

FILED
U.S. District Court
District of Kansas
04/20/2026

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

Clerk, U.S. District Court
By: SND Deputy Clerk

EDWIN CAGUANA SAULA

Petitioner

v.

MISTY MACKEY,
Warden of the Midwest Regional
Reception Center
(in HER official capacity only);

CHRISTOPHER CHAMBERLAIN
Asst. Director Kansas City Field Office,
Immigration and Customs Enforcement
(in his official capacity only); and

TODD BLANCHE,
Acting Attorney General of the U.S.,
(in his official capacity only);

MARKWAYNE MULLIN,
Secretary of Homeland Security,
(in his official capacity only);

Respondents

Civil No. 26-3094-JWL

**VERIFIED PETITION FOR WRIT
OF HABEAS CORPUS AND
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF FOR AN
ORDER TO SHOW CAUSE**

PRELIMINARY STATEMENT

1. Petitioner Edwin Caguana Saula brings this petition for a writ of habeas corpus to seek immediate release from confinement due to the legally erroneous nature of his

detention as well as the denial of his Fifth Amendment rights to Due Process.

Petitioner is in the physical custody of Respondents at the Midwest Regional Reception Center in Leavenworth, Kansas. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have deemed him subject to mandatory detention despite his having been approved for SIJS.

JURISDICTION

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

3. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Midwest Regional Reception Center in Leavenworth, Kansas.

4. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

5. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE AND TRIAL LOCATION DESIGNATION

6. Venue is proper because Petitioner is detained at Midwest Regional Reception Center in Leavenworth, Kansas which is within the jurisdiction of this District.

7. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States reside and a substantial part of the events or

omissions giving rise to his claims occurred in this District. No real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243 AND

APPLICATION FOR AN ORDER TO SHOW CAUSE

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

9. 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) (emphasis added). “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. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

10. Pursuant to 28 U.S.C. § 2243, Petitioner, (“Petitioner or”) respectfully requests that the Court issue an order to all Respondents requiring them to show cause why the Petitioner's Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief pursuant to 28 U.S.C. § 2241; 28 U.S.C § 1331; Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; the

Administrative Procedure Act, 5 U.S.C. § 701; and the Declaratory Judgment Act, 28 U.S.C. § 2201 should not be granted and why Respondents should not be ordered to release Petitioner from detention.

11. Pending adjudication of these claims, Petitioner asks for an order enjoining Respondents from transferring Petitioner from the jurisdiction of the Kansas City Field Office of the Immigration & Customs Enforcement (“ICE”) Office of Enforcement and Removal Operations (“ERO”) and this District.

PARTIES

12. Petitioner is currently detained in the Midwest Regional Reception Center in Leavenworth, Kansas. He entered the United States without authorization in about 2015 at the age of fifteen. He was released by Respondents to his mother, and then redefined in 2026. He was approved by the Respondents for Special Immigrant Juvenile Status. His request for release on bond was denied due to a pending charge which has since been dismissed. He is unable to seek a Bond Redetermination hearing after the dismissal of those charges due to the Respondent’s mandatory detention policy.

13. Respondent Misty Mackey is the Warden of the Midwest Regional Reception Center in Leavenworth, Kansas. She has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Mackey is the legal custodian of Petitioner.

14. Respondent Christopher Chamberlain is the Assistant Field Office Director of the Kansas City Field Office, Immigration and Customs Enforcement, Respondent Chamberlain is a legal custodian of Petitioner and has authority to release him.

15. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. In this capacity, Respondent Blanche is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees the Immigration Court system via the Executive Office for Immigration Review (“EOIR”), a part of the Department of Justice. This agency, under his control, is responsible for conducting Bond hearings, ordering the release of individuals in removal proceedings, like Petitioner.

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

STATEMENT OF THE CASE

Factual Background

17. Petitioner, Edwin Caguana Saula originally came to the United States as an Unaccompanied Minor on or about June 30, 2015, and was processed for the Office of Refugee Resettlement before being released to his mother. He was about fifteen years

old at the time of his entry. He was placed in removal proceedings at that time, but applied for Special Immigrant Juvenile status, which was approved by USCIS on or about September 3, 2021.

18. On or about August 4, 2022, Mr. Caguana Saula filed an I-485 Application to Adjust status with USCIS, which application remains pending.

19. Then on June 18, 2025, Mr. Caguana Saula was detained by Respondents in Buffalo, New York, when the vehicle he was riding in was pulled over. Respondents were searching for another person, and without warrant arrested and detained Mr. Caguana Saula.

20. After being detained in Buffalo, New York, Mr. Caguana Saula received hearings before an Immigration Judge in Batavia, New York, where he was denied release on bond on July 11, 2025 due to a then-pending Driving Under the Influence and related charges - which were subsequently dismissed. This was BEFORE the Board of Immigration Appeals issued its decision on September 5, 2025 in *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220 (BIA 2025). Due to this, once the criminal charges were dismissed, the Petitioner was no longer able to obtain review of his detention.

21. The court in Batavia scheduled Mr. Caguana Saula for a hearing on an I-589 asylum application to be held there on November 19, 2025. However, Respondents then, without notice to counsel, moved Mr. Caguana Saula from New York to Indianapolis, Indiana and on October 24, 2025 notified him and counsel that his trial

had been moved to that court and would be conducted on October 30, 2025. A motion to continue was denied by the same court.

22. On October 27, 2025, the court in Indianapolis denied the motion to continue, and further, pretermitted the pending I-589 asylum application ordering him removed.

This is despite his approved SIJS. Mr. Caguana Saula filed an appeal of the Immigration Court's orders, which appeal remains pending at the Board of Immigration Appeals.

23. Because of subsequent decisions from the Board of Immigration Appeals, Mr. Caguana Saula has no ability to seek release from custody from Respondents, and instead must turn to this Court to seek review of the violations of his Due Process rights, and his release from custody.

Legal Background

Special Immigrant Juvenile Status

24. Congress originally created the "Special Immigrant Juvenile Status" in the Immigration Act of 1990, to children who have been abused, abandoned or neglected by one or both of their parents, provided that a state juvenile court had entered an order finding that it would not be in their best interests to be returned to their home country.¹

¹ Immigration Act of 1990 ("1990 Act"), Pub. L. 101-649, § 153, 104 Stat. 4978 5005-06 (1990) (codified at 8 U.S.C. § 1101(a)(27)(J)).

25. Concerned that these children would be denied for certain inadmissibility issue they faced, Congress a year later determined that once children were granted SIJS status they would be “deemed” to have been “paroled into the United States,” at least when it came to their subsequent Adjustment of Status applications.² Therefore, Congress specifically created a pathway to permanent residence for SIJS beneficiaries who might otherwise have been denied adjustment of status on account of how they entered the United States.

26. However, unlike visa categories that can be applied for either inside or outside the United States, SIJS and then adjustment of status all must happen within the United States. See, 8 U.S.C. § 1255(a) and (h). The USCIS policy manual itself makes this clear when it states that SIJS beneficiaries must be “physically present in the United States at the time of filing and adjudication of an adjustment application.” USCIS Policy Manual, Vol. 7, Part F, Ch.7.C.

27. After other amendments over the years, in 2008 Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”).³ This law is the current version of the SIJS program, which allows for filing of the SIJS petition up to the age of 21, and expands the kinds of predicate court orders and custody/guardianship arrangements that are allowed. TVPRA also allows for

² Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (“MTINA”), Pub. L. No. 102-232, § 302(d)(2)(A), (B), 105 Stat. 1733, 1744 (1991) (codified at 8 U.S.C. § 1255(h)(1), (2)).

³ Pub. L. 110-457, § 235(d)(1)(A), 122 Stat. 5044, 5079-80 (2008) (codified at 8 U.S.C. § 1101(a)(27)(J)).

adjustment of status for SIJS beneficiaries regardless of whether they entered the country without authorization, and allowing for waivers of many other grounds of inadmissibility.

28. Additionally, the statute lays out the ways in which SIJS can be automatically revoked, and allowing for USCIS to revoke after providing notice to the beneficiary and an opportunity to respond.⁴

29. After SIJS is approved, the beneficiary must often wait to file their Adjustment of Status application until the monthly Visa Bulletin has indicated that their preference category and priority date are now current. This is due to Congress appropriating only a limited number of “visas” in this category per year (and with some per-country limits). SIJS cases fall under the Fourth preference category. 8 U.S.C. § 1153(b)(4). See, the May 2026 Visa Bulletin which shows that Fourth Preference cases from most countries are “current” if their priority date is on or before July 15, 2022.⁵

30. For these reasons, removing or deporting an SIJS beneficiary would result in their inability to obtain their lawful permanent residence, as it can only be accomplished through Adjustment of Status inside the United States.⁶

31. At least one Circuit Court has found that: “the requirements for SIJ status that ‘show a congressional intent to assist a limited group of abused children to remain

⁴ 8 C.F.R. § 204.11(j); see also USCIS Policy Manual, Vol. 6, Part J, Ch.4.F.3.

⁵ <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2026/visa-bulletin-for-may-2026.html>

⁶ See 22 C.F.R. § 44.11 (denoting SIJS as an “adjustment-only” category).

safely in the country with a means to apply for LPR status,’ and that, in effect, establish a successful applicant as a ward of the United States with the approval of both state and federal authorities.” *Osorio-Martínez v. Attorney General*, 893 F.3d 153, 168 (3d Cir. 2018)(citing *Garcia v. Holder*, 659 F.3d 1261, 1271 (9th Cir. 2011) and *Yeboah v. U.S. Dep’t of Justice*, 345 F.3d 216, 221 (3d Cir. 2003)). The court also noted that, “SIJ status also reflects the determination of Congress to accord those abused, neglected, and abandoned children a legal relationship with the United States and to ensure they are not stripped of the opportunity to retain and deepen that relationship without due process.” *Osorio-Martínez* at 170.

Detention Provisions of the Immigration and Nationality Act

32. Congress drafted separate sections of the INA to deal with different bases for the detention of people coming to or already in the United States, who find themselves in removal proceedings.

33. 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

34. Alternatively, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

35. Lastly, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)-(b).

36. The dispute here deals with sections §§ 1226(a) and 1225(b)(2) - in that, now that Petitioner has had the basis for his bond denial dismissed, he has no opportunity to seek bond redetermination due to Respondents new view of these statutes. These detention provisions were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104—208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

37. After Congress enacted IIRIRA, EOIR promulgated its own regulations which stated that those who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

38. For almost thirty years, noncitizens who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

39. Congress itself has amended who is subject to mandatory detention under 8 U.S.C. § 1226, adding the commission of certain crimes requiring people in removal proceedings to no longer be eligible for release on bond. *See*, Laken Riley Act. If Congress viewed all persons in the country without authorization subject to 8 U.S.C. § 1225, there would have been no need for the Laken Riley Act at all. Thus, under the Supreme Court’s statutory interpretation canons, it follows that Congress did not intend for § 1225 to apply to noncitizens in the country who have not been inspected or admitted.

40. Last year that all changed when ICE, “in coordination with” the Department of Justice (DOJ) issued a policy on July 8, 2025, that rejected the well-established understanding of the statutory framework and reversed decades of practice.

41. “Interim Guidance Regarding Detention Authority for Applicants for Admission,”⁷ states that anyone who entered the United States without inspection is to be deemed subject to the mandatory detention provisions of § 1225(b)(2)(A), regardless of when they entered, where they entered, or when they were arrested by DHS, even if they had been physically present in the United States for decades.

42. The BIA issued *Matter of Yajure Hurtado* on September 5, 2025, which adopts this same argument, turning on its head decades of practice in the immigration courts. The Board found that any and all noncitizens placed in removal proceedings who entered without inspection or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

43. The overwhelming majority of District Courts have found that the government’s change of position with respect to mandatory detention of all persons found to have previously entered the country without authorization is contrary to the plain language of the statute.⁸ This includes several courts within the Tenth Circuit.⁹ This Court

⁷ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

⁸ See, “Courts have ruled 4,400 times that ICE jailed people illegally. It hasn’t stopped.” By Nate Raymond, Kristina Cooke and Brad Heath, Reuters, updated Feb. 14, 2026. <https://www.reuters.com/legal/government/courts-have-ruled-4400-times-that-ice-jailed-people-illegally-it-hasnt-stopped-2026-02-14/>

⁹ *Diaz Colin v. Holt*, 2025 WL 3645176 (W.D. Okla. Dec. 16, 2025); *Duran Serrato v. Kopp*, 25-cv-245 (D. Wyo. Nov. 18, 2025); *Cortez-Gonzalez v. Noem*, No. 2:25-CV-00985-MLG-KK, 2025 WL 3485771 (D.N.M. Dec. 4, 2025); and *Jimenez Facio v. Baltazar*, 2025 WL 3559128 (D. Colo. Dec. 12, 2025), et al.

recently made the exact same finding in *Galdamez Orellana v. Welsh*, Case Number: 26-2019-JWL (D. Ks. 03/13/2026).

44. Recently, the Ninth Circuit stayed the impact of *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (CD Cal. 2026) outside of the Central District of California. See, *Maldonado Bautista v. DHS*, Case No. 26-1044 (9th Cir. 03/06/2026).

45. The Fifth Circuit issued a decision reaching the opposite conclusions, agreeing with the position of the Respondents over a strenuous objection which sides with the majority of District Courts, including this one, who have found otherwise. See, *Buenrostro-Mendez v. Bondi*, Case No. 25-20496 (5th Circuit. 02/06/2026). The Eighth Circuit then issued a parallel decision in *Avila v. Bondi*, Appeal No. 25-3238, 2026 WL 819258, slip op. (8th Cir. March 25, 2026).

46. While the Eighth Circuit's decision in *Avila v. Bondi*, agrees with the government's position that mandatory detention applies to all who enter this country without authorization, it is instructive that the Eighth Circuit's decision does not appear to rule out Due Process challenges to detention.

47. This is similar to the Fifth Circuit where after they issued *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, (5th Cir. Feb. 6, 2026), several District

Court's have continued to grant immediate release of similarly-situated Petitioners, relying on Due Process violations.¹⁰

48. At any future Immigration Court hearings, the Respondents will maintain that Petitioner is subject to mandatory detention despite his coming to the United States as an Unaccompanied Minor in 2015, his being approved for SIJS.

Due Process Rights in Removal Proceedings

49. The Due Process clause of the Fifth Amendment protects non-native persons in the United States from being "deprived of life, liberty, or property, without due process of law." The Supreme Court has clearly, and repeatedly found that "the Due Process Clause applies to all "persons" within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)(Citations omitted). The Tenth Circuit has specifically found that where constitutional challenges such as this are brought, the courts have

¹⁰ See, *Alfonzo-Mujica v. Thompson*, Case No. SA-26-CA-00457-XR (W.D. Tx. 03/13/2026) (Orders direct release of petitioner finding violation of Due Process under consideration of the *Mathews v. Eldridge* factors); *Raga Alemán v. Homan*, Case No. 1:26-CV-00529-DAE (W.D. Tx. 03/16/2026)(Relying primarily on *See Dep't of Homeland Sec. v. Thuraissigiam*, 140 S. Ct. 1959 (2020) to order immediate release of petitioner); *Mekhtievi v. Thompson*, Case No. SA-26-CA-00553-XR (W.D. Tx. 03/16/2026); *Singh Singh v. Bondi*, Case No. SA-26-CA-00541-XR (W.D. Tx. 03/16/2026); *Pasto v. Bondi*, Case No. SA-26-CA-00999-XR (W.D. Tx. 03/13/2026); *Bokwe v. Bondi*, Case No. SA-26-CA-00409-XR (W.D. Tx. 03/13/2026); *Sevilla Pineda v. Noem*, Case No. 1:26-CV-510-RP (W.D. Tx. 03/13/2026); *Molina-Sanchez v. Bondi*, Case No. 1:26-CV-518-RP (W.D. Tx. 03/13/2026); *Romero Sosa v. Bondi*, Case No. SA-26-CA-00639-XR (W.D. Tx. 03/13/2026); *Alvarado Morales v. Vergara*, Case No. 1:26-CV-521-RP (W.D. Tx. 03/13/2026); *Flores Garcia v. Noem*, Case No. SA-26-CA-00937-XR (W.D. Tx. 03/13/2026); *Eskin v. Karnes*, Case No. SA-26-CA-00047-XR (W.D. Tx. 03/13/2026); *Mendez v. Bondi*, Case No. SA-26-CA-00543-XR (W.D. Tx. 03/13/2026); *Sanchez Lemus v. Noem*, Case No. 1:26-CV-260-RP (W.D. Tx. 03/03/2026).

jurisdiction via Habeas. *Hoang v. Comfort*, 282 F.3d 1247, 1253 (10th Cir. 2002), *rev'd on other grounds*, 538 U.S. 1010 (2003) (“[C]ourts retain jurisdiction over habeas petitions which include constitutional challenges.”).

50. Additionally, Petitioner seeks an “opportunity to be heard” required by due process. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). The Supreme Court in *Mathews v. Eldridge*, 424 U.S. 319 (1976) found that Due Process is “flexible” and laid out a three-prong test for determining the “the constitutional sufficiency of administrative procedures” for in this case detaining individuals: (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 probable value, if any, of additional procedural safeguards; and (3) the Government's interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail.” See, *Mathews* at 321.

51. Under the *Mathews v. Eldridge* framework, the balance of interests strongly favors Petitioner’s release. Petitioner’s private interest in freedom from detention is profound. Mr. Caguana Saula has a “liberty interest” in his not being detained by the Respondents. “Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause. Government detention violates the Clause unless it is ordered in a criminal proceeding with adequate procedural safeguards or a special justification outweighs the individual's liberty interest.” *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001). “Freedom from bodily restraint has always been at the core of the liberty

protected by the Due Process Clause." *Foucha v. Louisiana*, 504 U.S. 71, 80, 112 S.Ct. 1780, 118 L.Ed.2d 437 (1992).

52. As one of the court's to order immediate release of a similarly-situated petitioners after the Fifth Circuit's decision found: "Without an individualized hearing, there is substantial risk that noncitizens with a substantial presence in the United States who pose neither flight risk nor danger to the community will be detained. An individualized assessment before an immigration judge substantially reduces this risk. *Cf. Demore*, 538 U.S. at 531-32 (Kennedy, J., concurring) (reasoning that "due process requires individualized procedures to ensure there is at least some merit to the" charge and detention). An individualized analysis ensures the purpose of detention is not punitive." *Alfonzo-Mujica v. Thompson*, Case No. SA-26-CA-00457-XR (W.D. Tx. 03/13/2026).

53. Here, the issue of Mr. Caguana Saula's danger or flight risk can not be re-considered by the Board of Immigration Appeals or the Immigration Court due to the holding of *Matter of Yajure Hurtado*. As such, his continued detention is exactly the sort of risk of erroneous deprivation that this *Mathews* test is meant to stop."The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Mathews* at 333.

54. The government's interest in detaining Petitioner without due process is minimal. Immigration detention is civil, not punitive, and may only be used to prevent danger to the community or ensure appearance at immigration proceedings. *See Zadvydas*,

533 U.S. at 690. Furthermore, the “fiscal and administrative burdens” of providing Petitioner with a bond hearing are minimal, particularly when weighed against the significant liberty interests at stake. *See Mathews*, 424 U.S. at 334–35.

55. In *Montalvan Reyes v. Warden*, Case No. 1:26-cv-00441-DC-JDP (W.D. Cal. 02/13/26) the court looked at the *Mathews* test for someone who had been in the United States for several years and then detained (in that case re-detained), finding that the government interest in detention was low.

56. Similarly, the court in *Raga Alemán v. Homan*, Case No. 1:26-CV-00529-DAE (W.D. Tx. 03/16/2026) found “In weighing all three factors, the Court finds the scale tips in Petitioner's favor; thus, Petitioner's detention without an opportunity to challenge his detention through an individualized assessment violates his right to procedural due process under the Fifth Amendment of the United States Constitution.” *See, Raga Alemán* at 5. That court went on to order the immediate release of the petitioner for two reasons: first because “it need not depart from the “typical remedy” in habeas cases challenging the lawfulness of detention, which “is, of course, release.” *See, Raga Alemán* at 5 citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Secondly, because: ordering a bond hearing under these circumstances would require the Immigration Judge to do that which he believes he lacks authority to do following *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220 (BIA 2025). *Id.*

57. A number of District Courts have found jurisdiction to grant Habeas petitions on constitutional grounds in similar situations: *Garcia v. Hyde*, Case No. 25-cv-585-JJM-

PAS (D.R.I. 12/03/2025); *Rosa Pineda v. Nessinger*, Case No. 1:25-CV-522-MSM-AEM (D.R.I. 11/24/25); *A.D. v. Oddo*, Case No. 3:25-cv-00460-SLH-MPK (W.D. Pa. 02/12/26); *Montalvan Reyes v. Warden*, Case No. 1:26-cv-00441-DC-JDP (W.D. Cal. 02/13/26); *Said v. Noem*, Case No. 3:25-cv-938-MOC (W.D. N.C. 02/04/2026).

58. Under the *Mathews v. Eldridge* framework, the balance of interests strongly favors Petitioner's release. Petitioner's private interest in freedom from detention is profound. The interest in being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). The risk of erroneous deprivation is exceptionally high.

59. Considering these factors, Petitioner respectfully requests that this Court order his immediate release from custody.

Remedies

Direct Release or a Bail Hearing Held By This Court Are the Appropriate Remedies

60. The "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the Constitution. *Schlup v. Delo*, 513 U.S. 298, 319 (1995) ("[H]abeas corpus is, at its core, an equitable remedy"). This Court should order a remedy that fully addresses the statutory and constitutional violations in this case and is efficient to administer.

Carafas v. LaVallee, 391 U.S. 234, 238 (1968) (the habeas statute "does not limit the relief that may be granted to discharge of the applicant from physical custody. Its mandate is broad with respect to the relief that may be granted").

61. Release is the customary remedy in habeas proceedings. *See* 28 U.S.C. § 2243 (the habeas should shall “dispose of the matter as law and justice require.”); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (finding “that the traditional function of the writ is to secure release from illegal custody”). The most appropriate remedy in a case like this, where Petitioner was held for a month without even being placed in proceedings in violation of both the INA and due process, is release on recognizance without further conditions of release. This is particularly true given the national reporting which indicates that while bond hearings were being conducted prior to the Ninth Circuit’s stay in *Maldonado Bautista*, they were essentially sham hearings where those seeking bond are being denied on flight risk or dangerous findings that are unsupported by the evidence. *See*, “Judges keep ordering immigration hearings—but say the results are often a sham,” By Kyle Cheney, Politico, March 6, 2026.¹¹

¹¹ <https://www.politico.com/news/2026/03/06/immigration-case-hearings-judges-00815660> (accessed 03/07/2026).

62. Dozens of courts across the country have agreed.¹²

63. Release is the only appropriate remedy for the constitutional violations in this case, including the lack of pre-deprivation notice or individualized review before Petitioner's arrest, which cannot be remedied by a post-deprivation hearing. *See Alfaro Herrera v. Baltazar*, No. 1:25-cv-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026) (given that petitioner had been previously released to the community and holding a bond hearing would prolong his unlawful detention, "[r]espondents' violations of Petitioner's rights are best remedied by ordering Petitioner's immediate release from immigration detention."); *Qasemi v. Francis*, No. 25-cv- 10029, 2025 WL 3654098 at *14, (S.D.N.Y. Dec. 17, 2025) (a bond hearing would not be an adequate remedy for the due process violations in petitioner's sudden arrest and detention); *Crespo Tacuri v. Genalo*, No. 25-cv-06896, 2026 WL 35569, at *7

¹² *See, e.g., Munoz Materano v. Arteta*, 2025 WL 2630826, at *20 (S.D.N.Y. Sept. 12, 2025) (ordering immediate release); *Chipantiza- Sisalema v. Francis*, 2025 WL 1927931, at *4 (S.D.N.Y. July 13, 2025) (same); *Rueda Torres v. Francis*, No. 25-cv-8408, 2025 WL 3168759, at *6 (S.D.N.Y. Nov. 13, 2025) (same); *Cifuentes v. Soto*, No. 25-cv-18029, 2025 WL 3771380, at *4 (D.N.J. Dec. 31, 2025) (same); *Gonzalez Centeno v. Lowe*, No. 3:25-cv-2518, 2026 WL 94642, at *4 (M.D. Pa. Jan. 13, 2026) (same); *Feisal O. v. Noem*, No. 26-cv-81, 2026 WL 92857, at *3 (D. Minn. Jan. 13, 2026) (same); *Garcia Covarrubias v. Holston*, No. 2:25-cv-02445, 2026 WL 25970, at *4 (D. Nev. Jan. 5, 2026) (same); *Kenzhebaev v. Noem*, No. 1:25-cv-1786, 2025 WL 3737975, at *9 (W.D. Mich. Dec. 29, 2025) (same); *Kobilov v. O'Neill*, No. 26-cv-0058, 2026 WL 73475, at *3 (E.D. Pa. Jan. 8, 2026) (same, finding a bond hearing unnecessary where there was no record indication petitioner was a danger or flight risk); *Ortega-Aguirre v. Noem*, No. 4:25-cv-04332, 2025 WL 3684697, at *4 (S.D. Tex. Oct. 10, 2025) (same); *Bumbila Iza v. Arnott*, No. 6:25-cv-3392, 2026 WL 67152, at *5 (W.D. Mo. Jan. 8, 2026) (same); *see also Mata Velasquez v. Kurzdorfer*, --- F. Supp. 3d ---, No. 25-cv-493, 2025 WL 1953796 (W.D.N.Y. July 16, 2025) (ordering release and that petitioner could not be re-detained without a pre-deprivation hearing); *Gil v. Warden, Otay Mesa Det. Ctr.*, No. 3:25-cv-03279, 2025 WL 3675153, at *4 (S.D. Cal. Dec. 17, 2025) (same); *Sekhon v. Warden of Golden State Annex Det. Facility*, No. 1:25-cv-1692, 2026 WL 74151, at *4 (E.D. Cal. Jan. 9, 2026) (same).

(E.D.N.Y. Jan. 6, 2026)(ordering release, finding that post-deprivation review cannot remedy the due process violation of detaining petitioner with no process or individualized assessment); *Moctezuma Macias v. Henkey*, No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government’s repeated use of unlawful detention policies across the country, causing petitioners to “sit in jail waiting for a judicial decision,” the court would order immediate release instead of causing additional delay through a bond hearing).

64. Ordering his immediate release and facilitating his return to his residence is the most appropriate remedy in this case. He was moved by Respondents from Buffalo, New York, first to Indianapolis, and then to Leavenworth, Kansas.

Bail Hearing by the Habeas Court

65. In the alternative, the habeas court can hold its own custody hearing and determine whether the government can prove by clear and convincing evidence that Petitioner must remain in custody, or whether he may be released on recognizance, an appropriate bond in light of his ability to pay, or supervised release. This is a more efficient and effective remedy than ordering an immigration judge to conduct a hearing, which may lead to additional enforcement proceedings and delays before the unlawful detention in this case is remedied. *See L.G.M. v. LaRocco*, 788 F.Supp.3d 401, 405-07 (E.D.N.Y. 2025) (ordering a bond hearing held by the habeas court, as this would be more efficient than delegating the task to the agency and ensure proper constitutional oversight); *Flores-Powell v. Chadbourne*, 677 F.Supp.2d 474-78 (D.

Mass 2010) (granting petition and discussing at length habeas court's equitable power, which includes power to hold its own bail hearing); *see also Santos v. Lowe*, No. 1:18-CV-1553, 2020 WL 4530728, at *4 (M.D. Pa. Aug. 6, 2020) (finding that habeas court-ordered bond hearing was not individualized and did not comport with due process, and granting motion to enforce to hold the court's own bond determination); *Ramirez v. Watkins*, No. 10-cv-126, 2010 WL 6269226, at *19-20 (S.D. Tex. Nov. 3, 2010), *rep. and rec not reached*, (S.D. Tex. Dec. 8, 2010) (dismissing case as moot (recommending the habeas court conduct its own bail inquiry, as it would be more efficient, ensure supervision over any compliance issues, and avoid further proceedings)).

66. In this case, Mr. Caguana Saula has been residing in the United States since he came here as a minor in 2015. He has been granted Special Immigrant Juvenile Status, he previously lived with his mother and his Lawful Permanent Resident brother, who wrote in favor of his release from custody. Thus, he has lengthy and substantial ties to the United States and is not a danger to his community. The Court should order him released immediately or else hold a custody hearing to consider the issue itself.

Enforcement Problems in Immigration Court Bond Hearings

67. A bond hearing by an immigration judge (IJ) is not the most appropriate or efficient use of this court's equitable authority. Recent actions by ICE attorneys and immigration judges during and after habeas court-ordered bond hearings have

necessitated enforcement proceedings across the country, creating significant extra work for the court and the parties while petitioners' unlawful detention continues.

68. In the last year, ICE has frequently appealed the IJ's grant of bond to the Board of Immigration Appeals (BIA) and invoked the "automatic stay" regulation, 8 C.F.R. § 1003.19(i)(2). This stay, which keeps the petitioner detained despite an IJ bond grant, was rarely invoked in prior years but has now become common. Dozens of habeas courts have ruled that the automatic stay violates due process and have had to order Respondents to allow a petitioner to post his bond. *See, e.g., Otilio B.F. v. Andrews*, No. 1:25-cv-01398, 2025 WL 3152480, at *11 (E.D. Cal. Nov. 11, 2025) (finding the automatic stay likely violates due process); *M.P.L. v. Arteta*, No. 25-cv-5307, 2025 WL 3288354, at *7 (S.D.N.Y. Nov. 25, 2025) (same, noting that "at least 50 district court decisions across the United States in the last 6 months alone" have found that DHS's use of the automatic stay provision violates or likely violates due process, and collecting cases at n.6); *Guasco v. McShane*, No. 1:25-cv-1650, 2025 WL 3270201, at *2 (M.D. Pa. Nov. 24, 2025) (noting that other habeas courts have "assailed the Government's practice of acting both as the prosecution and the judge in making a unilateral and unreviewed decision as to detention") (internal citation omitted).

69. In other cases, ICE has applied onerous electronic GPS ankle monitors or other unnecessary conditions of release that neither the habeas court nor the immigration court ordered, requiring additional litigation. *See Diahn v. Lowe*, No. 1:24-cv-1936, 2026 WL 84576, at *5 (M.D. Pa. Jan. 12, 2026) (ordering ICE to remove ankle

monitor it had unilaterally imposed after IJ granted bond without further conditions); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 70 (D. Mass. 2025) (same, finding this presented a “real constitutional risk” and defeated the purpose of neutral third-party review of custody); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187, 2025 WL 3089712, at *9 (E.D. Cal. Nov. 5, 2025) (same, in preliminary injunction context); *N- v. McShane*, No. 25-cv-5494, 2025 WL 3143594, at *4 (E.D. Pa. Nov. 10, 2025) (finding ICE’s imposition of an ankle monitor, check-ins, and travel restrictions, which the IJ did not order in setting bond, violated due process and the *Accardi* doctrine).

70. Additionally, as noted above, several court’s in the Fifth Circuit have continued to order the immediate release of petitioner’s even after *Buenrostro-Mendez v. Bondi*. See, cases cited at pages 14-15 above. Additionally, any hearings held by the Immigration Court would be limited by the Board’s decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).

Strong Procedural Protections If the Court Orders an Immigration Court Hearing

71. As a final option, this court could grant an immigration court bond hearing that follows clear guidelines and keep jurisdiction over this case to until satisfied that an individualized, constitutionally adequate review was held. See *Hernandez-Fernandez v. Lyons*, No. 5:25-CV-00773, 2025 WL 2976923, at *10 (W.D. Tex. Oct. 21, 2025) (holding that the proper remedy given the due process concerns is a bond hearing where the government bears the burden of proof); *Gomez v. Olson*, No. 25-cv-15300,

2025 WL 3768242, at *6 (N.D. Ill. Dec. 31, 2025) (noting the “overwhelming consensus” that the burden in a court-order bond hearing should be placed on the government).

72. The court should order that in that hearing, DHS bears the burden of proof to justify continued detention by clear and convincing evidence, and DHS is barred from invoking the automatic stay regulation if the immigration judge grants bond. *See, e.g., O.F.C.*, 2026 WL 74262, at *16 (to ensure due process, ordering DHS to justify detention by clear and convincing evidence, and enjoining DHS from invoking the automatic stay on a bond grant or arguing that the IJ lacked jurisdiction); *Lopez-Romero v. Lyons*, No. 2:25-cv-01113, 2026 WL 92873, at *7 (D.N.M. Jan. 13, 2026) (to ensure due process, requiring the government justify detention by clear and convincing evidence, and that the immigration judge consider petitioner’s ability to pay bond); *Perez-Regalado v. Feeley*, No. 2:25-cv-02409, 2026 WL 36112, at *6 (D. Nev. Jan. 6, 2026) (enjoining the government from invoking an automatic stay after a bond grant); *Rueda Torres*, 2025 WL 3168759, at *6 (same); *Garay v. Perry*, No. 1:25-CV-2215, 2025 WL 3540070, at *4 (E.D. Va. Dec. 10, 2025) (releasing petitioner immediately, ordering a bond hearing within 14 days, and enjoining the government from arguing the IJ lacks jurisdiction or from invoking the automatic stay).

CAUSES OF ACTION

Count I - Violation of Fifth Amendment Right to Due Process

73. The allegations in the above paragraphs are realleged and incorporated herein.

74. Under the Fifth Amendment to the United States Constitution, those threatened with the loss of liberty or property due to actions by the federal government are entitled to due process of law. U.S. Const. amend. V, “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas*, 533 U.S. at 690.

75. Immigration detention is “civil, not criminal” and must be “nonpunitive in purpose and effect.” *Id.* Accordingly detention is only permitted in order to serve two goals: “ensuring the appearance of [noncitizens] at future immigration proceedings” and “preventing danger to the community.” *Id.*

76. Subjecting Mr. Caguana Saula to unlawful detention violates his Fifth Amendment right to freedom from detention. The government’s detention of Mr. Caguana Saula without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

77. Mr. Caguana Saula has been approved by USCIS for Special Immigrant Juvenile Status. He is deemed to have been paroled into the United States for purposes of his adjustment of status application, which remains pending. However, should he be removed from the United States, he would no longer be eligible. 8 U.S.C. 1101(a)(27)(J)(i).

78. Mr. Caguana Saula has a fundamental interest in liberty and being free from official restraint, and in remaining inside the United States awaiting his adjustment of

status. Otherwise, he risks losing his SIJ status and being unable to remain safely in the United States for purposes of adjustment of status.

79. For these reasons, the continued detention of Mr. Caguana Saula violates his Fifth Amendment Due Process rights.

Count II-Violation of the INA

80. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

81. Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a). Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to those who entered without authorization.

82. By denying Petitioner a bond redetermination hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA.

83. 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 the grounds of inadmissibility. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

84. Additionally, those granted SIJS are in a special class of persons eligible to adjust their status by direct order of the INA and TVPRA, such as the waiving of various grounds of inadmissibility. This would also include the right to remain in the United States pursuant to a grant of Deferred Action for the subsequent filing of an

adjustment of status application. See, *Osorio-Martínez v. Attorney General*, 893 F.3d 153 (3d Cir. 2018).

Count III- Violation of the Administrative Procedure Act

85. Mr. Caguana Saula realleges and incorporates by reference the allegations above.

86. The Administrative Procedure Act provides that courts “shall . . . hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

87. The Department of Homeland Security is now holding Mr. Caguana Saula without the ability to seek bond redetermination, alleging that he is detained under 8 U.S.C. § 1225(b), based on flawed legal analysis, which is inherently arbitrary and capricious.’

88. Here, the Petitioner’s continued detention renders unable to fulfill the rights of SIJS beneficiaries to seek adjustment of status, as that process requires continued presence inside the United States. His detention would strip him of his ability to seek adjustment, and is therefore arbitrary and capricious, and an abuse of agency discretion.

89. Mr. Caguana Saula’s continued detention and the threat of removal has caused and continues to cause him irreparable harm.

RELIEF REQUESTED

90. WHEREFORE, Petitioner prays that this Court:

- a. Assume jurisdiction over the matter;

- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days - which fully addresses his dangerousness and risk of flight;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Enjoin Respondents from transferring the Petitioner outside the jurisdiction of the District of Kansas pending the resolution of this case;
- f. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- g. Grant any further relief this Court deems just and proper.

Respectfully submitted this 20th day of April, 2026:

By: /s/ Jonathan Willmoth
Jonathan Willmoth, MO #52193
Willmoth Immigration Law, LLC
215 W. 18th St. Suite 101
Kansas City, MO 64108
Ph 816.753.7382 / Fx 816.561.3886
Jonathan@willmothlaw.com
Counsel for the Petitioner

Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/ Jonathan Willmoth
Jonathan Willmoth

April. 20, 2026