UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARLON BRANDO RIBEIRO **Petitioner,** **v.** **JAMISON, J.L., Warden, Federal Detention Center, Philadelphia, et al.** **Respondents.**	**Civil Action No. 2:26-cv-02326** **(Judge Wolson)** **PETITION FOR WRIT OF HABEAS CORPUS**

PETITIONER'S TRAVESE TO RESPONDENTS' ANSWER TO

PETITION FOR WRIT OF HABEAS CORPUS

PRELIMINARY STATEMENT

Mr. Brando Ribeiro was arbitrarily re-detained by the Department of Homeland Security (DHS) and has been re-detained without access to any legal remedy. His ongoing detention violates the Immigration and National Act (INA), Fifth Amendment due process, and the Administrative Procedure Act (APA), and the Court should order Respondents to immediately release him from detention because his detention has been unlawful since its inception.

ARGUMENT

I. Mr. Brando Ribeiro is Detained Pursuant to 8 U.S.C. § 1226(a), not § 1225(b)(1)

In their Answer, Respondents argue that the fact that Mr. Brando Ribeiro was previously in expedited removal proceedings before being recategorized into standard removal proceedings does not impact the category of detention that he falls under. Respondents acknowledge that "multiple district courts in this jurisdiction (including this Court) have rejected this argument." Dkt. 4, n. 1. Respondents fail to acknowledge the limitations of mandatory detention under that statute, which clearly only applies to an individual "who has not been admitted or paroled into the United States." 8 U.S.C. § 1225(b)(1)(A)(iii)(II). As such, "the plain language of the statute clearly and unambiguously shows that § 1225(b)(1)(A)(iii) cannot serve as the basis for Petitioner's detention." *Rivas Rodriguez v. Rokosky*, No. CV 25-17419 (CPO), 2025 WL 3485628, at *2 (D.N.J. Dec. 3, 2025). In this case, Mr. Brando Ribeiro has resided in the U.S. since August 7, 2021. Respondents attempt to distinguish Petitioner's case due to his apprehension at the border, placement in expedited removal, subsequent credible fear interview and parole based on a positive credible fear determination. In fact, this court has granted a habeas petition with a nearly identical fact pattern where Respondents previously released the petitioner on his own recognizance into the United States to apply for asylum after he passed a credible

fear interview, and then later detained him without explanation. *See Villarreal Torres v. Jamison*, No. 2:26-cv-02000, ECF No. 12 (E.D. Pa. Apr. 7, 2026). There is no reason to depart from the sound statutory analysis of this and dozens of other federal courts. The fact that Mr. Brando Ribeiro was released on parole instead of on his own recognizance does not create a meaningful distinction as other judges in this District have not found a meaningful difference between these illegal detentions. *See Soriano-Solano v. Jamison,* Civil Action No. 26-1582, 2026 (E.D. Pa. March 23, 2026) (Schmehl, J.) (granting immediate release to Petitioner and rejecting the government's argument that because "Petitioner is no longer in expedited removal under 8 U.S.C. § 1225 and is now in standard removal proceedings under 8 U.S.C. § 1229a" that it "does not change the statutory basis for mandatory detention."); *Vargas- Quajada v. Jamison*, et al, 26-cv-914 (E.D. Pa. Feb. 17, 2026 (McHugh, J.); *Green v. Jamison*, et al., No. 26-0773 (E.D. Pa. Feb. 26 2026) (Scott, J.).

Therefore, the Respondent's interpretation of § 1225(b)(1) as applicable to Mr. Brando Ribeiro is in direct conflict with the statutory framework and traditional implementation. As such, detaining Mr. Brando Ribeiro under § 1225(b)(1) without eligibility for bond directly contravenes the INA. Accordingly, Mr. Brando Ribeiro is detained under § 1226(a) and is entitled to an individualized bond hearing before an Immigration Judge; however, because he was re-detained without process, he should instead be ordered immediately released in place of a bond hearing as discussed below.

II. Mr. Brando Ribeiro's Detention Violates Due Process, and Immediate Release is the Only Appropriate Remedy for a Due Process Violation

Respondents also argue that individuals like Mr. Brando Ribeiro "lack any constitutional due process rights" that are not specifically provided by statute. The cases relied upon by Respondents in their argument involve noncitizens who never experienced a meaningful break

from border or custodial status. Specifically, the Respondents emphasize *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020), which involved a person detained within 25 yards of the border who never was released from custody. By contrast, Petitioner was paroled into the US and lived at liberty for years before being re-detained. Upon re-detention, DHS was required to proceed under INA §240 Removal Proceedings and 8 U.S.C. § 1226(a) to provide him with an individualized custody determination. In fact, the Court in *Thuraissigiam* explicitly stated individuals "who have established connections in this country have due process rights in deportation proceedings," *Id*. at 107.

If the Court grants the Petition, it should order that Mr. Brando Ribeiro be released from detention, rather than a bond hearing. Release is the customary remedy in habeas proceedings. *See* 28 U.S.C. § 2243 (the habeas shall "dispose of the matter as law and justice require."); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (finding "that the traditional function of the writ is to secure release from illegal custody"). The most appropriate remedy in a case like this, where Petitioner was previously released to the community and has been re-detained in violation of both the INA and due process, is release on recognizance without further conditions of release.

Dozens of courts across the country have agreed. *See, e.g., Kashranov v. Jamison*, No. 2:25-cv-05555-JDW, 2025 U.S. Dist. LEXIS 224644, at *20 (E.D. Pa. Nov. 14, 2025) ("Because the Government detained Mr. Kashranov without the bond hearing that Section 1226(a) and the Due Process Clause require, Mr. Kashranov should not now be in custody."); *Kobilov v. O'Neill*, No. 26-cv-0058, 2026 WL 73475, at *3 (E.D. Pa. Jan. 8, 2026) (same, finding a bond hearing unnecessary where there was no record indication petitioner was a danger or flight risk); *Gonzalez Centeno v. Lowe*, No. 3:25-cv-2518, 2026 WL 94642, at *4 (M.D. Pa. Jan. 13, 2026) (ordering immediate release because Petitioner was unlawfully detained without the opportunity

for a bond hearing); *Munoz Materano v. Arteta*, 2025 WL 2630826, at *20 (S.D.N.Y. Sept. 12, 2025) (ordering immediate release); *Chipantiza-Sisalema v. Francis*, 2025 WL 1927931, at *4 (S.D.N.Y. July 13, 2025) (same); *Rueda Torres v. Francis*, No. 25-cv-8408, 2025 WL 3168759, at *6 (S.D.N.Y. Nov. 13, 2025) (same); *Cifuentes v. Soto*, No. 25-cv-18029, 2025 WL 3771380, at *4 (D.N.J. Dec. 31, 2025) (same); *Mata Velasquez v. Kurzdorfer*, --- F. Supp. 3d ---, No. 25-cv-493, 2025 WL 1953796 (W.D.N.Y. July 16, 2025) (ordering release and that petitioner could not be re-detained without a pre-deprivation hearing); *Feisal O. v. Noem*, No. 26-cv-81, 2026 WL 92857, at *3 (D. Minn. Jan. 13, 2026) (same); *Garcia Covarrubias v. Holston*, No. 2:25-cv-02445, 2026 WL 25970, at *4 (D. Nev. Jan. 5, 2026) (same); *Kenzhebaev v. Noem*, No. 1:25-cv-1786, 2025 WL 3737975, at *9 (W.D. Mich. Dec. 29, 2025) (same); *Ortega-Aguirre v. Noem*, No. 4:25-cv-04332, 2025 WL 3684697, at *4 (S.D. Tex. Oct. 10, 2025) (same); *Bumbila Iza v. Arnott*, No. 6:25-cv-3392, 2026 WL 67152, at *5 (W.D. Mo. Jan. 8, 2026) (same); *Gil v. Warden, Otay Mesa Det. Ctr.*, No. 3:25-cv-03279, 2025 WL 3675153, at *4 (S.D. Cal. Dec. 17, 2025) (same); *Sekhon v. Warden of Golden State Annex Det. Facility*, No. 1:25-cv-1692, 2026 WL 74151, at *4 (E.D. Cal. Jan. 9, 2026) (same).

Release is the only appropriate remedy for the constitutional violations in this case, including the lack of pre-deprivation notice or individualized review before Petitioner's arrest, which cannot be remedied by a post-deprivation hearing. *See Alfaro Herrera v. Baltazar*, No. 1:25-cv-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026) (given that petitioner had been previously released to the community and holding a bond hearing would prolong his unlawful detention, "[r]espondents' violations of Petitioner's rights are best remedied by ordering Petitioner's immediate release from immigration detention."); *Qasemi v. Francis*, No. 25-cv-10029, 2025 WL 3654098 at *14, (S.D.N.Y. Dec. 17, 2025) (a bond hearing would not be an

adequate remedy for the due process violations in petitioner's sudden arrest and detention); *Crespo Tacuri v. Genalo*, No. 25-cv-06896, 2026 WL 35569, at *7 (E.D.N.Y. Jan. 6, 2026) (ordering release, finding that post-deprivation review cannot remedy the due process violation of detaining petitioner with no process or individualized assessment); *Moctezuma Macias v. Henkey*, No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government's repeated use of unlawful detention policies across the country, causing petitioners to "sit in jail waiting for a judicial decision," the court would order immediate release instead of causing additional delay through a bond hearing). The government fails to acknowledge the import of Mr. Brando Ribeiro's re-detention, and that he lacked notice and opportunity to be heard before he was re-detained. Thus, immediate release is the only appropriate remedy where re-detention violates Petitioner's substantive and procedural due process rights.

CONCLUSION

For the foregoing reasons, Mr. Brando Ribeiro respectfully requests that the Court grant his petition for a writ of habeas corpus and order Respondents to release him immediately as immediate release is the only appropriate remedy for his unlawful detention.

Date: April 16, 2026

Signed,

/s/ Marlee McCadden
Marlee McCadden, Esq. (PA ID No. 332430)
Clinic for Asylum, Refugee, and Emigrant Services
Villanova University Charles Widger School of Law
299 N. Spring Mill Road
Villanova, PA 19085
cares@law.villanova.edu
Phone: 610-519-7586

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Traverse to Respondents' Answer and all attachments using the CM/ECF system.

Dated: April 16, 2026

/s/ Marlee McCadden
Marlee McCadden