:25-cv-02483-RFB-BNW, 2025 U.S. Dist. LEXIS 264676 (D. Nev. Dec. 23, 2025); *Perez v. Noem*, No. 2:25-cv-02399-RFB-DJA, 2025 U.S. Dist. LEXIS 264683 (D. Nev. Dec. 23, 2025); *Ramirez v. Henkey*, No. 2:25-cv-02446-RFB-MDC, 2025 U.S. Dist. LEXIS 265611 (D. Nev. Dec. 24, 2025); *Bracho v. Henke*, No. 2:25-cv-02531-RFB-NJK, 2025 U.S. Dist. LEXIS 268033 (D. Nev. Dec. 31, 2025); *Covarrubias v. Holston*, No. 2:25-cv-02445-RFB-DJA, 2026 U.S. Dist. LEXIS 582 (D. Nev. Jan. 5, 2026); *Perez-Regalado v. Feeley*, No. 2:25-cv-02409-RFB-EJY, 2026 U.S. Dist. LEXIS 1401 (D. Nev. Jan. 6, 2026); *Garcia v. Mattos*, No. 2:25-cv-02580-RFB-NJK, 2026 U.S. Dist. LEXIS 6874 (D. Nev. Jan. 14, 2026); *In re Rojas*, No. 2:25-cv-02548-RFB-BNW, 2026 U.S. Dist. LEXIS 8714 (D. Nev. Jan. 16, 2026); *Rojas-Lara v. United States*, No. 2:25-cv-02544-RFB-EJY, 2026 U.S. Dist. LEXIS 11412 (D. Nev. Jan. 22, 2026); *Salvador v. Noem*, No. 2:26-cv-00043, 2026 U.S. Dist. LEXIS 13120 (D. Nev. Jan. 25, 2026); *Pedraza v. Noem*, No. 2:26-cv-00051-RFB-NJK, 2026 U.S. Dist. LEXIS 15265 (D. Nev. Jan. 28, 2026); *Doroteo-Chavez v. Noem*, No. 2:26-cv-00049-RFB-DJA, 2026 U.S. Dist. LEXIS 15281 (D. Nev. Jan. 28, 2026); *Cornejo v. Andrews*, No. 1:25-CV-02062, 2026 U.S. Dist.

LEXIS 17546 (E.D. Cal. Jan. 29, 2026); and *Figueroa v. Mattos*, No. 2:26-cv-00184-RFB-MDC, 2026 U.S. Dist. LEXIS 30962 (D. Nev. Feb. 16, 2026).

[4] *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Hernandez Marcelo v. Trump*, --- F. Supp. 3d ----, 2025 WL 2741230 (S.D. Iowa Sept. 10, 2025); *Lopez Santos v. Noem*, No. 3:25-CV-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Garcia Cortes v. Noem*, No. 1:25-CV-02677-CNS, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Salazar v.* Dedos, No. 1:25-CV-00835-DHU-JMR, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Beltran Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); Hasan v. Crawford, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Chogllo Chafla v. Scott*, No. 25-CV-00437, 2025 WL 2688541 (D. Me. Sept. 22, 2025); *Singh v. Lewis*, No. 25-CV-96, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Giron Reyes v. Lyons*, --- F. Supp. 3d ---, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Brito Barrajas v. Noem*, No. 25-CV-00322, 2025 WL 2717650 (S.D. Iowa Sept. 23, 2025); *Lopez v. Hardin*, No. 25-CV-830, 2025 WL 2732717 (M.D. Fla. Sept. 25, 2025); *Rivera Zumba v. Bondi*, No. 25-CV-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Inlago Tocagon v. Moniz*, --- F. Supp. 3d ---, 2025 WL 2778023 (D. Mass. Sept. 29, 2025); *Romero-Nolasco v. McDonald*, --- F. Supp. 3d ---, 2025 WL 2778036 (D. Mass. Sept. 29, 2025); *Chang Barrios v. Shepley*, No. 25-CV-00406, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Alves da Silva v. ICE*, No. 25-CV-284, 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *J.U. v. Maldonado*, No. 25-CV-04836, 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025); *Quispe v. Crawford*, No. 25-CV-1471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Chiliquinga Yumbillo v. Stamper*, No. 25-CV-00479, 2025 WL 2783642 (D. Me. Sept. 30, 2025); *Morales v. Plymouth Cnty. Corr.* Facility, No. 25-CV-12602 (D. Mass. Sept. 30, 2025) (Dkt. 15); *Santiago Helbrum v.* Williams, No. 4:25-cv-00349-SHLSBJ, 2025 WL 2840273 (S.D. Iowa Sept. 30, 2025); *Quispe-Ardiles v. Noem*, No. 25-CV-01382, 2025 WL 2783800 (E.D. Va. Sept. 30, 2025); *Esmeralda Mendoza v. Hyde*, No. 25-12815-JEK (D. Mass. Oct. 1, 2025) (Dkt. 12); *Chavez Chavez v. Hyde*, No. 25-12571-JEK (D. Mass. Oct. 1, 2025) (Dkt. 11); *De Oliveira Gomes v. Hyde*, No. 25-12737-JEK (D. Mass. Oct. 1, 2025) (Dkt. 8); *Reynosa Tejada v. Moniz*, No. 1:25-cv-12731-LTS (D. Mass. Oct. 1, 2025) (Dkt. 10); *D.S. v. Bondi*, No. 25-CV-3682, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *De Miranda Silva v. Hyde*, No. 25-12679-ADB (D. Mass. Oct. 2, 2025) (Dkt. 9); *De Sousa v. Hyde*, No. 25-12736-BEM (D. Mass. Oct. 2, 2025) (Dkt. 8); *Goncalves Xavier v. Moniz*, No. 25-12798-JEK (D. Mass. Oct. 2, 2025) (Dkt. 14); *Rocha v. Hyde*, No. 25-CV-12584, 2025 WL 2807692 (D. Mass. Oct. 2, 2025); *Chanaguano Caiza v. Scott*, No. 25-CV-00500, 2025 WL 2806416 (D. Me. Oct. 2, 2025); *Moreira Neto v. FCI Berlin, Warden*, No. 25-311-JL-TSM (D.N.H. Oct. 2, 2025) (Dkt. 14); *Ayala Casun v.* Hyde, No. 25-CV-427, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); *Guzman Alfaro v. Wamsley*, No. 25-CV-01706, 2025 WL 2822113 (W.D. Wash. Oct. 2, 2025); *Escobar v. Hyde*, No. 25-CV-12620, 2025 WL 2823324 (D. Mass. Oct. 3, 2025); *Martins Valadares v. Hyde*, No. 1:25-cv-12693-ADB (D. Mass. Oct. 3, 2025) (Dkt. 8); *Ribeiro Da Silva v. Hyde*, No. 1:25-cv-12756-JEK (D. Mass. Oct. 3, 2025) (Dkt. 9); *Shinwari v. Hyde*, No. 1:25-cv-12021-LTS (D. Mass. Oct. 3, 2025 (Dkt. 37); *Artiga v. Genalo*, No. 25-CV-5208, 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025); *Diaz Dimas et al. v.* Moniz, No. 1:25-cv-12665-LTS (D. Mass. Oct. 6, 2025) (Dkt. 14); *Pereira De Souza v. Hyde*, No. 1:25-cv-12532-RGS (D. Mass. Oct. 6, 2025) (Dkt. 13); *Velasco-Luis v. Hyde*, No. 1:25-cv-12747-RGS (D.

Mass. Oct. 6, 2025) (Dkt. 8); *Hyppolite v. Noem*, No. 25-CV-4304, 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025); *Cardoso De Sa v. Hyde*, No. 1:25-cv-12788-RGS (D. Mass. Oct. 7, 2025) (Dkt. 9); *Cardoso Dos Santos v. Hyde*, No. 1:25-cv-12787-RGS (D. Mass. Oct. 7, 2025) (Dkt. 7); *Carmona Reyes v. Hyde*, No. 1:25-cv-12781-RGS (D. Mass. Oct. 7, 2025) (Dkt. 8); *Da Silva v. Hyde*, No. 1:25-cv-12638-IT (D. Mass. Oct. 7, 2025) (Dkt. 10); *Fonseca De Sa v. Hyde*, No. 1:25-cv-12734-ADB (D. Mass. Oct. 7, 2025) (Dkt. 8); *S.D.B.B. v. Johnson*, No. 1:25-CV-882, 2025 WL 2845170 (M.D.N.C. Oct. 7, 2025); *Buenrostro-Mendez v. Bondi*, No. 4:25-cv-03726 (S.D. Tex. Oct. 7, 2025) (Dkt. 18); *Goncalves Bento et al. v. Moniz*, No. 1:25-cv-12498-RGS (D. Mass. Oct. 8, 2025) (Dkt. 8); *Eliseo A.A. v. Olson*, No. CV 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Padron Covarrubias v. Vergara*, No. 5:25-cv-00112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); *Lopez Lopez v. Hyde*, No. 1:25-cv-12725-IT (D. Mass. Oct. 8, 2025) (Dkt. 14); *De Los Reyes Gonzalez v. McDonald*, No. 1:25-cv-12644-RGS (D. Mass. Oct. 9, 2025) (Dkt. 10); *Pereira v. Hyde*, No. 1:25-cv-12775-ADB (D. Mass. Oct. 9, 2025) (Dkt. 8); *Rosa Venancio v. Hyde*, No. 1:25-cv-12616-IT (D. Mass. Oct. 9, 2025) (Dkt. 12); *Seidu v. Moniz*, No. 1:25-cv-12723-BEM (D. Mass. Oct. 9, 2025) (Dkt. 11); *Tawela v. Wesling*, No. 1:25-cv-12794-AK (D. Mass. Oct. 9, 2025) (Dkt. 11); *Vasconcelos De Castro v. Hyde*, No. 1:25-cv-12785-AK (D. Mass. Oct. 9, 2025) (Dkt. 13); *Landaverde v. Hyde*, No. 1:25-cv-12552-MJJ (D. Mass. Oct. 10, 2025) (Dkt. 16); *Lopez Orellana v. Moniz*, No. 1:25-cv-12908-PBS (D. Mass. Oct. 10, 2025) (Dkt. 12); *Monzon Guzman v. Hyde*, No. 1:25-cv-12593-MJJ (D. Mass. Oct. 10, 2025) (Dkt. 14); *Orellana-Serrano v. Hyde*, No. 1:25-cv-12646-MJJ (D. Mass. Oct. 10, 2025) (Dkt. 18); *Castillo v. Lyons*, No. 25-CV-16219 (MEF), 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Alejandro v.Olson*, No. 1:25-CV-02027-JPH-MKK, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); *Singh v. Lyons*, No. 1:25-CV-01606-AJT-WBP, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025); *Merino v. Ripa*, No. 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025); *Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369 (S.D. Fla. Oct. 15, 2025); *Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025); *Andrade Hernandez v. Moniz*, No. 25-12860-ADB (D. Mass. Oct. 16, 2025) (Dkt. 8); *Cruz Avalos v. Moniz*, No. 25-12940-BEM (D. Mass. Oct. 16, 2025) (Dkt. 8); *Chavez Mendoza v. Moniz*, No. 25-12978-PBS (D. Mass. Oct. 16, 2025) (Dkt. 13); *Dume Rivera v. Moniz*, No. 25-12833-FDS (D. Mass. Oct. 16, 2025) (Dkt. 12); *Garcia Liranzo v. Moniz*, No. 25-12930-BEM (D. Mass. Oct. 16, 2025) (Dkt. 11); *Pineda-Chavez v. Moniz*, No. 25-12932-MJJ (D. Mass. Oct. 16, 2025) (Dkt. 9); *Zacarias-Sanchez v. Moniz*, No. 25-12915-BEM (D. Mass. Oct. 16, 2025) (Dkt. 9); *Pérez Piña v. Stamper*, No. 2:25-cv-00509-SDN (D. Me. Oct. 16, 2025) (Dkt. 20); *Hernandez v. Crawford*, No. 1:25-CV-01565-AJT-WBP, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187-SKO (HC), 2025 WL 2959274 (E.D. Cal. Oct. 17, 2025); *Garcia Guaman v. Hyde*, No. 25-12879-ADB (D. Mass. Oct. 17, 2025) (Dkt. 7); *Nogueira Da Silva v. Hyde*, No. 25-12931-LTS (D. Mass. Oct. 17, 2025) (Dkt. 10); *Zamora v. Noem*, 25-12750-NMG, 2025 WL 2958879 (D. Mass. Oct. 17, 2025); *Contreras-Cervantes v. Raycraft*, No. 2:25-CV-13073, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025); *Diaz Sandoval v. Raycraft*, No. 2:25-CV-12987, 2025 WL 2977517 (E.D. Mich. Oct. 17, 2025); *Pacheco Mayen v. Raycraft*, No. 2:25-CV-13056, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025); *Sanchez Alvarez v. Noem*, No. 1:25-CV-1090, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025); *H.G.V.U. v. Smith*, No. 25 CV 10931, 2025 *WL 2962610 (N.D. Ill. Oct. 20, 2025); De La Cruz v. Noem*, No. 25-cv-150-LTS (N.D. Iowa Oct.

20, 2025) (Dkt. 24); *Da Silva v. Moniz*, No. 25-12563-LTS (D. Mass. Oct. 20, 2025) (Dkt. 15); *Hercules Acosta v. Hyde*, No. 25-13011-AK (D. Mass. Oct. 20, 2025) (Dkt. 10); *Monzon v. Hyde*, No. 25-12594-RGS (D. Mass. Oct. 20, 2025) (Dkt. 15); *Ruiz Barahona v. Hyde*, No. 25-12551-IT (D. Mass. Oct. 20, 2025) (Dkt. 13); *Miguel v. Noem*, No. 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025); *Maldonado de Leon v. Baker*, No. CV 25-3084-TDC, 2025 WL 2968042 (D. Md. Oct. 21, 2025); *Araujo Da Silva v. Bondi*, No. 25-12672-DJC (D. Mass. Oct. 21, 2025) (Dkt. 16); *Casio-Mejia v. Raycraft*, No. 2:25-CV-13032, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025); *Contreras-Lomeli v. Raycraft*, No. 2:25-CV-12826, 2025 WL 2976739 (E.D. Mich. Oct. 21, 2025); *Jimenez Garcia v. Raybon*, No. 2:25-CV-13086, 2025 WL 2976950 (E.D. Mich. Oct. 21, 2025); *Santos Franco v. Raycraft*, No. 2:25-CV-13188, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025); *Herrera Avila v. Bondi*, No. CV 25-3741 (JRT/SGE), 2025 WL 2976539, at (D. Minn. Oct. 21, 2025); *Buestan v. Chu*, No. CV 25-16034 (MEF), 2025 WL 2972252 (D.N.J. Oct. 21, 2025); *Flores Pineda v. Simon*, No. 1:25-CV-01616-AJT-WEF, 2025 WL 2980729 (E.D. Va. Oct. 21, 2025); *Padilla v. Noem*, No. 25 CV 12462, 2025 WL 2977742 (N.D. Ill. Oct. 22, 2025); *Coelho Gomes v. Moniz*, No. 25-13021-MJJ (D. Mass. Oct. 22, 2025) (Dkt. 8); *Cortez Rivera v. Hyde*, No. 25-12390-IT, 2025 WL 2977900 (D. Mass. Oct. 22, 2025); *Moreira Aguiar v. Moniz*, No. 25-12706-IT, 2025 WL 2987656 (D. Mass. Oct. 22, 2025); *Soto v. Soto, --- F. Supp. 3d ----*, 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Hernandez Vazquez v. Baltasar*, No. 25-cv-03049-GPG (D. Colo. Oct. 23, 2025) (Dkt. 22); *Da Cruz v. Moniz*, No. 25-13067-MJJ (D. Mass. Oct. 23, 2025) (Dkt. 8); *Contreras Maldonado v. Cabezas*, No. CV 25-13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025); *Lomeu v. Soto*, No. 25CV16589 (EP), 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Del Cid v. Bondi*, No. 3:25-CV-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025); *Nava Hernandez v. Baltazar*, No. 1:25-cv-03094-CNS, 2025 WL 2996643 (D. Colo. Oct. 24, 2025); *Patel v. Crowley*, No. 25 C 11180, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025); *Ajtzac Osorio v. Hyde*, No. 25-12678-DJC (D. Mass. Oct. 24, 2025) (Dkt. 17); *Arias Lopez v. Hyde*, No. 25-12680-NMG (D. Mass. Oct. 24, 2025) (Dkt. 21); *Mezdaoui v. Moniz*, No. 25-12999-JEK (D. Mass. Oct. 24, 2025) (Dkt. 9); *Aguilar Guerra v. Joyce*, No. 2:25-cv-00534-SDN (D. Me. Oct. 24, 2025) (Dkt. 18); *Rodriguez Carmona, v. Noem*, No. 1:25-CV-1131, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025); *Yobani v. Noem*, No. 1:25-CV-01666-AJT-LRV, 2025 WL 2997507 (E.D. Va. Oct. 24, 2025); *Martinez- Elvir v. Olson*, No. 3:25-CV-589-CHB, 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025); *Orellana v. Noem*, No. 4:25-CV-112-RGJ, 2025 WL 3006763 (W.D. Ky. Oct. 27, 2025); *Pineda Velasquez v. Noem*, No. CV GLR-25-3215, 2025 WL 3003684 (D. Md. Oct. 27, 2025); *Chavez Castillo v. Moniz*, No. 25-13091-MJJ (D. Mass. Oct. 27, 2025) (Dkt. 8); *De Moura v. Moniz*, No. 25-13058-IT (D. Mass. Oct. 27, 2025) (Dkt. 10); *Lopez-Monteros v. Hyde*, No. 25-12629-NMG (D. Mass. Oct. 27, 2025) (Dkt. 21); *Mejia Arias v. Moniz*, No. 25-13019-IT (D. Mass. Oct. 27, 2025) (Dkt. 8); *Palencia Morales v. Hyde*, No. 25-13031-DJC (D. Mass. Oct. 27, 2025) (Dkt. 8); *Gimenez Gonzalez v. Raycraft*, No. 25-CV-13094, 2025 WL 3006185 (E.D. Mich. Oct. 27, 2025); *Tomas Elias v. Hyde*, No. 25-CV-540-JJM-AEM, 2025 WL 3004437 (D.R.I. Oct. 27, 2025); *Duarte Escobar v. Perry*, No. 3:25CV758, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025); *Puerto-Hernandez v. Lynch*, No. 1:25-CV-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025); *J.G.O. v. Francis*, No. 25-CV-7233 (AS), 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025); *Zolakio v. Hyde*, No. 25-13040-RGS (D. Mass. Oct. 28, 2025) (Dkt. 8); *Patel v. Almodovar*, No. CV 25-15345 (SDW), 2025 WL 3012323 (D.N.J. Oct. 28, 2025); *Corona Diaz*

v. Olson, No. 25 CV 12141, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025); *Marin Garcia v. Noem*, No. 1:25-CV-1271, 2025 WL 3017200 (W.D. Mich. Oct. 29, 2025); *Rodriguez v. Noem*, No. 1:25-CV-1196, 2025 WL 3022212 (W.D. Mich. Oct. 29, 2025); *Ramirez Valverde v. Olson*, No. 25-CV-1502, 2025 WL 3022700 (E.D. Wis. Oct. 29, 2025); *Singh v. Bondi*, No. 1:25-CV-02101-SEB-TAB, 2025 WL 3029524 (S.D. Ind. Oct. 30, 2025); *Ayala Amaya v. Bondi*, No. 25-CV-16428-ESK, 2025 WL 3033880 (D.N.J. Oct. 30, 2025); *Astudillo v. Hyde*, No. CV 25-551-JJM-AEM, 2025 WL 3035083 (D.R.I. Oct. 30, 2025); *Tejada Polanco v. Hyde*, No. 25-CV-552-JJM-AEM, 2025 WL 3033926 (D.R.I. Oct. 30, 2025); *Lopez Lopez v. Sheehan*, No. 25-CV-4052-CJW-KEM, 2025 WL 3046183 (N.D. Iowa Oct. 30, 2025); *Artola Arauz v. Baltazar*, No. 1:25-cv-03260-CNS (D. Colo. Oct. 31, 2025) (Dkt. 16); *Cervantes Arredondo v. Baltazar*, No. 1:25-cv-03040-RBJ (D. Colo. Oct. 31, 2025) (Dkt. 21); *Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025); *Rosales Ponce v. Olson*, No. 25-CV-13037, 2025 WL 3049785 (N.D. Ill. Oct. 31, 2025); *Valencia v. Noem*, No. 25-CV-12829, 2025 WL 3042520 (N.D. Ill. Oct. 31, 2025); *Escobar-Ruiz v. Raycraft*, No. 1:25-CV-1232, 2025 WL 3039255 (W.D. Mich. Oct. 31, 2025); *Ruiz Mejia v. Noem*, No. 1:25-CV-1227, 2025 WL 3041827 (W.D. Mich. Oct. 31, 2025); *De Jesus Ramirez v. Noem*, No. 1:25-CV-1261, 2025 WL 3039266 (W.D. Mich. Oct. 31, 2025); *Godinez-Lopez v. Ladwig*, No. 2:25-CV-02962-SHL-ATC, 2025 WL 3047889 (W.D. Tenn. Oct. 31, 2025); *J.A.M. v. Streeval*, No. 4:25-CV-342 (CDL), 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *D.E.C.T. v. Noem*, No. 25 C 12463, 2025 WL 3063650 (N.D. Ill. Nov. 3, 2025); *Flores v. Olson*, No. 25 C 12916, 2025 WL 3063540 (N.D. Ill. Nov. 3, 2025); *Mboup v. Field Off. Dir. of New Jersey Immigr. & Customs Enf't*, No. 2:25-CV-16882 (MEF), 2025 WL 3062791 (D.N.J. Nov. 3, 2025); *Vargas Ramos v. Rokosky*, No. 25CV15892 (EP), 2025 WL 3063588 (D.N.J. Nov. 3, 2025); *Aguirre Villa v. Normand*, No. 5:25-CV-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025) (R&R); *Alonso v. Tindall*, No. 3:25-CV-652-DJH, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025); *Salgado Mendoza v. Noem*, No. 1:25-CV-1252, 2025 WL 3077589 (W.D. Mich. Nov. 4, 2025); *Ortiz v. Freden*, No. 25-CV-960-LJV, 2025 WL 3085032 (W.D.N.Y. Nov. 4, 2025); *Reyes Arizmendi v. Noem*, No. 25 C 13041, 2025 WL 3089107 (N.D. Ill. Nov. 5, 2025); *Hernandez Capote v. Sec'y of U.S. Dep't of Homeland Security*, No. 25-13128, 2025 WL 3089756 (E.D. Mich. Nov. 5, 2025); *Lopez Sarmiento v. Perry*, 1:25-cv-01644-AJT-WBP, 2025 WL 3091140 (E.D. Va. Nov. 5, 2025); *Mirzoev v. Olson*, No. 25-CV-12969, 2025 WL 3101969 (N.D. Ill. Nov. 6, 2025); *Vicens-Marquez v. Soto*, No. CV 25-16906 (KSH), 2025 WL 3097496 (D.N.J. Nov. 6, 2025); *Romero Perez v. Francis*, No. 25-CV-8112 (JGK), 2025 WL 3110459 (S.D.N.Y. Nov. 6, 2025); *Vasquez Carmaco v. Noem*, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025); *Garcia Rios v. Noem*, 2025 WL 3124173 (N.D. Ill. Nov. 7, 2025); *Morales-Martinez v. Raycraft*, No. 25-CV-13303, 2025 WL 3124695 (E.D. Mich. Nov. 7, 2025); *Molina Ochoa v. Noem*, 2025 WL 3125846 (D.N.M. Nov. 7, 2025) (R&R); *Guartazaca Sumba v. Crowley*, No. 1:25-CV-13034, 2025 WL 3126512 (N.D. Ill. Nov. 9, 2025); *Perez-Gomez v. Warden, Camp East Montana Detention Facility*, No. CV 3:25CV773, 2025 WL 3141103 (E.D. Va. Nov. 10, 2025); *Lira Perez v. Noem*, No. 25 C 13442, 2025 WL 3140692 (N.D. Ill. Nov. 10, 2025); *Ramirez Martinez v. Noem*, No. 25-CV-12029, 2025 WL 3145103 (N.D. Ill. Nov. 11, 2025); *Lopez Briseno v. Noem*, No. 25 C 12092, 2025 WL 3145985 (N.D. Ill. Nov. 11, 2025); *Garcia Guevara v. Swearingen*, No. 25 C 12549, 2025 WL 3158151 (N.D. Ill. Nov. 12, 2025); *Adonay E.M. v. Noem*, No. 25-CV-3975 (SRN/DTS), 2025 WL 3157839 (D. Minn. Nov. 12, 2025); *Chilel Chilel v. Sheehan*,

49. The Supreme Court describes § 1226 detention as relating to people "inside the United States" and "present in the country." *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018).

No. C25-4053-LTS-KEM, 2025 WL 3158617 (N.D. Iowa Nov. 12, 2025); *Mauricio Diego v. Raycraft*, No. 25-13288, 2025 WL 3159106 (E.D. Mich. Nov. 12, 2025); *Contreras Alvarez v. Noem*, No. 1:25-CV-1313, 2025 WL 3151948 (W.D. Mich. Nov. 12, 2025); *Lucero Lucero v. Noem*, No. 1:25-CV-1295, 2025 WL 3165235 (W.D. Mich. Nov. 12, 2025); *Guaman Naula v. Noem*, No. CV 25-16792 (SDW), 2025 WL 3158490 (D.N.J. Nov. 12, 2025); *Guaita Quinapanta v. Bondi*, No. 25-CV-795-WMC, 2025 WL 3157867 (W.D. Wis. Nov. 12, 2025); *Portillo Martinez v. Hyde*, No. CV 25-11909-BEM, 2025 WL 3152847 (D. Mass. Nov. 12, 2025); *Hernandez Silva v. Bondi*, No. 9:25-cv-251-MJT (E.D. Tex. Nov. 12, 2025)(Dkt. 10) (R&R); *Mariscal Serrano v. Salazar*, No. 25 C 13170, 2025 WL 3171354 (N.D. Ill. Nov. 13, 2025); *Delgado Avila v. Crowley*, No. 2:25-CV-00533-MPB-MJD, --- F. Supp. 3d ----, 2025 WL 3171175 (S.D. Ind. Nov. 13, 2025); *Singh v. Noem*, No. 1:25-CV-1251, 2025 WL 3170855 (W.D. Mich. Nov. 13, 2025); *Cabrera v. Noem*, No. 25 C 12160, 2025 WL 3171288 (N.D. Ill. Nov. 13, 2025); *Caguana-Caguana v. Moniz*, No. 1:25-CV-13142-IT, 2025 WL 3171043 (D. Mass. Nov. 13, 2025); *Anselmo v. Moniz*, No. 1:25-CV-13309-IT, 2025 WL 3171137 (D. Mass. Nov. 13, 2025); *Ginez Hernandez v. Noem*, No. 1:25-CV-1307, 2025 WL 3170872 (W.D. Mich. Nov. 13, 2025); *Mora Lara v. Noem*, No. 1:25-CV-1332, 2025 WL 3170876 (W.D. Mich. Nov. 13, 2025); *Madrid Gonzalez v. Noem*, No. 1:25-CV-1315, 2025 WL 3170879 (W.D. Mich. Nov. 13, 2025); *Moreira Da Silva v. LaForge*, No. 25CV17095 (EP), 2025 WL 3173859 (D.N.J. Nov. 13, 2025); *Castanon Nava v. DHS*, No. 18-cv-3757 (N.D. Ill. Nov. 13, 2025) (Dkt. 247); *Rodriguez Loredo v. Forestal*, No. 25 C 12758, 2025 WL 3187319 (N.D. Ill. Nov. 14, 2025); *Dionisa Quinonez v. Olson*, No. 25 CV 13524, 2025 WL 3190598 (N.D. Ill. Nov. 14, 2025); *Pu Sacvin v. De Anda-Ybarra*, No. 2:25-CV-01031-KG-JFR, 2025 WL 3187432 (D.N.M. Nov. 14, 2025); *Kashranov v. Jamison*, No. 2:25-CV-05555-JDW, 2025 WL 3188399 (E.D. Pa. Nov. 14, 2025); *Cruz Gutierrez v. Thompson*, No. 4:25-4695, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025); *Morales Chavez v. Dir. Of Detroit Field Office*, No. 4:25-CV-2061, 2025 WL 3187080 (N.D. Ohio Nov. 14, 2025); *Alvarez v. Olson*, No. 25 C 13410, 2025 U.S. Dist. LEXIS 225963 (N.D. Ill. Nov. 17, 2025); *Ayala v. Olson*, No. 25 C 13317, 2025 U.S. Dist. LEXIS 225440 (N.D. Ill. Nov. 17, 2025); *Lara v. Olson*, No. 25 C 13110, 2025 U.S. Dist. LEXIS 225964 (N.D. Ill. Nov. 17, 2025); *Orellana v. Noem*, No. 1:25-CV-1333, 2025 U.S. Dist. LEXIS 225785 (W.D. Mich. Nov. 17, 2025); *Perez v. Noem*, Civil Action No. 3:25-CV-882, 2025 U.S. Dist. LEXIS 232467 (E.D. Va. Nov. 25, 2025); *Campos-Flores v. Bondi*, Civil Action No. 3:25-CV-797, 2025 U.S. Dist. LEXIS 235303 (E.D. Va. Dec. 2, 2025); *Velasquez v. Noem*, Civil Action No. 3:25-CV-998, 2026 U.S. Dist. LEXIS 23061 (E.D. Va. Feb. 3, 2026); *Trejo v. Bullock*, No. 3:26-CV-47, 2026 U.S. Dist. LEXIS 30308 (E.D. Tenn. Feb. 13, 2026); and *Espinoza Camacho v. Perry*, Civil Action No. 3:26-CV-76, 2026 U.S. Dist. LEXIS 30919 (E.D. Va. Feb. 15, 2026).

50. Under § 1226(a), the Department of Homeland Security ("DHS") may detain noncitizens who are placed in removal proceedings, but such detention is discretionary. See 8 U.S.C. § 1226(a). These individuals are entitled to a custody redetermination (or "bond hearing") before an immigration judge ("IJ") who determines whether they should be released on bond. *See* 8 C.F.R. §§ 1003.19(a), 1236.1(d). Bond must be at least $1,500 and is subject to any other conditions imposed by the Attorney General. *See* 8 U.S.C. § 1226(a)(2).

51. In contrast to § 1226(a), noncitizens who have been convicted of certain criminal convictions are subject to mandatory detention under § 1226(c). *Demore v. Kim*, 538 U.S. 510, 513 (2003). Congress added this provision through passing the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") to address concerns that criminal noncitizens frequently failed to appear at their removal proceedings. *Velasco Lopez v. Decker*, 978 F.3d 842, 848 (2d Cir. 2020). Relying on legislative findings that individuals with certain convictions posed elevated risks of danger and flight, Congress mandated detention for noncitizens convicted of serious crimes such as aggravated felonies, drug trafficking, and crimes involving moral turpitude. *Demore*, 538 U.S. at 518–20.

52. In January 2025, Congress passed the Laken Riley Act ("LRA"), which amended the INA to add a new category of noncitizens subject to mandatory detention. Under the new provision, § 1226(c)(1)(E), detention is required if: (1) the noncitizen is inadmissible under paragraph (6)(A), (6)(C), or (7) or § 1182(a) of Title 8,[5] and (2) the noncitizen is charged with,

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[5] These grounds of inadmissibility are, generally: presence in the U.S. without being admitted or paroled. 8 U.S.C. § 1182(a)(6)(A)(i); seeking to procure a visa, other documentation, or admission into the U.S. by fraud or misrepresentation. § 1182(a)(6)(C)(i); and failure to possess a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this chapter. § 1182(a)(7)(A)(i)(I).

arrested for, or convicted of acts which constitute the essential elements of burglary, theft, larceny, and shoplifting. 8 U.S.C. § 1226(c)(1)(E). Unlike the IIRIRA amendments, however, the LRA provides no exception for mistaken arrests, denied or dismissed charges, or acquittals. *Id.* Nor did Congress cite any data linking mere arrests or charges for these offenses with higher risks of flight or danger. *Id.*

53. Lastly, 8 U.S.C. § 1225(b) provides mandatory detention for two categories of noncitizens: (1) noncitizens subject to expedited removal under § 1225(b)(1); and (2) noncitizens "seeking admission" at the border under § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (noting that this process generally begins at the Nation's borders and ports of entry).

Entry Without Inspection

54. After Congress passed IIRIRA, the Executive Office of Immigration Review ("EOIR") drafted new regulations explaining that, generally, people who entered the country without inspection were not considered detained under § 1225 and were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

55. Accordingly, in the decades after IIRIRA, those who entered without inspection were placed in standard removal proceedings and generally received bond hearings, unless they were ineligible for bond due to their criminal history.

56. On July 8, 2025, ICE, "in coordination with" the Department of Justice ("DOJ"), announced a new policy that reversed decades of well-established practice and understanding of the statutory framework.

57. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission,"[6] claims that all persons who entered the United States without inspection shall now be deemed "applicants for admission" under 8 U.S.C. § 1225, and therefore are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

58. On September 5, 2025, the BIA published a new decision holding that IJs lack jurisdiction to grant bond to individuals present in the U.S. without admission. *Matter of Yajure Hurtado*, 29 I. & N. 216 (BIA 2025). The BIA held that all persons who entered the U.S. without inspection are considered "applicants for admission" under 8 U.S.C. § 1225(a)(1) and are therefore subject to mandatory detention under § 1225(b)(2)(A), rendering them ineligible for bond hearings before an IJ. *Id.*

59. The BIA's interpretation defies the INA. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

60. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). Section 1226 therefore leaves no doubt that it

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[6] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission

applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

61. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings*, 583 U.S. at 287.

62. The BIA's novel interpretation of § 1225(b)(2)(A) would deem the LRA meaningless and duplicative. The LRA specifically targets individuals who are inadmissible under § 1182(a)(6)(A) for entering without inspection, but only when they also face the criminal liabilities enumerated in the LRA. If § 1225(b)(2)(A) already required mandatory detention for all who entered without inspection—as the BIA now claims—the LRA would add nothing new. Congress would not have created mandatory detention rules for a group already swept in, leaving the LRA without any independent effect. Courts reject such interpretations because they render statutes superfluous. *See Duncan v. Walker*, 533 U.S. 167, 174 (2001).

63. The statutory text is plain. The LRA carved out a narrow group for mandatory detention—not all who entered without inspection. But the BIA's new interpretation erases much of § 1226, contradicts the LRA, and departs from the government's own position held until July 2025. No statutory amendment changed the text of either § 1225 or § 1226. The only change is the BIA's sudden reinterpretation. That shift confirms the interpretation is plainly wrong.

64. To the extent that the INA's text is ambiguous, this Court should resolve it in favor of liberty. The Supreme Court has long applied the rule of lenity in criminal cases, holding that "ambiguity concerning the ambit of criminal statutes should be resolved in favor of lenity." *United States v. Bass*, 404 U.S. 336, 347 (1971) (internal citations omitted). Under the rule of lenity, "any reasonable doubt about the application of a penal law must be resolved in the favor of liberty." *Wooden v. United States*, 595 U.S. 360, 388 (2022) (Kavanaugh, J., concurring).

65. That same principle applies here, as the Supreme Court has recognized that the rule of lenity applies in the immigration context. *See Clark v. Martinez*, 543 U.S. 371, 380 (2005) (quoting *Leocal v. Ashcroft*, 543 U.S. 1, 11–12, n. 8 (2004)); *INS v. Cardoza-Fonseca*, 480 U.S. 421, 449 (1987).

66. Further, courts are guided "by the general rule to resolve any ambiguities in a jurisdiction stripping statute in favor of the narrower interpretation and by the strong presumption in favor of judicial review." *Arce v. United States*, 899 F. 3d 796, 801 (9th Cir. 2018) (per curiam) (internal quotations and citations omitted). Adopting the DHS' interpretation of the INA would strip this Court of jurisdiction to adjudicate the instant petition. This directly contradicts the strong presumption in favor of judicial review when interpreting INA provisions.

67. Because § 1225(b) governs the detention of noncitizens seeking admission, Petitioners are not subject to mandatory detention. Petitioners have lived in the United States for years, some even decades, and were apprehended by ICE officers in the interior, hundreds of miles from the border. They are not currently seeking admission, and DHS has not designated

them as an individual "seeking admission" into the U.S. Therefore, they are instead subject to § 1226, which applies to noncitizens who are already present in the United States.

CLAIMS FOR RELIEF

Count 1 – Violation of the INA

68. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

69. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

70. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention and violates the INA.

Count 2 – Violation of Due Process

71. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

72. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. Due process applies to all, including noncitizens. *See Zadvydas v. Davis*, 533 U.S. 678, 679 (2001) (due process applies whether one's presence is lawful, unlawful, temporary, or permanent); U.S. Const. amend. V.

73. Petitioners' fundamental liberty interests are at stake. Freedom from government-imposed restraint is the most significant liberty interest that exists. *Hamdi v.*

Rumsfeld, 542 U.S. 507, 529 (2004); *see also Zadvydas*, 533 U.S. at 690 (stating that freedom from imprisonment lies at the heart of the liberty that the Clause protects).

74. Application of 8 U.S.C. § 1226(c)(1)(E)(ii) to Petitioners would violate their right to due process. Petitioners' detention is not based on criminal charges or convictions that render Petitioners subject to mandatory detention. Of the three Petitioners, only one Petitioner has a conviction for non-mandatory detention offense;[7] one has a pending charge for a non-mandatory detention offense with no other criminal convictions;[8] and one has one criminal arrest for a non-mandatory detention offense for which the county prosecutor immediately declined to file charges.[9] Further, without a bond hearing, Petitioners are deprived of the opportunity to reunite with their communities, support their families financially and emotionally, and access resources to assist them with their pending removal cases.

75. Providing Petitioners with bond hearings, where the IJs failed to consider bond on the merits, would not pose an undue burden on Respondents. Instead, it would enable

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[7] Petitioner Abimael Bequer Arroyo Lucas has a conviction for a first-time misdemeanor DUI. *See* **Exh. B** (Abimael Bequer Arroyo Lucas Register of Actions, Case No. 255602281). This conviction does not render him subject to mandatory detention under INA ¶ 236(c), as "the BIA has never held that a simple DUI offense is a crime involving moral turpitude." *Marmolejo-Campos v. Holder*, 558 F.3d 903, 913 (9th Cir. 2009). Petitioner requested a bond hearing from the IJ. The IJ denied his request due to lack of jurisdiction based on *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 216. *See* **Exh. A** (Declaration of Abimael Bequer Arroyo Lucas), at ¶ 7.

[8] Petitioner Jesus Gustavo Huerta Cortez's one criminal arrest is still pending; he has no criminal, non-traffic related convictions. *See* **Exh I** (Jesus Gustavo Huerta Cortez, Register of Actions, Case No. 25-CR-107942); *see also* **Exh. G** (Jesus Gustavo Huerta Cortes, Registers of Action, Case Nos. 24-052587 and 24-052588). He is not subject him to mandatory detention under INA § 236(c).

[9] Petitioner Daglis Noely Flores Zelaya has one criminal arrest for battery domestic violence. **Exh. K** (Daglis Noely Flores Zelaya, Register of Actions, Case No. 26-PC-000507). However, the county prosecutor denied the charge within one day, resulting in Petitioner's release from criminal custody. *Id.* He is not subject to mandatory detention under INA 236(c).

Respondents to satisfy legitimate government interests. By requiring Petitioners to demonstrate that they are not a danger to their communities or a flight risk, Respondents can be sure that detention is unnecessary and therefore save public resources long-term.

76. In contrast, keeping Petitioners detained when an IJ may determine them fit for release but for *Matter of Yajure Hurtado* is a substantial burden on the Petitioner. They have been incarcerated and separated from their family for various months, they have been unable to work despite being their family's primary provider or being deprived as the families' primary caregiver, and have limited access to resources to pursue their relief claims. *See* **Exhs. A, F, and J** (Declaration of Abimael Bequer Arroyo Lucas; Declaration of Jesus Gustavo Huerta Cortez; Declaration of Daglis Noely Flores Zelaya).

77. The government continues to detain Petitioners, and the BIA's decision bars IJs from granting bond hearings to all individuals who entered the U.S. without inspection, resulting in IJ failing to hear bond on the merits. The BIA's decision rests on a flawed reading of the INA and violates Petitioners' due process rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Enjoin Respondents from transferring Petitioners outside the District of Nevada;

c. Issue a writ of habeas corpus requiring the Immigration Court to schedule a bond hearing within seven (7) days for Petitioners and requiring Respondents to release Petitioners within twenty-four (24) hours of an order granting bond;

d. Award Petitioners attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

e. Grant any other and further relief that this Court deems just and proper.

DATED this 20th day of February, 2026.

Respectfully Submitted,

/s/ Wyatt Kay
Wyatt Kay
Student Attorney Practicing
Under Nevada Supreme Court Rule 49.3

/s/ Yvette Machado Tunier
Yvette Machado Tuinier
Student Attorney Practicing
Under Nevada Supreme Court Rule 49.3

/s/ Alissa A. Cooley Yonesawa
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/s/ Melissa Corral
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28 U.S.C. § 2242 VERIFICATION STATEMENT

The undersigned submit this verification on behalf of Petitioners as Petitioners' attorneys as they are detained. The undersigned have discussed with Petitioners the events described in herein. On the basis of those discussions, the undersigned hereby verify that the statements made in this Verified Petition for Writ of Habeas Corpus are true and correct to the best of their knowledge and belief.

Dated: February 20, 2026

/s/ Wyatt Kay
Wyatt Kay
Student Attorney Practicing
Under Nevada Supreme Court Rule 49.3

/s/ Yvette Machado Tuinier
Yvette Machado Tuinier
Student Attorney Practicing
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LOCAL RULE IA 11-5 STATEMENT
REGARDING LAW STUDENT APPEARANCE

Petitioners in this matter are co-represented by law students who are certified student attorneys under Nevada Supreme Court Rule 49.3. They are students in the UNLV Immigration Clinic, part of the Thomas & Mack Legal Clinic at the William S. Boyd School of Law.

I am a member of the faculty at the William S. Boyd School of Law and Managing Attorney of the UNLV Immigration Clinic. I have been a licensed attorney since 2014, and I am the supervising attorney of the student attorneys in this case.

I hereby certify that I have and will ensure full compliance with all requirements of LR IA 11-5 governing appearance by law students in this court.

/s/ Alissa A. Cooley Yonesawa
Alissa A. Cooley Yonesawa, Esq.
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LOCAL RULE IA 11-5 STATEMENT
REGARDING LAW STUDENT APPEARANCE

Petitioners in this matter are co-represented by law students who are certified student attorneys under Nevada Supreme Court Rule 49.3. They are students in the UNLV Immigration Clinic, part of the Thomas & Mack Legal Clinic at the William S. Boyd School of Law.

I am a member of the faculty at the William S. Boyd School of Law and Deputy Managing Attorney of the UNLV Immigration Clinic. I have been a licensed attorney since 2016 and I am the supervising attorney of the student attorneys in this case.

I hereby certify that I have and will ensure full compliance with all requirements of LR IA 11-5 governing appearance by law students in this court.

/s/ Melissa Corral
Melissa Corral, Esq.
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EXHIBIT LIST

Exhibit	Document	Page
A	Declaration of Abimael Bequer Arroyo Lucas	001-005
B	Abimael Bequer Arroyo Lucas, Register of Actions, Case No. 255602281	006-015
C	Abimael Bequer Arroyo Lucas, Notice to Appear	016-020
D	Abimael Bequer Arroyo Lucas, Form I-213	021-024
E	Abimael Bequer Arroyo Lucas, IJ Order Denying Bond, dated January 22, 2026	025-027
F	Declaration of Jesus Gustavo Huerta Cortez	028-034
G	Jesus Gustavo Huerta Cortes, Registers of Action, Case Nos. 24-052587 and 24-052588	035-039
H	Jesus Gustavo Huerta Cortez, Partial NTA, page 1 of 4, and Partial Form I-213, page 3 of 4.	040-042
I	Jesus Gustavo Huerta Cortez, Register of Actions, Case No. 25-CR-107942	043-044
J	Declaration of Daglis Noely Flores Zelaya	045-049
K	Daglis Noely Flores Zelaya, Register of Actions, Case No. 26-PC-000507	050-051
L	Daglis Noely Flores Zelaya, Administrative Warrant	052-053
M	Daglis Noely Flores Zelaya, ICE Detainer	054-059
N	Dalgis Noely Flores Zelaya, EOIR Las Vegas Pro Bono List	060-061
O	AILA Practice Alert, EOIR Issues Nationwide Guidance on *Maldonado-Bautista* Guidance, January 13, 2026 Chief Immigration Judge Teresa L. Riley Email	062-064