UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HECTOR GOMEZ-SANTA MARIA, Petitioner, v. KEVIN RAYCRAFT, Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; ROBERT LYNCH, Warden, North Lake Processing Center; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; PAMELA BONDI, U.S. Attorney General, in their official capacities, Respondents.	Case No. 1:26-cv-00839 **PETITION FOR WRIT OF HABEAS CORPUS**

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PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. The Court should grant Mr. Hector Gomez-Santa Maria's petition for writ of habeas corpus and order his immediate release to remedy his unlawful

redetention without bond. In the alternative, the Court should order Respondents to provide him with a bond hearing in Immigration Court at which ICE must prove that he is a flight risk and a danger to the community by clear and convincing evidence. *See Soto-Medina v. Lynch*, No. 1:25-cv-01704, ECF No. 8, PageID.77-88 (W.D. Mich. Jan. 21, 2026).

2. Mr. Gomez-Santa Maria is in the physical custody of Respondent Immigration and Customs Enforcement (ICE) at the North Lake Processing Center in Baldwin, Michigan. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded Petitioner is subject to mandatory detention. Exhibit E.

3. Petitioner has lived in the U.S. for over twenty-seven years. His three children, ages 23, 18, and 15, are native-born citizens of the United States.

4. This petition arises from the U.S. government's new policy—which contradicts both the plain language of the Immigration and Nationality Act (INA) and decades of agency practice—of erroneously interpreting the INA to mandate detention without the possibility of bond for noncitizens who entered the United States without inspection, even if they have been residing here for years.

5. This policy has led to the unlawful detention of countless noncitizens nationwide. Hundreds of habeas corpus petitions for their release have been filed in jurisdictions across the country, including many in the Western District of

Michigan. Virtually every merits decision in those cases has found for the petitioners, either granting them a bond hearing or ordering their immediate release.

6. However, pursuant to a new governmental policy announced on July 8, 2025,[1] Petitioner is now being unlawfully detained without bond. The new policy instructs all ICE employees to no longer apply 8 U.S.C. § 1226(a) to people charged with being inadmissible under § 1182(a)(6)(A)(i)—i.e., those who initially entered the United States without inspection. Instead, under the new policy, ICE employees are to subject people like Petitioner to mandatory detention without bond under § 1225(b)(2)(A)—a provision that has historically been applied only to recent arrivals at the U.S. border—no matter how long they have resided in the United States.

7. Detaining Petitioner without bond is plainly contrary to the statutory framework of the INA and contrary to both agency regulations and decades of consistent agency practice applying § 1226(a) to people like Petitioner. It also violates Petitioner's right to due process by depriving him of his liberty without any consideration of whether such a deprivation is warranted.

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[1] ICE Memo: Interim Guidance Regarding Detention Authority for Applicants for Admission (Jul. 8, 2025), https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission [https://perma.cc/8SP7-TDDD].

8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from custody. In the alternative, Petitioner should be provided with a bond hearing at which ICE must prove that he is a flight risk or a danger to the community by clear and convincing evidence. *See Soto-Medina v. Lynch*, No. 1:25-cv-01704, ECF No. 8, PageID.77-88 (W.D. Mich. Jan. 21, 2026).

9. Petitioner is not challenging any discretionary denial of bond; he is challenging the legal determination that he is not eligible for bond under § 1226(a) in the first place.

JURISDICTION

10. Petitioner is in the physical custody of Respondents at the North Lake Processing Center in Baldwin, Michigan.

11. 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). *See Rosales-Garcia v. Holland*, 322 F.3d 386, 394 (6th Cir. 2003).

12. 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. *See Ly v. Hansen*, 351 F.3d 263, 266 (6th Cir. 2003) *vacated on other grounds by Hamama v. Adducci*, 946 F.3d 875 (6th Cir. 2020).

VENUE

13. Venue is proper in the Western District of Michigan under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Petitioner is detained at the direction of, and is in the immediate custody of, Respondent Raycraft. *See Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003). Respondent Dunbar is the Warden of the detention facility.

14. 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 because a substantial part of the events or omissions giving rise to the claims and relevant facts occurred in the Western District.

REQUIREMENTS OF 28 U.S.C. §§ 2241 and 2243

15. The Court must grant the petition for 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.*

16. 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

17. Petitioner Hector Gomez-Santa Maria is a citizen of Mexico who has been in immigration detention since approximately February 21, 2026.

18. Respondent Kevin Raycraft is the Acting Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, Acting Director Raycraft is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

19. Respondent Robert Lynch is the warden of the North Lake Processing Center where Petitioner is detained by ICE. The North Lake Processing Center holds immigration detainees pursuant to a contract with ICE.

20. 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 Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

21. 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 and the immigration court system it operates is a component agency. She is sued in her official capacity.

FACTS

22. Petitioner has resided in the United States for more than 27 years, and his primary support network of family and friends remains here. He has three children, all born in the United States. His children are aged 15, 18, and 23.

23. Mr. Gomez-Santa Maria was placed in removal proceedings on July 24, 2010, and charged with being removable under 8 U.S.C. § 1182(a)(6)(A)(i) for having entered the United States without inspection in 1998. Exhibit A. He was released on bond under 8 U.S.C. § 1226. At the time, the government conceded that his detention was governed by § 1226. Exhibit B. The Immigration Court later administratively closed his removal proceedings because he is a low priority for enforcement. Exhibit D.

24. He has been denied bond solely because the Immigration Judge believes that he lacks jurisdiction over his bond request. Exhibit E.

25. The Petitioner does not have a criminal history that would trigger mandatory detention.

26. Mr. Gomez-Santa Maria has a long-pending application for cancellation of removal as a nonpermanent resident, 8 U.S.C. § 1229b(b)(1).

27. Mr. Gomez-Santa Maria has lawful permission to work in the United States. Exhibit C. He was detained by Respondents while working.

LEGAL FRAMEWORK

28. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

29. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens who are in removal proceedings. *See* 8 U.S.C. § 1229a. *See also Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (explaining that § 1226(a) applies to those who are "already in the country" and are detained "pending the outcome of removal proceedings"). Under § 1226(a), individuals who are taken into immigration custody pending a decision on whether they are to be removed can be detained but are generally entitled to seek release on bond.[2] The bond may be set by ICE itself as part of an initial custody determination, *see* 8 C.F.R. § 1236.1(c)(8), and/or the individual may seek a bond hearing in immigration court at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d). Section 1226(a) is the statute that, for decades, has been applied to people like Petitioner who have been living in the United States and are charged with inadmissibility under § 1182(a)(6)(A)(i).

[2] Section § 1226 contains an exception for noncitizens who have been arrested, charged with, or convicted of certain crimes, who are subject to mandatory detention without bond. 8 U.S.C. § 1226(c). That exception does not apply to Petitioner here.

30. Second, the INA provides for mandatory detention of certain recently arrived noncitizens, namely those subject to expedited removal under 8 U.S.C. § 1225(b)(1), and other recent arrivals seeking admission under § 1225(b)(2). *See Jennings*, 583 U.S. at 287, 289 (explaining that § 1225(b)(2)'s mandatory detention scheme applies "at the Nation's borders and ports of entry" to noncitizens "seeking admission into the United States."). Section 1225(b)(2) is the statute that Respondents have suddenly decided is applicable to people like Petitioner.

31. Third, the INA also provides for detention of noncitizens who have already been ordered removed, *see* 8 U.S.C. § 1231. Section 1231 is not relevant here.

32. This case challenges Respondents' erroneous decision that Petitioner is subject to mandatory detention without bond under §1225(b)(2), rather than being bond-eligible under § 1226(a).

33. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 582–583, 585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

34. Following the 1996 enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without

inspection were not detained under § 1225 and that they 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. 10,312, 10,323 (Mar. 6, 1997) (explaining that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.").

35. Thus, in the three decades that followed, people who entered without inspection and were subsequently placed in removal proceedings received bond hearings if ICE chose to detain them, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

36. However, on July 8, 2025, ICE, "in coordination with" the Department of Justice, suddenly announced a new governmental policy that rejected the well-established understanding of the statutory framework and reversed decades of agency practice.

37. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection are subject to mandatory detention without bond 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 years or decades.

38. In decision after decision, federal courts—both nationwide and here in the Western District of Michigan—have rejected Respondents' sudden reinterpretation of the statutory scheme, and have instead held that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *See, e.g.*, *Demirel v. Fed. Det. Ctr. Phila.*, 25-cv-5488, 2025 WL 3218243, at *5-13 (E.D. Pa. Nov. 18, 2025) (cataloging ***288 cases*** granting habeas relief as of November 18, 2025); *Maldonado Bautista v. Santacruz*, No. 25-cv-01873, 2025 WL 3713987, at *32 (C.D. Cal. Dec. 18, 2025) (granting relief to a nationwide class that includes the Petitioner here).[3]

39. This list is undoubtedly incomplete. As the media has reported, "[f]ederal judges are increasingly exasperated by the Trump administration's effort

[3] The Ninth Circuit granted an administrative stay of the District Court's decision insofar as it extends beyond the Central District of California, although it declined to stay the decision within the District. *Maldonado-Bautista v. DHS*, No. 26-1044 (9th Cir. March 6, 2026). Thus, the *Maldonado Bautista* decision does not provide Petitioner with the right to a bond hearing.

to lock up nearly everyone facing deportation proceedings . . . . The legal rejections are so frequent that one judge compared the Trump administration's effort to Sisyphus rolling a rock uphill." Kyle Cheney, *Hundreds of Judges Reject Trump's Mandatory Detention Policy, With No End in Sight*, Politico (Jan. 5, 2026, at 5:55 AM ET), https://www.politico.com/news/2026/01/05/trump-administration-immigrants-mandatory-detention-00709494 (noting that more than 300 judges across over 1,600 cases have granted habeas petitions).

40. In recent months, the Western District of Michigan has repeatedly rejected Respondents' interpretation of the INA and granted writs of habeas corpus to detained noncitizens to whom Respondents denied a bond hearing. *See, e.g., Orellano Lopez v. Lynch*, No. 1:25-cv-1459 (W.D. Mich. Nov. 25, 2025) (Beckering, J.); *Huaman-Rodriguez v. Lynch*, No. 1:25-cv-1330 (W.D. Mich. Nov. 24, 2025) (Jonker, J.); *Juarez Mendez v. Raycraft*, No. 1:25-cv-1323 (W.D. Mich. Nov. 18, 2025) (Jarbou, C.J.); *Ramirez v. Lynch*, No. 1:25-cv-1408 (W.D. Mich. Nov. 24, 2025); *see also Lopez-Campos v. Raycraft*, No. 2:25-cv-12486 (E.D. Mich. Aug. 29, 2025) (McMillion, J.); *Pizarro Reyes v. Raycraft*, 2:25-cv-12546 (E.D. Mich. Sept. 9, 2025) (White, J.); *Contreras-Lomeli v. Raycraft*, No. 25-cv-12926 (E.D. Mich. Oct 21, 2025) (Ludington, J.); *Garcia v. Raybon*, 25-cv-13086 (E.D. Mich. Oct. 21, 2025) (DeClercq, J.); *Gimenez Gonzalez v. Raycraft*, No. 25-cv-13094 (E.D. Mich. Oct. 27, 2025) (Kumar, J.); *Morales-Martinez v. Raycraft*,

No. 25-cv-13303 (E.D. Mich. Nov. 7, 2025) (Behm, J.); *Diego v. Raycraft*, No. 25-cv-13288 (E.D. Mich. Nov. 12, 2025) (Levy, J.); *Robledo Gonzalez v. Raycraft*, No. 25-cv-13502 (E.D. Mich. Nov. 17, 2025) (Michelson, J.); *Hurtado-Medina v. Raycraft*, No. 25-cv-13248 (E.D. Mich. Nov. 24, 2025) (Leitman, J.).

41. On September 5, 2025, the BIA issued a precedential decision that rejected the overwhelming consensus of the federal courts. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That decision held that all noncitizens who entered the United States without admission or parole are ineligible for bond hearings before an IJ.

42. The *Yajure Hurtado* decision—like the government policy it seeks to uphold—defies the INA. As Judge Robert White wrote—after noting that federal district courts are not bound by agency interpretations of statutes—the BIA's reasoning is unpersuasive and "at odds with every District Court that has been confronted with the same question of statutory interpretation." *Pizarro Reyes*, 2025 WL 2609425, at *7.

43. As court after court has explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

44. 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]."

45. 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). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez*, 779 F. Supp. 3d at 1256-57 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

46. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

47. 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). *See Jennings*, 583 U.S. at 287 (explaining 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.").

48. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people who have already entered and were long residing in the United States at the time they were apprehended by immigration authorities and detained. Because § 1226(a), not § 1225(b), is the applicable statute, Petitioner's detention without eligibility for bond is unlawful.

49. Furthermore, Petitioner is part of a nationwide class of noncitizens that has obtained declaratory relief rejecting the government's reading of the INA and the BIA's reasoning in *Yajure Hurtado*. *See Maldonado Bautista v. Santacruz*, No. 25-cv-01873, 2025 WL 3713987, at *12 (C.D. Cal. Dec. 18, 2025). The court granted declaratory relief to "[a]ll noncitizens . . . who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination." *Id.* at *32. The court also vacated the July 8 policy under the Administrative Procedure Act (APA). *Id.* at *22. Because the court in *Maldonado Bautista* entered final judgement as to these conclusions, *id.* at *32, Respondents are bound by them.[4]

50. Petitioner seeks relief from this Court because any months-long appeal to the BIA of an IJ's decision denying bond would be futile. A new request

for a bond hearing is likewise futile. First, the agency's position is clear: both IJs and future panels of the BIA must follow the *Yajure Hurtado* decision. Further, the new governmental policy was issued "in coordination with DOJ," which oversees the immigration courts, including the BIA—up to and including the ability of the Attorney General to modify or overrule decisions of the BIA, *see* 8 C.F.R. § 1003.1(h). It is therefore unsurprising that the BIA has (erroneously) held that persons like Petitioner are subject to mandatory detention under § 1225(b)(2)(A), rather than being bond-eligible under § 1226(a). Moreover, in the numerous identical habeas corpus petitions that have been filed nationwide, EOIR and the Attorney General are often respondents and have consistently affirmed via briefing and oral argument that individuals like Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). *See, e.g.,* Resp. to Pet., *Lopez Campos v. Raycraft*, No. 25-cv-12546 (E.D. Mich. Aug. 9, 2025), Dkt. 9; Resp. to Pet., *Pizarro Reyes v. Raycraft*, No. 25-cv-12546 (E.D. Mich. Aug. 27, 2025), Dkt. 4.

51. Second, by the time the BIA could even issue an appeal—a process that typically takes at least six months, *Rodriguez*, 779 F. Supp. 3d at 1245, and in many cases roughly a year, *id.*—the harm of Petitioner's unlawful detention will be impossible to remediate. Nor will the downstream effects of continued detention be

[4] The Ninth Circuit granted an administrative stay of this decision insofar as the decision extends beyond the Central District of California. *See, supra*, n.3.

remediable: Petitioner's family and community will be left without their loved one and source of support for months.

52. Third, neither IJs nor the BIA have the authority to decide constitutional claims. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006). Here, Petitioner claims not only that Respondents are unlawfully detaining him without bond hearings under an inapplicable statute, but also that such detention violates Petitioner's constitutional right to due process if the government seeks to deprive him of his liberty.

53. Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment. Due process further requires that the burden of proving that a noncitizen is a flight risk or poses a danger to the community is placed on ICE. *See Soto-Medina v. Lynch*, No. 1:25-cv-01704 (W.D. Mich. Jan. 21, 2026) (ECF No. 8, PageId.77-78); *see also Hernandez-Lara v. Lyons*, 10 F.4th 19, 24 (1st Cir. 2021); *Velasco-Lopez v. Decker,* 978 F.3d 842, 847 (2d Cir. 2020). Longstanding agency rules require ICE to establish a sufficient change in circumstances. *See Matter of Sugay*, 17 I&N Dec. 637, 640 (BIA 1981); *see also Bumbila Iza v. Arnott*, No. 6:25-cv-3392 at *5 (W.D. Mo. Jan. 8, 2026) (ordering immediate release); *Mejia Orozco v. Lyons*, No. 1:25-cv-01762 at * 6 and n.5 (E.D. Va. Dec. 1, 2025).

54. The Sixth Circuit has long recognized that immigration detention must remain reasonable in both purpose and duration. *Ly*, 351 F.3d at 269; *Rosales-Garcia v. Holland*, 322 F.3d 386, 412 (6th Cir. 2001). Detention grounded in contradictory findings does not meet that standard. Since the bond denial rests on inconsistent factual premise, Petitioner's continued detention is constitutionally unreasonable and violates due process.

55. Habeas relief is warranted to remedy the ongoing due process violation. Federal courts have authority to grant habeas relief where immigration detention violates the Constitution. 28 U.S.C. § 2241; *Jennings v. Rodriguez*, 583 U.S. 281, 292 (2018). This Court has already exercised that authority in this case by granting Petitioner's initial habeas petition.

56. Accordingly, the Court should grant the habeas petition and order Petitioner's immediate release, or in the alternative, require a bond hearing consistent with constitutional due process requirements.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

57. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

58. Respondents are unlawfully detaining Petitioner without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(2).

59. Section 1225(b)(2) does not apply to Petitioner, who previously entered the country and has long been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents.

60. Instead, Petitioner should be subject to the detention provisions of § 1226(a) and are therefore entitled to a custody determination by ICE, and if custody is continued, to a custody redetermination (i.e., a bond hearing) by an immigration judge.

61. Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioner results in Petitioner's unlawful detention without the opportunity for a bond hearing and violates the INA.

COUNT II

Violation of Due Process

62. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

63. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical

restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

64. Petitioner has a fundamental interest in liberty and being free from official restraint.

65. The government's detention of Petitioner without an opportunity for a custody determination or bond hearing to decide whether he is a flight risk or danger violates Petitioner's right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

c. Issue a writ of habeas corpus requiring that Respondents immediately release Petitioner to remedy the unlawfulness of his redetention. In the alternative, order Respondents to provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within five days, with at least 24 hours notice, at which time the government will have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence;

d. Enjoin Respondents from transferring Petitioner outside of this District during these proceedings;

e. Declare that 8 U.S.C. § 1226(a)—and not 8 U.S.C. § 1225(b)(2)(A)—is the appropriate statutory provision that governs Petitioner's detention and eligibility for bond because Petitioner is not a recent arrival "seeking admission" to the United States, and instead was already residing in the United States when apprehended and charged as inadmissible for having allegedly entered the United States without inspection;

f. Award Petitioner 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

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

DATED March 16, 2026.

/s/ Russell Reid Abrutyn

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