UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RICARDO GUADALUPE CASTILLO TREJO,

Petitioner,

v.

RAUL MALDONADO JR., in his official capacity as Warden, Metropolitan Detention Center;

JUDITH ALMODOVAR, in her official capacity as Acting New York Field Office Director for U.S. Immigration and Customs Enforcement;

TODD LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement;

MARKWAYNE MULLIN, in his official capacity as Secretary of the Department of Homeland Security; and

PAMELA BONDI, in her official capacity as Attorney General of the United States;

Respondents.

Civil Action No.

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

INTRODUCTION

1. Petitioner Ricardo Guadalupe Castillo Trejo ("Mr. Castillo Trejo" or "Petitioner"), a 57-year-old, long-time New York resident, seeks immediate release from Respondents' unlawful detention arising out of a violent, warrantless arrest by armed immigration officers.

2. On the morning of January 28, 2026, Mr. Castillo Trejo was waiting for a crosswalk signal to change while walking to work when unmarked vehicles carrying armed men in tactical vests, who only later were revealed to be immigration agents, suddenly began surrounding him. The men forcibly arrested Mr. Castillo Trejo and searched his pockets without his consent. During the encounter, the men did not affirmatively identify themselves as Immigration and Customs Enforcement ("ICE") agents, show Mr. Castillo Trejo a warrant for his arrest, or explain to him why he was being arrested.

3. Mr. Castillo Trejo's forcible seizure is not an isolated incident. It is part of a pattern of indiscriminate immigration enforcement operations on Long Island involving the targeting and racial profiling of Latinos and individuals with brown skin perceived to be Latino, as they go about their daily lives.[1] As in Mr. Castillo Trejo's case, ICE stops individuals who appear to be Latino without reasonable suspicion and arrests them without a warrant, probable cause, or an individualized custody review, in an egregious race-based violation of the Immigration and Nationality Act ("INA") and the Fourth and Fifth Amendments of the United States Constitution.

4. Mr. Castillo Trejo has been detained by the Respondents without a bond hearing at the Metropolitan Detention Center ("MDC") in Brooklyn, New York since his unlawful arrest on January 28, 2026.

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[1] *See, e.g.*, Dean Moses, *3 of Every 4 New Yorkers Arrested by ICE Agents Are Latino: Immigration Coalition Report*, AMNY (Dec. 10, 2025) ("ICE is disproportionately targeting Latinos for arrest, both nationally and in New York State."), https://www.amny.com/immigration/ice-agents-arrested-latino-new-yorkers-report/; Bahar Ostadan, *'It's Pure Racism': Suffolk Community Reels Over Recent ICE Arrest of 3 Men*, Newsday (Feb. 8, 2026), https://www.newsday.com/long-island/greenport-ice-arrests-protest-r0t95b0u; David Olson, *Long Island's Latino Delis Struggle Amid ICE Arrests, Reflecting Immigrant Fears*, Newsday (Oct. 6, 2025), https://www.newsday.com/long-island/delis-fear-ice-u87hbe9s (discussing uptick in ICE arrests in Nassau County and describing the fear pervading Latino communities due to the targeting of Latinos of all immigration backgrounds); Bahar Ostadan, *Marchers in Hempstead Demand End to ICE Immigration Raids*, Newsday (June 29, 2025), https://www.newsday.com/long-island/nassau/hempstead-ice-march-protest-cei3uqxy (discussing sweeping arrests of day laborers in Hempstead, the large majority of whom are Latino).

5. Upon information and belief, despite the fact that Mr. Castillo Trejo has lived continuously in New York for over 22 years and was arrested by ICE in the interior of the country, Respondents are detaining Mr. Castillo Trejo under 8 U.S.C § 1225(b)(2), a mandatory detention scheme that "applies primarily to [noncitizens] seeking entry into the United States." *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018) (alteration added).

6. However, as the overwhelming majority of district courts in the Second Circuit have held, individuals in Mr. Castillo Trejo's circumstances are not subject to detention on that basis. Instead, the governing standard is found in 8 U.S.C. § 1226(a), the discretionary detention statute. *See, e.g.*, *Flores-Linares v. Bondi*, No. 26-CV-00298-SJB, 2026 WL 179208, at *5 (E.D.N.Y. Jan. 22, 2026) ("Court after court, judge after judge, in district after district has rejected [the government's] argument." (alteration added)); *Crespo Tacuri v. Genalo*, No. 25-CV-06896 (NCM), 2026 WL 35569, at *3 (E.D.N.Y. Jan. 6, 2026) (noting that as of the date of the decision, "[t]he judges that have considered this issue within the Eastern District of New York in the last four months have unanimously rejected the government's interpretation."), *appeal docketed*, No. 26-535 (2d Cir. Mar. 6, 2026); *Padilla Molina v. Deleon*, No. 25-CV-06526 (JMA), 2025 WL 3718728, at *3 (E.D.N.Y. Dec. 23, 2025) ("[T]he Court joins the hundreds of district court decisions that have rejected Respondents' expansive interpretation of Section 1225 as inconsistent with the plain text and overall structure of the INA." (citations omitted)).[2] This broad consensus

[2] *See also, e.g.*, *Hyppolite v. Noem*, 808 F. Supp. 3d 474, 484–90, 494–95 (E.D.N.Y. 2025); *J.U. v. Maldonado*, 805 F. Supp. 3d 482, 490–96 (E.D.N.Y. 2025); *Singh v. Maldonado*, No. 26-CV-00019 (OEM), 2026 WL 233216, at *8, *10 (E.D.N.Y. Jan. 29, 2026); *Minarcaja Concha v. Lyons*, No. 25-CV-6695 (NJC), 2026 WL 215417, at *13, *19 (E.D.N.Y. Jan. 28, 2026); *Covelli-Chaparro v. Bondi*, No. 26-CV-118 (NJC), 2026 WL 118842, at *6–7 (E.D.N.Y. Jan. 15, 2026); *Iza by Iza v. Larocco*, No. 25-CV-6915 (NJC), 2026 WL 31378, at *13, *16 (E.D.N.Y. Jan. 5, 2026); *Galeas Miranda v. Maldonado*, No. 25-CV-6882 (PKC), 2026 WL 25405, at *2 & n.1 (E.D.N.Y. Jan. 5, 2026); *Arizmendi v. Noem*, No. 25-CV-7056, 2025 WL 3723960, at *1–2 (E.D.N.Y. Dec. 24, 2025); *Padilla Molina*, 2025 WL 3718728, at *2–5; *Ulloa Montoya v. Bondi*, No. 25-CV-06363 (JMA), 2025 WL 3718694, at *3–6 (E.D.N.Y. Dec. 23, 2025); *Pesantez Castro v. Maldonado*, No. 25-CV-06844 (JMA), 2025 WL 3723966, at *1–2 (E.D.N.Y. Dec. 23, 2025); *Y- C- v. Genalo*, No. 25-CV-06558 (NCM), 2025 WL 3653496, at *3–5, *8 (E.D.N.Y. Dec. 17, 2025); *Ye v. Maldonado*, No. 25-CV-6417 (AMD), 2025 WL 3521298, at *3–6, *9 (E.D.N.Y. Dec. 8, 2025); *Rodriguez-Acurio v. Almodovar*, No.

reflects the depth of Respondents' misreading of the INA and of their disregard for the constitutional and statutory rights of noncitizens in the United States.

7. Under Section 1226(a), ICE must first conduct an individualized assessment of the individual's flight risk and danger to the community before arresting that individual without a warrant. This process was not afforded to Mr. Castillo Trejo—who was instead forcibly grabbed off the street without any consideration of his (lack of) dangerousness or flight risk—and his continued detention is thus in violation of the statute as well as constitutional right to due process. In light of the severe violations of his statutory and constitutional rights, Mr. Castillo Trejo brings this petition pursuant to the INA, 8 U.S.C. §§ 1225(b)(2)(A), 1226(a), and 1357(a)(2); the Due Process Clause, U.S. Const. amend. V; the Fourth Amendment, U.S. Const. amend. IV; and the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2), asking this Court to enjoin his transfer outside this district and seeking his immediate release. *See Loc. 1814, Int'l Longshoremen's Ass'n, AFL-CIO v. N.Y. Shipping Ass'n, Inc.*, 965 F.2d 1224, 1237 (2d Cir. 1992) ("Once the district court acquires jurisdiction over the subject matter of, and the parties to, the litigation, the All Writs Act [28 U.S.C. § 1651] authorizes a federal court to protect that jurisdiction" (cleaned up)); *see also Perez y Perez v. Noem*, 2025 WL 1908284, at *2 (S.D.N.Y. June 13, 2025); *Rodriguez-Acurio v. Almodovar*, 2025 WL 3314420, at *31 (E.D.N.Y. Nov. 28, 2025) ("Release from detention is the

25-CV-6065 (NJC), 2025 WL 3314420, at *21, *33 (E.D.N.Y. Nov. 28, 2025); *O.F.B. v. Maldonado*, No. 25-CV-6336 (HG), 2025 WL 3277677, at *3–5, *8 (E.D.N.Y. Nov. 25, 2025); *Sarmiento Guerrero v. Noem*, No. 25-CV-05881 (EK), 2025 WL 3214787, at *3–7 (E.D.N.Y. Nov. 18, 2025); *Artiga v. Genalo*, No. 25-CV-5208 (OEM), 2025 WL 2829434, at *4–9 (E.D.N.Y. Oct. 5, 2025); *cf. Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 484–91, 499 (S.D.N.Y. 2025); *Yao v. Almodovar*, No. 25-CV-9982 (PAE), 2025 WL 3653433, at *4–10, *12 (S.D.N.Y. Dec. 17, 2025); *Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *4, *13 (S.D.N.Y. Nov. 26, 2025) (noting that the issue of whether all noncitizens who entered the United States without authorization "*must be detained* until their removal proceedings are completed . . . has been challenged in at least 362 cases in federal district courts," and "[t]he challengers have prevailed, either on a preliminary or final basis, in 350 of those cases decided by over 160 different judges sitting in about fifty different courts spread across the United States").

'typical remedy' for 'unlawful executive detention.'" (quoting *Munaf v. Geren*, 553 U.S. 674, 693 (2008)).

PARTIES

8. Mr. Castillo Trejo is a resident of Hempstead, New York who has resided continuously in New York for over 22 years.

9. Respondent Raul Maldonado Jr. is named in his official capacity as the Warden of MDC in Brooklyn, New York. He is responsible for the day-to-day control of Petitioner's custody and for Petitioner's care while in Respondents' custody.

10. Respondent Judith Almodovar is named in her official capacity as the Acting Field Office Director for ICE's New York Field Office. She is responsible for the administration of immigration laws and the execution of detention warrants and removal orders within the jurisdiction of the New York Field Office.

11. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States. She is responsible for the policies and operations of the Department of Justice, including the Board of Immigration Appeals ("BIA") and the Executive Office for Immigration Review ("EOIR").

12. Respondent Markwayne Mullin is named in his official capacity as the Secretary of the Department of Homeland Security ("DHS"). He directs each of the component agencies within the DHS, including ICE.

13. Respondent Todd M. Lyons is named in his official capacity as Acting Director of ICE. He directs ICE operations and is responsible for the administration of the immigration laws.

JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause); and 28 U.S.C. § 1651 (All Writs Act).

15. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens who challenge the lawfulness of their detention by DHS. *See, e.g.*, *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

16. This Court has authority to grant declaratory and injunctive relief. 28 U.S.C. §§ 2201, 2202.

17. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue is proper in this District under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Petitioner is incarcerated at MDC Brooklyn within this District; the ICE office that controls the location of his detention is based in New York City; and a substantial part of the events giving rise to the claims and relevant facts occurred in this District.

STATEMENT OF FACTS

A. Mr. Castillo Trejo's Arrest

18. Before being detained, Mr. Castillo Trejo had been living and working in Hempstead. Mr. Castillo Trejo has lived in the same home since 2017, and has lived in Hempstead for over 22 years. He lives with his young adult son, who relies on him for financial support.

19. Before his arrest by ICE, Mr. Castillo Trejo had never had any contact with any law enforcement agency and had never been arrested.

20. On January 28, 2026, Mr. Castillo Trejo left his home in Hempstead, New York to walk to work. At around 7:30am, a number of unmarked cars suddenly surrounded Mr. Castillo Trejo. A group of armed men in tactical vests emerged from the vehicles, forced Mr. Castillo Trejo

to the ground, handcuffed him, and went through his pockets and wallet without his consent. Mr. Castillo Trejo did not resist arrest. The men did not tell Mr. Castillo Trejo why he was being arrested, show him any warrant for his arrest, or tell him that they had a warrant.

21. Prior to stopping Mr. Castillo Trejo, ICE had no grounds to reasonably suspect that Mr. Castillo Trejo's country of origin is not the United States or that he is in the country unlawfully. Instead, upon information and belief, ICE agents rounded up Mr. Castillo Trejo alongside other mostly Latino-presenting individuals as part of the government's discriminatory enforcement campaign against Latino immigrants. *See* Moses, note 1 (describing that ICE "is disproportionately targeting Latinos for arrest"), *supra*; *see also* Olson, note 1, *supra*.

22. The men then placed Mr. Castillo Trejo in one of the unmarked cars and took him to East Meadow, then to Central Islip. At Central Islip his fingerprints were taken and agents asked him further questions. After this, Mr. Castillo Trejo was transferred back to East Meadow, then taken to MDC in Brooklyn, New York, where he has been detained ever since—*i.e.*, for nearly two months.

23. At some point after Mr. Castillo Trejo's arrest, ICE issued Form I-200, Warrant for Arrest of Alien for Mr. Castillo Trejo (Ex. A). According to ICE's own records, this post-hoc warrant was first served on Mr. Castillo Trejo *after* his arrest while he was already at the Central Islip processing facility.

B. Mr. Castillo Trejo Has Been Unlawfully Detained for Nearly Two Months

24. Mr. Castillo Trejo has been in detention since his arrest.[3]

[3] Although Mr. Castillo Trejo is subject to non-punitive civil detention, the government is detaining him at MDC, a jail that is well-known for its record of inhumane conditions. *See, e.g.*, *United States v. Colucci*, 743 F. Supp. 3d 452, 455 (E.D.N.Y. 2024) ("Allegations of inhumane treatment at MDC continue . . . and judges in this district are subject to a steady drumfire of such charges, often uncontested by prosecutors. And these issues continue to affect judicial determinations."); *see also* Katie Rose Quandt & Maeve Brennan, *Lockdowns, Violence, and "Barbaric Conditions" in a Federal Jail Known for Its Famous Detainees*, Solitary Watch (June 30, 2025) (describing conditions at MDC, including but not limited to brown running water; lack of hot water; maggots and cockroaches in

25. On information and belief, ICE did not conduct *any* individualized determination that Mr. Castillo Trejo should be arrested and imprisoned. ICE did not show Mr. Castillo Trejo a warrant before his arrest nor did anyone tell him that there was a warrant for his arrest. In fact, the face of Respondents' Form I-200, Warrant for Arrest of Alien indicates that it was created only *after* Mr. Castillo Trejo's arrest.[4] (Ex. A).

26. On January 28, 2026, DHS issued a Notice to Appear ("NTA") to Mr. Castillo Trejo. As such, Mr. Castillo Trejo is now in removal proceedings. He filed a motion to suppress and terminate proceedings on March 2, 2026; a hearing date is scheduled for April 2, 2026.

C. Mr. Castillo Trejo will remain wrongfully imprisoned absent this Court's intervention

27. Mr. Castillo Trejo has not received a bond hearing as is required under Section 1226(a). Instead, on information and belief, it is DHS's position that Mr. Castillo Trejo is subject to mandatory indefinite detention under 8 U.S.C. § 1225(b)(2)(A), a position roundly rejected by courts in this district and incompatible with the structure and plain meaning of the INA.

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detainees' food; showers and lights in disrepair; and withholding of medication), https://theappeal.org/brooklyn-metropolitan-detention-center-solitary-watch/; Victoria Bekiempis, *'Dirty' and 'Infested with Drugs': The New York Jail Holding Maduro and Mangione*, Guardian (Jan. 7, 2026, at 9:00 EST) (describing MDC conditions including food contamination, generally poor sanitation, and near-constant, unjustified lockdowns, noting that "[f]ederal judges have even refused to send defendants there who they determine don't pose a danger to others"); Rachel Treisman, *The NYC Jail Holding Maduro Has a History of Big Names and Dangerous Conditions*, NPR (Jan. 5, 2026, at 13:43 ET) (quoting a New York state senator's comment that people detained at MDC experience "constant lockdowns, medical mistreatment and botched cancer diagnoses, and complaints of maggot-infested food," as well as "abuse, severe understaffing, and extreme temperatures," and citing to "[a] 2016 report from the National Association of Women Judges [that] called [MDC's] conditions 'unconscionable,' saying they violated both the American Bar Association's standards and the United Nations Standard Minimum Rules for Treatment of Prisoners").

[4] ICE'S practice of issuing warrants after an arrest is at issue in litigation out of the Seventh Circuit. *See Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1059 n. 9 (7th Cir. 2025) ("This factual finding is supported by the record and is not clearly erroneous. The district court referenced, among other things, an ICE Academy training presentation which stated, 'Officers may also carry a blank form I-200 for the arrest of each collateral so that an individual flight risk analysis is not needed.'"); *see also* Mark Rivera et al., *Warrantless Arrests by ICE in Chicago Area Ruled Unlawful by Federal Judge*, ABC 7 (Oct. 8, 2025), https://abc7chicago.com/post/chicago-immigration-enforcement-warrantless-arrests-ice-agents-area-ruled-unlawful-federal-judge/17967144/.

28. As a result, Mr. Castillo Trejo remains wrongly imprisoned. Without immediate relief from this court, he faces "the prospect of weeks, months, or years of detention before [his] case [is] resolved either through a grant of permission to remain in the United States or deportation."[5]

LEGAL BACKGROUND

I. MR. CASTILLO TREJO'S DETENTION IS GOVERNED BY 8 U.S.C § 1226(A), AND RESPONDENTS' ATTEMPT TO SUBJECT HIM TO MANDATORY DETENTION UNDER 8 U.S.C. § 1225(B)(2)(A) MUST BE REJECTED

29. Sections 1225(b)(2) and 1226(a) of Title 8 of the United States Code are the two primary statutory provisions that govern the detention of noncitizens prior to an order of removal. *See Jennings v. Rodriguez*, 583 U.S. 281, 287–89 (2018) (explaining statutory structure). Section 1225 deals generally with procedures for the inspection and expedited removal of noncitizens at or near a port-of-entry. It contains a provision—subsection (b)(2)(A)—that imposes mandatory detention without a bond hearing on noncitizens "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Section 1226, conversely, is the "default" provision authorizing detention of noncitizens who are "already in the country." *Jennings*, 583 U.S. at 287–89 (noting that Section 1225 concerns "an alien seeking to enter the country" whereas Section 1226 concerns noncitizens "once inside the United States.")

30. Section 1225(b)(2)(A) states 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 [Title 8]." 8 U.S.C. § 1225(b)(2)(A) (emphasis added); *see also Jennings*, 583 U.S. at 302 (confirming mandatory nature of detention pursuant to Section 1225(b)(2)(A)).

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[5] Alina Das, *The Law and Lawlessness of U.S. Immigration Detention*, 138 Harv. L. Rev. 1186, 1189 (2025), https://harvardlawreview.org/wp-content/uploads/2025/02/138-Harv.-L.-Rev.-1186.pdf.

The only mechanism to secure release from detention pursuant to Section 1225(b)(2)(A) is through the government's exercise of its purely discretionary and unreviewable authority to grant temporary "parole." *See* 8 U.S.C. § 1182(d)(5)(A).

31. By contrast, Section 1226(a) states that, "[o]n a warrant issued by the Attorney General, an alien *may be* arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a) (emphasis added). Section "1226(a) and its implementing regulations require ICE officials to make an individualized custody determination." *Hyppolite v. Noem*, 808 F. Supp. 3d 474, 484 (E.D.N.Y. 2025) (quoting *Velasaca v. Decker*, 458 F. Supp. 3d 224, 241 (S.D.N.Y. 2020)). Specifically, the implementing regulations delegate authority to DHS officers to grant bond or conditional release upon making an individualized determination as to whether a noncitizen subject to Section 1226(a) has "demonstrate[ed] . . . that such release would not pose a danger to property or persons, and that the [noncitizen] is likely to appear for any future proceeding." 8 C.F.R. § 1236.1(c)(8); *see also Ye v. Maldonado*, No. 25-CV-6417 (AMD), 2025 WL 3521298, at *7 (E.D.N.Y. Dec. 8, 2025) (reiterating regulatory requirement for individualized determination); *Rodriguez-Acurio v. Almodovar*, No. 25-CV-6065 (NJC), 2025 WL 3314420, at *28 (E.D.N.Y. Nov. 28, 2025) (same); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 493 (S.D.N.Y. 2025) (same).

32. If, after this individualized determination, ICE chooses to continue keeping a noncitizen in custody pursuant to Section 1226(a), the noncitizen may ask for a custody redetermination hearing before the immigration judge. At such a hearing, the immigration judge may release the noncitizen on bond. 8 C.F.R. §§ 1003.10, 1003.19.

33. For decades after these statutes' enactment, the government applied Section 1226—and Section 1226 alone—to noncitizens apprehended in the interior of the country.

See, e.g., 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). This longstanding application respects the plain meaning of the statutes.

34. But on July 8, 2025, ICE abruptly changed its policy to assert that virtually all noncitizens present in the United States without admission are subject to mandatory detention under Section 1225(b)(2)(A). *See ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission*, Am. Immigr. Laws. Ass'n (July 8, 2025), https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (screen captures of memorandum containing interim guidance). On September 5, 2025, the BIA followed suit in a precedential opinion that largely adopted ICE's position. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).[6]

35. The theory that ICE and the BIA adopted in *Matter of Yajure Hurtado* must be rejected. As other courts have found, "Respondent's novel and expansive construction of § 1225(b)(2)(A) fails to withstand scrutiny because it disregards the plain meaning of that provision, would render § 1226 and a recent amendment to it superfluous, and is inconsistent with [the] Supreme Court's prior statutory interpretations." *J.U.*, 805 F. Supp. 3d at 494; *see also Artiga v. Genalo*, No. 25-CV-5208 (OEM), 2025 WL 2829434, at *7 (E.D.N.Y. Oct. 5, 2025); *Hyppolite*, 808 F. Supp. 3d at 489–90 (holding same and listing cases reaching same conclusion).

[6] While binding on immigration judges, the BIA's interpretations of the INA in administrative decisions "are not entitled to substantial deference." *Hyppolite*, 808 F. Supp. 3d at 489 (citing *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 402 (2024)). Rather, "[c]ourts must exercise independent judgment in determining the meaning of statutory provisions." *Loper Bright*, 603 U.S. at 394. For the reasons laid out in the Petition, the Court should reject any invitation to defer to, or otherwise adopt, the BIA's reasoning in *Yajure Hurtado*. *See, e.g.*, *Hyppolite*, 808 F. Supp. 3d at ("[T]he Court respectfully but wholly disagrees with the reasoning of the BIA [in *Yajure Hurtado*]." (citation omitted)); *see also J.U.*, 805 F. Supp. 3d at 491 (rejecting *Yajure Hurtado*). *Yajure Hurtado* is especially unpersuasive because it departs radically from decades of interpretation and practice. *See, e.g.*, *Yajure Hurtado*, 29 I & N Dec. at 225 n.6 ("We acknowledge that for years Immigration Judges have conducted [§ 1226(a)] bond hearings for aliens who entered the United States without inspection.").

36. Accordingly, courts in this district have overwhelmingly rejected the theory that Section 1225(b)(2)(A) should apply to a noncitizen already in the country and ordered that noncitizens purportedly being held under Section 1225(b)(2)(A) be immediately released. *See, e.g.*, *Jimenez Carrillo v. Noem*, No. 26-CV-1259 (OEM), 2026 WL 747015, at *2–3 (E.D.N.Y. Mar. 17, 2026) (holding that Section 1226(a), not Section 1225(b)(2)(A), was applicable to petitioner and granting petitioner's request for immediate release from custody); *Vasquez-Lopez v. Bondi*, No. 26-CV-1369 (OEM), 2026 WL 710088 at *2-3 (E.D.N.Y. Mar. 13, 2026) (same); *Flores Aparicio v. Genalo*, No. 26-CV-1411 (NJC), 2026 WL 698872, at *3, *6 (E.D.N.Y. Mar. 12, 2026) (same); *Ilma Zapata v. Genalo*, No. 26-CV-01365 (NJC), 2026 WL 697544, at *2, *6 (E.D.N.Y. Mar. 12, 2026) (same); *Castano Rendon v. Bondi*, No. 26-CV-1361 (NJC), 2026 WL 686152, at *2, *5 (E.D.N.Y. Mar. 11, 2026) (same); *Roganov v. Maldonado*, No. 26-CV-1296 (AMD), 2026 WL 686045, at *2 (E.D.N.Y. Mar. 11, 2026) (same); *Guardado v. Maldonado*, No. 26-CV-1170 (OEM), 2026 WL 670156, at *2, *4 (E.D.N.Y. Mar. 10, 2026) (same); *Meza-Figueredo v. Bondi*, No. 26-CV-01320 (NCM), 2026 WL 673279, at *3 n.5 (E.D.N.Y. Mar. 10, 2026) (same); *Mayorga Lopez v. Noem*, No. 26-CV-1201 (NJC), 2026 WL 621926, at *3, *6 (E.D.N.Y. Mar. 5, 2026) (same); *Monge-Campos v. Bondi*, No. 26-CV-1056 (OEM), 2026 WL 603516, at *2, *3 (E.D.N.Y. Mar. 4, 2026) (same).

A. Respondents' Erroneous Interpretation of Section 1225 Disregards The Statute's Plain Meaning

37. Respondents' newly-minted interpretation of Section 1225(b)(2)(A) contradicts the statute's plain meaning, which specifically restricts its application to "aliens seeking admission." While that term is not defined in the INA, it "necessarily implies some sort of present-tense action." *Lopez Benitez*, 795 F. Supp. 3d at 488 (internal quotation marks and citation omitted). "[C]ourts have repeatedly held that the term requires 'some active desire of process toward admission'" as

that term is used at 8 U.S.C. § 1101(a)(13)(A), *i.e.*, "the lawful entry of the alien into the United States after inspection and authorization by the immigration officer." *Rodriguez-Acurio v. Almodovar*, 2025 WL 3314420, at *22 (quoting *Tumba v. Francis*, No. 25-CV-08110 (LJL), 2025 WL 3079014, at *3 (S.D.N.Y. Nov. 4, 2025) and citing *Martinez v. Hyde*, 792 F. Supp. 3d 211, 218 (D. Mass. 2025)). Under a straightforward reading of the statute, the term does not include noncitizens who "ha[ve] already 'entered' the country (albeit unlawfully)" and who therefore do not "continue[] to be actively 'seeking' such lawful entry at this time." *Lopez Benitez*, 795 F. Supp. 3d at 488. This is so even though such individuals continue to be "treated as an 'applicant for admission' under various provisions of the statute." *Id.*

B. Respondents' Erroneous Interpretation of Section 1225 Violates Several Basic Rules of Statutory Interpretation, Including the Canon Against Surplusage

38. Moreover, "Respondents' position violates the canon of statutory interpretation that 'every clause and word of a statute should have meaning.'" *Hyppolite*, 808 F. Supp. 3d at 490 (citing *United States, ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023)); *see also Pulsifer v. United States*, 601 U.S. 124, 149 (2024) ("In a given statute, . . . different terms usually have different meanings."). Congress specified that Section 1225(b)(2)(A) applies to a subclass of applicants for admission, namely to noncitizens seeking admission. "[I]f the mandatory detention provision in § 1225(b)(2) applied to *all* noncitizens who are 'applicants for admission,' then there would be no need for Congress to have separately referenced a sub-category of persons 'seeking admission' in the specific section that relates to mandatory detention." *Hyppolite*, 808 F. Supp. 3d at 486 (emphasis in original); *see Lopez Benitez*, 795 F. Supp. 3d at 489 ("[B]y treating the terms 'applicant for admission' and 'alien seeking admission' as synonymous, Respondents' interpretation violates a principle that Congress is presumed to have acted intentionally in choosing different words in a statute, such that different words and phrases should be accorded different

meanings."). Here, too, adopting Respondents' position would thus require the Court to "elide[ ] or avoid[] section 1225(b)(2)(A)'s 'seeking admission' language . . ., treating it as mere surplusage of the 'applicant' requirement." *Hyppolite*, 808 F. Supp. 3d at 486 (listing cases holding same).

39. For similar reasons, "[t]he government's position is [also] 'at odds with one of the most basic interpretative canons, that a statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous.'" *Sarmiento Guerrero v. Noem*, No. 25-CV-05881 (EK), 2025 WL 3214787, at *3–7 (E.D.N.Y. Nov. 18, 2025) (quoting *Corley v. United States*, 556 U.S. 303, 314 (2009)). On Respondents' reading, the term "alien seeking admission" is surplus language that merely restates the term "applicant for admission," which appears several words earlier in the statute. That reading cannot stand, particularly since the canon against surplusage is at its "strongest when an interpretation would render superfluous another part of the same statutory scheme." *Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 386 (2013).

40. In addition to introducing surplus language into Section 1225(b)(2)(A) itself, Respondents' reading renders superfluous a significant portion of Congress' immigration detention scheme: mandatory detention at 8 U.S.C. § 1226(c). There, Congress created a carve-out from Section 1226(a) discretionary detention for noncitizens who are "inadmissible by reason of" certain outcomes in criminal proceedings, instead subjecting them to mandatory detention without a bond hearing. 8 U.S.C. § 1226(c). "[T]his mandatory detention under § 1226(c) would be unnecessary if[, as Respondents argue,] all persons who have not been admitted into the United States were already subject to § 1225(b)'s mandatory detention provisions." *Singh v. Maldonado*, No. 26-CV-00019 (OEM), 2026 WL 233216, at *7 (E.D.N.Y. Jan. 29, 2026) (quoting *Hasan v. Crawford*, 800 F. Supp. 3d 641, 656 (E.D. Va. 2025)); *see also Hyppolite*, 808 F. Supp. 3d at 487 (noting that Respondents' reading would render "pointless" Congress' recent expansion of the

class of noncitizens subject to Section 1226(c) mandatory detention, *see* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025) (codified at 8 U.S.C. § 1226(c)(1)(E)) (citation omitted)).

C. Respondents' Erroneous Interpretation of Section 1225 Ignores Established Historical Distinctions Between Undocumented Persons At the Border And Those Who Have Already Entered the Country

41. Finally, the government's new interpretation of Section 1225(b)(2)(A) eviscerates the distinction "our immigration laws have long made . . . between those aliens who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality." *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958); *see also Zadvydas*, 533 U.S. at 693 ("The distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law."). In *Jennings*, the Supreme Court reaffirmed that this longstanding distinction remains for the detention scheme enacted at Sections 1225 and 1226, holding that the former concerns "aliens seeking admission into the country" and the latter "aliens already in the country." 583 U.S. at 289; *Sarmiento Guerrero*, 2025 WL 3214787, at *5; *Padilla Molina*, 2025 WL 3718728, at *4.

42. The Court should reject Respondents' erroneous reinterpretation of Sections 1225(b)(2)(A) and 1226(a) and Respondents' purported massive expansion of authority to subject individuals like Mr. Castillo Trejo to mandatory detention.

II. RESPONDENTS VIOLATED MR. CASTILLO TREJO'S RIGHT TO PROCEDURAL DUE PROCESS

43. Mr. Castillo Trejo is being detained in violation of his right to procedural due process.

44. The Fifth Amendment to the United States Constitution provides that "[n]o person shall be . . . deprived of life, liberty, or property without due process of law." U.S. Const. amend.

V. The Due Process Clause applies to noncitizens in the United States "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas,* 533 U.S. at 693 (citations omitted).

45. In the Second Circuit, the three-factor balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 255 (1976), is used to evaluate due process challenges to immigration detention. *See Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (using the *Mathews* factors). These factors are: (i) "the private interest that will be affected by the official action"; (ii) "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 (iii) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.* (quoting *Mathews*, 424 U.S. at 335) (internal quotations omitted).

A. Petitioner's Significant Private Interests Weigh In Favor of Granting the Petition

46. With respect to the first factor, Mr. Castillo Trejo invokes "the most significant liberty interest there is—the interest in being free from imprisonment." *Velasco Lopez*, 978 F.3d at 851; *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2024) (describing "the interest in being free from physical detention" as "the most elemental of liberty interests"). Mr. Castillo Trejo's liberty interests are especially strong because he has lived in New York for *over 22 years* without incident and has strong ties to his community. *See Hernández Lazo v. Noem*, No. 25-CV-6639 (NJC), 2026 WL 303430, at *13 (E.D.N.Y. Feb. 4, 2026) (finding that ICE's detention of an individual infringed his liberty interest in part due to his connections and deep community ties established during his nearly thirty-year residency in the country); *see also Rodriguez-Acurio*, 2025 WL 3314420, at *26–27 (holding that due process rights of noncitizen who "continuously resided in New York for more than four years [and] has developed deep community ties" are not

diminished by the fact that she is a noncitizen; rather those rights are stronger than those of an individual "at the threshold of entry").

47. The first factor therefore weighs heavily in Mr. Castillo Trejo's favor.

B. The Risk of Erroneous Deprivation of Petitioner's Interests Weigh In Favor of Granting the Petition

48. With respect to the second factor, the "procedures used" during and after ICE took Mr. Castillo Trejo into custody entail an exceptionally high risk of erroneous deprivation. *See, e.g.*, *Mira Castro v. Noem*, No. 26-CV-696 (NJC), 2026 WL 369713, at *4 (E.D.N.Y. Feb. 10, 2026) (noting the "high risk of erroneous deprivation" where ICE "failed to provide *any* notice or any opportunity to be heard" by arresting petitioner without a warrant and without having first made an individualized custody determination, and because "there is absolutely nothing in the record showing that [petitioner] presents a flight risk or danger to the community"); *Aguinaga Castellon v. Doe*, No. 26-CV-647 (NJC), 2026 WL 326947, at *3–4 (E.D.N.Y. Feb. 7, 2026) (same); *see also Jimenez Carrillo*, 2026 WL 747015, at *3 (holding that "ICE did not engage in the required deliberative process during the initial decision to strip Petitioner of his liberty interest, and the risk of erroneous deprivation of that interest is high" where "the record demonstrates that no individualized [dangerousness or flight risk] determination was made prior to or contemporaneously with the decision to detain Petitioner"); *Vasquez-Lopez*, 2026 WL 710088 at *2 (same); *Flores Aparicio*, 2026 WL 698872, at *4–5 (similar).

49. ICE stopped Mr. Castillo Trejo without reasonable suspicion and took him into detention (1) without conducting the individualized assessment required by Section 1226(a) and its implementing regulations and (2) in the absence of an arrest warrant or any circumstances permitting a warrantless arrest under 8 U.S.C. § 1357(a)(2). *See, e.g.*, *Lopez Benitez*, F. Supp. 3d at 495 ("The purpose of requiring an exercise of discretion [under § 1226(a)] prior to the decision

to detain a noncitizen who is not subject to mandatory detention is to prevent an erroneous deprivation of liberty."). Indeed, even if it had conducted an individualized assessment, ICE would have had no basis to determine based on the record before it and the facts in the case that Mr. Castillo Trejo presents a danger to the community or a flight risk. *See infra*, Section II(C) (explaining that Mr. Castillo Trejo was not a flight risk).

50. Moreover, ICE did not know Mr. Castillo Trejo's immigration status or have any reasonable basis to suspect he was in the country unlawfully prior to stopping him. The ICE agents also never provided him any explanation for his arrest and detention. *See, e.g.*, *Rocano Buestan v. McShane*, No. 25-CV-8544 (JGLC), 2025 WL 3496361, at *4–5 (S.D.N.Y. Dec. 5, 2025) (finding a high risk of erroneous deprivation when ICE agents detained a man without knowing his immigration status or providing any reason for his initial detention). His detention was, and remains, essentially devoid of process.

51. At the time they arrested him, ICE also failed to provide Mr. Castillo Trejo with notice that he was subject to mandatory detention. *See, e.g.*, *Cuy Comes v. DeLeon*, No. 25-CV-9283 (AT), 2025 WL 3206491, *5 (S.D.N.Y. Nov. 14, 2025) (finding the risk of erroneous deprivation significant where, among other relevant factors, the petitioner was not afforded notice or an opportunity to be heard), *appeal docketed*, No. 26-82 (2d Cir. Jan. 14, 2026); *Martinez v. McAleenan*, 385 F. Supp. 3d 349, 364 (S.D.N.Y. 2019) (ordering release of immigration detainee where he "was completely deprived of written notice"); *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950) ("The notice must be of such nature as reasonably to convey the required information . . . ." (citation omitted)).

52. On the contrary, it was only after Mr. Castillo Trejo's arrest that ICE issued a Form I-200 arrest warrant, which permits immigration officers "authorized pursuant to sections 236 and

287 of the Immigration and Nationality Act . . . to serve warrants of arrest for immigration violations." Ex. A. Because "the statutory codification of INA 236 is 8 U.S.C. § 1226," "the very arrest warrant provided to [Mr. Castillo Trejo] by Respondents . . . indicated that he was being detained under the discretionary detention provision of § 1226." *Hyppolite*, 808 F. Supp. 3d at 485; *see also Minarcaja Concha v. Lyons*, No. 25-CV-6695 (NJC), 2026 WL 215417, at *14 (E.D.N.Y. Jan. 28, 2026) ("Although not dispositive standing alone, [petitioner's] arrest on warrants invoking Section 1226 . . . supports the conclusion that his 2025 detention is governed by Section 1226(a)'s discretionary framework." (citation omitted)); *Aguiar Olivares v. ICE Custodian*, No. 26-CV-00203 (AMN), 2026 WL 686090, at *6 (N.D.N.Y. Mar. 11, 2026) (same).

53. Because, upon information and belief, Respondents assert that Mr. Castillo Trejo is subject to unreviewable mandatory detention, he has had *no* opportunity to be heard since ICE took him into custody. The absence of any neutral review of his detention means that, but for recourse to this Court, he has no meaningful way to contest the propriety of his unlawful detention. *See, e.g.*, *Hyppolite*, 808 F. Supp.3d at 492 (discussing the elevated risk of erroneous deprivation that exists when noncitizens are subject to mandatory detention without a bond hearing) (citing *Black v. Decker*, 103 F.4th 133, 152–53 (2d Cir. 2024)).

54. The second *Mathews* factor therefore also weighs heavily in Mr. Castillo Trejo's favor.

C. The Government's Minimal Interest In Keeping Mr. Castillo Trejo Detained Weighs In Favor of Granting the Petition

55. As to the third *Mathews* factor, the preceding considerations heavily outweigh any interest Respondents have in subjecting Mr. Castillo Trejo to continued detention, or the burden of any substitute procedures. The recognized government interests in immigration detention are "ensuring the appearance of [noncitizens] at future immigration proceedings" and "preventing

danger to the community." *Zadvydas*, 533 U.S. at 690 (internal quotations and citations omitted); *see also Hyppolite*, 808 F. Supp. 3d at 493 ("The government's interest in detaining people on a discretionary, case by case basis under § 1226(a) includes 'ensuring the appearance of aliens at future immigration proceedings' and 'preventing danger to the community.'" (quoting *Valdez v. Joyce*, 803 F. Supp. 3d 213, 218 (S.D.N.Y. 2025))). Absent evidence in the record that a noncitizen is dangerous or a flight risk—and here there is none—the government cannot demonstrate a significant interest in their detention.

56. Nothing in the record shows that Mr. Castillo Trejo was at risk of fleeing or failing to appear at future immigration proceedings. Mr. Castillo Trejo has lived in the Hempstead community for over 22 years and in the same home since 2017. Mr. Castillo Trejo has consistently had a job and worked to support his son, who financially relies on him. Mr. Castillo Trejo has no criminal record, has never been arrested, and before his arrest by ICE had never had any contact with any law enforcement agency. When ICE arrested Mr. Castillo Trejo, he was not engaging in any criminal activity, but was simply walking to work. Nothing in his behavior, or otherwise in the record, shows that he was looking for an opportunity to flee or was at risk of fleeing. Even when unmarked cars began impeding the public crosswalk, Mr. Castillo Trejo simply tried to walk around them and continue on his way to work.

57. In addition, in this case there are no "fiscal and administrative burdens that the additional or substitute procedural requirement[s] would entail," because the bond hearing has not taken place. *See Hyppolite*, 808 F. Supp.3d at 493 (holding that the burden of continued deprivation still easily outweighed any countervailing fiscal or administrative burdens where the bond hearing, a process the government has set procedures for, had not yet been conducted). "By contrast, the fiscal and administrative burdens of keeping [the Petitioner]—who the record suggests is not a

flight risk nor a danger to the community—detained are extremely high." *Id.* (detailing brutal conditions of confinement at MDC).

58. Thus, all three *Mathews* factors weigh heavily in favor of finding that Mr. Castillo Trejo's detention violates his right to procedural due process and warrant a grant of his habeas petition and his immediate release.

III. MR. CASTILLO TREJO'S ARREST WITHOUT A WARRANT VIOLATES THE INA AND THE FOURTH AMENDMENT

59. Under the INA, immigration officers must generally have an administrative warrant of arrest to take a noncitizen into civil immigration custody. *See Arizona v. United States*, 567 U.S. 387, 407–08 (2012). Pursuant to Section 1226(a)—the INA provision governing Mr. Castillo Trejo's arrest—immigration officers are only entitled to arrest and detain an individual pending a removal decision "*if a 'warrant [is] issued* by the Attorney General." *Morales v. Chadbourne*, 793 F.3d 208, 216 (1st Cir. 2015) (emphasis added) (quoting 8 U.S.C. § 1226(a)); *see Chogllo Chafla v. Scott*, 804 F. Supp. 3d 247, 264 (D. Me. Sept. 21, 2025) (ordering release to remedy warrantless arrest and noting that "absent a warrant a noncitizen may *not* be arrested and detained under section 1226(a)") (emphasis in original), *appeal dismissed*, No. 25-CV-2059 (1st Cir. Jan. 26, 2026); *see also Alfaro v. Mullin*, No. 26-0766 (GRB), 2026 WL 734348, at *5 (E.D.N.Y. Mar. 16, 2026) (ordering immediate release and observing that ICE's practice of issuing an "administrative arrest warrant and related NTA . . . *after* the arrest in question" is "manifestly illegal"); *accord Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026); *J.A.C.P. v. Wofford*, 25-CV-01354-KES-SKO (HC), 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025); *Florida v. United States*, 660 F. Supp. 3d 1239, 1276 (N.D. Fla. 2023), *appeal dismissed*, Nos. 23-11528, 23-11644 (11th Cir. July 11, 2023).

60. However, "[i]f no federal warrant has been issued, [immigration] officers have more limited authority." *Arizona*, 567 U.S. at 408 (citing 8 U.S.C. § 1357(a)). The INA and its implementing regulations have specified an exception to the warrant requirement, which must be applied within the confines of the Fourth Amendment's constitutional protections. Respondents, however, have not met the requirements for this exemption. As stated above, Respondents did not secure a warrant for Mr. Castillo Trejo until *after* the arrest (Ex. A), which cannot cure this defect. *Sanchez Alfaro v. Mullin*, 2026 WL 734348, at *5. Respondents' warrantless arrest of Mr. Castillo Trejo thus violates both the INA and the Fourth Amendment.

61. The INA contains a two-pronged requirement that officers must meet before conducting a warrantless immigration arrest in the interior of the country. 8 U.S.C. § 1357(a)(2). Such an arrest is authorized only if the officer "has reason to believe" that two conditions are met: (1) "the [noncitizen] so arrested is in the United States in violation of any . . . law or regulation" related to the admission, exclusion, expulsion or removal of noncitizens; ***and*** (2) the noncitizen "is likely to escape before a warrant can be obtained for his arrest." *Id.*; *see also* 8 C.F.R. § 287.8(c)(2)(i)-(ii) ("[A]n arrest shall be made only when the designated immigration officer has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States" and "that the person is likely to escape before a warrant can be obtained.").

62. While under these statutory and regulatory requirements, the officer must have "reason to believe" that the noncitizen is violating the law and is likely to escape, this "reason to believe" standard must still comport with the requirements of the Fourth Amendment. *See Trump v. Illinois*, 146 S. Ct. 432, 436 n. 4 (2025) (Kavanaugh, J. concurring) (explaining that immigration stops must meet the mandates of the Fourth Amendment).

63. Accordingly, "to avoid running afoul of the Fourth Amendment," the phrase "reason to believe" as used in Section 1357(a)(2) is "considered the equivalent of probable cause." *Escobar Molina v. U.S. Dep't of Homeland Sec.*, No. 25-CV-3417 (BAH), 2025 WL 3465518, at *13 (D.D.C. Dec. 2, 2025) (quoting *Au Yi Lau v. USCIS*, 445 F.2d 217, 222–23 (D.C. Cir. 1971) (additional citations omitted); *see also Morales*, 793 F.3d at 216 (collecting cases); *Tejeda-Mata v. Immigr. & Naturalization Serv.*, 626 F.2d 721, 725 (9th Cir. 1980) (same); *accord Baker v. McCollan*, 443 U.S. 137, 142 (1979) ("[T]he Fourth Amendment requires . . . a fair and reliable determination of probable cause as a condition for any significant pretrial restraint of liberty." (citation omitted)). Thus, prior to conducting a warrantless arrest, immigration officers must have *probable cause* to believe both that a person is in the United States in violation of a relevant law ***and*** that they are a flight risk.

64. Here, Respondents cannot show that they had probable cause to believe Mr. Castillo Trejo was in the United States in violation of the law or that he was a flight risk. ICE officers did not confirm whether Mr. Castillo Trejo was a noncitizen before arresting him, nor whether he was in the United States in violation of the law. Moreover, Mr. Castillo Trejo had never been arrested by any law enforcement agency before, such that there are no biometric records for him that ICE could have used prior to his arrest to determine his immigration history, if any. Thus, upon information and belief, ICE did not have any probable cause to arrest Mr. Castillo Trejo.

65. The requirement for probable cause of flight risk "is not mere verbiage." *Ramirez Ovando v. Noem*, No. 25-CV-03183-RBJ, 2025 WL 3293467, at *2 (D. Colo. Nov. 25, 2025) (quoting *United States v. Pacheco-Alvarez*, 227 F. Supp. 3d 863, 889 (S.D. Ohio 2016), and citing *Arizona*, 567 U.S. at 394). Rather, it requires "ICE officers [to] make a 'particularized inquiry' that the subject is likely to abscond." *Ramirez Ovando*, 2025 WL 3293467, at *2 (quoting *Moreno*

v. Napolitano, 213 F. Supp. 3d 999, 1007–08); *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979) ("Where the standard is probable cause, a search or seizure of a person must be supported by probable cause particularized with respect to that person."); *Maryland v. Pringle*, 540 U.S. 366, 372 (2003) ("We have stated . . . that the substance of all the definitions of probable cause is a reasonable ground for belief of guilt and that the belief of guilt must be particularized with respect to the person to be searched or seized." (internal quotations and citations omitted)).

66. ICE failed entirely to make a "particularized inquiry" into whether Mr. Castillo Trejo was likely to escape. Nothing in the record provides any indication that DHS had *considered* Mr. Castillo Trejo's potential to flee prior to arresting and detaining him, let alone that it had determined that he *was* likely to escape before a warrant could be obtained.

67. Any *post-hoc* justification of Mr. Castillo Trejo's arrest would be insufficient to remedy the statutory and constitutional violation inflicted here. *See, e.g.*, *Ramirez Ovando*, 2025 WL 3293467, at *10–11 (citing *Castañon Nava v. Dep't of Homeland Sec.*, 435 F. Supp. 3d 880, 904 (N.D. Ill. 2020)) (rejecting *post-hoc* warrants as a cure to a violation of section 1357(a)(2)).

68. Even if the immigration officers had made a "particularized inquiry" and determined that Mr. Castillo Trejo was a flight risk in the split seconds between alighting from their unmarked vehicles and forcing Mr. Castillo Trejo onto his knees and into handcuffs, their determination could not be upheld. *See infra*, Section II(C) (explaining that Mr. Castillo Trejo was not a flight risk).

69. ICE's arrest of Mr. Castillo Trejo without a warrant thus violates the INA and the Fourth Amendment.

IV. IMMEDIATE RELEASE IS THE PROPER REMEDY FOR RESPONDENTS' LAWLESS DETENTION OF MR. CASTILLO TREJO

70. Immediate release is the only appropriate remedy for Respondents' unlawful detention of Mr. Castillo Trejo. "It is clear, not only from the language of [28 U.S.C.] §§ 2241(c)(3) and 2254(a), but also from the common-law history of the writ, that the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (ordering release where detention became unlawful once conditional release date had passed); *see also Munaf*, 553 U.S. at 693 ("The typical remedy [for unlawful detention] is, of course, release." (citation omitted)). Mr. Castillo Trejo's release is particularly appropriate given that he is not alleged to be a danger to the community—in fact, he has *no* criminal history—and he is a hardworking, employed, long-standing member of the Hempstead community.

71. No procedural alternative to release can serve as an effective remedy. *See, e.g.*, *Rodriguez-Acurio*, 2025 WL 3314420, at *31 (ordering release and explaining that "a post-deprivation bond hearing before a DHS officer or even an immigration judge would provide no genuine opportunity to relief because the detention without adequate pre-deprivation procedures has already been carried out."); *Tumba*, 2025 WL 3079014, at *8–9 (ordering release); *Hyppolite*, 808 F. Supp. 3d at 495 (same). Mr. Castillo Trejo's detention was unlawful from the moment he was arrested and then taken into custody. Respondents afforded him *no* process before detention and have baselessly asserted authority to subject him to mandatory detention. Immediate release is the appropriate remedy.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT AND IMPLEMENTING REGULATIONS
8 U.S.C. §§ 1225(b)(2)(A), 1226(a)

72. Petitioner realleges and incorporates by reference each and every allegation contained above.

73. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the interior of the United States.

74. Indeed, Petitioner's detention is governed by Section 1226(a), as established by binding law and DHS's longstanding historical practice.

75. Section 1226(a) requires an individualized, pre-deprivation determination that a noncitizen whom Respondents intend to detain presents a danger or a flight risk.

76. However, ICE did not conduct an individualized determination of the propriety of Mr. Castillo Trejo's detention before they detained him because DHS erroneously contends, following new BIA caselaw, that Petitioner is subject to mandatory detention under § 1225(b)(2).

77. The improper application of Section 1225(b)(2) to Petitioner unlawfully mandates his continued detention in violation the INA.

COUNT TWO

VIOLATION OF PROCEDURAL DUE PROCESS
U.S. Const. amend. V

78. Petitioner realleges and incorporates by reference each and every allegation contained above.

79. 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 [Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

80. In assessing whether a person has been deprived of the right to procedural due process, courts weigh the factors from *Mathews v. Eldridge*: (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.

81. Here, all three factors weigh in favor of a finding that Respondents have violated Mr. Castillo Trejo's right to procedural due process by asserting unlawful authority to subject him to mandatory detention, by affording him no process before detaining him, and by providing him no way to meaningfully contest his unlawful detention.

COUNT THREE

WARRANTLESS ARREST IN VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT
8 U.S.C § 1357(a)(2)

82. Petitioner realleges and incorporates by reference each and every allegation contained above.

83. Under certain circumstances, immigration officers are authorized to arrest noncitizens pursuant to an administrative warrant of arrest.

84. Absent a warrant, the INA permits a warrantless arrest only upon a showing that the immigration officer had reason to believe that an individual "is in the United States in violation of any such law or regulation [related to the admission, exclusion, expulsion or removal of

noncitizens]" and (2) "is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. § 1357(a)(2). Reason to believe is the equivalent of probable cause.

85. Respondents did not satisfy both prongs of this test, and a *post-hoc* arrest warrant does not authorize them to make an arrest under 8 U.S.C. § 1357(a)(2). Therefore, Mr. Castillo Trejo's arrest and detention without a warrant violated the INA.

COUNT FOUR

UNREASONABLE SEIZURE IN VIOLATION OF THE FOURTH AMENDMENT
U.S. Const. amend. IV

86. Petitioner realleges and incorporates by reference each and every allegation contained above.

87. The Fourth Amendment protects "the right of the people to be secure in their persons . . . against unreasonable searches and seizures" and establishes that "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly . . . describing . . . the persons or things to be seized." U.S. Const. amend. IV.

88. A warrantless immigration arrest conducted without probable cause violates the Fourth Amendment's prohibition on unreasonable searches and seizures. *See, e.g.*, *Illinois*, 146 S. Ct. at 436 n.4 (Kavanaugh, J. concurring) (explaining that immigration stops must meet the mandates of the Fourth Amendment). This is true even if an arrest warrant was created post-arrest.

89. Because Respondents arrested Mr. Castillo Trejo without a warrant or a showing of probable cause, his detention violates the Fourth Amendment.

COUNT FIVE

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT
5 U.S.C. § 706(2)

90. Petitioner realleges and incorporates by reference each and every allegation contained above.

91. The APA permits a reviewing court, as relevant here, to "hold unlawful and set aside agency action, findings, and conclusions found to be—(A) arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; [or] (D) without observance of procedure required by law." 5 U.S.C. § 706(2).

92. Agency action is arbitrary and capricious or an abuse of discretion where the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

93. Mr. Castillo Trejo's detention is a final agency action reviewable under the APA because it marks the consummation of DHS's decision-making process and determines his rights under law.

94. Mr. Castillo Trejo's detention violates the APA in at least three ways:

a. Respondents' assertion of authority to subject Mr. Castillo Trejo to mandatory detention under § 1225(b)(2)(A) is in excess of statutory authority or limitations, and is *ultra vires*;

b. Respondents' detention of Mr. Castillo Trejo in violation of his Fifth Amendment procedural due process rights is contrary to constitutional right;

c. Respondents' arrest of Petitioner without a warrant or probable cause as required by 8 U.S.C. § 1357(a)(2) and the Fourth Amendment is in excess of statutory authority or limitations and contrary to constitutional right.

95. Respondents' detention of Mr. Castillo Trejo therefore violates the APA.

COUNT SIX

VIOLATION OF THE *ACCARDI* DOCTRINE

96. Petitioner realleges and incorporates by reference each and every allegation contained above.

97. The Supreme Court held in *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954), that government agencies are bound to follow their own rules and internal procedures that regulate the rights and interests of others. *See Montilla v. INS*, 926 F. 2d 162, 166–67 (2d Cir. 1991) (explaining the *Accardi* doctrine).

98. Respondents have violated several binding regulations in detaining Mr. Castillo Trejo: 8 C.F.R. §§ 236.1(b)(1) and 1236.1(c)(8) (requiring issuance of warrant of arrest); 8 C.F.R. § 287.8(c)(2)(ii) (requiring individualized assessment as to flight risk before warrantless arrest); 8 C.F.R. § 287.8(c)(2)(iii) (requiring that agents identify themselves and the reason for an arrest).

99. Respondents' detention of Mr. Castillo Trejo therefore violates the *Accardi* doctrine.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;

2. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court or removing him from the United States pending the resolution of this case, pursuant to the All Writs Act (*see Loc. 1814*, 965 F.2d at 1237 ("Once the district court acquires jurisdiction over

the subject matter of, and the parties to, the litigation, the All Writs Act [28 U.S.C. § 1651] authorizes a federal court to protect that jurisdiction" (cleaned up)));

3. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from custody without any additional restraints on his liberty;

4. Enjoin Respondents from further detaining Petitioner;

5. If the Court is not inclined to order an immediate release, the Court should alternatively conduct a constitutionally adequate, individualized bond hearing for the Petitioner within fourteen days. If, instead, Respondents are ordered to carry out such a hearing in front of an impartial adjudicator, the Court should direct that at that hearing:

a. ICE must bear the burden of establishing by clear and convincing evidence that continued detention is justified;

b. The adjudicator must meaningfully consider alternatives to imprisonment, such as release on recognizance; and

c. The adjudicator must meaningfully consider Petitioner's ability to pay if setting a monetary bond.

6. Award petitioner costs and reasonable attorney's fees in this action as provided for the Equal Access to Justice Act, 28 U.S.C. § 2412; and

7. Grant such further relief as the Court deems just and proper.

Dated: March 24, 2026

Respectfully submitted,

/s/ Stephen M. Juris

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner, and/or someone acting in his behalf, the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

Dated: March 24, 2026

Grace Carney Brown