UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Mayra Chavez Rodriguez Petitioner, v. **CHRISTOPHER BRACKETT,** Superintendent of the Strafford County Department of Corrections **TODD M. LYONS,** Acting Director Immigration and Customs Enforcement, **PATRICIA HYDE,** Field Office Director, **MARKWAYNE MULLIN,** U.S. Secretary of Homeland Security, **PAMELA BONDI,** U.S. Attorney General Respondents.	Case No.:

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

INTRODUCTION

Petitioner Mayra Chavez Rodriguez entered the U.S. on or about 1999 and has been present in the U.S. since then. Petitioner was arrested by Respondents on or about March 23, 2026 at Lynn, Massachusetts, inside of the United States. Petitioner is present in the U.S. and, on information and belief, the Department of Homeland Security ("DHS") has alleged or will allege that Petitioner was not previously admitted or paroled into the U.S., and so is subject to mandatory detention. However, Petitioner cannot be subject to mandatory detention under 8 U.S.C. § 1225(b)(1), including because Petitioner does not meet the criteria for Expedited Removal. *See Make the Road New York v. Noem*, No. 25-190, 2025 WL 2494908, at *23 (D.D.C. Aug. 29, 2025). Petitioner also cannot be subject to mandatory detention under 8 U.S.C. § 1225(b)(2), including because, as a person already present in the United States, Petitioner is not presently "seeking admission" to the

United States. *See Guerrero Orellana v. Moniz*, No. 25-cv-12664-PBS, 2025 U.S. Dist. LEXIS 262638, *3 (D. Mass. Dec. 19, 2025) ("The Seventh Circuit and most district courts to have addressed the issue have rejected the government's new, more expansive interpretation of § 1225(b)(2)(A)."); *Jimenez v. FCI Berlin*, 25-cv-326-LM-AJ, 2025 U.S. Dist. LEXIS 176165, at *22 (D.N.H. Sept. 8, 2025). Further, Petitioner is not subject to mandatory detention under § 1225 because, on information and belief, Petitioner was not, at the time of arrest, paroled into the U.S. pursuant to 8 U.S.C. § 1182(d)(5)(A), and therefore Petitioner could not "be returned" under that provision to mandatory custody under § 1225(b) or any other form of custody.

Instead, as a person arrested inside the U.S. and held in civil immigration detention, Petitioner is subject to detention, if at all, pursuant to § 1226. *See Aguiriano v. Romero v. Hyde, No. 25-11631, 2025 WL 2403827, at *1, 8-13 (D. Mass. Aug. 19, 2025)* (collecting cases). Petitioner is not lawfully subject to mandatory detention under 8 U.S.C. § 1226(c), including because he has not been convicted of any crime that triggers such detention. *See Demore v. Kim*, 538 U.S. 510, 513-14, 531 (2003) (allowing mandatory detention under § 1226(c) for brief detention of persons convicted of certain crimes and who concede removability). Accordingly, Petitioner is subject to detention, if at all, under 8 U.S.C. § 1226(a).

As a person detained under § 1226(a), Petitioner must, upon his request, receive a custody redetermination hearing with strong procedural protections. *See Hernandez-Lara v. Lyons*, 10 F.4th 19, 41 (1st Cir. 2021); *Doe v. Tompkins*, 11 F.4th 1, 2 (1st Cir. 2021); *Brito v. Garland*, 22 F.4th 240, 256-57 (1st Cir. 2021) (affirming class-wide declaratory judgment); 8 C.F.R. 236.1(d) & 1003.19(a)-(f). However, on September 5, 2025, in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board of Immigration Appeals issued a decision which purports to require the

Immigration Court to unlawfully deny a bond hearing to all persons such as Petitioner.[11] The responsible administrative agency has therefore predetermined that Petitioner will be denied a bond hearing. Indeed, on January 13, 2026, the Chief Immigration Judge instructed all immigration judges that they are to follow *Matter of Yajure Hurtado*, notwithstanding declaratory relief granted in classwide injunctions to the contrary.

This Court has recently addressed similar cases and held that noncitizens in Petitioner's position – those who may be subject to *Matter of Yajure Hurtado* – are subject to detention pursuant to § 1226(a), and are, therefore, entitled to bond hearings. *See Lamidi v. FCI Berlin, Warden et al.*, No. 25-cv-297-LM-TSM, at *10 (D.N.H. Sept. 15, 2025). *See Guerrero Orellana*, 2025 U.S. Dist. LEXIS 262638, *27-28 (entering declaratory judgment that "class members are subject to detention under § 1226(a) including access to consideration for release on bond and/or conditions before immigration officers and Immigration Judges."). Moreover, it is well settled that Petitioner has due process rights. *See K-S- v. FCI-Berlin*, 2025 DNH 126 P, 2025 U.S. Dist. LEXIS 260379, at *7 (D.N.H. Dec. 17, 2025) (reasoning that Due Process Protections apply to all noncitizens in immigration detention, regardless of the detention statute); *Fils-Aime v. FCI Berlin*, No. 1:25-cv-287-JL-TSM, 2025 U.S. Dist. LEXIS 215595, at *8 (D.N.H. Oct. 31, 2025) (same even for an arriving alien). *See also Destino v. FCI Berlin, Warden*, No. 1:25-cv-374-SE-AJ, 2025

[1] The BIA's reversal and newly revised interpretation of the statute are not entitled to any deference. *See Loper Bright Ent. v. Raimondo*, 603 U.S. 369, 412-13 (2024). *See also Elias Escobar v. Hyde*, 2025 WL 2823324, at *3 (D. Mass. October 3, 2025) (rejecting the BIA's reasoning in *Matter of Yajure Hurtado* because, in part, "the decision is inconsistent with other BIA decisions and with decades of the Department of Homeland Security's practice"; *Choglo Chafla v. Scott*, 2025 WL 2688541, at *7-8 (D. Me. Sept. 22, 2025) (same).

U.S. Dist. LEXIS 269322, at *16 (D.N.H. Dec. 24, 2025) ("While noncitizens paroled into the country for years may not be 'admitted' within the meaning of the INA, they have lived at liberty here, and so may acquire the protection of the Constitution, at least insofar as it protects against detention without bond hearings."). Petitioner has accrued substantial liberty interests, and his detention without a bond hearing violates his Due Process rights. *See Destino*, No. 1:25-cv-374-SE-AJ, at *16 ("[petitioner] has a due process right to an individualized bond hearing, and neither the legislature nor the executive can strip him of that right by classifying him as detained under § 1225.").

Therefore, this Court should order a bond hearing before an IJ, at which DHS bears the burden of justifying Petitioner's detention under the *Hernandez-Lara* standard. *Hernandez-Lara*, 10 F. 4th at 41 ("due process requires the government to either (1) prove by clear and convincing evidence that [the noncitizen] poses a danger to the community or (2) prove by a preponderance of the evidence that she poses a flight risk").

Petitioner further alleges as follows:

PARTIES

1. Petitioner Mayra Chavez Rodriguez is a noncitizen who is currently detained by Respondents at the Strafford County Department of Corrections in Dover, New Hampshire.

2. Respondent David Wesling is the Acting Boston Field Office Director, U.S. Immigration and Customs Enforcement, and he is being sued in his official capacity. He is Petitioner's legal custodian.

3. Respondent Christopher Brackett is the Superintendent of the Strafford County Department of Corrections and he is being sued in his official capacity. He is Petitioner's immediate custodian.

4. Respondent Todd Lyons is named in his official capacity as the Acting Director for U.S. Immigration and Customs Enforcement. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States and is legally responsible for pursuing any effort to remove the Petitioner; and therefore, is a custodian of the Petitioner.

5. Respondent Markwayne Mullin is sued in his official capacity as Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, the component agency responsible for Petitioner's detention and custody. Respondent Mullin is a legal custodian of Petitioner.

6. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

JURISDICTION AND VENUE

7. This Court has jurisdiction under 28 U.S.C. § 1331, 2241 (habeas corpus) and Article I, Section 9, Clause 2 of the U.S. Constitution ("Suspension Clause").

8. Venue is proper in the District of New Hampshire because Petitioner is currently detained at the Strafford County Department of Corrections in Dover, New Hampshire, which is in the territorial jurisdiction of this Court. 28 U.S.C. § 1391; *Vasquez v. Reno*, 233 F. 3d 688, 696 (1st Cir. 2000).

FACTS

9. Petitioner entered the United States on or around 1999 through the southern border when she was ten-years old.

10. Petitioner has been living in the United States since that date and has Deferred Action for Childhood Arrivals. She has a U.S. Citizen child.

11. Petitioner was arrested in Lynn, Massachusetts by U.S. Immigration and Customs Enforcement ("ICE") and/or other federal agents acting on ICE's behalf on or about March 23, 2026. Petitioner was arrested on the same day in Lynn for Assault and Battery on a Household Member. Said charge remains pending and is her only arrest in the United States.

12. On information and belief, Petitioner is currently being held in ICE's custody in the District of New Hampshire at the Strafford County Department of Corrections.

CLAIMS FOR RELIEF

COUNT ONE
VIOLATION OF 8 U.S.C. § 1226(a) AND ASSOCIATED REGULATIONS

13. The foregoing allegations are realleged and incorporated herein.

14. On information and belief, Petitioner is a member of the certified class in *Guerrero Orellana* and the Honorable Judge Saris of the U.S. District Court for the District of Massachusetts has already ordered that "members of the certified class are subject to detention under 8 U.S.C. § 1226(a), including access to consideration for release on bond and/or conditions before immigration officers and Immigration Judges." *Guerrero Orellana*, 2025 U.S. Dist. LEXIS 262638, at *27-28].

15. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

16. Under § 1226(a) and its associated regulations, Petitioner is entitled to a bond hearing. *See* 8 C.F.R. 236.1(d) & 1003.19(a)-(f).

17. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

18. Petitioner's continuing detention without a bond hearing violates his rights under § 1226(a) and its associated regulations.

COUNT TWO
DUE PROCESS – RIGHT TO BOND HEARING UNDER 8 U.S.C. § 1226(a)

19. The foregoing allegations are realleged and incorporated herein.

20. Because Petitioner is a person arrested inside the United States and is subject to detention, if at all, under 8 U.S.C. § 1226(a), the Due Process Clause of the Fifth Amendment to the United States Constitution requires that Petitioner receive a bond hearing with strong procedural protections. *See Hernandez-Lara*, 10 F.4th at 41; *Doe*, 11 F.4th at 2; *Brito*, 22 F.4th at 256-57.

21. This Court has already found that "§ 1226 generally governs the arrest and detention of noncitizens already present in the country, while § 1225(b) applies to the detention of noncitizens seeking to enter the country." *Lamidi*, No. 25-cv-297-LM-TSM, at *10. *See also Lema v. FCI Berlin, Warden*, 2025 U.S. Dist. LEXIS 216786, *6 (D.N.H. Nov. 4, 2025); *Jimenez*, 2025 U.S. Dist. LEXIS 176165, at *16-22. This Court has also already affirmed that a noncitizen being detained in these circumstances has the right to receive a bond hearing. *See, e.g.*, *Lamidi*, No. 25-cv-297-LM-TSM, at *10 (D.N.H. Sept. 15, 2025).

22. Nearly every court nationwide to have considered these issues has come to the same conclusions. *See Guerrero Orellana v. Moniz*, No. 25-cv-12664-PBS, 2025 U.S. Dist. LEXIS 196282, at *13-14 (collecting cases); *Rocha v. Hyde,* 2025 WL 2807692, at *2 (D. Mass. Oct. 2, 2025) ("[a]s Respondents acknowledge in their opposition, "[o]ther sessions of this court, as well as other courts across the country, have determined that 8 U.S.C. § 1226(a), and not 8 U.S.C. §

1225(b)(2), appl[ies] to aliens arrested and detained within the United States, even if such alien meets the definition of an applicant for admission as an alien present in the United States who has not been admitted"); *Mendoza v. Hyde*, C.A. No. 25-12815 (D. Mass. Oct. 1, 2025) ("Mendoza is not an applicant for admission subject to mandatory detention under Section 1225(b). Noncitizens subject to detention under § 1226(a) have the right to request a bond hearing before an Immigration Judge, at which the government bears the burden to prove that continued detention is justified.") (internal quotation marks omitted).

23. Indeed, on information and belief, Petitioner is a member of the certified class in *Guerrero Orellana* and the Honorable Judge Saris of the U.S. District Court for the District of Massachusetts has already ordered that "members of the certified class are subject to detention under 8 U.S.C. § 1226(a), including access to consideration for release on bond and/or conditions before immigration officers and Immigration Judges." *Guerrero Orellana*, 2025 U.S. Dist. LEXIS 262638, at *27-28.

24. Petitioner has not been, and will not be, provided with a bond hearing as required by law.

25. Therefore, Petitioner's continuing detention without a bond hearing violates his rights under the Due Process Clause. This Court should order a prompt bond hearing where DHS bears the burden of showing that his detention is necessary under the *Hernandez-Lara* standard.

COUNT THREE
DUE PROCESS – RIGHT TO A BOND HEARING

26. The foregoing allegations are realleged and incorporated herein.

27. The Due Process Clause of 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.

28. To justify Petitioner's detention, due process requires that Petitioner is provided a constitutionally adequate bond hearing. *See Destino*, No. 1:25-cv-374-SE-AJ, at *16 ("While noncitizens paroled into the country for years may not be 'admitted' within the meaning of the INA, they have lived at liberty here, and so may acquire the protection of the Constitution, at least insofar as it protects against detention without bond hearings.").

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Order a constitutionally adequate, individualized bond hearing at which the government will bear the burden of establishing that Petitioner's continued detention is justified under the *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021) standard before this Court;

(3) Award attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) and 5 U.S.C. §504, if applicable; and

(4) Order any further relief this Court deems just and proper.

Respectfully submitted,

Through Undersigned Counsel,

Dated: 03/25/2026

/s/ Branden S. Ladebush, Esq.
Branden S. Ladebush, Esq.
The Law Office of Branden S. Ladebush, Esq., LLC
P.O. BOX 433
Dover, NH 03821
Tel.: (617) 294-9478
branden@ladebushlegal.org
NH BAR #276765