

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. _____

ANGEL GABRIEL ROBLERO-FIGUEROA,

Petitioner,

v.

FIELD OFFICE DIRECTOR, Broward
Transitional Center, U.S. Immigration and
Customs Enforcement (ICE);

Respondent.

_____/

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
AND MOTION FOR ORDER TO SHOW CAUSE**

The Petitioner, Angel Gabriel Roblero-Figueroa, submits this petition for Writ of Habeas Corpus & Complaint for Injunctive and Declaratory Relief, by and through undersigned counsel, and alleges as follows:

INTRODUCTION

1. Angel Gabriel Roblero-Figueroa (Petitioner) is a thirty-nine-year-old Mexican national. **Appx, pp. 1.**

2. In 2002, as a minor, the Petitioner entered the United States through Arizona without inspection or admission.

3. On September 24, 2018, the Petitioner was the victim of the crime of robbery with a deadly weapon, kidnapping, and false imprisonment under sections 812.13(2)(C), 787.01, and 787.02 of the Florida Statutes. **Appx, pp. 2-9.**

4. On August 13, 2019, the Petitioner applied for U-Visa designation under 8 U.S.C. § 1101(a)(15)(U) and Sec. 1513 of the Victims of Trafficking and Violence Protection Act of 2000 (TVPRA), Div. A of PL 106-386 § 1513(a)(2), 114 Stat. 1464, 1533-34 (Oct. 28, 2000). **Appx, pp. 2-9.**

5. On December 11, 2023, the United States Citizenship and Immigration Services (USCIS) issued the Petitioner a Bona Fide Determination Notice under 8 U.S.C. §§ 1184(p)(6) and 1103(a). **Appx, p. 7.**

6. March 13, 2026, the Petitioner was arrested by Miami-Dade Police officers in Homestead, Florida. The reasons for the arrest are unknown given that there are no criminal records of the Petitioner in the Miami-Dade County criminal records site.

7. On March 20, 2026, the Petitioner was transferred to Immigration and Customs Enforcement (ICE) custody and taken to the Broward Transitional Center (BTC) in Pompano Beach, Florida.

8. The Petitioner was placed in removal proceedings on March 30, 2026, and his removal case remains pending before an immigration judge. **Appx, p. 10.**

9. The Petitioner remains held in unlawful, mandatory civil immigration detention by the Respondents at BTC. **Appx, p. 10.**

10. Although the Petitioner has resided inside the United States for over twenty-four years, he remains in ICE custody without a meaningful opportunity to contest his detention because the Department of Homeland Security (DHS) is relying on *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025) which held that applicants for admission are subject to mandatory detention for the remainder of their removal proceedings under 8 U.S.C. § 1225(b)(2)(A) (2018).

11. The reliance of the Department of Homeland Security (DHS) on *Matter of Hurtado*—rejecting the argument that a noncitizen who entered the United States without inspection and has resided here for years is not seeking admission under § 1225(b)(2)(A)—is misplaced and does not align with the circumstances surrounding the petitioner’s recent detention.

12. The Petitioner is entitled to an individualized bond hearing as a detainee under 8 U.S.C. § 1226(a).

JURISDICTION & VENUE

13. This Court has subject matter jurisdiction under Art. I § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), 28 U.S.C. § 2241, et seq., (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

14. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

15. Venue is proper in the Southern District of Florida under 28 U.S.C. §§ 1391(e)(1)(B) and (C) because “a substantial part of the events or omissions giving rise to the claim occurred,” and because the plaintiff resides in this district.

PARTIES

16. Petitioner, **Angel Gabriel Roblero-Figueroa**, is a native and citizen of Mexico and a U-Visa applicant who is currently detained at Broward Transitional Center, in Pompano Beach, Florida.

17. Respondent, **Field Office Director**, Broward Transitional Center, U.S. Immigration and Customs Enforcement is sued in his or her official capacity. In this capacity,

the Field Office Director has jurisdiction over the detention facility in which the Petitioner is held, is authorized to release the Petitioner, and is a legal custodian of the Petitioner.

REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U. S. C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

19. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U. S. 391, 400 (1963). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. INS*, 208 F. 3d 1116, 1120 (CA9 2000) (citation omitted).

EXHAUSTION OF REMEDIES

20. For the plaintiff’s APA claim under Count I, there are no administrative remedies available that the plaintiff is required to exhaust under *Darby v. Cisneros*, 509 U. S. 137 (1993).

21. As for the plaintiff’s Count II habeas claim, there are no administrative remedies that he must pursue under the futility rule. *Boffill v. Field Off. Dir.*, No. 25-CV-25179-BECERRA, 2025 WL 3246868, at 4–5 (S.D. Fla. Nov. 20, 2025) (collecting cases).

22. In this case, exhaustion serves no purpose because the conclusion of the administrative process can be readily presumed and would not provide for an adequate remedy given the Board of Immigration Appeal’s (BIA) recent decision in *Matter of Yajure Hurtado*, 29 I&N

Dec. 216 (BIA 2025). Because the BIA has already predetermined the issue, requiring the petitioner to make an administrative request for a bond hearing would be futile. *Ortiz v. Noem*, No. 3:25-CV-1386-MMH-MCR, 2025 WL 3653217, at 3 (M.D. Fla. Dec. 17, 2025).

23. Generally, “exhaustion is not required where no genuine opportunity for adequate relief exists . . . or an administrative appeal would be futile[.]” *Linfors v. United States*, 673 F.2s 33, 334 (CA11 1982). Accordingly, the petitioner urgently seeks and is entitled to habeas relief because he has no meaningful opportunity to challenge the constitutionality of his detention through any available administrative process. *Boumediene v. Bush*, 553 U.S. 723, 783 (2008).

LEGAL FRAMEWORK

24. Section 1229a of Title 8 of the U.S. Code (Section 240 of the INA) describes the primary process through which the government seek to remove non-citizens from the United States. It specifies that “[u]nless otherwise specified in this chapter, a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be . . . removed from the United States.” 8 U.S.C. § 1229a(a)(3).

25. To initiate removal proceedings against a non-citizen under Section 1229a, the Government must issue the non-citizen an NTA. 8 U.S.C. § 1229(a)(1). Most non-citizens go through removal proceedings from outside detention. But ICE is increasingly detaining non-citizens during their removal proceedings.

26. Section 1226 of Title 8 of the U.S. Code (Section 236 of the INA) is the default provision that governs the arrest and detention of non-citizens pending removal proceedings.

It states that “on a warrant issued by the Attorney General,¹ a[] [non-citizen] may be arrested and detained pending a decision on whether the [non-citizen] is to be removed from the United States” 8 U.S.C. § 1226(a). Non-citizens arrested upon a warrant and in ongoing removal proceedings are eligible to seek bond from an IJ. *Id.* § 1226(a)(2).

27. A **separate** provision governs the detention of people who seek admission to the United States **at the border**. It states that “in the case of a [non-citizen] who is an applicant for admission, if the examining immigration officer determines that a [non-citizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the non-citizen shall be detained for a proceeding under section 1229a of this title.” 8 U.S.C. § 1225(b)(2)(A). IJs do not have jurisdiction to grant bond for such “applicant[s] for admission,” though DHS retains the discretion to release such non-citizens on a specific type of parole “for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A).

28. Accordingly, Petitioner urgently seeks and is entitled to habeas relief because he has no meaningful opportunity to challenge the constitutionality of his detention through any available administrative process. *See Boumediene v. Bush*, 553 U.S. 723, 783 (2008).

STATEMENT OF FACTS

29. Angel Gabriel Roblero-Figueroa (Petitioner) is a thirty-nine-year-old Mexican national. **Appx, pp. 1**. His corresponding alien number is A 

¹ In 2003, the Immigration and Naturalization Service (INS) within the Department of Justice (DOJ) became what is now ICE, which is housed within DHS. Therefore, some statutory references to the “Attorney General,” like this one, now refer to the Secretary of DHS.

30. In 2002, the Petitioner, who was fifteen years old, entered the United States through Arizona after evading inspection and admission. The Petitioner has continuously resided within the United States since that time.

31. On September 24, 2018, the Petitioner was the victim of the crime of robbery with a deadly weapon, kidnapping, and false imprisonment under sections 812.13(2)(C), 787.01, and 787.02 of the Florida Statutes. **Appx, pp. 2-9.**

32. On August 13, 2019, the Petitioner applied for U-Visa designation as a victim of crime under 8 U.S.C. § 1101(a)(15)(U) and Sec. 1513 of the Victims of Trafficking and Violence Protection Act of 2000 (TVPRA), Div. A of PL 106-386 § 1513(a)(2), 114 Stat. 1464, 1533-34 (Oct. 28, 2000).

33. The Petitioner's U-Visa application was accompanied by a certification by the Homestead Police Department. **Appx. p. 2-6.**

34. On December 11, 2023, the United States Citizenship and Immigration Services (USCIS) issued the Petitioner a Bona Fide Determination Notice under 8 U.S.C. §§ 1184(p)(6) and 1103(a). **Appx, p. 7.**

35. Through this bona-fide notice, the Petitioner was able to apply for his Employment Authorization Document.

36. March 13, 2026, the Petitioner was arrested by Miami-Dade Police officers in Homestead, Florida during a get-together at a friend's home.

37. It is unclear if the officers were called and the Petitioner's reason for arrest remain unknown given that there are no criminal records of the Petitioner in Miami-Dade County. The Petitioner had a valid and current form of identification at the time of his arrest that he provided to the officers.

38. On March 20, 2026, the Petitioner was transferred from Miami-Dade Police custody to Immigration and Customs Enforcement (ICE) custody and taken to the Broward Transitional Center (BTC) in Pompano Beach, Florida.

39. The Petitioner's removal proceedings were docketed on March 30, 2026, and his removal case remains pending before an immigration judge. **Appx. p. 10.**

40. The Petitioner remains held in unlawful, mandatory civil immigration detention by the Respondents at BTC. **Appx, p. 10.**

41. The reliance of DHS on *Matter of Hurtado*—rejecting the argument that a noncitizen who entered the United States without inspection and has resided here for years is not seeking admission under § 1225(b)(2)(A)—is misplaced and does not align with the circumstances surrounding the petitioner's recent detention.

42. The Petitioner does not challenge the commencement of his removal proceedings, the adjudication of a case, or execution of his removal order. Petitioner is not seeking review of his removal order.

43. The Petitioner is entitled to an individualized bond hearing as a detainee under 8 U.S.C. § 1226(a).

ALLEGATIONS OF LEGAL ERROR

I. Petitioner's Continued Detention Is Unlawful Because He Is Not Subject to Mandatory Detention Under 8 U.S.C. § 1225(b)(2).

44. Petitioner contends that Respondents have unlawfully subjected him to mandatory detention under 8 U.S.C. § 1225(b)(2), despite the fact that he was apprehended inside the United States after having been inspected by ICE and residing here for over two

decades. As a result, Respondents have deprived him of his liberty without due process, contrary to the Fifth Amendment and the Immigration and Nationality Act.²

45. Petitioner submits that his detention falls squarely within the scope of § 1226(a), which provides for discretionary detention and permits release on bond or conditional parole pending completion of removal proceedings.

46. District courts across the country have rejected to follow the BIA decision *Matter of Yajure Hurtado* and the Respondents' subsequent interpretation that the Petitioner, and those similarly situated, are subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2). *See e.g., Rivera-Romero v. Field Off. Dir.*, No. 26-60775-CIV-SMITH (S.D. Fla. Apr. 2, 2026); *Barrera v. Tindall*, No. 3 :25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Zumba v. Bondi*, No. 25-CV-14626-KSH-, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Lopez-Campos*, No. 2:25-CV12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV07492-RFL, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025).

47. This Court should also continue to decline to follow *Matter of Yajure Hurtado*, whose interpretation of § 1225 is at odds with the text of § 1225 and § 1226, is inconsistent with earlier BIA decisions and practices, and renders superfluous the recent Laken Riley Act amendments to § 1226(c). *See Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1062 (CA7 2025) (noting that "Defendant's recent reliance on § 1225(b)(2)(A) to detain noncitizens discovered within the United States upends decades of practice. Before July 8, 2025, DHS' long-standing interpretation had been that § 1226(a) applied to those who have

² Immigration and Nationality Act of 1952, Pub. L. No. 82-414, 66 Stat. 163 (codified as amended at 8 U.S. Code (USC) §§ 1101 *et seq.*).

crossed the border between port of entry and shortly thereafter apprehended.”) (internal marks omitted; citation omitted).

48. Specifically, the Chief United States District Judge Cecilia M. Altonaga, issued a decision in *Alvarez Puga*, rejecting the Respondents’ reliance on *Matter of Yajure Hurtado*. In that decision, the Court explained:

“Respondents’ reliance on the BIA’s decision in *Matter of Yajure Hurtado* — rejecting the argument that a noncitizen who entered the United States without inspection and has resided here for years is not ‘seeking admission’ under section 1225(b)(2)(A) — is also misplaced. The Court need not defer to the BIA’s interpretation of law simply because the statute is ambiguous. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 413 (2024) (“[C]ourts need not and under the APA may not defer to an agency interpretation of the law simply because a statute is ambiguous.” (alteration added)). As explained, the statutory text, context, and scheme of section 1225 do not support a finding that a noncitizen is ‘seeking admission’ when he never sought to do so. Additionally, numerous courts that have examined the interpretation of section 1225 articulated by Respondents — particularly following the BIA’s decision in *Matter of Yajure Hurtado* — have rejected their construction and adopted Petitioner’s. ... For these reasons, the Court finds that section 1226(a) and its implementing regulations govern Petitioner’s detention, not section 1225(b)(2)(A). Petitioner is entitled to an individualized bond hearing as a detainee under section 1226(a).”

Alvarez Puga v. Assistant Field Office Director, Krome North Service Processing Center et al., No. 1:25-cv-24535 (S.D. Fla. Oct. 15, 2025).

49. This case turns on the statutory distinction between section 1226(a) and section 1225(b)(2) of the INA. Section 1226(a) governs the arrest and detention of noncitizens **already present** in the United States pending removal proceedings, while § 1225(b)(2) governs the detention of noncitizens **arriving** at the border or ports of entry. In enacting these provisions, Congress expressly recognized the greater due process rights of noncitizens residing within the United States as compared to those of “arriving” noncitizens. *See* H.R. REP. 104-469, pt. 1, at 163–66 (“an alien present in the U.S. has a constitutional liberty interest to remain in the U.S.”), citing *Knauff v. Shaughnessy*, 338 U.S. 537 (1950).

50. Consistent with this statutory framework, immigration agencies and courts have long applied § 1226(a)—not § 1225(b)(2)—to noncitizens apprehended inside the United States who were not seeking admission at the border. *See Maldonado v. Feely*, No. 25-cv-01542-RFB-EJY (D. Nev. Sept. 17, 2025) (“Despite being applicants for admission, aliens who are present without admission or parole will be eligible for bond and bond redetermination... inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge, while arriving aliens do not.”) (citing *Inspection and Expedited Removal of Aliens*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997)).

51. Nonetheless, on July 8, 2025, DHS issued a notice instructing ICE officers to detain all noncitizens “who have not been admitted” under § 1225(b)(2), regardless of where they were apprehended. *See ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission*, AILA Doc. No. 25071607 (July 8, 2025). The Notice purports to eliminate bond eligibility for such individuals, directing that they “may not be released from ICE custody except by INA § 212(d)(5) parole.” *Id.*

52. This expansive interpretation contradicts the statutory text, legislative history, and consistent judicial authority in multiple circuits. *See, e.g., Merino v. Noem*, No. 25-cv-23845 (S.D. Fla. Oct. 15, 2025), *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025); *Rosado v. Figueroa*, No. 2:25-cv-02157-DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025). Each of these courts rejected DHS’s position and held that noncitizens residing in the United States when taken into custody are detained under § 1226(a) and therefore entitled to a bond hearing.

53. Petitioner, who has lived in the United States since 2002 is therefore **not** properly classified as an “arriving alien” actively seeking admission. Thus, his detention under § 1225(b)(2) is unlawful.

54. Because § 1226(a) governs Petitioner’s custody, he is entitled to a custody redetermination and to consideration for bond based on individualized factors. The government’s continued reliance on § 1225(b)(2) to deny bond violates both the statute and Petitioner’s constitutional right to due process.

II. Petitioner’s Continued Detention Violates His Substantive and Procedural Due Process Rights.

55. The Fifth Amendment guarantees that no person shall be deprived of life, liberty, or property without due process of law. U.S. CONST. amend. V. This protection extends to all persons within the United States—citizens and noncitizens alike—regardless of immigration status. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Because Petitioner has been detained for an extended period without a meaningful opportunity to seek release, his detention offends both procedural and substantive due process.

56. Civil immigration detention must always “bear[] a reasonable relation to the purpose for which the individual was committed.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 690). The Supreme Court has made clear that there are only two plausible purposes for immigration detention: ensuring a non-citizen’s appearance at his removal proceedings and/or preventing danger to the community. *Zadvydas*, 533 U.S. at 690. Indeed, where civil detention “is of potentially *indefinite* duration,” courts have “also demanded that the dangerousness rationale be accompanied by some other special circumstance.” *Id.* If immigration detention is not reasonably related to one of these purposes, it is essentially punitive and therefore violative of the Due Process Clause. *See id.*

57. To determine whether the Government's procedures satisfy procedural due process, courts apply the three-part balancing test from *Mathews v. Eldridge*, 424 U.S. 319 (1976). See *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022). Under *Mathews*, courts consider: (1) the private interest affected by the government action; (2) the risk of erroneous deprivation of that interest through existing procedures and the probable value of additional safeguards; and (3) the government's interest, including administrative or fiscal burdens of additional process. *Mathews*, 424 U.S. at 335. Each of these factors strongly favors Petitioner.

58. First, the Petitioner's liberty interest is undoubtedly substantial. Freedom from physical constraint is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004). Petitioner remains detained without any ability to seek an individualized assessment of flight risk or danger despite his long residence in the United States, family ties, and lack of any disqualifying criminal record.

59. Second, the risk of erroneous deprivation is extreme. An IJ's refusal to even consider bond, based on DHS's position that those similarly situated to Petitioner is subject to "mandatory detention" under §1225(b)(2), deprives him of the only procedural mechanism designed to test the necessity of his continued confinement. This result effectively transforms a bond hearing into an empty formality, denying Petitioner a meaningful opportunity to contest his detention. Courts have consistently held that procedures which categorically foreclose individualized review of detention violate due process. See *Günaydin v. Trump*, No. 25-cv-1151, 2025 WL 1459154 (D. Minn. May 21, 2025) (describing DHS's unilateral detention authority as creating "not just a risk, but a likelihood" of erroneous deprivation).

60. Third, the Government's interests are adequately protected by the individualized bond determination procedure already contemplated by §1226(a). As the Ninth Circuit recognized in *Hernandez v. Sessions*, 872 F.3d 976, 994 (CA9 2017), "the government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future proceedings can be reasonably ensured by less restrictive conditions." Far from imposing any undue burden, allowing bond hearings for noncitizens apprehended inside the United States promotes fairness and efficiency.

61. Accordingly, under *Mathews*, the procedures used to detain Petitioner fail to satisfy procedural due process. The IJ's refusal to exercise jurisdiction, based solely on DHS's misclassification of Petitioner as subject to §1225(b)(2), constituted a denial of any meaningful opportunity to be heard. The Government's blanket invocation of "mandatory detention" cannot substitute for constitutionally required process.

62. Even apart from procedural deficiencies, Petitioner's continued confinement violates substantive due process. Government detention is constitutionally permissible only when it occurs in a criminal context with robust procedural protections, or in civil circumstances where a "special justification" outweighs the individual's liberty interest. *Zadvydas*, 533 U.S. at 690. No such justification exists here.

63. Petitioner's confinement is purely civil and ostensibly intended to ensure his presence for removal proceedings. Yet the Government has offered no individualized justification for his ongoing detention and no finding that he poses a danger or flight risk. Detaining a long-term Florida resident without such a finding serves no legitimate regulatory goal and instead amounts to impermissible punishment.

64. Respondents rely on *Matter of Yajure-Hurtado*, 28 I. & N. Dec. 1 (BIA 2025), to argue that an IJ lacks jurisdiction to consider bond because those similarly situated to Petitioner is “an arriving alien” detained under §1225(b)(2). That reliance is misplaced. As discussed *supra*, Petitioner was apprehended well inside the United States, after residing here for several years. He is therefore properly detained under §1226(a), which provides for discretionary release on bond. The BIA’s decision in *Yajure-Hurtado* cannot override Congress’s clear statutory distinction between §1225(b)(2) (governing those seeking admission at the border) and §1226(a) (governing those already present in the United States).

65. Because Petitioner’s detention falls under §1226(a), he is entitled to a prompt and meaningful bond hearing at which the Government bears the burden to justify continued detention by clear and convincing evidence. An IJ’s refusal to conduct such a hearing, and DHS’s misapplication of *Yajure-Hurtado*, violates the Due Process Clause of the Fifth Amendment.

CLAIMS FOR RELIEF

COUNT I: Civil Detention in Violation of Statute

66. The allegations in paragraphs 1-65 are realleged and incorporated herein.

67. No immigration statute aside 8 U.S.C. § 1226(a) authorizes the Petitioner’s ongoing and continued civil immigration detention.

68. Respondents’ reliance on § 1225(b)(2) to deny Petitioner a bond hearing and to classify him as subject to mandatory detention is contrary to the plain language and structure of the INA, as well as its legislative history and judicial interpretation.

69. Because Petitioner is not subject to mandatory detention, Respondents lack authority to detain him without providing a meaningful opportunity for release on bond.

70. Continued confinement under § 1225(b)(2) exceeds the government's statutory authority and violates both the INA and the Due Process Clause of the Fifth Amendment.

**COUNT II:
Civil Detention in Violation of Statute
Violation of the Due Process Clause of the Fifth Amendment
Substantive Due Process.**

71. The allegations in paragraphs 1-65 are realleged and incorporated herein.

72. The Supreme Court has found that the "Due Process Clause applies to all persons within the United States, including [non-citizens], whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 682.

73. Immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore*, 538 U.S. at 527. Petitioner has been detained for almost one month without any individualized custody determination. Petitioner remains confined without any finding that his detention is necessary to serve a legitimate regulatory purpose. Such unexamined and indefinite detention bears no reasonable relation to ensuring appearance at removal proceedings or protecting public safety.

74. By categorically denying Petitioner the opportunity for individualized review, Respondents have transformed a civil regulatory scheme into punitive confinement in violation of substantive due process. The Fifth Amendment forbids detention that is arbitrary, excessive in relation to its purpose, or unsupported by individualized justification. *See Zadvydas*, 533 U.S. at 690. Because Petitioner has never been found to be a danger or flight risk, and because Respondents have provided no special justification for continued incarceration, his detention is not reasonably related to its purpose and thereby violates his due process rights.

COUNT II:
Violation of the Due Process Clause of the Fifth Amendment
Procedural Due Process

75. The allegations in paragraphs 1-65 are realleged and incorporated herein.

76. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts evaluate whether adjudicatory procedures sufficiently protect individuals' due process rights.

77. Petitioner has been denied any meaningful process to challenge his confinement. As a result of the binding effect of *Matter of Yajure-Hurtado* on the Immigration Court, an Immigration Judge would decline jurisdiction and refused to consider release during a bond hearing. As a result, Petitioner has not been afforded an individualized determination of whether he poses a danger or flight risk. Respondents' application of *Matter of Yajure-Hurtado* and the resulting refusal to hold a bond hearing violate the procedural component of the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (a) Assume jurisdiction over this matter;
- (b) Order that Petitioner shall not be transferred outside the Southern District of Florida while this habeas petition is pending;
- (c) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within **three days**;
- (d) Declare that Respondents' actions or omissions violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution and/or the Immigration and Nationality Act;
- (e) Order Respondents to provide Petitioner with a prompt and constitutionally

adequate bond hearing before an Immigration Judge with jurisdiction under 8 U.S.C. § 1226(a), at which the Government bears the burden of proving by clear and convincing evidence that continued detention is justified;

- (f) In the alternative, order Petitioner's immediate release from custody if a bond hearing is not held within seven (7) days of this Court's order;
- (g) Grant any other further relief this Court deems just and proper.

Dated: April 16, 2026

Respectfully submitted,

s/ Maitte Barrientos

Fla. Bar No. 1010180

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Counsel for the Petitioner

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 Petitioner's habeas attorney. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 16, 2026

Respectfully submitted,

s/ Maitte Barrientos
Fla. Bar No. 1010180