IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RINCON SARMIENTO, Elvis Janfrary
[redacted]

Petitioner,

v.

JAMISON, J.L.,
Warden, Federal Detention Center, Philadelphia;

RIFE, John E.,
Acting Field Office Director, Immigration and Customs Enforcement, Enforcement and Removal Operations, Philadelphia Field Office;

MULLIN, Markwayne,
Secretary of the Department of Homeland Security;

BLANCHE, Todd
Acting U.S. Attorney General

U.S. DEPARTMENT OF HOMELAND SECURITY;

EXECUTIVE OFFICE OF IMMIGRATION REVIEW,

Respondents.

Case No. 26-2460

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner Elvis Janfrary Rincon Sarmiento ("Elvis") is a 40-year-old native of Venezuela who is in the custody of the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"). Prior to his detention, Petitioner had lived in Camden, NJ for nearly three years after entering the United States on September 14, 2023.

2. On April 13, 2026, DHS detained Petitioner while driving to work. DHS currently detains Elvis at the Philadelphia Federal Detention Center. DHS purports to hold Elvis under 8 U.S.C. § 1225(b)(2)(A), a mandatory detention statute. Its detention of Elvis followed a drastic recent shift away from decades of prior precedent and practice.

3. Respondents' new application of 8 U.S.C. § 1225(b)(2) to people like Elvis conflicts with the plain language and structure of the immigration detention statutes and has been widely rejected by district judges around the country, including within this Circuit. *See Ndiaye v. J.L. Jamison, et al*, No. CV 25-6007, 2026 WL 373247, at *7 (E.D. Pa. Feb. 10, 2026) (noting "308 judges[, appointed by every president since Ronald Reagan,] have ruled against the [Government]'s mass detention policy—ordering release or bond hearings in more than 1,600 cases" and listing cases in this District) (alterations in original) (internal citation omitted).

4. Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioner is contrary to law, violating both the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA). Respondents' detention of Elvis under § 1225(b)(2)(A) further violates his substantive and procedural due process rights. *See, e.g.*, *Ndiaye*, No. 2025 WL 3229307, at *2.

5. Elvis respectfully requests that this Court issue a writ of habeas corpus and order Respondents to release him from their custody. *See, e.g.*, *Ndiaye*, 2025 WL 3229307 at *5 n.5

(ordering immediate release and finding that "[a] bond hearing would certainly result in [Petitioner's] release and only serve to delay relief when the Government has offered no rationale to refuse bond").

PARTIES

6. Elvis Janfrary Rincon Sarmiento is a noncitizen currently detained by Respondents pending removal proceedings. He is detained in ICE custody at the Federal Detention Center in Philadelphia, Pennsylvania.

7. Respondent J.L. Jamison is sued in his official capacity as the Warden of the Philadelphia Federal Detention Center (FDC). He has direct custodianship over Petitioner at Philadelphia FDC.

8. Respondent John E. Rife is sued in his official capacity as the Acting Field Office Director of U.S. Department of Homeland Security, Immigration and Customs Enforcement's Philadelphia Field Office. He is responsible for the administration and management of ICE Enforcement Removal Operations in Pennsylvania and exercises administrative control over Petitioner's custody.

9. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. DHS is responsible for administering and enforcing the immigration laws, including the decision to detain noncitizens during the course of their removal proceedings. Secretary Mullin has ultimate legal custodianship over Petitioner.

10. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. He is responsible for the Department of Justice, including the Executive Office of Immigration Review. EOIR adjudicates individual immigration matters,

including in removal and custody proceedings.

11. Respondent the U.S. Department of Homeland Security is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act, including the detention of noncitizens during removal proceedings.

12. Respondent the Executive Office of Immigration Review is the federal agency responsible for administering removal and custody proceedings. EOIR is a component of the U.S. Department of Justice. EOIR includes the Board of Immigration Appeals (BIA) and the immigration courts.

JURISDICTION AND VENUE

13. This action arises under the Fifth and Fourteenth Amendments to the U.S. Constitution.

14. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241, Art. I § 9, cl. 2 of the United States Constitution, 28 U.S.C. § 1331, and 28 U.S.C. § 1361. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq*., the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

15. The United States has waived sovereign immunity for this action for declaratory and injunctive relief against one of its agencies and that agency's officers are sued in their official capacities. 5 U.S.C. § 702.

16. Venue is proper in this District because the Petitioner is detained in this district. 28 U.S.C. § 1391; *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004).

STATEMENT OF FACTS

17. Elvis Janfrary Rincon Sarmiento left his country of birth, Venezuela, and entered the United States on or about September 14, 2023.

18. He was encountered by DHS officers shortly after entering the country. DHS detained him under 8 U.S.C. § 1226 and released him on his own recognizance. Exh. A. They also issued a Notice to Appear and filed it with the Newark Immigration Court in New Jersey. Exhs. B, D. His was awaiting a master calendar hearing in September 2027. Exh. D.

19. Elvis established community in New Jersey. He has been living in Camden, NJ and works to support his children and mother. He is also an active member of his church.

20. On April 13, 2026, Respondents detained Elvis while he was driving to work. They took him into custody with no prior notice or opportunity to contest his detention.

21. Respondents are currently detaining Elvis at the Philadelphia Federal Detention Center. *See* Ex. B, U.S. Immigr. & Customs Enf't, *Online Detainee Locator System*, https://locator.ice.gov/odls/#/search (last accessed April 14, 2026) (search conducted for A-Number, "[redacted]," and Country of Birth "Venezuela").

22. Upon information and belief, Respondents are detaining Elvis under their revised interpretation of the immigration detention statues; specifically their new view that all noncitizens who have not been "admitted" are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

LEGAL FRAMEWORK

I. Section 1226(a) Governs the Detention of People Like Petitioner Who are Detained in the United States and Have Not Previously Been Admitted

23. There are two immigration statutes at issue here. 8 U.S.C. § 1226 governs the detention of noncitizens who entered without inspection and by default applies to all persons "pending a decision on whether the[y] . . . [are] to be removed from the United States." *Jennings*

v. Rodriguez, 583 U.S. 281, 288 (2018). Section 1225(b)(2) governs the detention of individuals "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings*, 583 U.S. at 287.

24. Recently, Respondents' have flipped this statutory scheme on its head by stating that all noncitizens subject to grounds of inadmissibility are mandatorily detained under § 1225(b)(2), regardless of whether they are at the border or already in the country. *Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (B.I.A. 2025). This novel interpretation regarding § 1225(b)(2) has been soundly rejected by Article III Courts. Judges from all around the country, including from the Eastern District of Pennsylvania, have held that people who are present without having been admitted are eligible for bond pursuant to § 1226(a). *See Ndiaye*, 2026 WL 373247, at *7 (noting "308 judges[, appointed by every president since Ronald Regan,] have ruled against the [Government]'s mass detention policy—ordering release or bond hearings in more than 1,600 cases" and listing cases in this District) (alterations in original) (internal citation omitted). As these decisions explain, Respondents' position, relying on the Board of Immigration Appeals' decision in *Yajure Hurtado*, is wrong.

25. First, the plain text of the statute shows that 8 U.S.C. § 1226(a), not § 1225(b), applies to immigrants like Elvis. The text of § 1225 shows that it applies only to "noncitizens who are just arriving or have recently arrived in the country." *Ndiaye*, 2025 WL 3229307 at *5. The statute requires detention of noncitizens who are "seeking admission," a phrase that "connotes some affirmative, present-tense action"—applying this phrase to "noncitizens already residing in the United States" is inconsistent with the plain text of the statute. *Id*. The title and heading of the statute also shows that § 1225 only applies to noncitizens at the border. *Id*.

26. The text of § 1226, on the other hand, shows that it plainly applies to noncitizens "already present in the country" because of its title and because "[n]one of its provisions mention arriving noncitizens or discuss the border or ports of entry." *Id.* As such, it "creates a default rule for those aliens by permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal proceedings." *Jennings*, 583 U.S. at 303.

27. Second, Respondents' interpretation of § 1225 violates the rule against surplusage because it reads out the phrase "seeking admission." *Ndiaye*, 2025 WL 3229307, at *14. Under Respondents' interpretation, all noncitizens "seeking admission" are "applicants for admission," "effectively eliminate[ing] any meaning to the words 'seeking admission' within the statute." *Id.* Instead, Congress added the phrase "seeking admission" to the statute, distinguishing "applicants from admission" from noncitizens "seeking admission." *Id.*

28. Third, Respondents' interpretation of the statute would also render all the grounds of mandatory detention in 8 U.S.C. § 1226(c) applied to inadmissible noncitizens, including the recently-passed Laken Riley Act, superfluous. *Ndiaye*, 2025 WL 3229307 at *6; *see Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 386 (2013) ("[T]he canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme.").

29. Fourth, agency past practice shows that noncitizens like Elvis are subject to detention under § 1226(a), not § 1225(b). For almost thirty years, since § 1225(b)(2)'s inception in 1997, "the Government's immigration enforcement practices have been to detain noncitizens who have been residing in the United States under § 1226, entitling them to a bond hearing." *Ndiaye*, 2025 WL 3229307 at *6.

30. Finally, as discussed below, the BIA's interpretation of 8 U.S.C. § 1225(b)(2)(A) to mandate detention without a bond hearing for all noncitizens present in the United States without having been admitted presents serious constitutional concerns. To the degree that the statute remains ambiguous, the Court should presume that Congress "did not intend the alternative which raises serious constitutional doubts" and reject that construction. *Clark v. Martinez*, 543 U.S. 371, 381–82 (2005).

II. The BIA's Application of Mandatory Detention to Noncitizens Like Petitioner Violates Substantive and Procedural Due Process

31. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "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 v. Davis*, 533 U.S. 678, 690 (2001). This fundamental due process protection applies to all noncitizens within the United States, including both removable and inadmissible noncitizens. *See id*. at 693; *Plyler v. Doe*, 457 U.S. 202, 212 (1982); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896).

32. Absent adequate procedural protections, substantive due process requires a "special justification" that "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Zadvydas*, 533 U.S. at 693; *Demore*, 538 U.S. at 528. The broad policy set forth in *Yajure Hurtado* is not reasonably related to the purposes of prevent danger to the community or flight risk and violates substantive due process.

33. Additionally, procedural due process protects noncitizens against deprivation of liberty without adequate procedural protections, including notice and the opportunity to be heard. *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367 (2025); *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020).

34. In determining the proper procedure to protect a detained noncitizen's procedural due process rights under the Fifth Amendment, courts apply the three-part balancing test in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), weighing (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." *Black v. Decker*, 103 F.4th 133, 147-48 (2d Cir. 2024); *Gayle v. Warden Monmouth C'ty Corr. Facility*, 12 F. 4th 321, 331 (3d Cir. 2021); *see also Kashranov v. Jamison*, No. 2:25-CV-05555-JDW, 2025 WL 3188399, at *5 (E.D. Pa. Nov. 14, 2025) (applying *Mathews* to a claim identical to Petitioner's).

III. The Proper Remedy Is Release

35. Given Respondents did not conduct any pre-deprivation assessment of Elvis's custody status prior to his detention, he merits release, as recognized by many courts in this District. *See, e.g.*, *Kourouma v. Jamison*, No. 26- 182, 2026 WL 120208, at *5 (E.D. Pa. Jan. 15, 2026) ("The Court will order the release of Petitioner because he was unlawfully detained."); *Kashranov*, 2025 WL 3188399, at *8 ("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."); *Centeno Ibarra v. Warden of the Fed. Det. Ctr. Philadelphia*, No. 25-6312, 2025 WL 3294726, at *8 (E.D. Pa. Nov. 25, 2025) ("Because a bond hearing is unnecessary, this Court will order his immediate release.").

36. Elvis also merits release because a bond hearing before an immigration judge has been shown not to be an adequate remedy. Immigration judges have unreasonably refused to grant bond despite evidence that a noncitizen is not a danger or a flight risk, requiring petitioners to seek further relief from habeas courts. *See A.D. v. Oddo*, No. 25-460J, Memorandum Order at 7–8 (W.D. Pa. Feb. 12, 2026) (finding petitioner was unfairly prejudiced at his habeas ordered bond hearing and ordering immediate release); *Briceno Solano v. Mason*, No. 26-45, 2026 WL 311624, at *20 (S.D. W. Va. Feb. 4, 2026) (discussing an affidavit stating that "since the beginning of January 2026, detainees who were granted federal habeas relief and ordered § 1226(a) bond hearings are now being systematically denied bond based on rationales that would not have been deemed sufficient weeks earlier"); *Soto-Medina v. Lynch*, No. 1:25-CV-1704, 2026 WL 161002, at *2 (W.D. Mich. Jan. 21, 2026) (noting that at a habeas ordered bond hearing petitioner presented evidence that he is not a flight risk or danger, including "evidence of his family connections, that his daughter attended Chicago Public Schools, and that he has a pending asylum application and valid work authorization," that the "government did not present any evidence" against granting bond, but "the immigration judge denied Petitioner's request for bond because Petitioner had 'not established that he is not a flight risk'").

37. The Court should not refer the bond hearing to an immigration judge in the first instance, because the immigration courts lack independence. Nearly 100 immigration judges have been fired in the last year, sending the message to those who remain that "they better not be

following the law or their conscience; that they need to apply the law as you are interpreting it." Anusha Mathur & Ximena Bustillo, *U.S. has a quarter fewer immigration judges than it did a year ago. Here's why*, NPR (Feb. 23, 2026).[1] Now, judges are pressured to be "deportation judges." *Id.*; *see also Zheng v. Rokosky*, No. 26-1689, 2026 WL 800203, at *7 (D.N.J. Mar. 23, 2026). Recently, the New York Times reported that immigration judges must inform a supervisor every time they grant a bond, and the chief immigration judge sometimes follows up for explanation about those decisions. Exh. E. "One current judge said 'the pressure to deny bond is overt.'" *Id.*

38. If, alternatively, this Court orders a bond hearing, due process requires that the Government bear the burden of proof by clear and convincing evidence. *See Gayle*, 12 F.4th at 332 ("[W]hen such a severe deprivation is at issue, the Government must bear the burden of proof."). Such a "standard of proof serves to [properly] allocate the risk of error between the litigants and reflects the relative importance attached to the ultimate decision." *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 213 (3d Cir. 2020) (citing *Addington v. Texas*, 441 U.S. 418, 423 (1979)). The Third Circuit has long ordered for the government to bear a clear and convincing burden at a constitutionally-mandated bond hearing. *German Santos*, 965 F.3d at 214; *Guerrero-Sanchez v. Warden York Cnty. Prison*, 905 F.3d 208, 224 n.12 (3d Cir. 2018), *abrogated on other grounds by Johnson v. Arteaga-Martinez*, 596 U.S. 572 (2022). Other circuit courts have similarly held the same for Section 1226(a) detention. *Hernandez-Lara v. v. Lyons*, 10 F.4th 19, 39-40 (1st Cir 2021); *Velasco Lopez*, 978 F.3d at 855–56; *see also Soto-Medina*, 2026 WL 161002,

[1] https://www.npr.org/2026/02/23/g-s1-110911/trump-immigration-judges-dismissals-numbers

at *5-11. Any assessment of custody should include consideration of alternatives to detention and ability to pay. *See, e.g.*, *Black*, 103 F.4th at 155.

39. Should this Court order for a bond hearing, it should preside over such a hearing rather than assign it to an EOIR administrative judge, for the reasons discussed above. *See Centeno-Martinez v. Jamison*, No. CV 25-3593, 2025 WL 3157711, at *3 (E.D. Pa. Nov. 12, 2025) (finding that the district court should hold the bond hearing because it is "a 'legal and logical concomitant' of habeas jurisdiction, particularly where delay risks perpetuating the constitutional injury"); *Swann v. Charlotte Mecklenburg Bd. of Educ*., 402 U.S. 1, 15 (1971) ("[T]he scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies."); *see also Zadvydas*, 533 U.S. at 700 (authorizing federal courts to "condition[]" a noncitizen's release "on any of the various forms of supervised release that are appropriate in the circumstances").

FIRST CLAIM FOR RELIEF
Violation of the Immigration and Nationality Act
Unlawful Application of Mandatory Detention Provision

40. Petitioner re-alleges and incorporates by reference the above paragraphs.

41. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. Specifically, it does not apply to Elvis, who has been living in the United States since 2023, for over two years prior to his detention in 2026.

42. Elvis was not "seeking admission" in 2026. At the time of his detention, while driving to work in Pennsylvania, he was no longer engaged in that "present-tense action." *Ndiaye*, 2025 WL 3229307 at *5. He therefore no longer met the requirements of Section 1225(b)(2)(A).

43. Respondents' unlawful and arbitrary application of 8 U.S.C. § 1225(b)(2) to Elvis violates the INA.

SECOND CLAIM FOR RELIEF
Violation of the Fifth Amendment Due Process Clause
Detention Without Any Relation to Limited Goals of Civil Immigration Detention Violates Substantive Due Process

44. Petitioner re-alleges and incorporates by reference the above paragraphs.

45. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V. Substantive due process requires that immigration detention without a bond hearing be reasonably related to the goals of ensuring the appearance of noncitizens at future proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690.

46. The BIA's application of mandatory detention under 8 U.S.C. § 1225(b)(2) is not reasonably related to those goals and thus violates substantive due process.

47. Respondents' detention of Elvis without any consideration of his particular flight or danger risks bears no relation to the limited goals of immigration detention.

THIRD CLAIM FOR RELIEF
Violation of the Fifth Amendment Due Process Clause
Detention Without Any Procedures to Limit Erroneous Deprivation of a Core Private Right Violates Procedural Due Process

48. Petitioner re-alleges and incorporates by reference the above paragraphs.

49. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V. Courts apply the *Mathews v. Eldridge* balancing test to determine what procedures the due process clause requires. *Gayle*, 12 F.4th at 331.

50. The first factor, the private interest that will be affected by the official action, clearly weighs in favor of Petitioner Because "[f]reedom from imprisonment . . . lies at the heart of the liberty" interest protected by due process. *Zadvydas*, 533 U.S. at 690.

51. The second factor also weighs in favor of Petitioner because there is a great risk of unnecessary detention since Respondents' interpretation of the statute does not permit any individualized determination of whether detention during removal proceedings is necessary. Respondents' procedures—or lack thereof—create an erroneously high risk of wrongly depriving those, like Elvis, their protected interest in being free from government custody. *Kashranov*, 2025 WL 3188399, at *8.

52. The government has no legitimate interest in detaining Petitioner when detention is not necessary to ensure his appearance at future hearings or protect the community, and less restrictive measures like a reasonable bond would serve those purposes. *Hernandez-Lara*, 10 F.4th at 32–33; *see Ousman D. v. Decker*, No. 20-cv-9646, 2020 WL 5587441, at *4 (D.N.J. Sept. 18, 2020) (holding that due process requires consideration of less restrictive alternatives to detention that would address the government's legitimate purpose); *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 241–42 (W.D.N.Y. 2019) (same). Additionally, affording noncitizens pre-deprivation review of their flight or danger risks presents a minimal burden and serves the government's interest in ensuring only those individuals that need to be detained are detained. *See Kashranov*, 2025 WL 3188399, at *8.

53. Additionally, Respondents' re-detention of Elvis without any pre-deprivation assessment of his flight or danger risks violates his procedural due process rights. When DHS "first released" Elvis in 2023, "it could not have done so validly unless it did not consider him to be a

flight risk or a danger to the community." *Lopez Benitez*, 795 F. Supp. 3d at 495. Its detention of Elvis without showing what, if anything, has changed in that calculus was improper. *See, e.g.*, *Kourouma*, 2026 WL 120208, at *5 ("This Court will order the release of Petitioner because he was unlawfully detained."); *Lopez Benitez*, 795 F. Supp. 3d at 499 (ordering release after rejecting the government's "suggestion that [its] agents may sweep up any person they wish, for no reason whatsoever . . . so long as the person will, at some unknown point in time, be allowed to ask some other official for his or her release") (cleaned up).

54. Respondents' detention of Petitioner without any hearing to determine whether that detention is necessary violates procedural due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1) Assume jurisdiction over this matter;

2) Issue an order administratively staying Respondents from transferring Petitioner outside of this Court's geographic jurisdiction pending the Court's adjudication of the petition;[2]

[2] Petitioner requests a stay of his transfer to ensure that should this Court grant him relief, he may quickly and reasonably access such relief. *See, e.g.*, Order, ECF No. 4, *Zavala Ulloa v. Jamison*, 2:26-cv-00813-KSM (E.D.P.A. Feb. 9, 2026) (enjoining Respondents "from taking any action that would result in the removal of Petitioner from the Eastern District of Pennsylvania"); Order, ECF No. 3, *Lantiguez Alvarado v. Bondi*, No. 26-cv-768 (S.D.N.Y. Jan. 29, 2026) (administratively staying the noncitizen from transfer out of the Southern and Eastern Districts of New York, or the District of New Jersey).

At a recent show cause hearing, Judge Jerry W. Blackwell of the U.S. District Court for the District of Minnesota outlined the collateral difficulties of acquiring adequate government compliance if the government transfers a noncitizen outside of the habeas court's jurisdiction. He explained that it takes "repeat, after repeat, after follow-up, after follow-up with the Government" to receive information and procure a noncitizen's return. Tr. of Show Cause Hr'g, ECF No. 19, *Segundo A.P.G. et al. v. Bondi*, No. 26-cv-603 (D. Minn. Feb. 3, 2026), at 11. And he traced the difficulty in prescribing adequate remedies, describing:

3) Declare that Petitioner's continued detention violates the Immigration and Nationality Act, the Administrative Procedure Act, and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

4) Issue a Writ of Habeas Corpus and order Petitioner's immediate release from custody without additional or new conditions;[3]

5) In the alternative, conduct a custody hearing at which Respondents must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present;

> For example, if we say, release the person immediately, then we learn that, having transported [the noncitizen] to El Paso or New Mexico, [the government] do[esn't] bring him back. We learn that somebody is put out on the street with just the clothes on their backs and have to figure out how to get back here when they should not have been arrested here in the first place, let alone flown halfway across the continent of North America. And have to – so now we have to address that. We have to say, bring them back.
>
> And then we say, all right, so you brought them back. We can't have them released when it's minus 14 outside. And so now we have to address that. Don't release them in the circumstances that might endanger their health or safety.
>
> And so once that's addressed, then we learn they've been released, but now conditions have been imposed. That somebody who should not have been arrested in the first place is now being told, you're going to be released if you wear an ankle monitor, which the Court didn't order because the person was unlawfully detained in the first place. Then we have to go back and address that now.

Id. at 33–34.

[3] *See, e.g.,* Order, ECF 8, *Noicy v. Jamison et al.*, No. CV 26-1388, 2026 WL 637635 (E.D. Pa. Mar. 6, 2026) (ordering that "the Government shall not subject [Petitioner] to any conditions of release including the imposition of any and all GPS monitoring technology or devices").

6) Issue an order requiring Respondents to return Petitioner's personal property, including identification and documents;[4]

7) Award Petitioner his costs and reasonable attorney fees in this action as provided for by the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law, *see Michelin v. Warden Moshannon Valley Corr. Ctr.*, 169 F.4th 418 (3d Cir. Feb. 2, 2026); and

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

Dated: April 14, 2026

Respectfully submitted,

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[4] *See, e.g.,* Order, ECF 6, *Juarez Francisco v. Jamison et al.*, No. CV 26-1321, 2026 WL 607988 (E.D. Pa. Mar. 4, 2026) (ordering "immediately upon his release [return] all personal belongings confiscated upon or during his detention, including his identification documents"); Order, ECF 20, *Abreu v. Baker et al.*, Civil No. 25-3088-BAH (D. Md) (Dec. 18, 2025) (ordering return of petitioner's personal property confiscated at the time of her detention); *Ortiz Martinez v. Wamsley*, No. 2:25-CV-01822-TMC, 2025 WL 2899116, at *5 (W.D. Wash. Oct. 10, 2025) (same).

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys, and I have discussed the claims with Petitioner's legal team and our coalition partners. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 14, 2026

Respectfully submitted,

/s/Rebecca Hufstader
Rebecca Hufstader
Pro Bono 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 send a courtesy copy via email to the office of the United States Attorney for the Eastern District of Pennsylvania at the following email addresses:

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Dated: April 14, 2026

Respectfully submitted,

/s/Rebecca Hufstader
Rebecca Hufstader
Pro Bono Counsel for Petitioner

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

Elvis Rincon Sarmiento

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

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Rebecca Hufstader, Legal Services of NJ, 100 Metroplex Drive, Suite 101, Edison, NJ 08818

DEFENDANTS

J.L. Jamison, John Rife, Markwayne Mullin, Todd Blanche, DHS, EOIR

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

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

Attorneys *(If Known)*

U.S. Attorney's Office, 615 Chestnut Street, #1250, Philadelphia, PA 19106

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

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

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

(For Diversity Cases Only)

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

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

Click here for: Nature of Suit Code Descriptions.

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

TORTS

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

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

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

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

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

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

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

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

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

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

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

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

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

PRISONER PETITIONS

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

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

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

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

VI. CAUSE OF ACTION

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

Brief description of cause:
immigration detention in violation of the INA and due process

VII. REQUESTED IN COMPLAINT:

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

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
04/14/2026

SIGNATURE OF ATTORNEY OF RECORD
/s/Rebecca Hufstader

FOR OFFICE USE ONLY

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia, PA

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

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

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

Civil Litigation Categories

A. Federal Question Cases:

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

B. Diversity Jurisdiction Cases:

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

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

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

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

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

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

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

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSVLVANIA

Elvis RINCON SARMIENTO, *Petitioner*, v. Luis SOTO, et al., *Respondents*.	Case No. 26-2460

I, Rebecca Hufstader, an attorney duly admitted in the Eastern District of Pennsylvania, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Supervising Attorney at the Legal Services of New Jersey, a non-for-profit legal organization, and co-counsel for Petitioner in the above-captioned matter.

2. I respectfully submit this declaration in support of Petitioner's Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241.

3. Attached hereto as **Exhibit A** is a true and correct copy of Petitioner's Warrant for Arrest and Order of Release on Recognizance, dated September 14, 2023.

4. Attached hereto as **Exhibit B** is a true and correct copy of Petitioner's Notice to Appear.

5. Attached hereto as **Exhibit C** is a printout of the ICE Detainee Locator showing that Petitioner is in custody at the Federal Detention Center.

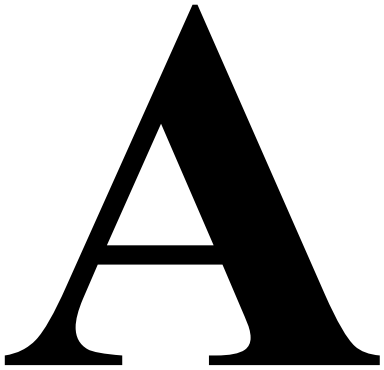
6. Attached hereto as **Exhibit D** is a printout of the EOIR Automated System showing that Petitioner's removal proceedings are still docketed before the Newark Immigration Court with a hearing date in 2027.

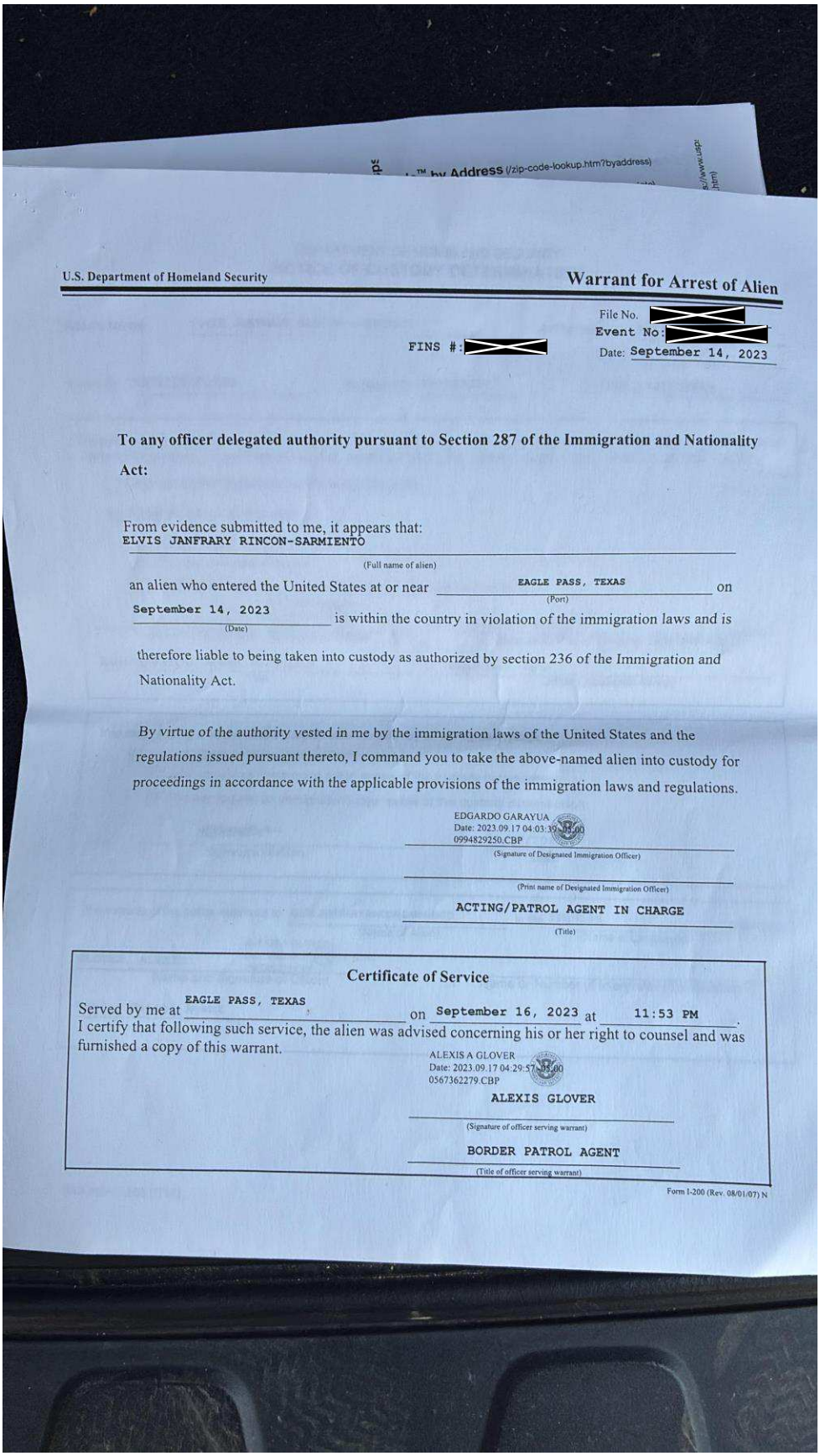
7. Attached hereto as **Exhibit E** a copy of N. Nehamas, A. McCann, S. Rich, J. Ulloa, H. Aleaziz, *How Trump Purged Immigration Judges to Speed Up Deportations*, The New York Times (Apr. 9, 2026).

Dated: April 14, 2026

Respectfully submitted,

/s/ Rebecca Hufstader
Rebecca Hufstader
Pro Bono Counsel for Petitioner





U.S. Department of Homeland Security

Warrant for Arrest of Alien

File No. [redacted]
Event No: [redacted]
FINS #: [redacted]
Date: September 14, 2023

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
ELVIS JANFRARY RINCON-SARMIENTO
(Full name of alien)

an alien who entered the United States at or near EAGLE PASS, TEXAS (Port) on September 14, 2023 (Date) is within the country in violation of the immigration laws and is therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.

EDGARDO GARAYUA
Date: 2023.09.17 04:03:39 -05'00'
0994829250.CBP
(Signature of Designated Immigration Officer)

(Print name of Designated Immigration Officer)

ACTING/PATROL AGENT IN CHARGE
(Title)

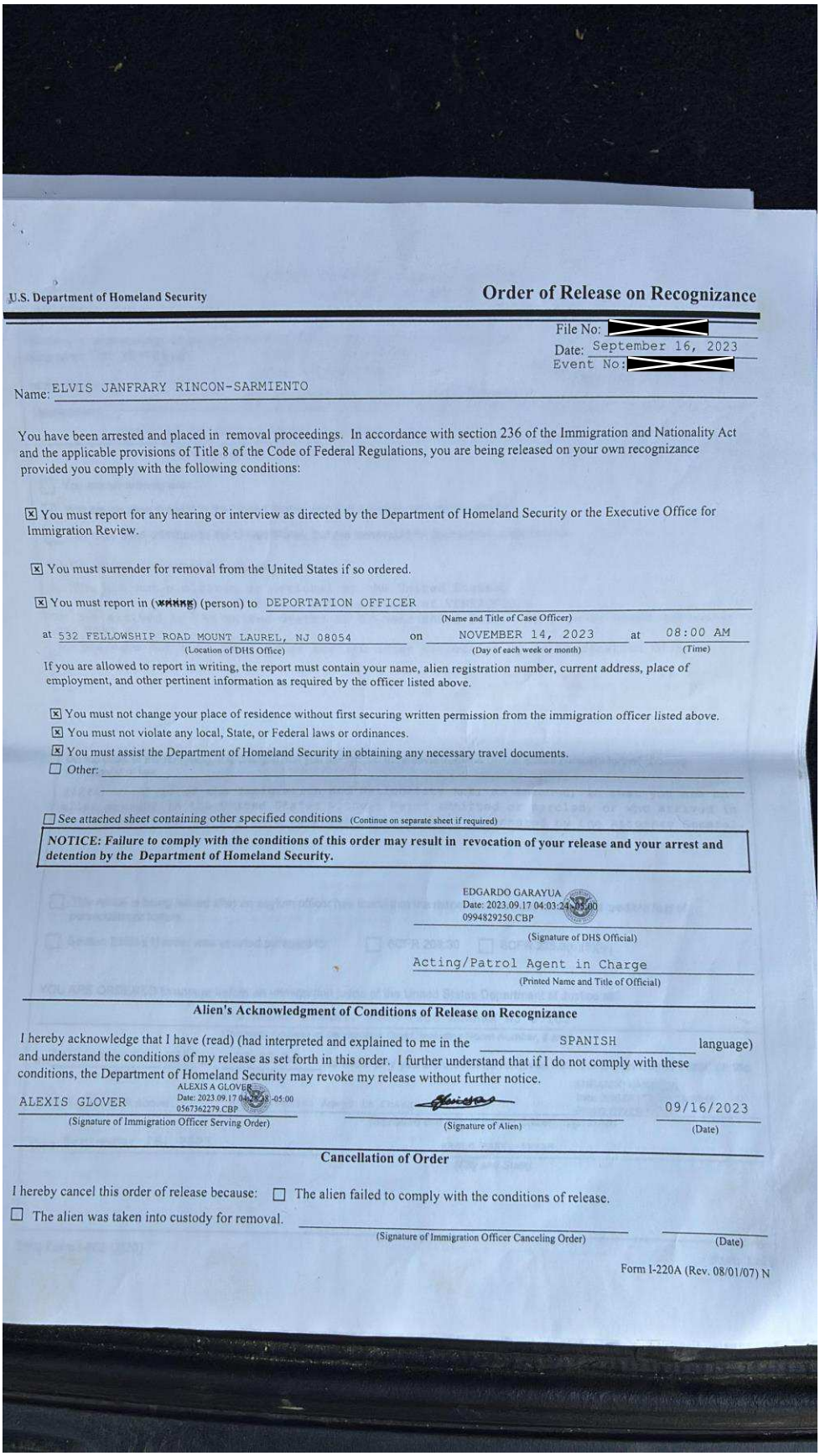
Certificate of Service

Served by me at EAGLE PASS, TEXAS on September 16, 2023 at 11:53 PM.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.

ALEXIS A GLOVER
Date: 2023.09.17 04:29:57 -05'00'
0567362279.CBP
ALEXIS GLOVER
(Signature of officer serving warrant)

BORDER PATROL AGENT
(Title of officer serving warrant)

Form I-200 (Rev. 08/01/07) N



U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [redacted]
Date: September 16, 2023
Event No: [redacted]

Name: ELVIS JANFRARY RINCON-SARMIENTO

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☒ You must report in (~~person~~) (person) to DEPORTATION OFFICER
(Name and Title of Case Officer)

at 532 FELLOWSHIP ROAD MOUNT LAUREL, NJ 08054 (Location of DHS Office) on NOVEMBER 14, 2023 (Day of each week or month) at 08:00 AM (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.
☒ You must not violate any local, State, or Federal laws or ordinances.
☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.
☐ Other: _____

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

EDGARDO GARAYUA
Date: 2023.09.17 04:03:24 -05:00
0994829250.CBP
(Signature of DHS Official)

Acting/Patrol Agent in Charge
(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

ALEXIS GLOVER
ALEXIS A GLOVER
Date: 2023.09.17 04:[redacted]:38 -05:00
0567362279.CBP
(Signature of Immigration Officer Serving Order)

(Signature of Alien)

09/16/2023
(Date)

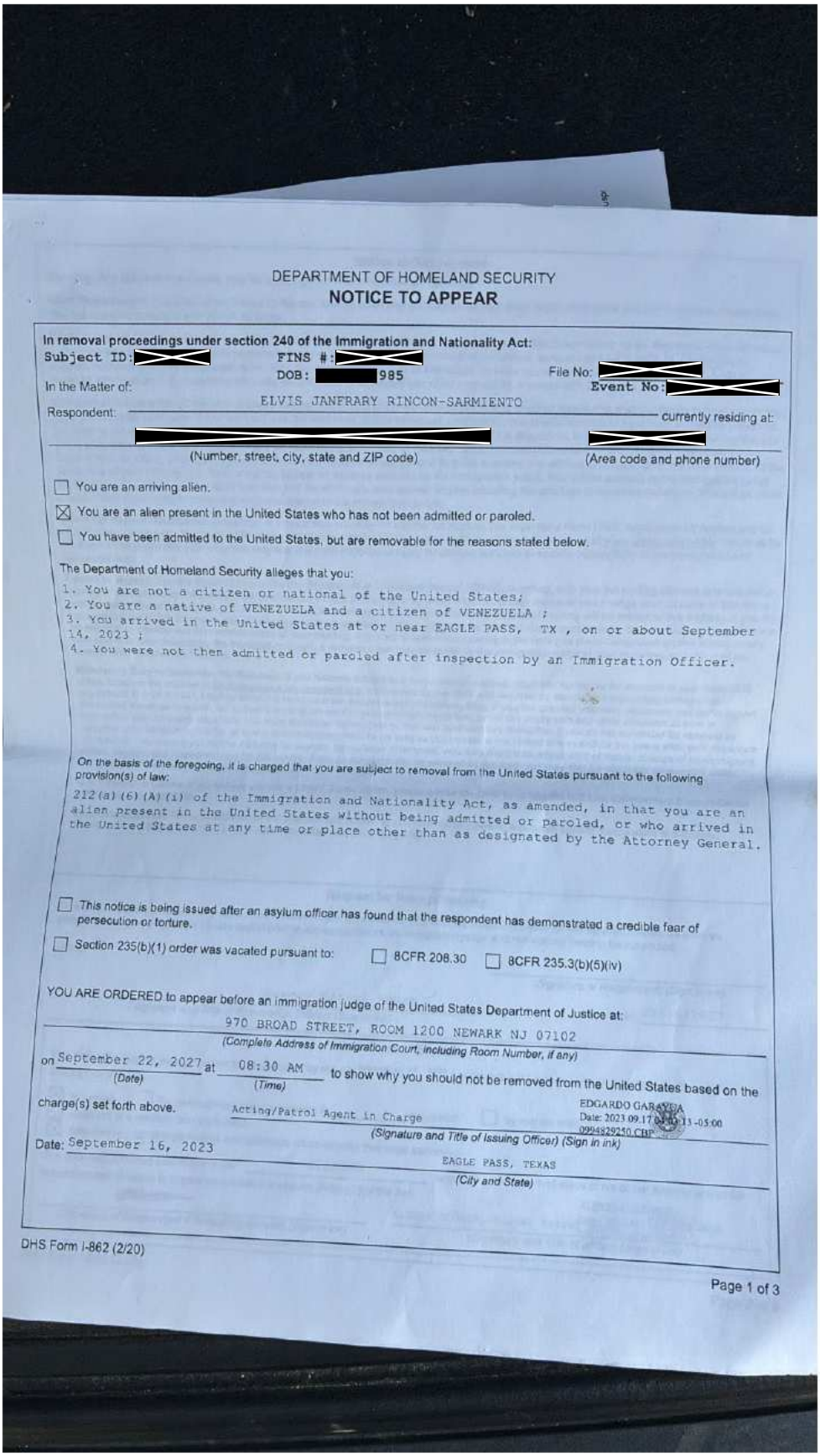
Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.
☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order) (Date)

Form I-220A (Rev. 08/01/07) N

B



DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS #: [redacted]
DOB: [redacted]985 File No: [redacted]
In the Matter of: Event No: [redacted]
Respondent: ELVIS JANFRARY RINCON-SARMIENTO currently residing at:
[redacted]
(Number, street, city, state and ZIP code) [redacted] (Area code and phone number)

☐ You are an arriving alien.
☒ You are an alien present in the United States who has not been admitted or paroled.
☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of VENEZUELA and a citizen of VENEZUELA ;
3. You arrived in the United States at or near EAGLE PASS, TX , on or about September 14, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

970 BROAD STREET, ROOM 1200 NEWARK NJ 07102
(Complete Address of Immigration Court, including Room Number, if any)

on September 22, 2027 (Date) at 08:30 AM (Time) to show why you should not be removed from the United States based on the charge(s) set forth above.

Acting/Patrol Agent in Charge
(Signature and Title of Issuing Officer) (Sign in ink)
EDGARDO GARAYUA
Date: 2023.09.17 [illegible] -05:00
0994829250 CBP

Date: September 16, 2023
EAGLE PASS, TEXAS
(City and State)

DHS Form I-862 (2/20)

C

Official Website of the Department of Homeland Security

Report

Main Menu

Search Results: 1

ELVIS JANFRARY RINCON-SARMIENTO

Country of Birth : Venezuela
A-Number: [redacted]
Status : In ICE Custody
State: PA
Current Detention Facility: Philadelphia Federal Detention Center

** Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >

Related Information

Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

Privacy Notice

External Links

Bureau of Prisons Inmate Locator



D

An official website of the United States government
Here's how you know

EOIR | Automated Case Information

Court Closures Today April 14, 2026

Please check https://www.justice.gov/eoir-operational-status for up to date closures.

Automated Case Information

Name: RINCON-SARMIENTO, ELVIS JANFRARY | A-Number: [redacted] | Docket Date: 9/29/2023

Next Hearing Information

Your upcoming **MASTER** hearing is **IN PERSON** on **September 22, 2027** at **8:30 AM**.

JUDGE

Moore, Carol

COURT ADDRESS

970 BROAD STREET, ROOM 1200
NEWARK, NJ 07102

Court Decision and Motion Information

This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
970 BROAD STREET, ROOM 1200
NEWARK, NJ 07102

PHONE NUMBER
(973) 645-3524

Privacy Policy

Legal Policies & Disclaimers

Social Media

Budget & Performance

Office of the Inspector General

No FEAR Act

For Employees

EOIR Freedom of Information Act (FOIA)

USA.gov

Contact EOIR

EOIR Home

Justice.gov

Immigration Court Online Resource

Contact Technical Support

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Department of Justice | Executive Office for Immigration Review

5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041

EOIR | Automated Case Information





How Trump Purged Immigration Judges to Speed Up Deportations

Judges are ordering an unprecedented number of people deported after coming under significant pressure from the administration to do so or risk losing their jobs.

Listen · 16:58 min



By Nicholas Nehamas, Allison McCann, Steven Rich, Jazmine Ulloa and Hamed Aleaziz

The reporters interviewed more than 85 people, including immigration judges, administration officials, asylum seekers and lawyers, and analyzed data on millions of immigration court cases dating back to 2009.

April 9, 2026

The Trump administration has systematically pressured the nation's immigration judges, threatening them with disciplinary action if they do not deport more people and firing those seen as insufficiently supportive of the president's aggressive enforcement agenda, a New York Times investigation has found.

The overhaul of the immigration courts has been far less visible than the militarized deportation raids that President Trump scaled back after public protest. But the effort has helped reshape a hugely consequential, if little-known, corner of the government that the administration is harnessing to advance its mass-deportation policies.

Although they wear robes and are required by law to exercise "independent judgment," immigration judges are not part of the judicial branch. Instead they work for the Justice Department, under Mr. Trump's ultimate command, and can be fired. One of their main duties is deciding whether undocumented immigrants should be deported or granted a form of legal status like asylum and be allowed to remain in the country.

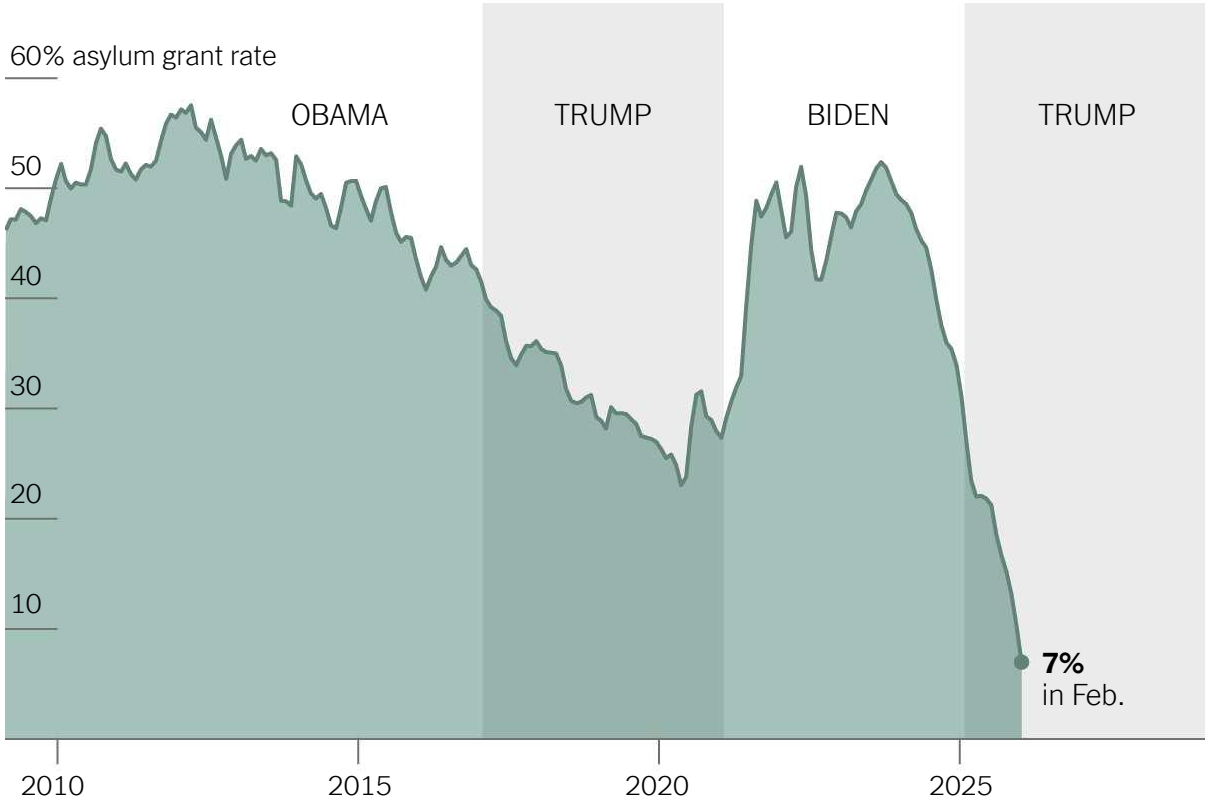
So far, the Trump administration has dismissed more than 100 immigration judges out of about 750 in place when Mr. Trump returned to power, an unprecedented purge.

At the same time, the administration has reshaped the immigration bench, announcing the appointments of 143 permanent and temporary judges, including many who previously worked as immigration prosecutors for the Department of Homeland Security or as military lawyers.

By many measures, the administration is achieving its goals. The number of people being ordered deported has risen sharply, while judges have approved asylum claims in fewer than 10 percent of cases this year, the lowest rate for which data is available, The Times found.

Asylum grant rates have plummeted

Average monthly rate for decided asylum cases.



Note: Data reflects a three-month rolling average. Source: Executive Office for Immigration Review. Allison McCann/The New York Times

In interviews, more than two dozen immigration judges who have served under the second Trump administration described feeling a consistent sense of pressure to deport immigrants or risk losing their jobs.

“All of us are looking over our shoulders,” said Holly D’Andrea, an immigration judge in Texas who was appointed during the first Trump administration. She spoke with The Times in her capacity as president of the National Association of Immigration Judges, a labor union.



Holly D'Andrea in Conroe, Texas. Desiree Rios for The New York Times

The transformation of the courts reflects how the administration, under the watchful eye of Stephen Miller, a top White House adviser, has tried to fundamentally rewire an immigration system that Mr. Miller has long argued is too welcoming.

The effort stems from the administration's view — as articulated by Mr. Miller — that many undocumented immigrants should no longer receive a constitutional right of due process as they seek legal status.

"The only process invaders are due is deportation," Mr. Miller wrote on X last year.

During Mr. Trump's second term, White House and Justice Department officials have carefully monitored judges' rulings, examining statistics showing how often they have granted asylum, according to two federal government employees with knowledge of the activity who spoke on condition of anonymity for fear of retaliation.

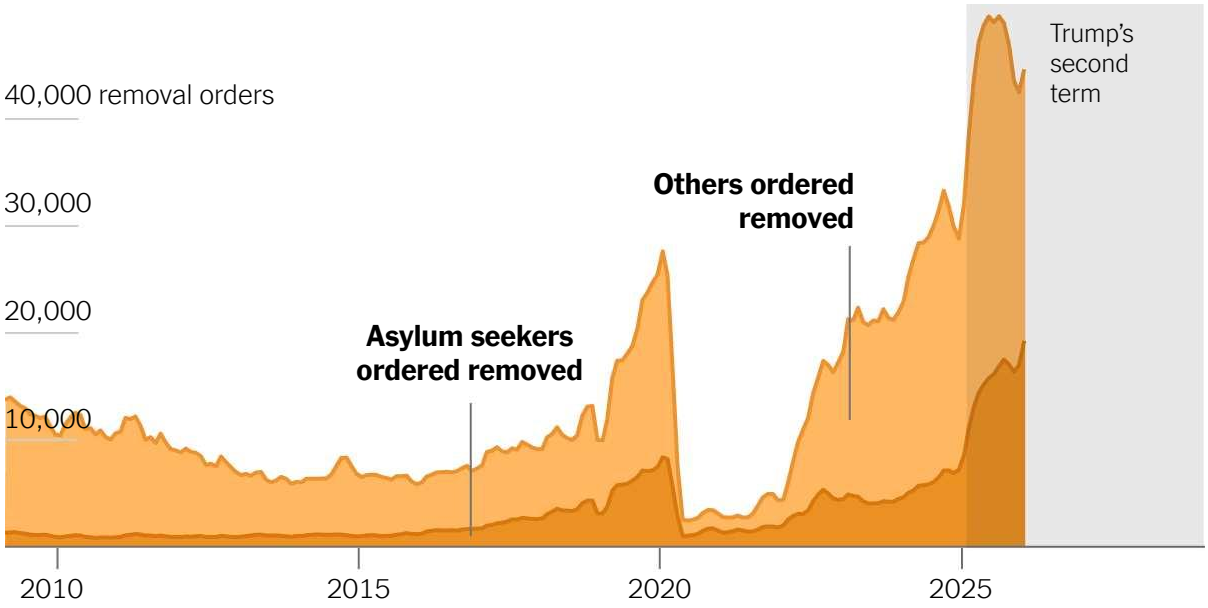
The administration has instructed judges to stop granting bond to immigrants who crossed the border illegally, a change from decades of practice. The new policy has required people to remain in detention for extended periods even if they do not have a criminal record and have lived in the country for years.

Immigration lawyers say that many of their clients have agreed to leave the country rather than stay locked up. The Times found that the number of people in custody abandoning their cases has risen sharply.

Administration officials have expressed their expectations in stark terms, according to several current and former judges.

Last June, a senior Justice Department official published a memo accusing some judges of tolerating bias as long as it was "in favor of an alien" and against the government. The official warned that judges who favored one side "may be subject to corrective or disciplinary action."

More immigration cases are ending in removal orders



Notes: For two years during the Covid-19 pandemic, most immigration courts were largely closed. Data reflects a three-month rolling average. Source: Executive Office for Immigration Review. Allison McCann/The New York Times

Other officials are said to have instructed judges to grant asylum only in the most extraordinary circumstances. In a previously unreported whistle-blower letter to Congress, one fired judge quoted an official remarking on the standard for asylum: "Maybe if you were Jewish and escaping Nazi Germany in 1943, you should get it." The whistle-blower is a military lawyer who was detailed to serve as a temporary immigration judge and subsequently dismissed.

The administration has also made its priorities clear in recruitment ads, seeking applicants who wish to work as "deportation judges."

Supporters and critics of immigration have agreed for years that the courts have become dysfunctional as more immigrants have entered the United States asking for asylum. Under President Joseph R. Biden Jr., claims piled up as his administration made it easier for asylum seekers to cross the border, helping generate a total backlog of more than three million cases.

Last year, as judges resolved claims more rapidly under Mr. Trump, the backlog fell for the first time in at least two decades. It has continued to decline.

"Biden's open border policies effectively turned the asylum system into a broken revolving door," said Chad Gilmartin, a Justice Department spokesman, adding that many entrants under Mr. Biden had "no legitimate claims of government persecution."

The Trump administration, Mr. Gilmartin said, was conducting "re-evaluations of personnel and processes to deliver a better system."

In response to the whistle-blower's account, Mr. Gilmartin said the comment that asylum should be limited to people facing a crisis like Jews who fled Nazi Germany was "unverified." He also said it "does not represent an official position of this D.O.J."

He did not explain how the Justice Department chose which judges to fire.

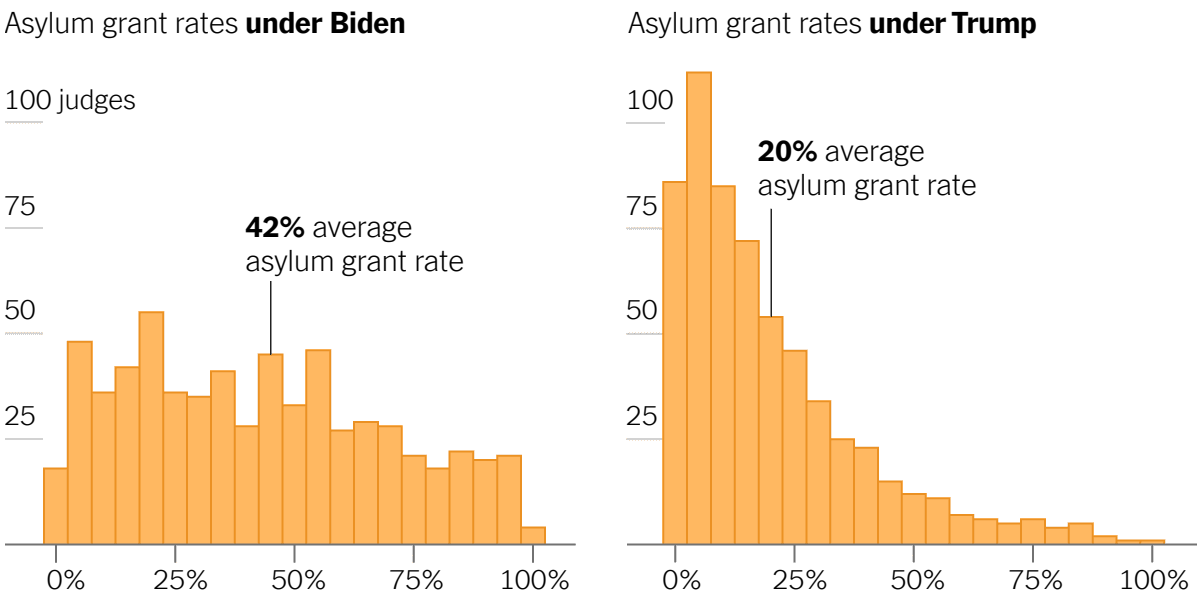
Abigail Jackson, a White House spokeswoman, said that "the American people elected President Trump based on his promise to enforce federal immigration law."

Presidents from both parties have tried to bring immigration court decisions in line with their policies. But typically no more than a few judges have been fired in a given year, according to interviews with union officials and immigration experts. In 2022, the Biden administration fired at least six Trump-appointed judges, drawing outrage from Republicans.

The Times's analysis found that judges ruling against Biden-era arrivals explained only part of the dramatic decline in immigrants receiving asylum. Under Mr. Trump, judges have ruled more aggressively against people who came to the United States before then, too.

Most immigration judges are granting asylum less often

The chart shows the number of judges granting asylum at a given rate in the second Trump presidency compared with the Biden presidency.



Notes: Data includes judges who ruled on at least 50 cases. To account for the near closure of the courts during the Covid-19 pandemic, asylum grant rates were calculated for the period from April 1, 2023, through Jan. 19, 2025, for the Biden presidency. Source: Executive Office for Immigration Review. Allison McCann/The New York Times

The job of an immigration judge is hardly glamorous.

There are more than 70 courts around the country, some located in detention centers, others in modest federal office buildings. Some are entirely virtual.

“You’re a bureaucrat,” said David Koelsch, who retired last year. “You’re not a lofty judge sitting in some sort of oak-walled chamber. You’re doing a bread-and-butter job on an assembly line.”



David Koelsch at his home in Baltimore. Demetrius Freeman for The New York Times

The Justice Department established the courts in their current form in 1983. They are administrative, not criminal, similar to the handling of tax disputes. There are no juries, and immigrants often represent themselves.

Under the Refugee Act of 1980, judges can grant asylum only to those fleeing persecution on account of religion, race, nationality, political opinion or membership in "a particular social group."

But many migrants today are fleeing situations that may not qualify them for asylum, such as poverty, climate change and violence. They have few other legal pathways to seek status in the United States.

Asylum seekers often wait years for a hearing on their claims. The delays have created an incentive for more migration, as people are allowed to work — and establish roots — in the country before their cases are decided, immigration

experts across the political spectrum have said.

Judges ultimately deny many of their claims.

“Our asylum system is fundamentally broken,” said Blas Nuñez-Neto, a former senior Department of Homeland Security official under Mr. Biden.

Mr. Trump started firing immigration judges almost as soon as he returned to office, removing four top court officials, including the chief judge, on the day of his inauguration.

Over the following year, the Justice Department regularly fired waves of judges with little notice or stated reason. Some have sued, claiming discrimination or that their civil service protections were violated. Dozens of others have quit or retired.

The overhaul is unfolding in real time: More dismissals happened last week, while the administration announced 32 hires on Wednesday.

Shuting Chen, an immigration judge fired last November, said the administration wanted judges to act as “puppets for the administration with a singular goal of deporting as many people as possible as quickly as possible.”



Shuting Chen at her home in San Francisco. Laura Morton for The New York Times

The Times analysis found that many of the judges fired under Mr. Trump shared a similar profile. Almost all had been appointed under Democratic administrations. More than half had previously worked as attorneys representing immigrants. And the vast majority had granted asylum at higher rates than their peers who kept their jobs.

Before being dismissed, fired judges granted asylum to 46 percent of applicants during the current administration, well above the 15 percent grant rate for those who have remained. The president's new hires have granted asylum even less often, in roughly 6 percent of cases.

The administration has focused especially on courts seen as more friendly to immigrants. After firing more than half of San Francisco's 21 judges, the Justice Department moved to shut down the main courthouse there.



The Justice Department has moved to shut down the main immigration courthouse in San Francisco after firing more than half of its judges. Laura Morton for The New York Times

In another courthouse in Massachusetts, there were so many goodbye parties that a black banner imprinted with colorful balloons was left up in the break room. It read: “We will miss you.”

During Mr. Trump’s first term, many judges said they were pushed to rule faster, with officials setting quotas on how many cases they heard. But none of them described experiencing anything like the current pressure.

“It’s a dismantling of the court system,” said Jeremiah Johnson, one of the fired San Francisco judges.



Jeremiah Johnson in San Francisco. Cayce Clifford for The New York Times

Judges told The Times that they were particularly alarmed by communications from Trump officials, including a series of memos from Sirce Owen, who served as the acting director of the Executive Office for Immigration Review, the unit at the Justice Department that runs the courts.

Ms. Owen wrote the June 2025 memo threatening disciplinary action against judges she accused of exhibiting “bias” against the Department of Homeland Security, which represents the government in court.

Carla Espinoza, a Chicago judge fired two weeks after the memo was sent out, said that she and her colleagues interpreted it as “telling us: ‘You should be more friendly to the government.’”



Carla Espinoza at home in Chicago. Jamie Kelter Davis for The New York Times

Mr. Gilmartin, the Justice Department spokesman, said the memo "does not tell judges to rule in favor of either party." Ms. Owen declined to comment.

The message has also gone out to newly hired judges, according to Christopher Day, a lieutenant colonel in the U.S. Army Reserve Judge Advocate General's Corps who was appointed as a temporary immigration judge last October but fired within two months.

In a whistle-blower letter to Congress, Mr. Day claimed that Daren Margolin, who replaced Ms. Owen as the director of the courts, had pressured new judges during training sessions to deny claims. "Mr. Margolin stated that while immigration judges (IJs) had 'judicial autonomy,' they had fired almost 100 judges to date and were watching new judges very carefully," he wrote.

Before his firing, Mr. Day, who had served as an associate general counsel at the Federal Communications Commission during the Biden administration, granted asylum at a far higher rate than every other temporary judge, the Times analysis found.

Through his attorney, Mr. Day declined to comment. The Justice Department did not comment on his description of Mr. Margolin's statements. Mr. Margolin did not respond to a request for comment.

Some of the new hires have had little if any experience in immigration law, a change from past appointees.

Robyn Ross worked on Robert F. Kennedy Jr.'s presidential campaign team. Before that, she served as the research director at Children's Health Defense, the vaccine-skeptical organization founded by Mr. Kennedy, who is now the health and human services secretary. Ms. Ross could not be reached for comment.

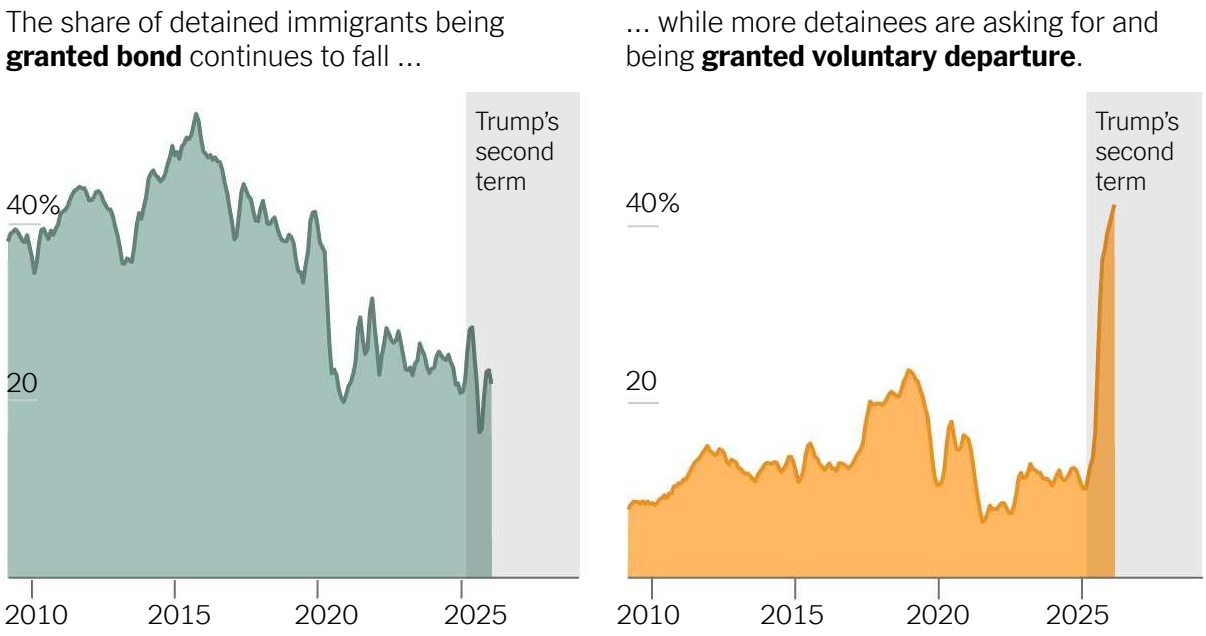
One of the administration's most significant changes has been denying bond to many immigrants, as those in custody are more likely to accept deportation.

Under Mr. Trump, immigration judges have been directed to not hold bond hearings for virtually everyone who entered the country illegally.

Previously, judges would grant bond to people they believed were not public safety threats or flight risks. The Times analysis found that since 2009, more than 75 percent of people who were released from custody have attended all their court hearings.

Many detainees have gone to federal court to challenge their detentions. In those courts, judges have repeatedly ruled that the detainees had been unlawfully locked up. The issue could reach the Supreme Court.

Immigrant detainees are increasingly giving up on their cases



Notes: Data reflects a three-month rolling average for both measures. The voluntary departure rate is the number of people being granted voluntary departure as a share of decisions for people in detention. Source: Executive Office for Immigration Review. Allison McCann/The New York Times

Immigration judges can still grant bond hearings to people who entered the country legally, such as those who overstayed visas.

Teresa Riley, the chief immigration judge, has received daily reports about bond rulings, according to a Justice Department official. Her office has sometimes emailed judges asking for an explanation about their decisions to grant bond, three people said. Ms. Riley declined to comment.

One current judge said the "pressure to deny bond is overt." The judge said that there was a requirement to inform a supervisor every time bond was granted, underscoring how closely the administration was monitoring decisions.

Shahrokh Rahimi, 53, has spent the last nine months in immigration detention in Texas under Mr. Trump's new mandatory detention policy. Mr. Rahimi entered the country illegally in 2003. In 2010, an immigration judge ordered him deported, but also prohibited the government from sending him back to his native Iran, saying he would be tortured or persecuted there.

He was allowed to live in the United States under supervised release, if he checked in regularly with Immigration and Customs Enforcement and stayed out of trouble. He is married to a U.S. citizen, has a 12-year-old American-born daughter and does not have a criminal record beyond a speeding ticket, court filings show.

But during Mr. Trump's enforcement crackdown last summer, ICE revoked Mr. Rahimi's release and arrested him. An immigration judge denied him bond.



Brandi Rahimi holding a photo of herself and her husband, Shahrokh Rahimi, who was detained by Immigration and Customs Enforcement officials as part of Mr. Trump's enforcement crackdown. Jordan Vonderhaar for The New York Times

If he wants to continue his fight for legal status in the United States, he could spend months or even years in immigration detention — a prospect that has convinced many others in his position to give up.

Mr. Rahimi is not ready to make that choice, and not just because he fears imprisonment or worse in Iran.

“My wife is from here,” Mr. Rahimi said. “My daughter has a future in this country.”

About the Data

Reporters analyzed immigration court data published by the Department of Justice’s Executive Office for Immigration Review (E.O.I.R.). The reporters used records from 2009, which The Times determined was the first full year with reliable records, through February 2026, the most recent month of data available.

The analyses focus on removal proceedings, which make up 97 percent of all cases initiated since 2009. Asylum grant rates in the analysis refer to the proportion of asylum applications, among completed removal proceedings, that were granted. Because E.O.I.R. data do not include the dates of asylum application decisions, the analyses use a removal proceeding’s completion date as a proxy.

The Times also examined changes in case characteristics over time, such as the immigrants’ date of entry into the United States, their nationality and their detention status. The Times found that broad declines in asylum grant rates persisted even after adjusting for these factors.

Reporters identified fired, newly hired and temporary judges through interviews, public rosters of judges and Department of Justice press releases.

Christopher Flavelle and Zolan Kanno-Youngs contributed reporting. Research was contributed by Kirsten Noyes, Emily Powell, Kitty Bennett and Georgia Gee.

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Steven Rich is a data reporter at The Times, using data analysis to investigate major issues and contextualize current events.

Jazmine Ulloa is a national reporter covering immigration for The Times.

Hamed Aleaziz covers the Department of Homeland Security and immigration policy for The Times.