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

SANCHEZ-VILLAFRANCO, Luis 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. **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, Luis Sanchez-Villafranco is a 32-year-old 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 briefly in Queens, New York and then in Warminster, Pennsylvania for four years after entering the United States in March of 2020.

2. On April 17, 2026, at around 6:30am, DHS detained Petitioner while he was a passenger in a coworker's vehicle, approximately a block away from his home in Warminster, Pennsylvania. ICE stopped the vehicle Mr. Sanchez-Villafranco was riding in and detained him. It currently detains Mr. Sanchez-Villafranco at the Philadelphia Federal Detention Center. DHS purports to hold Mr. Sanchez-Villafranco under 8 U.S.C. § 1225(b)(2)(A), a mandatory detention statute. Its detention of Mr. Sanchez-Villafranco followed a drastic recent shift away from decades of prior precedent and practice.

3. Respondent's new application of 8 U.S.C. § 1225(b)(2) 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 Mr. Sanchez-Villafranco under § 1225(b)(2)(A) further violates his substantive and procedural due process rights. *See, e.g.*, *Ndiaye v. Jamison*, No. 25-cv-6007, 2025 WL 3229307, at *2 (E.D. Pa. Nov. 19, 2025).

5. Mr. Sanchez-Villafranco 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. Petitioner Luis Sanchez-Villafranco is 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. Prior to his detention, Mr. Sanchez-Villafranco lived in Queens, New York before moving to Pennsylvania where he lives with his wife and three children, an 11 year old, 7 year old, and a one year old.

18. Mr. Sanchez-Villafranco established strong community ties in Warminster, Pennsylvania. He works for a construction company in Bensalem, Pennsylvania and is the primary breadwinner for his wife and their three children. His family relies on him to do the household shopping since he is the only driver in the family. Before his detention, the family attended church services regularly.

19. DHS currently holds Mr. Sanchez-Villafranco at the Philadelphia Federal Detention Center.

20. Upon information and belief, Respondents detained Mr. Sanchez-Villafranco under its revised interpretation of the immigration detention statues; specifically their new view that all noncitizens who have not been "admitted," 8 U.S.C. § 1101(a)(13)(A) 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

21. 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.

22. 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.

23. First, the plain text of the statute shows that 8 U.S.C. § 1226(a), not § 1225(b), applies to immigrants like Mr. Sanchez-Villafranco. 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*.

24. 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.

25. 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*.

26. 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.").

27. Fourth, agency past practice shows that noncitizens 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.

28. 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 Violates Substantive and Procedural Due Process

29. "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).

30. 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.

31. 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).

32. 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 Petitioners).

THE PROPER REMEDY IS RELEASE

33. Given Respondents did not conduct any pre-deprivation assessment of Mr. Sanchez-Villafranco's risks prior to his detention, he merits release, as recognized by many courts in this District. *See, e.g.*, *Kourouma v. Jamison*, No. 26-cv-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. CV 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.").

34. Mr. Sanchez-Villafranco also merits release because a bond hearing before an immigration judge has been shown not to be an adequate remedy.[1] 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

[1] *See* Nicholas Nehamas et al., *How Trump Purged Immigration Judges to Speed Up Deportations*, NY Times (Apr. 9, 2026), https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html?unlocked_article_code=1.ZlA.JJNG.txwMTdEzjRn7&smid=url-share [https://perma.cc/L94K-NL5X] (last accessed Apr. 13, 2026) ("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.").

at his habeas ordered bond hearing and ordering immediate release); *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'"); *Ramirez v. Lynch*, No. 1:25-CV-1800, 2026 WL 212932, at *1 (W.D. Mich. Jan. 27, 2026) (same).

35. A hearing before an immigration judge also does not provide a sufficient assurance of neutrality. Immigration judges, who serve at the pleasure of the U.S. Attorney General—a respondent in this matter—have been removed from service for not following the Executive's deportation goals.[2] And on January 13, 2026, Chief Immigration Judge Teresa L. Riley instructed immigration judges to continue denying bond despite a nationwide declaration against DHS's detention policies in *Maldonado Bautista v. Santacruz*, No. 25-cv-1873, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025).[3]

36. If, alternatively, this Court orders for 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.*

[2] *See, e.g.*, Joshua Goodman, *Military Lawyer Swiftly Fired from Immigration Bench After Defying Trump Deportation Push*, Times Union (updated Dec. 19, 2025), https://perma.cc/JWJ2-WH9E.
[3] *See Practice Alert: EOIR Issues Nationwide Guidance on Maldonado Bautista*, AILA Doc. No. 26011404, Am. Immigr. Laws. Ass'n (Jan. 16, 2026), https://perma.cc/9LDH-ZKAF (last visited Feb. 8, 2026).

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, 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.

37. 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

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

39. 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 Mr. Sanchez-Villafranco, who has been living in the United States since 2020, for over six years prior to his detention on April 17, 2026.

40. Mr. Sanchez-Villafranco was not "seeking admission" in 2026. At the time ICE conducted a traffic stop on the vehicle Mr. Sanchez-Villafranco was riding in, 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).

41. Respondents' unlawful and arbitrary application of 8 U.S.C. § 1225(b)(2) to Mr. Sanchez-Villafranco violates the INA.

SECOND CLAIM FOR RELIEF
Violation of the Administrative Procedure Act
Agency Policy and Practice is Arbitrary, Capricious, and Contrary to Law

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

43. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

44. An agency decision that "runs counter to the evidence before the agency" is arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins*., 463 U.S. 29, 43 (1983).

45. An agency decision that "failed to consider important aspects of the problem" is also arbitrary and capricious. *Dep't of Homeland Sec. v. Regents of the Univ. of Californi*a, 140 S. Ct. 1891, 1910 (2020).

46. Respondents have failed to articulate reasoned explanations for their decision to expand the use of mandatory detention to all noncitizens who entered without inspection, which

represent changes in the agencies' policies and positions; have considered factors that Congress did not intend to be considered; have entirely failed to consider important aspects of the problem; and have offered explanations for their decisions that run counter to the evidence before the agencies.

47. Respondents' application of 8 U.S.C. § 1225(b)(2) to Mr. Sanchez-Villafranco is arbitrary, capricious, and not in accordance with law.

THIRD 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

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. 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.

50. 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. Mr. Sanchez-Villafranco maintains close ties to the U.S., especially as a father of a newborn USC son. He attended church regularly with his family at San Juan Bosco Catholic Church in Warminster Heights. His family financially depends on his income that he generates as a construction worker. He has never been charged with a violent crime and has never been convicted of any crime at all, anywhere in the world.

51. Respondents' detention of Mr. Sanchez-Villafranco without any consideration of his particular flight or danger risks bears no relation to the limited goals of immigration detention.

FOURTH 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

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

53. 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.

54. 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.

55. 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 Mr. Sanchez-Villafranco, their protected interest in being free from government custody. *Kashranov*, 2025 WL 3188399, at *8.

56. 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.

57. 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;[4]

[4] 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:

> 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.

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;[5]

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;

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

> 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.

[5] *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] *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).

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.*, --- F.4th ---, 2026 WL 263483 (3d Cir. Feb. 2, 2026); and

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

Dated: April 20, 2026

Respectfully submitted,

/s/

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Pro Bono Counsel for 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 as a member of Petitioner's legal team. 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 20, 2026

Respectfully submitted,

Caitlin Barry (PA ID 205501)
VILLANOVA UNIVERSITY
299 N. Spring Mill Road
Villanova, PA 19085
Tel.: 610-519-3126
Caitlin.barry@law.villanova.edu
Pro Bono Counsel for Petitioner

Bianca Taipe (PA ID 338064)
HIAS PA
PO Box 8688
Philadelphia, PA 19101
Tel.: 215-832-0900
btaipe@hiaspa.org
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:

desiree.wilkins@usdoj.gov
susan.becker@usdoj.gov
anthony.stjoseph@usdoj.gov
gregory.david@usdoj.gov

DATED: April 20, 2026

/s/

Caitlin Barry (PA ID 205501)
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia

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.

JS 44 (Rev. 10/20)

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

LUIS SANCHEZ-VILLAFRANCO

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

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

Caitlin Barry
Farmworker Clinic
Villanova University Charles Widger School of Law
299 N. Spring Mill Rd., Villanova PA 19085 610-519-3216

DEFENDANTS

J.L. JAMISON, Warden, Federal Detention Center, Philadelphia; JOHN E. RIFE Acting Field Office Director of the Immigration and Customs Enforcement and Removal Operations Philadelphia Field Office; MARKWAYNE MULLIN, Secretary of the Department of Homeland Security; TODD BLANCHE,U.S. Attorney General; U.S. DEPARTMENT OF HOMELAND SECURITY; EXECUTIVE OFFICE OF IMMIGRATION REVIEW

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

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

- ☐ 1 U.S. Government Plaintiff
- ☐ *(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

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

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

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

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

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

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:
Respondents detained Petitioner without any individualized determination in violation of his due process rights

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 _____

04/20/2026 /s CAITLIN BARRY

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

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

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority for Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. The JS 44, 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs/Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.) ***ERIE CALENDAR –*** If cause of action arose in the counties of ***Crawford, Elk, Erie, Forest, McKean, Venango or Warren, OR any plaintiff or defendant resides in one of said counties***. ***JOHNSTOWN CALENDAR –*** If cause of action arose in the counties of ***Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties***.

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below. ***(1) UNITED STATES GOVERNMENT PLAINTIFF -*** Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. ***(2) UNITED STATES GOVERNMENT DEFENDANT -*** When the plaintiff is suing the United States, its officers, or agencies, place an "X" in this box. ***(3) FEDERAL QUESTION -*** This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. ***(4) DIVERSITY (OF CITIZENSHIP) -*** This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes. ***(1) ORIGINAL PROCEEDING -*** Cases which originate in the United States district courts. ***(2) REMOVED FROM STATE COURT*** - Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. ***(3) REMANDED FROM APPELLATE COURT*** - Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date. ***(4) REINSTATED OR REOPENED -*** Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. ***(5) TRANSFERRED FROM ANOTHER DISTRICT*** - For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers. ***(6) MULTIDISTRICT LITIGATION – TRANSFER -*** Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. ***(8) MULTIDISTRICT LITIGATION – DIRECT FILE -*** Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS *NOT* AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service. Upon commencing a civil action that is eligible to be placed on the Johnstown or Erie docket pursuant to Local Civil Rule 3 and which is a Designated Civil Action, **the following statement must be included in the "Brief description of the cause" in Section VI**. (Cause of Action) of the Civil Cover Sheet (Form JS-44): ***"This case seeks to bar or mandate governmental policies or state or federal actions of statewide or nationwide impact, by declaratory judgment and/or any form of injunctive relief."*** If the action seeks to **(1)** bar or mandate statewide enforcement of a state law, including a rule, regulation, policy or order of the executive branch or a state agency, whether by declaratory judgment and/or any form of injunctive relief; or **(2)** seeks to bar or mandate nationwide enforcement of a federal law, including a rule, regulation, policy, or order of the executive branch or a federal agency, whether by declaratory judgment and/or any form of injunctive relief this language should be included pursuant to **Administrative Order 2024-09**.

VII. Requested in Complaint. ***CLASS ACTION -*** Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. ***JURY DEMAND -*** Check the appropriate box to indicate whether a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases. ***CIVIL -*** Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit ***HABEAS CORPUS & CIVIL RIGHTS -*** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

Date and Attorney Signature. Date and sign the civil cover sheet.