UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUIS FABRICO QUINTANA GOMEZ, Petitioner, MICHAEL FARMER, Jail Administrator, Calhoun County Correctional Facility, in his official capacity; KEVIN RAYCRAFT, in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity; PAMELA BONDI, U.S. Attorney General, in her official capacity; Respondents.	Case No. 1:26-cv-00854 **VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Luis Fabrico Quintana Gomez (Mr. Quintana), is in the physical custody of Respondents at the Calhoun County Correctional Facility in Battle Creek, Michigan. He is a Venezuelan national who holds Temporary Protected Status (TPS) under 8 U.S.C. § 1254a. TPS holders may not be either detained or deported so long as their TPS is valid. 8 U.S.C. § 1254a(d)(4).

2. Mr. Quintana was placed in removal proceedings, where he is charged with, *inter alia*, having entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i). He is represented by counsel in his removal proceedings.

3. DHS's detention of Mr. Quintana is unlawful as he is a holder of Temporary Protected Status. The TPS statute provides that "[a]n alien provided temporary protected status under this section shall not be detained by the Attorney General on the basis of the alien's immigration status in the United States." 8 U.S.C. §1254a(d)(4). As discussed further below, although Respondent DHS Secretary Kristi Noem purported to rescind TPS for Venezuela, for the purposes of this habeas petition, Mr. Quintana's TPS status must be deemed valid.

4. Moreover, the DHS erroneously subjects Mr. Quintana to mandatory custody pursuant to 8 U.S.C. § 1225(b)(2). On July 8, 2025, DHS issued a new policy instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under section 1182(a)(6)(A)(i)—i.e., those who entered the United States without inspection—to be an "applicant for admission" under section 1225(b)(2)(A) and therefore subject to mandatory detention.

5. On September 5, 2025, the Board of Immigration Appeals (BIA) accepted this interpretation, upending decades of precedent. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA

2025). Mr. Quintana's detention on this basis violates the plain language of the Immigration and Nationality Act (INA). Section 1225(b)(2) does not apply to individuals like Petitioner, who entered the United States without being inspected or admitted and who are apprehended in the interior of the United States. Instead, such individuals are subject to discretionary detention under section 1226(a), which allows for release on conditional parole or bond. That statute expressly applies to people who, like Mr. Quintana, are charged as inadmissible for having entered the United States without inspection.

6. Third, Mr. Quintana's detention is unlawful because he was paroled into the United States for "urgent humanitarian reasons or significant public benefit" under 8 U.S.C. § 1182(d)(5)(A) and the purpose of his parole has not yet been accomplished. Humanitarian reasons continue to justify his presence because the conditions in Venezuela that were the underlying basis for his asylum claim remain fundamentally unchanged. Similarly, as there had been no material change in circumstances since Respondents determined Mr. Quintana not to be a flight risk or danger upon initial release, his parole remains in the public interest.

7. Finally, the government's detention of Mr. Quintana without a custody redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

8. Accordingly, Mr. Quintana seeks a writ of habeas corpus requesting that the Court order his release. In the alternative, the Court should order that he be provided with a prompt bond hearing before a neutral immigration judge under section 1226(a) where the burden is on the government to establish, by clear and convincing evidence, that his continued detention is justified.

JURISDICTION

9. Mr. Quintana is in the physical custody of Respondents. Mr. Quintana is detained at the Calhoun County Correctional Facility in Battle Creek, Michigan.

10. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

11. 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.

VENUE

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Western District of Michigan, the judicial district in which Mr. Quintana currently is detained.

13. 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 occurred in the Western District of Michigan.

REQUIREMENTS OF 28 U.S.C. § 2243

14. 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.*

15. 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

16. Petitioner Luis Fabrico Quintana Gomez is a citizen of Venezuela, who was apprehended and detained on May 9, 2023, by the U.S. Customs and Border Protection (CBP) officers near Brownsville, Texas after he entered without being inspected or admitted. On May 11, 2023, DHS permitted Mr. Quintana to enter the United States with a grant of humanitarian parole under 8 U.S.C. § 1182(d)(5) "for urgent humanitarian reasons or significant public benefit." He has been in immigration detention since December 19, 2025.

17. Respondent Kevin Raycraft is the Director of the Detroit Field Office of ICE's Enforcement and Removal Operations Division. The Detroit Field Office of ICE has responsibility for immigration detention centers in Michigan and Ohio. As such, Director Raycraft is a legal custodian of Mr. Quintana. He is named in his official capacity.

18. 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 and oversees ICE, which is responsible for Mr. Quintana's detention. Ms. Noem has ultimate custodial authority over Mr. Quintana and is sued in her official capacity.

19. 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.

20. Respondent Todd Lyons is the Acting Director of ICE. As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Mr. Quintana. As such, he is also a legal custodian of Mr. Quintana. He is sued in his official capacity.

21. Respondent Michael Farmer is the jail administrator for Calhoun County Correctional Facility where Mr. Quintana is currently detained. He is an immediate custodian of Mr. Quintana. He is sued in his official capacity.

FACTUAL BACKGROUND

22. Mr. Quintana fled to the United States from Venezuela. On May 9, 2023, he turned himself in to CBP officers near Brownsville, Texas after he entered without being inspected or admitted. Shortly after, on May 11, 2023, he was granted humanitarian parole under 8 U.S.C. § 1182(d)(5) "for urgent humanitarian reasons or significant public benefit."

23. For over two years and seven months, Mr. Quintana lived in the United States while complying with all requirements of his parole. He has worked continuously, is married, and has a U.S. citizen daughter who was born on [redacted]. Prior to his detention by ICE, on December 19, 2025, he lived in Grand Rapids, Michigan with his family.

24. On October 18, 2023, Mr. Quintana filed his Form I-589, Application for Asylum and Withholding of Removal with the US Citizenship and Immigration Services (USCIS), an agency within the Department of Homeland Security. On November 6, 2023, he attended his biometrics appointment for his asylum application. On October 30, 2025, Mr. Quintana paid his annual asylum fee of $100.00.

25. On October 25, 2023, Mr. Quintana filed Form I-821, Application for Temporary Protected Status with USCIS, which was valid from February 28, 2024, until April 2, 2025. On

September 10, 2025, he filed Form I-821 to renew his Temporary Protected Status, which remains pending. He was granted work authorization from June 6, 2024, to June 5, 2029.

26. On December 19, 2025, DHS detained Mr. Quintana in Grand Rapids, Michigan. When DHS apprehended him he was legally working, delivering packages for an online company. DHS asked Mr. Quintana to show documentation that permitted him to remain in the United States, and he provided them with his driver's license, work permit, asylum receipt notice, and TPS receipt notice. He explained that he had TPS and was waiting for USCIS to adjudicate his asylum application. Despite providing documentation of his legal status (TPS), employment authorization, and asylum proceedings, DHS detained him.

27. DHS subsequently placed him in removal proceedings, charging him with removability under section 1182(a)(6)(A)(i) for being present in the United States without being admitted or paroled and under section 1182(a)(7)(A)(i)(I) for not possessing a valid entry document at the time of application for admission.

28. Mr. Quintana is detained at the Calhoun County Correctional Facility in Battle Creek, Michigan. He is represented by counsel in his removal proceedings. On February 5, 2026, Mr. Quintana filed a motion to terminate proceedings with the immigration court, based on his valid TPS, but the motion was denied by the immigration judge on March 2, 2026.

29. Since being in DHS detention, Mr. Quintana's mental health has deteriorated. Approximately in May 2025, he sought mental health treatment in Chicago, Illinois, where he was diagnosed with adjustment disorder with anxiety, posttraumatic stress disorder, and hallucinations. He has also been proscribed escitalopram, olanzapine, and trazodone to treat his mental health issues.

30. Now that he is in DHS custody, he is experiencing a mental health crisis, because he is not receiving medication and his detention is exacerbating his symptoms. On March 2, 2026, after the Immigration Judge observed Mr. Quintana being unresponsive and talking to himself, the immigration judge scheduled a competency hearing for March 24, 2026.

31. That same day, he was charged with assault or assault and battery pursuant to MCL 750.8(1), a Class A misdemeanor providing a maximum possible sentence of 93 days. However, his pending criminal matter stems from his undiagnosed and untreated mental health issues. Undersigned counsel has requested that he receive a mental health evaluation and medication by the detention facility, however, he has not received a definitive response by the facility officers.

32. Mr. Quintana remains unlawfully detained. The INA prohibits the DHS from detaining or deporting TPS holders so long as their TPS is valid. 8 U.S.C. § 1254a(d)(4). Furthermore, pursuant to Respondent's new policy, discussed *infra*, Mr. Quintana has been subject to mandatory detention in violation of the INA and Due Process. Lastly, DHS's detention of Mr. Quintana is not justified because Mr. Quintana was granted parole and the purpose of his parole has not been accomplished. 8 U.S.C. § 1182(d)(5)(A).

33. Absent relief from this Court, he faces the prospect of months, or even years, in immigration custody, separation from his growing family and community despite holding TPS and being detained without ever receiving an individualized hearing justifying his detention.

EXHAUSTION OF REMEDIES

34. This District Court and the Eastern District of Michigan have found in similar habeas cases that all three prudential exhaustion factors weigh against requiring exhaustion here. *Singh v. Raycraft*, No. 25-CV-14051, 2026 WL 243205, at *5 (E.D. Mich. Jan. 29, 2026); *Lopez-Campos v. Raycraft*, 797 F.Supp.3d 771, 778-79 (E.D. Mich. 2025); *Velasco-Sanchez v. Raycraft*, No. 2:25-cv-13730, 2025 WL 3553672, at *5 (E.D. Mich. Dec. 11, 2025); *Morales-Martinez v. Raycraft*, No. 25-cv-13303, 2025 WL 3124695, at *2 (E.D. Mich. Nov. 7, 2025); *Casio-Mejia v. Raycraft*, No. 2:25-cv-13032, 2025 WL 2976737, at *5 (E.D. Mich. Oct. 21, 2025). Accordingly, the Court should find these decisions persuasive and conclude that exhaustion of remedies is not required before Mr. Quintana seeks habeas relief.

DISCUSSION

I. Mr. Quintana Holds TPS and Cannot Be Detained or Deported.

A. Background on Temporary Protected Status for Venezuela.

35. On the last day of his first term, President Trump designated Venezuela for Deferred Enforced Departure—a form of nationality-based, discretionary relief from deportation—because Venezuela was experiencing "the worst humanitarian crisis in the Western Hemisphere in recent memory." 86 Fed. Reg. 6,845, 6,845 (Jan. 19, 2021). President Trump's action permitted approximately 300,000 Venezuelan refugees to live and work here for 18 months. Memorandum re Deferred Enforced Departure for Certain Venezuelans, 86 Fed. Reg. 6845 (Jan. 19, 2021).

36. Shortly afterwards, on March 9, 2021, then-DHS Secretary Mayorkas designated Venezuela for TPS, allowing Venezuelans residing in the U.S. since March 8,

2021, to apply for protection. 86 Fed. Reg. 13,574 (Mar. 9, 2021). He did so again on October 3, 2023, allowing more recently arrived Venezuelans to apply. 88 Fed. Reg. 68,130 (Oct. 3, 2023).

37. DHS twice extended the 2021 designation of TPS for Venezuela, providing protections through September 10, 2025, to TPS holders who initially registered in 2021. 87 Fed. Reg. 55,024 (Sept. 8, 2022); 88 Fed. Reg. at 68,130.

38. On January 17, 2025, the DHS Secretary extended the 2023 Venezuela Designation by 18 months, through October 2, 2026. 90 Fed. Reg. 5,961 ("January 2025 Extension"). DHS cited Venezuela's ongoing "complex, serious and multidimensional humanitarian crisis," which has "disrupted every aspect of life," and concluded that the "extraordinary and temporary conditions supporting Venezuela's TPS designation remain." *Id.* at 5,963 (citation omitted).

39. In the extension order, DHS also streamlined the registration process for TPS holders by consolidating them into a single track, "allow[ing] existing beneficiaries of either the 2021 or 2023 TPS designation to seek an 18-month extension of status through October 2, 2026." *Id.* at 5,962.

40. On February 3, 2025, just days after she took office, Respondent Secretary Noem purported to "vacate" DHS' January 17 extension of TPS for Venezuela. 90 Fed. Reg. 8805 (Feb. 3, 2025). That decision was the first vacatur of a TPS extension in the 35-year history of the TPS statute.

41. On February 5, 2025, DHS published a notice in the Federal Register purporting to terminate the 2023 Venezuela Designation. 90 Fed. Reg. 9040 (Feb. 5, 2025).

42. On September 8, 2025, DHS published a notice in the Federal Register purporting to terminate the 2021 designation of TPS for Venezuela.[1] 90 Fed. Reg. 43225 (Sept. 8, 2025).

B. Legal Challenges to Venezuela's TPS Termination.

43. On February 19, 2025, the National TPS Alliance and seven individual Venezuelan TPS holders sued the federal government, alleging that the vacatur of the January 17, 2025, extension of TPS for Venezuela and subsequent termination of Venezuela's 2023 TPS designation were contrary to the TPS statute in violation of the Administrative Procedure Act and unlawful under the Fifth Amendment. *Nat'l TPS All. v. Noem*, No. 25-CV-01766-EMC (N.D. Cal. Filed Feb. 19, 2025).

44. On December 10, 2025, the district court in *NTPSA* issued a final judgment declaring the vacatur of the January 17, 2025, extension of TPS for Venezuela and termination of Venezuela's 2023 TPS designation unlawful. *Nat'l TPS All. v. Noem*, No. 25-CV-01766-EMC, 2025 WL 3539156, at *3 (N.D. Cal. Dec. 10, 2025) ("*NTPSA* December 10 Order"). The court stayed its order for two weeks to permit the government to appeal and/or seek a stay. *Id.* The government did neither.

45. Pursuant to the NTPSA December 10 Order, Mr. Quintana retains TPS because Defendants' actions purporting to deprive them of that status—*i.e.*, the vacatur of the January 17, 2025, extension and the termination of Venezuela's 2023 designation—were unlawful.

[1] The termination of Venezuela's 2021 designation is not at issue in this case because Petitioner held TPS under Venezuela's 2023 designation.

46. The *NTPSA* December 10 Order controls as to the question of whether members of the National TPS Alliance—the lead plaintiff in *NTPSA*—retain their TPS status.

47. A declaratory judgment is a final judgment on the merits which defines the legal duties among the parties. *See* 28 U.S.C. 2201 ("Any such declaration shall have the force and effect of a final judgment[.]"); *Burlington Ins. Co. v. Oceanic DeCcsign & Constr., Inc.*, 383 F.3d 940, 952 (9th Cir. 2004) (cleaned up, citation omitted) ("A declaratory judgment is a binding adjudication that establishes the rights and other legal relations of the parties where those rights are in doubt."); *see also AmSouth Bank v. Dale*, 386 F.3d 763, 786 (6th Cir. 2004) (declaratory judgment provides "clarification of legal duties for the future").

48. "A final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action. [E]ven if the second suit is for a different cause of action, the right, question, or fact once so determined must, as between the same parties or their privies, be taken as conclusively established, so long as the judgment in the first suit remains unmodified. Accordingly, [a] case pending appeal is res judicata and entitled to full faith and credit unless and until reversed on appeal." *Comer v. Murphy Oil USA, Inc.*, 718 F.3d 460, 467 (5th Cir. 2013) (internal cites and quotations omitted); *see also Outdoor One Commc'ns LLC v. Charter Twp. of Canton, Michigan*, 155 F.4th 776, 782 (6th Cir. 2025); *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Plan. Agency*, 322 F.3d 1064, 1077 (9th Cir. 2003).

49. District courts are divided as to whether the *NTPSA* December 10 Order declaring the vacatur of the January 17, 2025, TPS extension and the termination of Venezuela's 2023 TPS designation is unlawful.

50. The United States District Court for the Southern District of New York, in *Quintero v. Francis*, found that the NTPSA December 10 Order was not controlling in that case because neither the Ninth Circuit nor the district court in northern California determined that termination by DHS of the 2023 TPS Designation for Venezuela violated the Equal Protection Clause of the Fifth Amendment. 25-CV-10107 (MKV), 2026 WL 265921, at *8 (S.D.N.Y. February 2, 2026). In that case, the petitioner alleged that DHS's decision to terminate the 2023 TPS Designation for Venezuela violated the Fifth Amendment right to equal protection. *Id.* Because the Southern District of New York found that *Nat'l TPS All. v. Noem*'s December 10 order did not rule on whether DHS's termination of 2023 TPS violated the Fifth Amendment right to equal protection, the district court denied the petitioner's writ of habeas corpus petition.

51. However, the United States District Court for the Southern District of California followed the decision in *Nat'l TPS All. v. Noem*, concluding that termination of the 2023 TPS was unlawful. *Gonzalez v. Noem*, No. 5:26-cv-00357-JWH-AJR, 2026 WL 332223, at *2 (S.D. Cal. February 5, 2026), granting the petitioner's temporary restraining order enjoining DHS from detaining him.

52. This Court should side with *Gonzalez v. Noem*, because *Nat'l TPS All. v. Noem* thoroughly considered the merits of the issue and concluded that the termination of the 2023 TPS violated the Administrative Procedure Act, whereas the Southern District of New York, in *Quintero v. Francis*, found inapplicable *Nat'l TPS All. v. Noem*, because

the petitioner in that case raised Fifth Amendment equal protection violations which were not within the scope of *Nat'l TPS All. v. Noem*.[2]

C. Mr. Quintana's Detention Despite His Valid TPS Violates the INA and Due Process.

53. Once Mr. Quintana's TPS is recognized, the Court need analyze only one statutory provision to resolve this habeas petition. The TPS statute unequivocally prohibits the detention of persons with valid TPS, and Mr. Quintana must be released. *See* 8 U.S.C. 1254a(a)(1)(A), (d)(4) ("[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General") (emphasis added).[3] It is hard to imagine a clearer statutory mandate proscribing detention.[4]

54. Mr. Quintana's detention also violates the Fifth Amendment's protection for liberty, for at least three related reasons. First, immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). Where, as here, the government has no authority to deport Mr. Quintana, detention is not reasonably related to its purpose.

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[2] The Petitioner in this case does not claim that DHS's termination of the 2023 TPS Designation for Venezuela violated the Fifth Amendment right to equal protection.

[3] "Attorney General" in Section 1254a now refer to the Secretary of the Department of Homeland Security. *See* 8 U.S.C. 1103; 6 U.S.C. 557.

[4] The Court need not delve further in an attempt to consider other aspects of Petitioner's immigration status, because TPS protection remains valid even if the TPS holder has a final removal order or lacks other immigration status. 8 U.S.C. 1254a(a)(1)(A) (the government "shall not remove the alien from the United States during the period in which such [TPS] status is in effect."). Indeed, individuals with a final order of removal are statutorily eligible for TPS and may not be denied TPS if otherwise eligible on the basis of that removal order. 8 U.S.C. 1254a(a)(5) (TPS statute provides no authority to "deny temporary protected status to an alien based on the alien's immigration status"). *See also* 8 U.S.C. 1254a(g) (TPS statute constitutes the exclusive authority for affording nationality-based protection to "otherwise deportable" non-citizens). For that reason alone, this Court should grant the writ and order Petitioner's immediate release. *See* 28 U.S.C. 2241(c)(3) (authorizing writ for people detained in violation of federal law).

55. Second, because Mr. Quintana is not "deportable" insofar as the TPS statute bars his deportation, the Due Process Clause requires that any deprivation of Mr. Quintana's liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest"); *Demore*, 538 U.S. at 528 (applying less rigorous standard for "deportable aliens"). Mr. Quintana's on-going imprisonment obviously cannot satisfy that rigorous standard.

56. Third, at a bare minimum, "the Due Process Clause includes protection against *unlawful* or arbitrary personal restraint or detention." *Zadvydas v. Davis*, 533 U.S. 678, 718 (2001) (Kennedy, J., dissenting) (emphasis added). Where federal law explicitly prohibits an individual's detention, their detention also violates the Due Process Clause.

57. Mr. Quintana may not be legally detained or deported, and this Court should order Mr. Quintana's immediate release from ICE custody. *See* 28 U.S.C. 2241(c)(3) (authorizing writ for people detained in violation of federal law).

II. Mr. Quintana Was Unlawfully Placed in Mandatory Detention.

A. The INA's Detention Framework.

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

59. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens "already in the country." *See Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Section 1226(a) "sets out the default rule: The Attorney General may issue a warrant for the arrest and

detention of a[] [noncitizen] 'pending a decision on whether the [noncitizen] is to be removed from the United States." *Id.* at 288 (quoting § 1226(a)). Individuals in Section 1226(a) detention are generally entitled to a bond hearing at the outset of their detention. *See* § 1226(a)(2); 8 C.F.R. §§ 1003.19(a), 1236.1(c)(8), (d)(1); *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1247 (W.D. Wash. 2025) ("those detained under Section 1226(a) are entitled to a bond hearing before an [immigration judge] at any time before entry of a final removal order.").

60. Section 1226(c) "carves out a statutory category" of noncitizens from Section 1226(a) for whom detention is mandatory, comprised of individuals who have committed certain "enumerated … criminal offenses [or] terrorist activities." *Jennings*, 583 U.S. at 289 (citing § 1226(c)(1)). Among the individuals carved out and subject to mandatory detention are certain categories of "inadmissible" noncitizens. § 1226(c)(1)(A), (D), (E). Reference to such inadmissible noncitizens makes clear that, by default, people who are applicants for admission but encountered in the interior are afforded a bond hearing under subsection 1226(a).

61. Courts have recently confirmed this understanding of Section 1226. *See e.g. Singh v. Raycraft*, No. 25-CV-14051, 2026 WL 243205, at *6-10; *Lopez-Campos v. Raycraft*, 797 F.Supp.3d at 779-85; *Velasco-Sanchez v. Raycraft*, No. 2:25-cv-13730, 2025 WL 3553672, at *6-9; *Morales-Martinez v. Raycraft*, No. 25-cv-13303, 2025 WL 3124695 at *3-7; *Casio-Mejia v. Raycraft*, No. 2:25-cv-13032, 2025 WL 2976737, at *5-8.[5]

[5] In the interest of economy, Petitioner does not include a full listing of cases supporting his position from this District.

62. Second, the INA provides for mandatory detention of certain categories of noncitizens "seeking entry into the United States" under 8 U.S.C. § 1225(b). *Jennings*, 583 U.S. at 297; *see* § 1225(b) ("Inspection of applicants for admission").

63. In *Jennings*, the Supreme Court explained that this mandatory 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 inadmissible." *Jennings*, 583 U.S. at 287 (emphasis added). Noncitizens subject to mandatory detention under Section 1225 may not be released except "for urgent humanitarian reasons or significant public benefit" under the parole authority provided by 8 U.S.C. § 1182(d)(5)(A). *See id.* at 300.

64. Section 1225 is split into two categories. Section 1225(b)(1) provides for mandatory detention of noncitizens charged with enumerated grounds of inadmissibility *and* placed in expedited removal proceedings. 8 U.S.C. § 1225(b)(1)(A)(i). Meanwhile, Section 1225(b)(2) applies only to recently arrived noncitizens seeking entry at a border or port of entry. *See infra* ¶ 44-59.

65. Lastly, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

66. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

67. Respondents have recently taken various steps seeking to expand their use of mandatory detention under section 1225(b)(2) beyond its plain language.

68. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and

reversed decades of practice. *See* U.S. Immigration and Customs Enforcement, Interim Guidance Regarding Detention Authority for Applicants for Admission (July 8, 2025), available at https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission.

69. That policy 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 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.

70. On September 5, 2025, the BIA adopted this same position in *Matter of Yajure Hurtado*, 29 I&N Dec. at 216. That decision holds that all noncitizens who entered the United States without admission or parole are considered applicants for admission and are ineligible for immigration judge bond hearings.

71. On February 18, 2026, the U.S. District Court in the Central District of California held that nationwide class members were entitled to a bond hearing and vacated *Matter of Yahure Hurtado*. However, on March 6, 2026, the Ninth Circuit stayed that decision pending a decision on the government's emergency stay motion.

B. Respondent's Policy on Section 1225(b)(2) Is Unlawful.

72. Respondent's policy, that all undocumented noncitizens who entered without inspection are considered applicants for admission and subject to mandatory detention under section 1225(b)(2)(A) is incorrect. Instead, the statutory text, the statutory framework, Congressional intent, the longstanding practice of the agency, and the decisions of many federal courts across the nation – including this one – limit section

1225(b)(2)'s scope to recently arrived noncitizens seeking admission at a border or port of entry.

i. The Plain Text of the INA Unambiguously Provides That the Mr. Quintana is Detained Under Section 1226(a) and Not Section 1225(b)(2), Because he is Not an Applicant for Admission.

73. The text of section 1225, along with its placement in the overall detention scheme of the INA, make clear that the terms "applicant for admission" and "seeking admission" in section 1225(b)(2) do not include individuals who have entered without inspection and are apprehended when already inside the United States.

74. Section 1225 is titled: "Inspection by immigration officers; expedited removal of inadmissible *arriving* aliens; referral for hearing." (emphasis added). As courts have recognized, "[t]he added word of 'arriving' indicates that the statute governs 'arriving' noncitizens, not those present already." *Beltran Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565, at *4 (W.D. Ky. Sept. 19, 2025) (citing *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425, at *5 (E.D. Mich. Sept. 9, 2025)). This limitation is particularly clear when compared to Section 1226's general title: "Apprehension and detention of aliens."

75. Further, section 1225(b)(2)'s specific subheading, "Inspection of Other Aliens," subsection 1225(b)(2)(B)'s mention of "crewm[e]n" and "stowaway[s]," and subsection 1225(b)(2)(C)'s use of the active language "arriving," reinforce the limited scope of Section 1225(b)(2)'s applicability to those who have recently arrived at a border or port of entry.

76. Finally, the term "seeking" in "seeking admission" "implies action – something that is currently occurring, and in this instance, would most logically occur at

the border upon inspection." *Lopez-Campos v. Raycraft*, 797 F.Supp.3d at 780; *see also Beltran Barrera,* 2025 WL 2690565, at *4. Noncitizens who are present in the country for years are not "seeking admission." *Lopez-Campos*, at *6; *Beltran Barrera*, at *4.

ii. The Statutory Detention Scheme Provides that Section 1226(a) Applies to Noncitizens Who Have Entered Without Being Inspected or Admitted.

77. The statutory framework further supports that section 1225(b)(2) does not apply to noncitizens, like Mr. Quintana, who have lived in the United States for years and who were apprehended while residing within the United States.

78. The INA's entire framework is premised on section 1225 governing detention of "arriving [noncitizens]" while section 1226 "applies to [noncitizens] already present in the United States." *Jennings*, 583 U.S. at 288, 301; *see also Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588, at *8 (S.D.N.Y. Aug. 13, 2025) ("[T]he line historically drawn between sections 1225 and 1226, which makes sense of their text and the overall statutory scheme, is that section 1225 governs detention of non-citizens 'seeking admission into the country,' whereas section 1226 governs detention of non-citizens 'already in the country.'") (cleaned up) (citing *Jennings*, 583 U.S. at 288-89); *Martinez v. Hyde*, 792 F.Supp.3d 211, 222 (D.Mass. 2025) ("The idea that a different detention scheme would apply to non-citizens 'already in the country,' as compared to those 'seeking admission into the country,' is consonant with the core logic of our immigration system ") (cleaned up) (citing *Jennings*, 583 U.S. at 289).

79. A fundamental principle of statutory construction is that courts must interpret statutes to give meaning to all provisions and avoid reading out or rendering superfluous any single provision. *Corley v. United States*, 556 U.S. 303, 314 (2009) ("one

of the most basic interpretive canons . . . [a] statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant[.]") (cleaned up). The government's current reading of Section 1225(b)(2) violates this principle.

80. Section 1226(c) includes carve outs for certain categories of inadmissible noncitizens, who would otherwise fall under section 1226(a), that are instead subject to mandatory detention. 8 U.S.C. § 1226(c)(1)(A), (D), (E). The inclusion of these carve outs in section 1226(c) indicates that, contrary to Respondents' interpretation, there are noncitizens who have not been admitted and that are not governed by section 1225's mandatory detention scheme. Indeed, if the government's interpretation were correct, it would render these portions of section 1226(c) superfluous since those same individuals would already be subject to mandatory detention under section 1225(b)(2).

81. The recent amendment to section 1226(c) confirms this statutory framework. Just last year, Congress passed the Laken Riley Act, which added additional categories of section 1226(a) carve outs that are now subject to mandatory detention under section 1226(c). Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025); 8 U.S.C. § 1226(c)(1)(E). Specifically, the Laken Riley Act mandates the detention of noncitizens who are inadmissible under §§ 1182(a)(6)(A) (noncitizens "present in the United States without being admitted or paroled"), 1182(a)(6)(C) (misrepresentation), or 1182(a)(7) (lacking valid documentation) and who have been arrested for, charged with, or convicted of certain crimes. *Id.* Again, if section 1225(b)(2) were already meant to subject these groups of inadmissible noncitizens to mandatory detention, it would render this portion of

the Laken Riley Act redundant. *See Beltran Barrera*, 2025 WL 2690565, at *4; *Lopez-Campos*, 2025 WL 2496379, at *8.

iii. Congressional Intent and Longstanding Agency Practice Supports the Finding that Section 1226(a) Applies to Noncitizens Who Have Entered Without Being Inspected or Admitted.

82. Congressional intent and longstanding historical practice underscore Mr. Quintana's reading of the statute.

83. The current detention system has been in place since the passage 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, 3009–582 to 3009–583, 3009–585.

84. Following the enactment of the IIRIRA, the Executive Office for Immigration Review drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under section 1225 and that they were instead detained under section 1226(a) and eligible for bond and bond redetermination. *See* 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

85. In the decades that followed, most people who entered without inspection and were apprehended inside the United States were detained under section 1226(a) and received bond hearings, 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 immigration judge 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 section 1226(a) simply "restates" the detention authority previously found at section 1252(a)).

iv. Recent Federal Court Decisions Support Mr. Quintana's Claim that Section 1226(a) Applies to Noncitizens Who Have Entered Without Being Inspected or Admitted.

86. Numerous federal courts, including in this District, have reached conclusions consistent with Mr. Quintana's position. For example, after immigration judges in the Tacoma, Washington, stopped providing bond hearings for persons who entered the United States without inspection, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that Section 1226(a), not section 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025). Other courts have reached the same conclusion, rejecting Respondent's erroneous interpretation of the INA both prior to and since ICE implemented its July 8, 2025, interim guidance. *See, e.g.*, *de Jesus Aguilar v. Eng*, No. 3:25-CV-898 DRL-SJF, 2025 WL 3280219 (N.D. Ind. Nov. 25, 2025); *Mejia Diaz v. Noem*, No. 3:25-CV-960-CCB-SJF, 2025 WL 3640419 (N.D. Ind. Dec. 16, 2025); *Gomes v. Hyde*, No. 25-cv-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025); *Martinez v. Hyde*, 792 F.Supp.3d at 216–18; *Lopez Benitez,* 2025 WL 2371588; *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez-Campos*, 2025 WL

2496379; *Herrera Torralba v. Knight*, 2:25-cv-03166-RFB-DJA, 2025 WL 2581792 (D. Nev. Sept. 5, 2025); *Doe v. Moniz*, 2025 WL 2576819 (D. Mass. Sept. 5, 2025).

87. The BIA's decision in *Yajure Hurtado* has not slowed the steady flow of decisions rejecting Respondents' position. *See, e.g., Mosqueda v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425; *Sampiao v. Hyde*, No. 1:25-cv-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Aceros v. Kaiser*, No. 25-CV-06924-EMC (EMC), 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Beltran Barrera*, 2025 WL 2690565; *Singh v. Lewis*, No. 4:25-cv-96-RGJ, 2025 WL 2699219 (W.D. Ky. September 22, 2025); *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025); *A.A. v. Olson*, No. 25-cv-03381-JWB-DJF, 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Alejandro v. Olson*, 1:25-cv-2027, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); *Merino v. Ripa*, No. 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025); *Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025); *Miguel v. Noem*, No. 1:25-cv-11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025); *Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL 2977650 (D. Colo. Oct. 22, 2025); *Martinez-Elvir v. Olson*, No. 3:25-CV-589-CHB, 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025); *Ayala Amaya v. Bondi*, No. 25-CV-16428-ESK, 2025 WL 3033880 (D.N.J. Oct. 30, 2025); *Tumba Huamani v. Francis*, No. 25-CV-8110 (LJL), 2025 WL 3079014 (S.D.N.Y. Nov. 4, 2025); *Reyes Arizmendi v Noem*, No. 25 C 13041, 2025 WL 3089107 (N.D. Ill. Nov. 5, 2025).

88. The Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi* is inapposite. On February 6, 2026, the Fifth Circuit ruled that noncitizens who were not inspected or admitted were

"applicants for admission" to the United States who were "seeking admission," and thus were subject to INA's mandatory detention provision under section 1225(b). *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026). This Court should not find *Buenrostro-Mendez* persuasive as it disregards the statutory text, the statutory framework, Congressional intent, the longstanding practice of the agency, and federal decisions across the nation – such as this one – concluding that section 1225(b)(2) applies to recently arrived noncitizens seeking admission at a border or port of entry and not to individuals who were detained in the interior after entering without being inspected or admitted.

89. Moreover, as mentioned below, this decision does not preclude Mr. Quintana's Due Process Claim, because *Buenrostro-Mendez* was confined to a question of statutory interpretation. *See, e.g.*, *Berting Marceuau v. Noem*, 2026 WL 368953, at *2 (W.D. Tex. Feb. 9, 2026) (Cardone, J.) ("In sum, *Buenrostro-Mendez* has no bearing on this Court's determination of whether Marceau is being detained in violation of her constitutional right to procedural due process"); *Hassen v. Noem*, 3:26-cv-00048-DB (W.D. Tex. Feb. 9, 2026) (Briones, J.) (Noting that *Buenrostro-Mendez v. Bondi* "does not change the case's outcome on procedural due process grounds"); *Clemente Ceballos v. Garite*, 3:26-cv-00312-DB (W.D. Tex. Feb 10, 2026) (Briones, J.) (same).

90. Nor does Mr. Quintana's status as a parolee affect which statute governs his detention. Recently, this Court, in *Montiel v. Raycraft,* granted a noncitizen's writ of habeas corpus petition, holding that the petitioner, who had been paroled into the U.S. but later arrested in the interior, could not be considered an "arriving alien," and therefore 1226(a) governed his detention and not section 1225(b)(2)(A). No. 1:25-cv-1610, 2026 WL 32076, at *2-3 (W.D. Mich. Jan. 6, 2026). Like Mr. Montiel, Mr. Quintana was paroled into the U.S. under 8 U.S.C. § 1182(d)(5)(A) and later detained by ICE in the interior of the United States. *Id.*

91. This Court explained that noncitizens whose parole has expired or been revoked within the U.S. do not return to "the position of an applicant for admission standing at the threshold of entry." *Montiel v. Raycraft*, 2026 WL 32076, at *2 (Citing *Coalition for Humane Immigrant Rights v. Noem*, No. 25-CV-872 (JMC), 2025 WL 2192986, at *85 (D.D.C. Aug. 1, 2025)). The Court concluded section 1226(a), not section 1225(b)(2)(A), governs "any other applicant for admission" who has resided in the United States and was already within the United States when apprehended. *Id.*

92. In this case, the Court should find *Montiel v. Raycraft* persuasive and conclude that Mr. Quintana is not subject to section 1225(b)(2)(A) simply because he was paroled into the U.S. following his entry without inspection. Therefore, the Court should order his immediate release, or in the alternative, order a bond hearing before an impartial immigration judge.

v. The Court Should Find Persuasive the Class Action Decision in Maldonado Bautista Supporting Mr. Quintana's Position that Section 1226(a) Applies to Noncitizens Who Have Entered Without Being Inspected or Admitted.

93. On November 20, 2025, the court in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-07873-SSS-BFM (C.D. Cal. Nov. 20, 2025), also rejected the government's position, finding that individuals who entered the United States without inspection are detained under section 1226(a) and are therefore entitled to a bond hearing. *Maldonado Bautista v. Santacruz,* No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). *Maldonado Bautista* is a nationwide class action, and the court granted class certification on November 25, 2025, applying its earlier summary judgment decision to the now-certified class. *See id.* at *9. On December 18, 2025, upon motion from petitioners seeking clarification as to the scope of the prior order, the Court entered

a final judgment pursuant to Fed. R. Civ. P. 54(b). The Court further clarified that, although the underlying complaint did not challenge *Matter of Yajure Hurtado* because it was filed before that decision was issued, "*Yajure Hurtado* is no longer controlling: the legal conclusion underlying the decision is no longer tenable." *Id.* The Court also vacated the July 8, 2025, DHS memo under the Administrative Procedure Act (APA). *Id.*; *see supra* ¶¶ 41-42. Moreover, on February 18, 2026, the Central District of California clarified its prior order, explaining that it granted declaratory relief and vacatur of *Matter of Yajure Hurtado* under the Administrative Procedure Act. *See Maldonado Bautista v. Santacruz et al.*, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284 (C.D. Cal. Feb. 18, 2026).

94. Although on March 6, 2026, the United States Court of Appeals for the Ninth Circuit temporarily stayed the Central District of California's December 18, 2025, declaratory judgment and February 18, 2026, order enforcing the judgment and vacating *Matter of Yajure Hurtado*, this District Court should nonetheless find *Maldonado Bautista* persuasive.

95. Accordingly, Mr. Quintana seeks habeas relief from this Court, because he has been detained for approximately two months and 24 days without an individualized, impartial bond hearing. Release from detention is warranted given EOIR has issued nationwide guidance on January 13, 2026, instructing immigration judges to follow *Matter of Yajure Hurtado.*

C. Mr. Quintana's Detention Pursuant to § 1225(b)(2) Violates the INA and Due Process Clause.

96. The Court should find that Respondent's detention of Mr. Quintana violates the plain text of the INA and Due Process Clause, warranting immediate release

of Mr. Quintana. In the alternative, the Court should order a bond hearing before an impartial immigration judge where the government bears the burden of establishing Mr. Quintana does not present a danger to the community or flight risk by clear and convincing evidence.

i. Mr. Quintana's Detention Violates the INA.

97. Mr. Quintana's detention is not authorized under section 1225(b)(2).

98. As discussed above, mandatory detention under section 1225(b)(2) applies only to recently arrived noncitizens seeking admission at a border or port of entry, not individuals who entered without inspection and were later detained inside the country.

99. Here, "there is nothing in the record to suggest that [Petitioner] ever attempted to gain lawful entry." *Lopez-Campos*, 2025 WL 2496379, at *6. Mr. Quintana entered without being inspected or admitted, having been detained by CBP near Brownsville, Texas on May 9, 2023. Moreover, he lived in the United States for over 3 years prior to being detained by DHS on December 19, 2025. DHS subsequently placed him in removal proceedings, charging with, *inter alia*, having entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i). As such, Mr. Quintana is not subject to mandatory detention under Section 1225(b)(2).

ii. Respondent's Detention of Mr. Quintana Violates the Due Process Clause.

100. Noncitizens are entitled to due process of the law under the Fifth Amendment. *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993). To determine whether civil detention violates a noncitizen's Fifth Amendment due process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

101. Notably, this District Court has already resolved this issue, concluding that detention of noncitizens violates the Due Process Clause. *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *6–8 (W.D. Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv-1528, 2025 WL 3562638, at *7–8 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25-cv-1442, 2025 WL 3562577, at *7–9 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep't of Homeland Sec.*, No. 1:25-cv-1578, 2025 WL 3558128, at *6–8 (W.D. Mich. Dec. 12, 2025). Accordingly, the Court should conclude that Respondent's detention of Mr. Quintana violates his Due Process rights.

102. Under *Mathews*, courts weigh the following three factors: 1) "the private interest that will be affected by the official action;" 2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and 3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." 424 U.S. at 335. Here, all three factors weigh in Mr. Quintana's favor.

D. Due Process Requires Immediate Release or, Alternatively, a Bond Hearing at Which the Government Bears the Burden of Justifying Mr. Quintana's Ongoing Detention by Clear and Convincing Evidence.

103. Respondents' ability to provide an impartial bond hearing to Mr. Quintana is questionable. In the past several months, immigration judges have denied bond based on flight risk at significantly higher rates than they ever had previously. Former Immigration Judge Lawrence O. Burman, who was an immigration judge for 27 years and presided over detained cases, describes this trend as possible impartiality within the

Immigration Court system. Although immigration judges are expected to act as neutral adjudicators, immigration judges have experienced institutional intimidation and the perception that decisions unfavorable to the government could negatively affect judicial tenure.

104. To demonstrate its authority and its ability to terminate immigration judges, EOIR replaced experienced immigration judges with newly-appointed judges—some receiving notification of their termination while presiding over their dockets and still on the bench.

105. The concern of institutional intimidation and the perception that decisions unfavorable to the government could negatively affect judicial tenure have affected how immigration judges rule on bond requests. For instance, former Immigration Judge Burman shares that "[i]t was rare for a bond to be denied solely based on flight risk; more often, a higher bond amount was imposed to ensure the individual's appearance at future hearings."

106. However, the current trend is that immigration judges are denying bond requests based on flight risk solely because of a person's manner of entry into the United States or because they had not yet applied for relief before being encountered by immigration officials. He notes that "[s]uch factors werer [*sic*] never the main reason for denial, and generally not considered at all." Immigration judges are also denying bond requests based on flight risk even when a noncitizen had a fixed address, a job, a proposed application for relief, or family ties to the United States—which was rare before. The extremely high bond amounts are also alarming because a person's ability to

pay a bond should be considered when adjudicating a bond request, and because immigration bonds generally require payment of the full amount to post.

107. Therefore, this Court should find persuasive former Immigration Judge Burman's declaration and the BIA's decision in *Matter of Yajure Hurtado*—demonstrating impartiality and a strong lack of adherence to Due Process—and order Mr. Quintana's immediate release.

108. If the Court does not order his immediate release from DHS detention, the Court should still order the immigration court to hold an impartial bond hearing. Due process requires that, at the bond redetermination hearing, the government must justify Mr. Quintana's ongoing detention by clear and convincing evidence. Because "civil commitment for any purpose constitutes a significant deprivation of liberty," *Addington v. Texas*, 441 U.S. 418,425 (1979). As discussed above, *supra* Section II.C.ii, Mr. Quintana's ongoing detention constitutes a serious deprivation. *See Foucha v. Louisiana*, 504 U.S. 71, 75-76 (1992). Considering the exact issues presented here, numerous courts have recognized that imposing the burden on the government is consistent with due process. *See, e.g.*, *Ochoa Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779, at *8 (N.D. Ill. Oct. 16, 2025) (ordering bond hearing under Section 1226(a), "at which the Government shall bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, Ochoa Ochoa's continued detention"); *Alvarez Ortiz v. Freden*, No. 25-CV-960-LJV, 2025 WL 3085032, at *12 (W.D.N.Y. Nov. 4, 2025) ("constitutional due process requires the government to bear the burden of proving by clear and convincing evidence that the individual is either a danger to the community or a flight risk even at an initial bond hearing under section 1226(a)"); *Orellana Cantarero v.*

Bondi, No. 9:25-CV-00250-MJT-ZJH, 2025 WL 3252402, at *2 (E.D. Tex. Nov. 20, 2025).

109. As the First Circuit recognized in *Hernandez-Lara*, "[p]lacing the burden of proof on the government at a § 1226(a) hearing to show by clear and convincing evidence that the noncriminal alien should be detained pending completion of deportation proceedings is more faithful to *Addington* and other civil commitment cases . . . [b]ecause it is improper to ask the individual to share equally with society the risk of error when the possible injury to the individual—deprivation of liberty—is so significant." *Hernandez-Lara v. Lyons*, 10 F.4th 19, 39 (1st Cir. 2021) (internal quotations and citations omitted); *Velasco Lopez v. Decker*, 978 F.3d 842, 855-57 (2d Cir. 2020) (affirming the clear and convincing burden of proof is on the government after prolonged detention under 1226(a)).

110. These courts have held that, under well-established Supreme Court precedent, when the government seeks to deprive someone of liberty, it bears the burden of proving that such deprivation is justified.

111. Due process also requires consideration of alternatives to detention. The primary purpose of immigration detention is to ensure a noncitizen's appearance during removal proceedings. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979).

112. Finally, due process likewise prohibits the government from "imprisoning a defendant solely because of his lack of financial resources." *Bearden v. Georgia*, 461 U.S. 660, 661 (1983); *see also Turner v. Rogers*, 564 U.S. 431, 447–48 (2011) (holding

that due process requires specific findings as to an individual's "ability to pay" before incarcerating him for civil contempt). Accordingly, due process requires consideration of a noncitizen's ability to pay a bond *and* alternative release conditions. *Pugh v. Rainwater*, 572 F.2d 1053, 1058 (5th Cir. 1978); *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (concluding that due process likely requires "consideration of the [noncitizen's] financial circumstances, as well as of possible alternative release conditions . . . to ensure that the conditions of their release will be reasonably related to the governmental interest in ensuring their appearance at future hearings").

III. Alternatively, Respondent's Detention of Mr. Quintana is Unlawful Because His Parole Was Not Properly Revoked.

113. As argued above, Mr. Quintana maintains that he is subject to detention under 8 U.S.C. § 1226(a) because he was most recently detained in the interior. If this Court nonetheless concludes that Mr. Quintana is an applicant for admission subject to custody under 8 U.S.C. § 1225(b)(2)(A), the Court should nonetheless order Mr. Quintana's immediate release because he has parole pursuant to 8 U.S.C. § 1182(d)(5), which was not properly revoked, violating the INA and Due Process Clause. In the alternative, the Court should order a bond hearing before an impartial immigration judge where the government bears the burden of establishing Mr. Quintana does not present a danger to the community or flight risk by clear and convincing evidence.

A. Respondent's Detention of Mr. Quintana Violates the INA and Due Process Because his Parole Was Not Properly Revoked.

114. "Noncitizens who arrive at a port of entry without a visa or other entry document, like Mr. Quintana, are deemed 'inadmissible' under 8 U.S.C. § 1182(a)(7)" due to their lack of entry documents. *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123,

1132 (D. Or. 2025). Once a noncitizen is deemed inadmissible, "the immigration officer must order the noncitizen's removal unless the noncitizen indicates an intention to apply for asylum or fear of prosecution." *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)).

115. The government may place the noncitizen into expedited removal proceedings, *see* 8 U.S.C. § 1225(b)(1), or the government may place the noncitizen into regular removal proceedings under 8 U.S.C. § 1229(a). *See Y-Z-L-H*, 792 F. Supp. 3d at 1132–33 (citing 8 U.S.C. § 1225(b)(2)).

116. Section 1225(b)(2)(A) provides that "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title." However, "applicants for admission may be temporarily released on parole [into the United States] 'for urgent humanitarian reasons or significant public benefit,'" as set forth in 8 U.S.C. § 1182(d)(5)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting 8 U.S.C. § 1182(d)(5)(A)).

117. The decision to grant parole pursuant to 8 U.S.C. § 1182(d)(5)(A) is determined "on a case-by-case basis." 8 U.S.C. § 1182(d)(5)(A). Then, "when the purpose of the parole has been served," § 1182(d)(5)(A) provides that "the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States." *Jennings*, 583 U.S. at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)).

118. After parole has been granted, it may only be terminated if the purpose of parole is accomplished, or when, in the opinion of an authorized official, humanitarian reasons and the public benefit no longer warrant a noncitizens' presence in the country. 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5(e)(2). The noncitizen must also receive written notice of the parole's termination. 8 C.F.R. § 212.5(e)(2).

119. To terminate the previously granted parole, the agency must comply with the applicable regulatory and statutory requirements. As set forth in 8 C.F.R. § 212.5(e)(2)(i), which governs the "[t]ermination of parole,"

> In cases not covered by paragraph (e)(1) of this section, upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole.

120. 8 C.F.R. § 212.5(e)(2)(i). "Under the governing regulation, [§ 1182(d)(5)(A)] parole may be terminated only if the purpose of parole is accomplished, or humanitarian reasons and the public benefit no longer warrant parole." *Gil Pirona v. Noem*, No. 1:25-cv-01571, 2025 WL 3687339, at *4-5 (W.D. Mich. December 19, 2025) (Citing *Loaiza Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025).

121. In addition, as this Court has recognized in multiple cases, revocation requires an individualized review. *See, e.g., Jarret v. Raycraft*, No. 1:26-cv-244, 2026 WL 319044 (W.D. Mich. February 6, 2026); *Fernandez Vitora v. Raycraft*, No. 1:26-cv-76, 2026 WL 262575 (W.D. Mich. February 2, 2026); *Gil Pirona v. Noem*, 2025 WL

3687339, at *4-5 (citing decisions from other district courts requiring an individualized review).

i. Respondents Violated the INA by Detaining Mr. Quintana.

122. In this case, the Court should find that Respondents have failed to follow the applicable statutory and regulatory provisions to terminate Mr. Quintana's parole, warranting his release or a bond hearing before an impartial immigration judge.

123. On May 9, 2023, CBP officers encountered Mr. Quintana inside the United States near Brownsville, Texas, apprehending and detaining him. After being detained, on May 11, 2023, DHS granted Mr. Quintana parole under 8 U.S.C. § 1182(d)(5) "for urgent humanitarian reasons or significant public benefit," permitting him to enter the United States. For approximately two years and seven months he complied with all conditions of his parole, attending ICE check-ins. He also applied for asylum on October 18, 2023.

124. Despite following the law, DHS detained him on December 19, 2025, in Grand Rapids, Michigan, while he was legally working, delivering packages. He provided them with his driver's license, work permit, asylum receipt notice, and TPS receipt notice. DHS neither have nor provided Mr. Quintana with a warrant. Notably, DHS detained him within the interior of the United States.

125. Mr. Quintana acknowledges that his Form I-94, relating to his parole, includes a parole end date of July 11, 2023, exactly two months following his parole grant. However, this arbitrary end date did not and could not have given Mr. Quintana sufficient time to seek asylum and TPS, particularly since it can take years for asylum applications to be adjudicated when the applicant is not detained. Because there was no individualized review of Mr. Quintana's parole prior to his detention, and because the purpose of his parole had not been accomplished,

Respondents' detention of Mr. Quintana violates 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e)(2)(i).

126. Because Mr. Quintana's parole was revoked in violation of the law, this Court should order the Respondents to release Mr. Quintana from DHS custody, or in the alternative, that he provided with a bond hearing before a neutral immigration judge where the DHS bears the burden of showing dangerousness and flight risk.

ii. Respondents' Detention of Mr. Quintana's, Despite Having Parole, Violates Due Process.

127. DHS's detention of Mr. Quintana despite his parole status and without the minimum procedural safeguards required by the Fifth Amendment, also violates the Due Process Clause. Under *Mathews v. Eldridge*, the balance of interests overwhelmingly favors notice, individualized determination, and an opportunity to be heard before a noncitizen with parole may be detained.

128. As argued above, *see supra* II.C.ii., Mr. Quintana has a significant liberty interest in remaining out of custody, and this interest is heightened when he has already been granted parole in the past. Although the government has initial discretion on whether to detain or release a noncitizen on parole, once parole is granted, it "creates 'an implicit promise,' upon which that individual may rely, that their liberty 'will be revoked only if [they] fail[ ] to live up to the … conditions of release.'" *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025); *Salazar v. Casey*, No.: 25-CV-2784 JLS (VET), 2025 WL 3063629, at *4 (S.D. Cal. Nov. 3, 2025) ("Government's revocation of Mr. Quintana's parole without notification, reasoning, or an opportunity to be heard, denied Mr. Quintana of her due process rights"). Here, Mr. Quintana has done everything that was expected of him, and yet he was still detained.

129. Moreover, as discussed above, *see supra* II.C.ii., the government's detention of Mr. Quintana without notice, reasoning, individualized determination, or an opportunity to be heard caused an erroneous deprivation in his liberty interest in remaining free from detention. *See Noori v. LaRose*, 2025 WL 2800149, at *11 ("Denying Petitioner notice and reasoning of the … revocation of his parole took away a meaningful opportunity to contest and violated due process"); *Sanchez v. LaRose*, No.: 25-cv-2396-JES-MMP, 2025 WL 2770629, at *3 (S.D. Cal. September 26, 2025) (finding due process denied where parole revoked without notice); *Perez v. LaRose*, 2025 WL 3171742, at *5 ("the risk of erroneous deprivation of [liberty] interest is high as Petitioner's parole was revoked without providing [him] a reason for revocation or giving [him] an opportunity to be heard") (internal quotation omitted)); *Martinez v. Raycraft*, 2025 WL 3511093, at *8 ("there is a high risk of erroneously depriving Petitioner of his freedom if Petitioner does not receive an individualized determination regarding the revocation of his parole"); *Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), 2025 WL 2630826, at *15 (S.D.N.Y. Sept. 12, 2025) ("[Petitioner]'s re-detention without any individualized assessment such as 'any change in circumstances' since the government released him on parole 'establishes a high risk of erroneous deprivation of his protected liberty interest'") (citation omitted)).

130. This is particularly so where the purpose of Mr. Quintana's parole has not yet been served, since his asylum application remains pending. *See, e.g., Martinez v. Raycraft*, No. 1:25-cv-1504, 2025 WL 3511093, at *5 (W.D. Mich. December 8, 2025) (parole's purpose not accomplished where noncitizen fleeing persecution from Venezuelan government filed asylum application, which remained pending at time of

arrest); *Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (parole's purpose not served where Petitioner had fled from Colombia to seek asylum, which was still pending at time of arrest); *Noori v. LaRose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *13 (S.D. Cal. Oct. 1, 2025) (purpose of parole not served where noncitizen "applied for asylum and was still in the middle of those proceedings when Respondents issued and executed the revocation."); *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1145 (D. Or. 2025) (revocation improper where petitioner was "paroled into the United States based on his express intent to apply for asylum and withholding of removal under CAT" and still pursuing asylum claim at time of purported termination).

131. Similarly, Mr. Quintana's parole continues to be in the public benefit. Here, DHS' previous release of Mr. Quintana on parole reflects an initial determination that he is not a danger or flight risk, 8 C.F.R. § 212.5(b), and there has been no material change in circumstances since then. He is married and father to his infant US citizen daughter. He has fully complied with all immigration obligations. Furthermore, although he was charged with assault or assault and battery pursuant to MCL 750.8(1), he does not present a danger to the community as his pending charge stems from his undiagnosed and untreated mental health issues, which his symptoms have been exacerbated because of his detention and lack of medication. Therefore, public benefit continues to justify his parole.

132. By re-detaining Mr. Quintana with no notice, reasoning, or individualized determination that his parole has been revoked, Respondents have failed to provide him with any opportunity to be heard, let alone a meaningful one. Nor has there been any other material change in Mr. Quintana's circumstances that would justify revocation of his parole.

133. Lastly, the government has no significant interest in Mr. Quintana's continued detention. As discussed, the government permitted him to enter the United States on May 11, 2023, with parole for "urgent humanitarian reasons or significant public benefit" under 8 U.S.C. § 1182(d)(5)(A), to allow Mr. Quintana to seek Asylum from Venezuela. His humanitarian reasons and public benefit continued to justify his presence in the country.

134. Further, any interest in public safety or ensuring that Mr. Quintana attends future immigration proceedings would be satisfied by his continued attendance of ICE check-ins. Instead, given the government's minimal interest, "continuing to enforce Petitioner's detention would likely impose more costs upon the Government, as it would be required to continue funding and overseeing his detention." *Martinez v. Raycraft*, 2025 WL 3511093 at *8.

CLAIMS FOR RELIEF

COUNT ONE
VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (UNLAWFUL DETENTION OF TPS HOLDER)

135. Mr. Quintana realleges and incorporates by reference each and every allegation contained above.

136. Section 1254a of Title 8 of the U.S. Code governs the treatment of TPS holders, including their detention and removal under federal immigration law.

137. Section 1254a(d)(4) states "[a]n alien provided temporary protected status under this section *shall not be detained* by the Attorney General on the basis of the alien's immigration status in the United States." (emphasis added). There is no exception to this rule provided in the statute.

138. Thus, Mr. Quintana's detention violates section 1254a, and he is entitled to immediate release from custody.

COUNT TWO
VIOLATION OF THE INA
(UNLAWFUL DETENTION UNDER 8 U.S.C. § 1225(B)(2))

139. Mr. Quintana incorporates by reference the allegations of fact set forth in the preceding paragraphs.

140. 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 detained 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. But Respondents' actions here violated § 1226(a) too because, to date, Respondents have refused to consider Petitioner for bond.

141. The application of § 1225(b)(2) to Mr. Quintana unlawfully mandates his continued detention and violates the INA.

COUNT THREE
VIOLATION OF THE INA
(UNLAWFUL DETENTION OF NONCITIZENS WITH PAROLE)

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

143. The provisions at 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5 govern revocation of humanitarian parole.

144. The Respondents detained the Petitioner while the purpose of his parole remains in effect. The government permitted him to enter the United States on May 11, 2023, with parole to seek asylum. On October 18, 2023, he filed his asylum application with USCIS, which remains pending. There has been no material change to his flight risk and danger since the Government's initial determination to grant parole. He has fully complied with all immigration obligations. He is married and has an infant US citizen daughter. Thus, public benefit continues to justify his parole.

145. The Government has not provided the Petitioner with notice that it has revoked his parole. However, even if the government had revoked Petitioner's parole, it has not provided him notice, reasoning, or individualized determination that his parole was revoked, let alone an opportunity to be heard.

146. Mr. Quintana's parole has not been properly revoked, but even if it has been, re-detention is contrary to law.

COUNT FOUR
VIOLATION OF THE DUE PROCESS CLAUSE
OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

I. Substantive Due Process Violations.

147. Mr. Quintana realleges and incorporates by reference each and every allegation contained above.

148. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. *See generally Reno v. Flores*, 507 U.S. 292 (1993).

149. "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 (2001); *Demore v. Kim*, 538 U.S. 510 (2003).

150. Mr. Quintana's detention violates the Due Process Clause because it is not rationally related to any immigration purpose; because it is not the least restrictive mechanism for accomplishing any legitimate purpose the government could have in imprisoning him; and because it lacks any statutory authorization.

II. Procedural Due Process Violations.

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

152. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. *See generally Reno v. Flores*, 507 U.S. 292 (1993).

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

154. Due Process requires the government to provide a noncitizen with notice, reasoning, individualized determination, and an opportunity to be heard before being detained. Respondents have failed to provide Petitioner with any such protections from erroneous deprivation.

155. Respondents have no significant interest in detaining the Petitioner. He currently holds TPS and the TPS statute provides a noncitizen with temporary protected status that they *shall not be detained*. 8 U.S.C. 1254a(a)(1)(A), (d)(4) (emphasis added).

156. Moreover, he is not subject to mandatory custody under section 1225(b)(2) as he was not arriving at a border or port of entry when he was detained, nor was he ever seeking admission to the country, when DHS detained him on December 19, 2025. Instead, he entered without inspection and lived in the United States for over 3 years before being detained.

157. Lastly, there has been no material change in his circumstances since the government granted his parole on May 11, 2023. He has complied with every condition of his release and has attended every ICE check-in. The purpose of his parole has not been served; humanitarian reasons and public benefit continue to justify his presence in the country; and he is neither a danger nor a flight risk.

158. Because Mr. Quintana's detention was unaccompanied by the procedural protections that such a significant deprivation of liberty requires under the Due Process of the Fifth Amendment of the U.S. Constitution, his continued detention is unlawful.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus requiring that Respondents immediately release Petitioner or, in the alternative, provide Petitioner with a constitutionally adequate, individualized bond hearing before an impartial immigration judge pursuant to 8 U.S.C. § 1226(a) within seven (14) days, where:

    1) DHS bears the burden of establishing by clear and convincing evidence that continued detention is justified; and

2) the adjudicator is required to meaningfully consider alternatives to imprisonment such as community-based alternatives to detention including conditional release, parole, as well as Petitioner's ability to pay a bond;

c. Enjoin Respondents from moving Petitioner outside the jurisdiction of this Court pending adjudication of this petition;

d. Declare that Petitioner's continued detention violates the INA and the Due Process Clause of the Fifth Amendment;

e. 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

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

DATED this 16 of March, 2026

Respectfully submitted,

/s/ Hena Mansori

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VERIFICATION

Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under penalty of perjury that the facts set forth in the foregoing Petition for Habeas Corpus are true and correct.

Executed this 16th of March, 2026.

/s/ Hena Mansori
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