UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

MARLON BISMARCK ESPINOZA-DIAZ,

Petitioner,

v.

KEVIN RAYCRAFT, in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, in her official capacity as U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 1:26-cv-873

Hon.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. 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.

2. 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.

3. Petitioner Marlon Bismarck Espinoza-Diaz has been unlawfully detained without the possibility of bond in furtherance of this policy. Petitioner came to the United States four years ago and has lived here ever since.

4. Petitioner was taken into immigration custody while attending an interview with United States Citizen and Immigration Services ("USCIS") for the now-approved I-130 Petition for Alien Relative filed on his behalf by his U.S. citizen wife, Lynn Brown Espinoza. Respondents had previously released Petitioner on his own recognizance, while he remained subject to ongoing civil immigration removal

proceedings. Respondents allege that Petitioner entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i).

5. Petitioner is currently in the physical custody of Respondents at North Lake Processing Center, which falls under the purview of the Detroit Field Office of Immigration and Customs Enforcement (ICE), which has responsibility for immigration detention centers in Michigan and Ohio.

6. Under 8 U.S.C. § 1226(a), which allows for release on conditional parole or bond, Petitioner is entitled to a bond determination. That statute expressly applies to people who, like Petitioner, are residing in the United States but are charged as inadmissible for having initially entered the United States without inspection. In accordance with 8 U.S.C. § 1226(a), the Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR) have for decades provided bond determinations and bond hearings to people like Petitioner who have been living in the United States but allegedly entered without inspection.

7. 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

[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].

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.

8. 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.

9. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from custody unless Petitioner is provided with a bond hearing under § 1226(a) that meets constitutional and statutory requirements for due process within seven days.

10. 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

11. Petitioner Marlon Bismarck Espinoza-Diaz is in the physical custody of Respondents. Petitioner is detained at the North Lake Processing Center in Baldwin, Michigan.

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

13. 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

14. Venue is proper in the Western District of Michigan under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. 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 Petitioner currently is detained.

15. Venue is also proper 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. § 2243

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

17. 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

18. Petitioner Marlon Bismarck Espinoza-Diaz is a citizen of Nicaragua who has resided in the United States since February of 2022. He has been in immigration detention since March 6, 2026, and is currently detained at North Lake Processing Center. After taking custody of Petitioner, ICE did not set bond. Upon information and belief, Petitioner did request a custody redetermination hearing before an Immigration Judge.

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

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

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 are component agencies. She is sued in her official capacity.

22. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

FACTS

23. Petitioner Marlon Bismarck Espinoza-Diaz has resided in the United States since at least 2022 and lives in Traverse City, Michigan. Petitioner is 47 years old.

24. Petitioner is married to a United States citizen, Lynne Marie Brown-Espinoza. They have been married since March 21, 2023.

25. Petitioner also has a United States citizen son, M[redacted] born on [redacted]. Petitioner's son is now only two years old. Both he and his mother, Petitioner's spouse, heavily depend on the Petitioner for his support.

26. Petitioner's spouse filed an I-130 Petition for Alien Relative on his behalf on October 2, 2023. This Petition was ultimately approved by USCIS on March 6, 2026 at the conclusion of the same interview at which Respondent was detained by ICE. The approved petition is now being sent to the National Visa Center ("NVC") for the processing of Respondent's immigrant visa.

27. Petitioner has no criminal record. Upon information and belief, he has no other admissibility issues aside from a period of unlawful presence in the United States. Since his United States citizen spouse would suffer extreme hardship if he were denied his immigrant visa, he appears to have a *bona fide* case for an unlawful presence waiver. Petitioner intends to request a provisional waiver by filing Form I-601A with USCIS. Upon approval of this waiver, he would be eligible to travel abroad for a consular interview, receive his visa, and return to the United States as a Lawful Permanent Resident (LPR) "green card" holder.

28. Petitioner's removal proceedings are pending with the Detroit Immigration Court. Petitioner had previously filed a motion to administratively

close these proceedings, pending the outcome of his I-130 Petition and upcoming I-601A Application.

29. Administrative closure is a long-standing practice for cases like these. *See Matter of Cruz-Valdez*, 28 I&N Dec. 326 (A.G. 2021), restoring the authority of immigration judges and the Board of Immigration Appeals ("BIA") to administratively close cases. While the Sixth Circuit has narrowed the scope of such closures, it has explicitly permitted this practice to allow respondents to pursue I-601A provisional unlawful presence waivers before USCIS. *Garcia-DeLeon v. Garland*, 999 F.3d 986, 991 (6th Cir. 2021).

30. DHS opposed Petitioner's motion for administrative closure on the grounds that his I-130 Petition was not yet approved, thus not yet making him *prima facie* eligible to pursue consular processing. The IJ agreed with DHS's reasoning that administrative closure was not yet appropriate at that time and denied the motion on June 24, 2025.

31. Now that Petitioner's I-130 has been approved, DHS's reasoning no longer applies, and the Petitioner intends to request that the IJ reconsider with a new motion for administrative closure. Again, based on long-standing practices, this case is well qualified for administrative closure based on Petitioner's likelihood to succeed in obtaining an immigrant visa outside of immigration court. All this would

ideally have been pursued prior to the Petitioner's detention, and will be again should Petitioner ultimately prevail on the instant petition for a writ.

32. Upon information and belief, if the Detroit Immigration Court will not agree to administrative closure, Petitioner is also prepared to file an asylum application with EOIR based upon his fear of political persecution upon return to Nicaragua.

33. In a move that runs totally contrary to well-established practices and enforcement priorities for immigration cases like these, ICE chose to detain the Petitioner at his USCIS interview on March 6, 2026. Petitioner is now detained at North Lake Processing Center in Baldwin, Michigan.

34. In 2022, DHS had placed Petitioner in removal proceedings before the Detroit Immigration Court pursuant to 8 U.S.C. § 1229a. Petitioner was charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

35. Following the initiation of removal proceedings, DHS released the Petitioner on his own recognizance on February 3, 2022, citing its authority under section 236 of the INA.

36. It is unknown at this time whether Petitioner was given an opportunity to request a redetermination hearing before an Immigration Judge after he was recently re-detained.

37. Petitioner is clearly neither a flight risk nor a danger to the community, as demonstrated by the following:

- The Petitioner has a United States citizen spouse and a two-year old United States citizen son, both of whom rely upon his support and physical presence in Traverse City, Michigan.
- The Petitioner has no criminal history.
- The Petitioner has been living in the United States for over four years, complying with all requirements of his original release from detention and ongoing removal proceedings.
- His United States citizen family members have been taking timely steps to remediate the Petitioner's immigration status in the United States.
- The Petitioner is well qualified for an immigrant visa via family petition, as clearly evidenced by the recent approval of his I-130 Petition by USCIS. Furthermore, he is a clear candidate for a provisional waiver of unlawful presence via Form I-601A, which would allow the immediate approval of his immigrant visa via consular processing.
- If proceeding in Immigration Court, the Petitioner has two available forms of immigration relief, a request for asylum based upon fear of

political persecution, or alternatively, a request for withholding of removal based upon the same. *See* 8 U.S.C. § 1158 *and* 8 U.S.C. § 1231(b)(3).

38. Petitioner is working with an immigration attorney and has strong claims for immigration relief.

39. Without relief from this court, Petitioner faces the prospect of months—or even years—in immigration custody, separated from family and community.

LEGAL FRAMEWORK

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

41. 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

[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.

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).

42. 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.

43. 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.

44. 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).

45. 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).

46. 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.").

47. 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)).

48. 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.

49. 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 months, years, and even for decades or since infancy.

50. In decision after decision, federal courts—both nationwide and here in 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**).

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

52. 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.

53. 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.

54. 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.

55. 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]."

56. 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)).

57. 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.

58. 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.").

59. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people who have already entered 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.

60. 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.

61. 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.

62. 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 remediable: Petitioner's family and community will be left without a caretaker and contributor for months.

63. 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.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

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

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

66. Section 1225(b)(2) does not apply to Petitioner, who previously entered the country prior to being apprehended and placed in removal proceedings by

Respondents, who charged him as an alien present in the United States who has not been admitted or paroled under INA 212(a)(6)(A)(i).

67. 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.

68. 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

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

70. 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).

71. Regardless of whether the INA provides Petitioner with a bond hearing, Petitioner has a fundamental interest in liberty and being free from official restraint.

72. 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. Issue a writ of habeas corpus requiring that Respondents release Petitioner from custody unless, within 7 days, Petitioner is provided with a bond hearing pursuant to 8 U.S.C. § 1226(a) that meets constitutional and statutory requirements for due process;

c. Enjoin Respondents from transferring Petitioner from the jurisdiction of this District pending these proceedings;

d. 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;

e. Award Petitioner 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: 3/17/2026

Respectfully submitted,

/s/ Joshua J. Mikrut

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