MATURANO & ASSOCIATES
BY: Antonio A. Maturano, III, Esquire
Pa. Identification No. 64391
616 DeKalb Street
Norristown, PA 19401
(610) 313-3120 (Office)
(610) 313-3221 (Fax)
amaturano@maturanolaw.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
CIVIL DIVISION

Alexis TORRES JIMENEZ Petitioner, v. Brian MCSHANE, Field Office Director of Enforcement and Removal Operations, Philadelphia Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; The EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; and J.L. JAMISON as Warden of the Philadelphia Federal Detention Center Respondents.	Case No. **PETITION FOR WRIT OF HABEAS CORPUS**

PETITION FOR WRIT OF HABEAS CORPUS

1. This is a petition for a writ of habeas corpus filed on behalf of Alexis Torres Jimenez ([redacted]) seeking relief to remedy his unlawful detention. Respondents are currently detaining Mr. Torres Jimenez subject to immigration proceedings.

INTRODUCTION

2. Petitioner, Alexis Torres Jimenez is in the physical custody of Respondents at the Philadelphia Federal Detention Center. He now faces unlawful detention as the Respondents, Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have placed into operation procedures which meaningfully deprive Petitioner of release.

3. Petitioner was detained by Respondents on or about March 20, 2026 by Immigrations and Customs Enforcement ("ICE") Enforcement Removal Operations ("ERO") at the Dover Field Office in Delaware. Mr. Torres Jimenez was scheduled for an ICE check-in at the Dover office, when he reported for that appointment, Petitioner was detained and subsequently transferred to the Philadelphia Federal Detention Center.

4. Respondents now seek to subject him to a sweeping mandatory detention framework more appropriately reserved—by statute and longstanding interpretation—for individuals who are entering at the border. Petitioner's detention is not an isolated deviation; it reflects a broader enforcement posture that courts across the country have repeatedly scrutinized and rebuked.

5. On January 20, 2025, the President issued several executive actions relating to immigration, including the Executive Order entitled "Protecting the American People Against Invasion," which articulated an expansive interior enforcement agenda. That Order directed the Secretary of Homeland Security "to take all appropriate action to enable" ICE, CBP, and

USCIS to prioritize civil immigration enforcement procedures, including through the use of mass detention.[1]

6. In late May 2025, Respondent Kristi Noem and White House Deputy Chief of Staff Stephen Miller reportedly met with ICE leadership and imposed an arrest quota of 3,000 individuals per day, threatening job consequences if officials failed to meet arrest quotas.[2] Deputy Chief of Staff Miller remarked that "[u]nder President Trump's leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day."[3]

7. Following these directives, ICE personnel were reportedly instructed to "turn the creativity knob up to 11," to "push the envelope," and to pursue "collateral" arrests—stating that "[i]f it involves handcuffs on wrists, it's probably worth pursuing."[4]

8. The gravity of these concerns is further amplified by sworn testimony presented before Congress. On February 23, 2026, former Assistant Chief Counsel Ryan Schwank testified regarding internal ICE practices.[5] He stated that DHS representation about officer training were misleading, that graduates were rapidly deployed with minimal supervision, and

[1] Exec. Order No. 14,159, Protecting the American People Against Invasion, 90 Fed. Reg. 8,447 (Jan. 20, 2025); *Protecting the American People Against Invasion*, The White House (Jan. 20, 2025), https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/.

[2] Julia Ainsley, et al., A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigrationreshape-federal-lawenforcement-rcna193494 (last visited Nov 26, 2025); Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller (last visited Nov. 26. 2025).

[3] Hannity, Sean, "Stephen Miller says the admin wants to create the strongest immigration system in US History", FOX NEWS (May 28, 2025), https://www.foxnews.com/video/6373591405112 (last visited Nov. 26, 2025).

[4] Olivares, José , "US immigration officers ordered to arrest more people even without warrants," The Guardian (Jun 4, 2025) https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests

[5] Testimony of Ryan Schwank, Former Assistant Chief Counsel, U.S. Immigration & Customs Enforcement, Before the , House Oversight Committee, 119th Cong. (Feb. 23, 2025) (statement of Ryan Schwank) ("ICE is teaching cadets to violate the Constitution, and they were attempting to cloak it in secrecy by demanding that I like about it. I am here to convey the public danger that is being created at the ICE Academy."), video recording available at https://youtu.be/v6HkNJ1Iwvc?si=5TS43gXbZzvreMmt.

that internal directives authorized conduct inconsistent with constitutional protections. Mr. Schwank described being instructed to review a memorandum asserting that ICE officers could enter homes without a judicial warrant—conduct he characterized as "the chief evil against which the wording of the Fourth Amendment is directed." He further testified that he was required to review the memorandum in secret and made to understand that disobedience could jeopardize his employment, concluding that ICE was teaching cadets to violate constitutional safeguards while attempting to cloak such directives in secrecy.[6]

9. Respondents' enforcement authority is not unbounded. Even, as here, in the immigration context, the power to arrest and detain is constrained by statute and the Constitution. The Immigration and Nationality Act ("INA") authorized warrantless arrests only in narrowly defined circumstances, requiring reason to believe the individual is removable and likely to escape before a warrant may be obtained. Absent such individualized grounds, detention exceeds the limits Congress thoughtfully and rightfully imposed.

10. Petitioner's continued detention must be evaluated within this broader context. When executive directives emphasize mass arrests, when long-settled statutory interpretations are recast to expand mandatory detention, when experienced immigration judges report institutional intimidation, and when sworn testimony raises concerns about constitutional compliance within enforcement ranks, meaningful relief before the agency becomes structurally compromised.

11. Under these circumstances, habeas review by this Court is not merely appropriate—it is indispensable to ensure that executive detention tethered to statute, the Constitution, and the rule of law itself.

[6] *Supra,* fn. 9.

JURISDICTION

12. Petitioner is in the physical custody of Respondents. Petitioner is presently being held at the Philadelphia Federal Detention Center in Philadelphia, Pennsylvania.

13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause). 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. 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 Eastern District of Pennsylvania, the judicial district in which Petitioner currently is detained.

15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) as Respondent 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 Eastern District of Pennsylvania.

REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petition is not entitled to relief.[7] If an order to show cause is issued, the Respondent must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed."[8]

[7] 28 U.S.C. § 2243
[8] *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."[9] Further "[t]he 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."[10]

PARTIES

18. Petitioner Alexis Torres Jimenez is a citizen of Venezuela who has been in immigration detention since approximately March 20, 2026. Following the arrest of Petitioner, ICE transported Petitioner into custody in the Philadelphia Federal Detention Center pending further immigration removal proceedings.

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

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

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

[9] *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).
[10] *Yong v. I.N.S.,* 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citation omitted).

22. 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.

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

24. Respondent J.L. Jamison, as Warden of the Philadelphia Federal Detention Center, where Petitioner is detained is named in their official capacity having immediate physical custody of Petitioner. They are sued in their official capacity.

LEGAL FRAMEWORK

25. The Fourth Amendment protects "[t]he right of the people to be secure in their persons…against unreasonable searches and seizures."[11]

26. Immigration detention is a form of civil confinement that "constitutes a significant deprivation of liberty that requires due process protection."[12] Immigration officers may arrest an individual without a warrant in limited circumstances.[13]

27. The INA permits warrantless arrest if an immigration officer has reason to believe that a noncitizen (1) is in the United States in violation of the immigration laws and (2) "is likely to escape before a warrant can be obtained for his arrest."[14]

[11] U.S. Const. amend. IV.
[12] *Addington v. Texas*, 441 U.S. 418, 425 (1979).
[13] *See Arizona v. United States*, 567 U.S. 387, 407-08 (2012) (conferring the preference of Congress, as expressed in the INA, for immigration arrests to be based on warrants).
[14] 8 U.S.C. § 1357(a)(2); 8 C.F.R. § 287.8(c)(2)(i)-(ii).

28. ICE officers are bound not only by statute and due process, but also by its national policy adopted pursuant to settlement agreement in *Castanon Nava et al. v. Dep't of Homeland Sec.*[15] Under this policy, ICE officers must consider a delineated list of factors before making an arrest, including (a) the officer's ability to determine the individual's identity; (b) knowledge of the individual's prior escapes or evasions of immigration authorities; (c) the individual's attempts to flee to avoid being discovered by immigration; and (d) the individual's ties to the community, such as a family, home, or employment.[16]

29. Civil immigration detention must rest on lawful, individualized determination that detention is justified under the statutory framework as established by Congress. It cannot be imposed as the byproduct of a generalized enforcement campaign or arbitrary numerical targets.

30. Yet the circumstances surrounding Petitioner's arrest and continued detention strongly indicate that his custody is not the result of a particularized assessment, but rather flowed from a broader enforcement posture designed to maximize arrests and detention irrespective of individualized risk.[17]

31. Such seizures raise serious constitutional concerns. When enforcement practices become quota-driven, the risk of arbitrary detention increases substantially, eroding the

[15] No. 18-cv-3757 (N.D. Ill.).
[16] Settlement Agreement, *Castanon Nava et al. v. Dep't of Homeland Sec.*, No. 18-cv-3757 (N.D. Ill.), *available at* https://immigrantjustice.org/sites/default/files/content-type/page/documents/2025-01/Nava_Settlement_ICE_Warrantless_Arrest-Vehicle_Stop_Policy_2021.pdf.
[17] Elizabeth Findell, et al., The White House Marching Orders That Sparked the L.A. Migrant Crackdown, The Wall Street Journal (June 9, 2025), https://www.wsj.com/us-news/protests-losangeles-immigrants-trump-f5089877; Julia Ainsley, et al., A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focusimmigration-reshape-federal-lawenforcement-rcna193494; Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller.

constitutional boundary between permissible civil enforcement and impermissible dragnet policing.

32. The facts of the instant case reflect the predictable consequences of that policy environment. Petitioner has been present in the United States since his entry in 2021. Petitioner after entering the country sought legal counsel, filed an application for asylum, sought employment authorization and cooperated with every request and demand of Respondents during his time here.

33. There is nothing in the facts of Petitioner's immigration history which could support a finding that he is a risk to the nation, nor at risk of flight. Rather, the instant facts reflect an individual deeply committed to seeking all avenues of relief before the immigration courts.

34. Even assuming arguendo that Petitioner's initial apprehension was lawful, his continued detention must still comport with the framework Congress enacted in the INA. That framework requires individualized custody determination and carefully distinguishes between discretionary and mandatory detention.

35. Rather than adhere to those statutory limits, Respondents have attempted to reclassify broad categories of long-term residents within the country as "applicants for admission," thereby subjecting them to mandatory detention and stripping immigration judges of their traditional custody authority.

36. Understanding the structure of the INA's detention provisions is therefore essential, as it demonstrates that Petitioner's ongoing confinement is not only constitutionally suspect, but also contrary to the plain text, history, and settled application of the governing statute.

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

38. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge ("IJ"). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention.[18]

39. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2). This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

40. Lastly, the INA also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings.[19]

41. 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.[20]

42. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a).[21]

43. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearing, unless their criminal

[18] *See* 8 U.S.C. § 1226(c).
[19] *See* 8 U.S.C. § 1231(a)-(b).
[20] Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996. Pub. L. No. 119-1, 139 Stat. 3 (2025).
[21] *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

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.[22]

44. For the first time since the enactment of IIRIRA, Respondents now take the position through a series of precedential decisions by the Board of Immigration Appeals ("BIA") that non-citizens presently residing within the interior of the United States are not entitled to a custody redetermination (or bond hearing) before an Immigration Judge.

45. 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.

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

47. On September 5, 2025, ICE, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado.* The Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and holding them ineligible to seek bond in immigration court.[23]

[22] *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)).

[23] *See Matter of Yajure Hurtado,* 29 I. & N. Dec. 216 (BIA 2025).

48. The BIA transformed the government's contested enforcement position into a categorical jurisdictional bar, foreclosing individualized custody determinations for a broad class of noncitizens historically deemed bond-eligible under § 1226(a).

49. Under Respondents' current posture, even when a petitioner succeeds in obtaining a bond hearing and prevails before an Immigration Judge—often by establishing eligibility for discretionary detention under § 1226(a)—DHS responds by reflexively filing an appeal to the BIA.[24]

50. The filing of a Notice of Intent to Appeal and subsequent appeal automatically stays the Immigration Judge's bond order, guaranteeing that the petitioner remains detained throughout the pendency of the appeal. In practice, this detention routinely lasts for months.

51. This strategy does not reflect case-specific judgment as the statute clearly contemplates, but rather, it presents a blanket policy by the Respondents to appeal bond grants in all cases where it has been ordered, circumventing the INA's authority and nullifying the effect of federal court relief recognizing bond eligibility. The Department has transformed discretionary appellate review into a mechanism of categorical detention—achieving through procedure what it cannot lawfully obtain through statute.

52. Compounding this issue, Department of Homeland Security ("DHS") appeals these bond grants to the very adjudicatory body that has already aligned itself with the Department's contested interpretation of the detention statutes. The BIA has issued precedential decisions adopting Respondents' position and depriving judges of jurisdiction over custody redeterminations for individuals who entered without inspection. As a result, the appeals

[24] Redacted Example of Notice of Intent to Appeal (Form EOIR-43) (attached as Ex. 1).

process offers no meaningful opportunity for relief, rather, it serves as a foregone conclusion that prolongs detention while preserving the appearance of administrative process.[25]

53. The cumulative effect of this regime acts to trap petitioners in a procedural morass that could only be described as death by a thousand cuts. This closed circuit—self-reinforcing and outcome-determinative—functions as a form of administrative ouroboros, consuming the very relief federal courts have declared petitioners are entitled to receive. Petitioners are left to run a short and futile race toward administrative relief while standing on a plank that has been deliberately shortened by agency design.

54. Habeas corpus exists precisely to address this type of structural deprivation of liberty. Where the government's coordinated use of stays, appeals, and BIA precedent ensures continued detention regardless of individualized findings or federal court declarations, administrative remedies are not merely inadequate—they are illusory.

55. Continued detention under these circumstances is not authorized by statute, is inconsistent with the separation of powers, and violates fundamental principles of due process. Accordingly, this Court's intervention is necessary to enforce the rule of law and to prevent DHS from nullifying federal judicial relief through procedural gamesmanship.

EXHAUTION AND FUTILITY OF ADMINISTRATIVE REMEDIES

56. Exhaustion is not required where the agency's controlling precedent forecloses relief as a matter of law.[26]

57. EOIR has instructed immigration judges to refuse jurisdiction over custody determinations, and DHS has appealed the bond order that was properly issued before that

[25] Redacted Example of BIA Decision Applying *Matter of Yajure Hurtado* on DHS Appeal of Bond Grant (attached as Ex. 2)
[26] *See El Rescate Legal Servs., Inc. v. EOIR*, 959 F.2d 742, 747 (9th Cir. 1991).

directive, ensuring continued detention despite an individualized judicial finding that release is warranted.

58. Taken together, Respondent EOIR's directive that Immigration Judges lack jurisdiction to conduct bond hearings for individuals like Petitioner, Respondent DHS' systematic practice of staying and appealing any bond grants, and the BIA's continued adherence to *Matter of Yajure-Hurtado* establish that administrative processes administered by Respondents are incapable of providing Petitioner with timely or effective relief from detention.

59. That jurisdictional foreclosure is dispositive. Where the Immigration Judge is instructed that they cannot exercise custody authority, and where Respondent DHS systematically appeals or stays any grant of bond, there remains no meaningful administrative path forward.

60. Exhaustion does not require pursuit of remedies that are foreclosed in advance or structurally incapable of providing relief. Under these circumstances, administrative review is not simply unlikely to succeed; it is functionally unavailable.

61. Under these circumstances, further administrative pursuit of relief is not merely inadequate—it is futile.

62. Accordingly, this Court should expeditiously grant this petition, and order Petitioner's release from detention.

STATEMENT OF FACTS

63. Petitioner, Alexis Torres Jimenez is a citizen and national of Venezuela who has been present in the United States for approximately five (5) years. During this time, Petitioner has established deep family, economic, and community ties.

64. Petitioner previously fled his native Venezuela after suffering persecution at the hands of the Maduro regime, including being detained by government authorities for participating in anti-Maduro protests. Fearing further persecution if returned, Petitioner came to the United States seeking safety and freedom.

65. After entering the United States, Petitioner sought the assistance of immigration counsel and filed an application for asyluk. At the time of his detention, Petitioner was awaiting scheduling of further proceedings before the Philadelphia Immigration Court. While his case remained pending, Petitioner also sought lawful employment authorization and pursued relief through the immigration process in full compliance with applicable requirements.

66. More recent, Petitioner married his partner, a United States citizen. Petitioner and his U.S. citizen spouse intended to file a Form I-130, Petitioner for Alien Relative, on his behalf. Before that petition could be filed, however, Petitioner was detained by Respondents during a scheduled immigration check-in.

67. Several weeks before that appointment, local authorities had cited Petitioner and issued him an appearance notice in connection with charges related to allegedly driving under the influence. Although Petitioner was charged, he has not been convicted of any offenses, nor has any court adjudicated him guilty. Rather, Petitioner was actively working with counsel to resolve those charges through the appropriate process. His subsequent detention by Respondents has now significantly impaired his ability to address and resolve those criminal proceedings.

68. At all relevant times, Petitioner has complied with his legal obligations. He has no history of noncompliance with immigration proceedings or any other court process. He has not been convicted of any criminal offense and has no history of absconding or evading authorities.

Despite these facts, Respondents detained Petitioner without any individualized determination that he poses a danger to the community or a flight risk.

CLAIM FOR RELIEF

COUNT I

Violation of the Fourth Amendment of the United States Constitution
Unreasonable Seizure

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. Except at the border and its functional equivalents, the Fourth Amendment to the U.S. Constitution prohibits Respondents from conducting a detained stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States. Moreover, the Fourth Amendment prohibits Respondents from making an arrest without probable cause to believe that a person is a noncitizen unlawfully in the United States.
3. Petitioner was detained by Respondents despite lack of probable cause to believe that Petitioner was a flight risk.

COUNT II

Violation of the INA:
Violation of the INA 8 U.S.C. § 1226

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. Where Respondents have seized and detained a noncitizen whom Respondents have previously released from an initial period of detention pursuant to INA § 1226, Respondents are required by § 1226 to make an individualized determination as to the noncitizen's risk of flight and danger to the community.

3. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended in the interior. Such noncitizens are detained under § 1226, unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.
4. Respondents' failure to make individualized determinations regarding Petitioner's possible risk of flight, and possible danger to the community violates the Immigration and Nationality Act, 8 U.S.C. § 1226.

COUNT III
Violation of Due Process

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
2. 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, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).
3. Petitioner has a fundamental interest in liberty and being free from official restraint.
4. The government's detention of Petitioner without meaningful access to bond redetermination to determine whether he is a flight risk or danger to others violates his 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 an immediate order barring the respondents from removing petitioner from the jurisdiction, without notice to the court and approval by the court;

c. Issue an order to show cause why this petition should not be granted within three (3) days;

d. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

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 21st of March, 2026.

//s// Antonio A. Maturano, III
ANTONIO A. MATURANO
Attorney for Petitioner

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

I, Antonio A. Maturano, III, submit this verification on behalf of the Petitioner as an attorney for Petitioner. I, or immigration counsel, have discussed with Petitioner's family the events described here-in. Based on those discussions, I hereby verify that the statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date: March 21, 2026

//s// Antonio A. Maturano, III

Antonio A. Maturano, III
Maturano & Associates
616 Dekalb St., Ste. 1
Norristown, PA 19401
Office: (610) 313-3120
amaturano@maturanolaw.com

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

ALEXIS TORRES JIMENEZ

(b) County of Residence of First Listed Plaintiff PHILADELPHIA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Maturano & Associates
616 Dekalb St., Ste. 1, Norristown, PA 19401 Ph: 6103133120

DEFENDANTS

BRIAN MCSHANE, KRISTI NOEM, PAMELA BONDI, US DHS, EOIR, J.L. JAMISON

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

U.S. Attorney for Eastern District of Pennsylvania
615 Chestnut Street, Philadelphia, PA 19106

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☒ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☒ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 USC 2241

Brief description of cause:
Alien detanied by respondents without due process of law.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
03/21/2026

SIGNATURE OF ATTORNEY OF RECORD
//s// ANTONIO A. MATURANO, III

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction:____PHILADELPHIA, PA_____

RELATED CASE IF ANY: Case Number:_____ Judge:_____

1. Does this case involve property included in an earlier numbered suit? Yes ☐
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes ☐
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes ☐
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes ☐
5. Is this case related to an earlier numbered suit even though none of the above categories apply? If yes, attach an explanation. Yes ☐

I certify that, to the best of my knowledge and belief, the within case ☐ **is** / ☒ **is not** related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☒ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. Cases Seeking Systemic Relief ***see certification below***
- ☐ 16. All Other Federal Question Cases. *(Please specify)*:_____

B. *Diversity Jurisdiction Cases:*

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (*Please specify*):_____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: *(Please specify)*_____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ **does** / ☒ **does not** have implications beyond the parties before the court and ☐ **does** / ☒ **does not** seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

☒ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of $150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☐ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

TABLE OF CONTENTS

EXHIBIT	DOCUMENT
1	Examples of Redacted Form EOIR-43, Notice of Intent to Appeal Filed following Favorable Bond Order
2	Redacted BIA Decision Overturning Favorable Bond Finding by the Immigration Judge

Uploaded on: 01/12/2026 at 05:02:01 PM (Eastern Standard Time) Base City: ELZ

U.S. Department of Justice
Executive Office for Immigration Review

Notice of ICE Intent to Appeal Custody Redetermination

Date: 1/12/2026

Alien Number: [redacted]

Alien Name: [redacted]

1. Immigration and Customs Enforcement (ICE) has:

   ☒ a. Held the respondent without bond.

   ☐ b. Set the respondent's bond at $ _____ .

2. The Immigration Judge on _____ (Date)

   ☐ a. Authorized the respondent's release.

   ☒ b. Redetermined the ICE bond to $ 5,000.00 .

3. Filing this form on 1/12/2026 (Date) automatically stays the Immigration Judge's custody redetermination decision. See 8 C.F.R. §1003.19(i)(2).

4. The stay shall lapse if ICE does not file a notice of appeal along with appropriate certification within ten business days of the issuance of the order of the Immigration Judge, or upon ICE's withdrawal of this notice, or as set forth in 8 C.F.R. §1003.6(c)(4) and (5).
   See 8 C.F.R. §1003.6(c)(1).

[redacted]
ICE Counsel

I, [redacted] (Name), served the Notice of ICE Intent to Appeal Custody Redetermination on Alexis Price- VIA ECAS (Respondent or Respondent's Representative), on 1/12/26 (Date).

[redacted]
Signature

EOIR – 1 of 1

Form EOIR-43
Rev. Oct. 2006

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

Respondent Name:
[redacted]

To:
Price, Alexis M
616 Dekalb St.
Suite 1
Norristown, PA 19401

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
01/12/2026

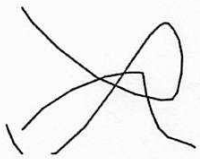
ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☑ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☑ released from custody under bond of $ 5,000.00
- ☐ other:

☐ Other:



Immigration Judge: MULLICAN, LEILA 01/12/2026

Appeal: Department of Homeland Security: ☐ waived ☑ reserved
Respondent: ☑ waived ☐ reserved
Appeal Due: 02/11/2026

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS
Respondent Name : [redacted] | A-Number : [redacted]
Riders:
Date: 01/13/2026 By: VITALI, PATRICIA, Court Staff

Uploaded on: 01/12/2026 at 04:58:00 PM (Eastern Standard Time) Base City: ELZ

U.S. Department of Justice
Executive Office for Immigration Review

Notice of ICE Intent to Appeal Custody Redetermination

Date: 1/12/2026

Alien Number: [redacted]

Alien Name: [redacted]

1. Immigration and Customs Enforcement (ICE) has:

   ☒ a. Held the respondent without bond.

   ☐ b. Set the respondent's bond at $ _____ .

2. The Immigration Judge on _____ (Date)

   ☐ a. Authorized the respondent's release.

   ☒ b. Redetermined the ICE bond to $ 3,000.00 .

3. Filing this form on 1/12/2026 (Date) automatically stays the Immigration Judge's custody redetermination decision. See 8 C.F.R. §1003.19(i)(2).

4. The stay shall lapse if ICE does not file a notice of appeal along with appropriate certification within ten business days of the issuance of the order of the Immigration Judge, or upon ICE's withdrawal of this notice, or as set forth in 8 C.F.R. §1003.6(c)(4) and (5).
   See 8 C.F.R. §1003.6(c)(1).

[redacted]
ICE Counsel

I, [redacted] (Name), served the Notice of ICE Intent to Appeal Custody Redetermination on Alexis PRICE- VIA ECAS (Respondent or Respondent's Representative), on 1/12/26 (Date).

[redacted]
Signature

EOIR – 1 of 1

Form EOIR-43
Rev. Oct. 2006

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

Respondent Name: [redacted]

A-Number: [redacted]

Riders:
In Custody Redetermination Proceedings

To:
Price, Alexis M
616 Dekalb St.
Suite 1
Norristown, PA 19401

Date:
01/12/2026

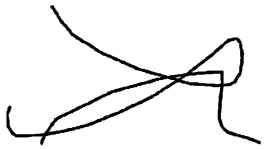
ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☑ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☑ released from custody under bond of $ 3,000.00
- ☐ other:

☐ Other:



Immigration Judge: MULLICAN, LEILA 01/12/2026

Appeal: Department of Homeland Security: ☐ waived ☑ reserved
Respondent: ☑ waived ☐ reserved

Appeal Due: 02/11/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : [redacted] | A-Number : [redacted]

Riders:

Date: 01/12/2026 By: VITALI, PATRICIA, Court Staff

Uploaded on: 07/31/2025 at 04:51:22 PM (Eastern Daylight Time) Base City: ELZ

U.S. Department of Justice
Executive Office for Immigration Review

Notice of ICE Intent to Appeal Custody Redetermination

Date: July 31, 2025

Alien Number: [redacted]

Alien Name: [redacted]

1. Immigration and Customs Enforcement (ICE) has:

   ☒ a. Held the respondent without bond.

   ☐ b. Set the respondent's bond at $ _____ .

2. The Immigration Judge on July 31, 2025 (Date)

   ☐ a. Authorized the respondent's release.

   ☒ b. Redetermined the ICE bond to $ 5,000 .

3. Filing this form on July 31, 2025 (Date) automatically stays the Immigration Judge's custody redetermination decision. See 8 C.F.R. §1003.19(i)(2).

4. The stay shall lapse if ICE does not file a notice of appeal along with appropriate certification within ten business days of the issuance of the order of the Immigration Judge, or upon ICE's withdrawal of this notice, or as set forth in 8 C.F.R. §1003.6(c)(4) and (5).
   See 8 C.F.R. §1003.6(c)(1).

[redacted]
ICE Counsel

I, [redacted] (Name), served the Notice of ICE Intent to Appeal Custody Redetermination on Alexis Price, Esq. (Respondent or Respondent's Representative), on July 31, 2025 (Date).

[redacted]
Signature

EOIR – 1 of 1

Form EOIR-43
Rev. Oct. 2006

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

Respondent Name: [redacted]

A-Number: [redacted]

Riders:
In Custody Redetermination Proceedings

To:
Price, Alexis M
616 Dekalb St.
Suite 1
Norristown, PA 19401

Date:
07/31/2025

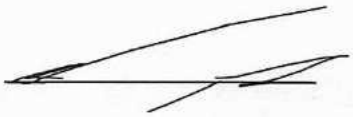
ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☑ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☑ released from custody under bond of $ 5,000.00
- ☐ other:

☐ Other:



Immigration Judge: PANOPOULOS, ADAM 07/31/2025

Appeal: Department of Homeland Security: ☐ waived ☑ reserved
Respondent: ☑ waived ☐ reserved
Appeal Due: 09/02/2025

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS
Respondent Name : [redacted] A-Number : [redacted]
Riders:
Date: 08/01/2025 By: ARANGO, HAROLD, Court Staff

Uploaded on: 07/30/2025 at 06:44:33 PM (Eastern Daylight Time) Base City: ELZ

U.S. Department of Justice
Executive Office for Immigration Review

Notice of ICE Intent to Appeal Custody Redetermination

Date: July 30, 2025

Alien Number: [redacted]

Alien Name: [redacted]

1. Immigration and Customs Enforcement (ICE) has:

   ☒ a. Held the respondent without bond.

   ☐ b. Set the respondent's bond at $ _____ .

2. The Immigration Judge on July 30, 2025 (Date)

   ☐ a. Authorized the respondent's release.

   ☒ b. Redetermined the ICE bond to $ 12,000 .

3. Filing this form on July 30, 2025 (Date) automatically stays the Immigration Judge's custody redetermination decision. See 8 C.F.R. §1003.19(i)(2).

4. The stay shall lapse if ICE does not file a notice of appeal along with appropriate certification within ten business days of the issuance of the order of the Immigration Judge, or upon ICE's withdrawal of this notice, or as set forth in 8 C.F.R. §1003.6(c)(4) and (5).
   See 8 C.F.R. §1003.6(c)(1).

[redacted]
ICE Counsel

I, [redacted] (Name), served the Notice of ICE Intent to Appeal Custody Redetermination on [redacted] (Respondent or Respondent's Representative), on July 30, 2025 (Date).

[redacted]
Signature

EOIR – 1 of 1

Form EOIR-43
Rev. Oct. 2006

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

Respondent Name:
[redacted]

To:
Maturano, Antonio Alberto
[redacted]

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
07/30/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☑ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☑ released from custody under bond of $ 12,000.00
- ☐ other:

☐ Other:



Immigration Judge: BAILEY, RICHARD 07/30/2025

Appeal: Department of Homeland Security: ☐ waived ☑ reserved
Respondent: ☑ waived ☐ reserved
Appeal Due: 08/29/2025

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Noncitizen | [ ] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS
Respondent Name : [redacted] | A-Number : [redacted]
Riders:
Date: 07/30/2025 By: VITALI, PATRICIA, Court Staff

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

[redacted]
616 Dekalb St. Suite 1
Norristown PA 19401

DHS/ICE Office of Chief Counsel - ELZ
625 Evans Street, Room 135
Elizabeth NJ 07201

Name: [redacted]

Date of this Notice: 10/31/2025

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

John Seiler
Acting Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

[redacted]

Respondent

FILED
Oct 31, 2025

ON BEHALF OF RESPONDENT: [redacted]

ON BEHALF OF DHS: [redacted] Assistant Chief Counsel

IN BOND PROCEEDINGS
On Appeal from a Decision of the Immigration Court, Elizabeth, NJ

Before: Gemoets, Appellate Immigration Judge

GEMOETS, Appellate Immigration Judge

The respondent is a native and citizen of [redacted] The Department of Homeland Security appeals from the Immigration Judge's July 30, 2025, bond order granting the respondent a $12,000 bond. On August 15, 2025, the Immigration Judge issued a bond memorandum memorializing his decision. The respondent opposes the appeal. The appeal will be sustained, and the Immigration Judge's order will be vacated.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under the de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

In intervening precedent, we held that, pursuant to section 235(b)(2)(A) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 225 (BIA 2025). We find no error in the Immigration Judge's finding that the respondent is present in the United States without admission (IJ Bond Mem. at 1; Exh. B2 at 1). On this record, the Immigration Judge lacked jurisdiction to hear the respondent's motion for a bond because he is an applicant for admission and therefore subject to mandatory detention.

We disagree with the respondent's argument that *Matter of Yajure Hurtado* cannot be retroactively applied to his case because it was issued after the Immigration Judge's bond order (Respondent's Br. at 7-10). The application of our interpretation of the INA's detention statutes in *Matter of Yajure Hurtado* "is not subject to retroactivity concerns because an alien's eligibility (or continued eligibility) for release on bond should be considered a form of prospective relief in the context of" *Landgraf v. USI Film Products*, 511 U.S. 244 (1994). *Matter of Valdez*,

[redacted]

21 I&N Dec. 703, 710 (BIA 1997). The INA "does not give detained aliens any *right* to release on bond." *Matter of D-J-*, 23 I&N Dec. 572, 575 (BIA 2003) (citing *Carlson v. Landon*, 342 U.S. 524, 534 (1952)). As such, application of *Matter of Yajure Hurtado* to the respondent does not "impair rights [he] possessed when he acted, increase [his] liability for past conduct, or impose new duties with respect to transactions already completed." *Matter of Valdez*, 21 I&N Dec. at 709-10 (quoting *Landgraf*, 511 U.S. at 280). The respondent's inability to seek release on bond before an Immigration Judge does not have any effect on the immigration consequences of his unlawful entry into the United States, such as whether he is removable from the United States or eligible for relief from removal. It "at most creates a practical disadvantage, not an impairment of protected rights." *Id.* at 711.

Accordingly, the following orders will be entered.

ORDER: The appeal is sustained.

FURTHER ORDER: The Immigration Judge's July 30, 2025, custody order is vacated, and the respondent is ordered detained without bond.