IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

Edin PEREZ ALONZO,

Petitioner,

v.

Donald J. TRUMP, in his official capacity as President of the United States;

Russell HOTT, in his official capacity as Field Office Director of Washington, Immigration and Customs Enforcement;

Jeffrey DILLMAN, in his official capacity as Warden of Riverside Regional Jail;

Todd LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

Kristi NOEM, in her official capacity as Secretary of the United States Department of Homeland Security;

Pamela BONDI, in her official capacity as Attorney General, U.S. Department of Justice,

Respondents.

Case No. 3:25-cv-892

PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT

INTRODUCTION

1. Petitioner Edin Perez Alonzo ("Petitioner" or "Mr. Perez"), is a Guatemalan national who entered the United States approximately 13 years ago and has never left. He is a resident of Hyattsville, Maryland.

2. On or about October 24, 2025, Mr. Perez was arrested, abruptly and without warning by a group of masked men purporting to be ICE officers who performed what appears to be an illegal traffic stop in Washington, DC. While physically present in Washington, DC, and

not engaged in any criminal activity, Petitioner stopped, interrogated, and arrested by agents of U.S. Immigration and Customs Enforcement (ICE) without a judicial warrant or probable cause to believe he had committed a crime.

3. Petitioner was handcuffed without explanation and taken to ICE's Washington Field Office in Chantilly, VA, where he was held for most of the day before, upon information and belief, before being transferred to Riverside Regional Jail in Prince George, VA, within the jurisdiction of this Court.

4. There has been no stated reason for the unlawful arrest.

5. Plaintiff's arrest is part of a larger pattern of unlawful civil immigration enforcement activity carried out by ICE in the District of Columbia. This warrantless civil immigration arrest was effected without any prior approval from a magistrate judge or judicial officer, in violation of the Fourth Amendment and internal agency policies governing ICE's enforcement discretion.

6. Plaintiff was not provided with a warrant or any record of the legal authority under which his arrest was justified at the time of his detention, and no neutral magistrate reviewed or authorized the arrest before or after his seizure. This places Plaintiff squarely within the class of individuals described in *Escobar-Molina v. ICE*, No. 1:25-cv-03417 (D.D.C. Sept 25, 2025), where plaintiffs have challenged ICE's unlawful enforcement practices in DC as unconstitutional and ultra vires.

7. Petitioner was not apprehended at the border, near the border, nor within any recent arrival timeframe. Nor is there any new evidence of removability or inadmissibility not already known to Federal Respondents.

8. Unlawful detention or removal without process or explanation violates the United

States Constitution and the applicable statutory and administrative frameworks.

9. Mr. Perez thus petitions this Court for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241, to remedy his unlawful detention by Respondents.

PARTIES

10. Petitioner Edin Perez Alonzo is a citizen of Guatemala and has been living in the United States for approximately 13 years.

11. Respondent Donald J. Trump is named in his official capacity as the President of the United States. In this capacity, he is responsible for the policies and actions of the executive branch, including the Department of State and Department of Homeland Security. Respondent Trump's address is the White House, 1600 Pennsylvania Ave. NW, Washington, D.C. 20500.

12. Respondent Russell Hott is named in his official capacity as the Acting Field Office Director of the Washington Field Office for Immigration and Customs Enforcement ("ICE") within the United States Department of Homeland Security. In this capacity, he is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a custodian of Petitioner. Respondent Hott's address is Washington ICE ERO Field Office, 14797 Murdock St., Chantilly, VA 20151.

13. Respondent Jeffrey Dillman is the warden or superintendent of the Riverside Regional Jail where Petitioner was detained at the moment this action was filed. Mr. Crawford is the highest ranking official at the jail. In this capacity, he is responsible for the immediate execution of detention over Petitioner and was the immediate custodian of Petitioner. Respondent Dillman's address is 500 FOLAR Trail, North Prince Geoge, VA 23860.

14. Respondent Todd Lyons is the Acting Director of ICE. 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; routinely transacts business in the Eastern District of Virginia; is legally responsible for pursuing any effort to remove the Petitioner; and as such is a custodian of the Petitioner. His address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, DC 20536-5900.

15. Respondent Kristi Noem is named in her official capacity as the Secretary of Homeland Security in the United States Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a) (2007); routinely transacts business in the Eastern District of Virginia; is legally responsible for pursuing any effort to detain and remove the Petitioner; and as such is a custodian of the Petitioner. Respondent Noem's address is U.S. Department of Homeland Security, Office of the General Counsel, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0485.

16. Respondent Pamela Bondi is the Attorney General of the United States. In this capacity, she routinely transacts business in the Eastern District of Virginia; is responsible for the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(g) (2007); and as such is a custodian of the Petitioner. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530- 0001.

JURISDICTION & VENUE

17. This case arises under the United States Constitution. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), Art. I § 9, cl. 2 of the U.S. Constitution ("the Suspension Clause"), 28 U.S.C. § 1331 (federal question jurisdiction), Article III of the U.S. Constitution, the Administrative Procedure Act, 5 U.S.C. §701 et seq.

18. Federal district courts have jurisdiction to hear habeas claims by non-citizens

challenging both the lawfulness and the constitutionality of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Aguilar v. Lewis*, 50 F. Supp. 2d 539 (E.D. Va. 1999).

19. An actual and justiciable controversy exists between the parties under 28 U.S.C. § 2201, and this Court has authority to grant declaratory and injunctive relief. *Id.* §§ 2201, 2202. The Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651.

20. Administrative exhaustion is unnecessary as it would be futile. *See, e.g., Aguilar*, 50 F. Supp. 2d at 542-43.

21. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because a substantial part of the events or omissions giving rise to this action occurred and continue to occur at Riverside Regional Jail in North Prince George, VA, within this district.

22. Upon information and belief, Mr. Perez is physically within the Commonwealth of Virginia.

23. Petitioner entered the United States in approximately 2012 without inspection.

24. Petitioner has not and will not be granted a bond hearing, as Federal Respondents take the position that he is ineligible for same under *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).

25. Petitioner asserts that in view of his 13+ years in the United States, working, paying taxes, and having family in the United States, and being apprehended in the domestic interior far from the border, and having no prior designation as an applicant for admission, he has effected an entry into the United States and is therefore not an applicant for admission.

26. Petitioner's detention is governed by 8 USC §1226(a), not 8 USC §1225(b).

27. Under *Loper Bright Enterprises v. Raimondo*, 603 U.S. ____ (2024), agency

interpretations such as who is properly considered an applicant for admission are entitled to no deference and this Court must decide this issue *de novo*.

28. Petitioner is also a putative class member in *Maldonado-Bautista v. Dep't of Homeland Security*, a pending nationwide class action challenging the application of §1225 detention to individuals arrested in the interior who are not arriving noncitizens and who are placed—or not placed—into removal proceedings.

29. There has been no articulation, pleading, or establishment of how Petitioner falls within the statutory framework of §1225. Its reliance on boilerplate assertions without factual foundation mirrors the systemic deficiencies at issue in *Maldonado-Bautista* and highlights the need for individualized judicial review.

CLAIMS FOR RELIEF

FIRST CLAIM
Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution

30. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

31. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

32. The government's detention of Mr. Perez is wholly unjustified. The government has not demonstrated that Mr. Perez needs to be detained. *See Zadvydas*, 533 U.S. at 690. There is no credible argument that Mr. Perez cannot be safely released back to his family.

33. Petitioner is neither a danger nor a flight risk. He was detained in a raid resulting

from an illegal traffic stop, not any sort of checkpoint, without regard to their immigration history, assessed risk of flight or danger, and with no notice or due process.

34. Because Mr. Perez's detention has been unaccompanied by the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause of the Fifth Amendment to the U.S. Constitution, his continued detention is unlawful. *See Matthews v. Eldridge*, 424 U.S. at 332. Infringing upon a protected interest at the very least triggers a right to a hearing before that right is deprived. *See Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 569-70 (1972).

35. Respondents have treated Petitioner differently from similarly situated individuals—such as noncitizens who overstayed visas or entered without inspection many years ago—who are detained under §1226 and are eligible for bond. There is no rational basis for subjecting Petitioner to bondless detention under §1225 when his factual circumstances are indistinguishable from those treated under §1226, rendering the treatment of Petitioner arbitrary and violative of procedural due process principles embedded in the Fifth Amendment.

36. For the foregoing reasons, Respondents' abrupt detention of Petitioner violated his substantive and procedural due process rights.

SECOND CLAIM

Violation of the Immigration and Nationality Act and Implementing Regulations

37. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

38. Petitioner was arrested in the interior pursuant to a Form I-200 administrative warrant, a mechanism that DHS typically uses for individuals under §1226. Respondents'

invocation of §1225(b)(2)(A) contradicts their own procedures and longstanding practices, especially where no expedited removal order or recent border apprehension occurred.

39. The improper use of §1225(b)(2)(A) under these circumstances reflects arbitrary and inconsistent application of law, in violation of both the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA.)

THIRD CLAIM

Violation of the Administrative Procedure Act

40. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

41. Under the APA, "final agency action for which there is no other adequate remedy in a court [is] subject to judicial review." 5 U.S.C. § 704. The reviewing Court "shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or "unsupported by substantial evidence." 5 U.S.C. §§ 706(2)(A), (E).

42. The decision to detain Mr. Perez, who built a life in the United States, must be reviewed by this Court and found to be "arbitrary, capricious, an abuse of discretion and not in accordance with the law." 5 U.S.C. §§ 706(2)(A), (E). Absent this Court's intervention, Mr. Perez does not have any "remedy" to challenge the decision of Respondents.

43. Respondents have detained Petitioner under a policy that applies §1225 to all noncitizens encountered in the interior, regardless of how long they have lived in the United States, the absence of any entry-related conduct

44. Under 8 C.F.R. §241.13(i), Petitioner has, at minimum, a regulatory right to a detailed explanation for the reasons for his detention. At a minimum, ICE has a duty to follow its

own regulations. *See Accardi*, 347 U.S. at 226 (holding that BIA must follow its own regulations in its exercise of discretion); *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

FOURTH CLAIM

Unconstitutional Overreach Following *Loper Bright*: No Deference to Agency Interpretation

45. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

46. Following the Supreme Court's ruling in *Loper Bright Enterprises v. Raimondo*, 603 U.S. ___ (2024), courts must independently interpret the INA. DHS and DOJ's assertion that Petitioner is an "applicant for admission" is a legal conclusion not supported by the statutory text and cannot be upheld solely on agency say-so.

47. DHS and DOJ have or, upon information and belief, will assert—without supporting statutory language—that Petitioner is an "applicant for admission" under INA § 235. This assertion is not grounded in any facts pled in a Notice to Appear or other charging document, nor is it supported by Petitioner's circumstance, which involved no recent border crossing or attempt to enter the United States. Rather, Petitioner is a long-time resident arrested in the interior under a Form I-200 administrative warrant.

48. Permitting DHS or the Board of Immigration Appeals (BIA) to unilaterally determine that such an individual is an "applicant for admission" without factual development or statutory support constitutes an unconstitutional overreach. It allows the Executive Branch to effectively expand the scope of §1225 beyond what Congress authorized, and without legislative amendment.

49. Under Article III of the Constitution, it is the province and duty of the judiciary to say what the law is. Where a statute is silent or ambiguous, courts must resolve that ambiguity—not defer to the Executive Branch's interpretation, particularly where that interpretation implicates fundamental liberty interests such as detention without bond.

50. By applying §1225 to Petitioner based solely on its own interpretation of the INA, DHS has circumvented the role of the judiciary, assuming the power to interpret and enforce ambiguous law in a manner that eliminates meaningful judicial review. This violates the separation of powers embedded in Articles I and III of the Constitution and raises grave constitutional concerns, especially in the context of civil detention.

FIFTH CLAIM

Violation of 8 C.F.R. § 287.8 – Failure to Follow Required Arrest Procedures

51. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

52. Petitioner is a putative class member in *Maldonado-Bautista v. DHS*, No. 5:24-cv-00914 (C.D. Cal.), a pending nationwide class action that challenges the government's policy and practice of applying INA §1225 mandatory detention to individuals arrested in the interior of the United States who have not recently arrived or sought admission.

53. The *Maldonado-Bautista* plaintiffs seek declaratory and injunctive relief, alleging that DHS and DOJ have violated the INA, the APA, and the Constitution by categorically detaining such individuals under §1225(b), rather than providing bond hearings under §1226(a). The case highlights the systemic misapplication of detention authority and specifically alleges that many individuals like Petitioner—who were arrested in the interior, are not recent entrants,

and were issued NTAs devoid of any allegations of border crossing or inspection—are improperly treated as applicants for admission without legal basis.

54. Individual habeas actions remain the only mechanism for putative class members like Petitioner to secure timely review of their detention.

55. Petitioner's continued detention under the policies challenged in *Maldonado-Bautista*, without any individualized finding that he is an applicant for admission, and without meaningful opportunity for judicial review, would result in substantial and irreparable harm. Habeas corpus is the only adequate and effective remedy currently available to prevent ongoing unlawful detention.

56. Accordingly, this Court retains jurisdiction and equitable authority to adjudicate Petitioner's claims, and should do so to preserve his constitutional rights and ensure access to timely judicial relief pending the resolution of the class litigation.

SIXTH CLAIM

Violation of the Fourth and Fifth Amendments Due to Unlawful Arrest in the District of Columbia

57. Plaintiff repeats and incorporates by reference all prior paragraphs.

58. Plaintiff's arrest occurred in the District of Columbia, a jurisdiction that has limited ICE's ability to engage in warrantless civil immigration arrests.

59. ICE agents arrested Plaintiff without a judicial warrant or probable cause to believe he committed a criminal offense, and without presenting a legal basis for civil detention at the time of arrest.

60. Plaintiff's arrest was conducted in violation of the Fourth Amendment's protections against unreasonable searches and seizures and in violation of the Fifth Amendment's guarantee of due process.

61. ICE's conduct is part of a broader, documented pattern and practice of unlawful enforcement activity in DC, which has been challenged in *Escobar-Molina v. ICE*, currently pending in the U.S. District Court for the District of Columbia.

62. Plaintiff alleges that he is a member of the putative class in that litigation, as he was arrested without a judicial warrant, while in DC after August 11, 2025 for civil immigration purposes only, and was denied due process and meaningful judicial review.

63. The arrest was *ultra vires* and beyond the statutory authority of ICE as interpreted under the INA and the Fourth and Fifth Amendments.

SEVENTH CLAIM

Release on Bail Pending Adjudication

64. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint-Petition as if fully set forth herein.

65. Under 28 U.S.C. § 2241, federal district courts are granted broad authority, "within their respective jurisdictions," 28 U.S.C. § 2241(a), to hear applications for writs of habeas corpus filed by persons claiming to be held "in custody in violation of the Constitution or laws or treaties of the United States." *Timms v. Johns*, 627 F. 3d 525 (4th Cir. 2010).

66. Federal courts have inherent authority to grant bail pending the adjudication of a habeas petition. *See Mapp v. Reno*, 241 F.3d 221, 230 (2d Cir. 2001) (collecting cases); *see also United States v. Eliely*, 276 F. App'x. 270, 270 (4th Cir. 2008).

67. A Court may do so where the petitioner shows there are "substantial constitutional claims on which he has a high probability of success, and exceptional circumstances making a grant of bail necessary for the habeas remedy to be effective." *Eliely*, 276 F. App'x. 270.

68. This petition raises numerous substantial constitutional and statutory claims challenging Mr. Perez's detention. His detention and the apparent termination of the terms of his release without notice, an opportunity to be heard, or any shred of process is a clear violation of Mr. Perez's constitutional rights and the statutory scheme. That it happened at an illegal traffic stop by unmarked cars and men who failed to identify themselves makes it all the more noxious to the Constitution. Finally, continued detention will prevent him from adequately preparing a legal defense.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings;
3. Enjoin Respondents from removing Petitioner from the United States;
4. Order the immediate release of Petitioner pending these proceedings;
5. Order the release of Petitioner on bond;
6. Declare that Respondents' actions to arrest and detain Petitioner violate the unlawful searches and seizures clause of the Fourth Amendment, the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act and implementing regulations, and/or the Administrative Procedures Act;
7. Award reasonable attorneys' fees and costs for this action; and

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

Dated: October 28, 2025
Sterling, Virginia

/s/*Hassan Ahmad*
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

Jeffrey Dillham, Warden
Riverside Regional Jail
500 FOLAR Trail
North Prince George, VA 23860

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Dated: October 2, 2025

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