UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

ISMAEL CASTILLO VELAZQUEZ,

A# [redacted]

Petitioner,

v.

WARDEN, Warden of Irwin County Detention Center,
LADEON FRANCIS, Field Office Director of Enforcement and Removal Operations, Atlanta Field Office;
TODD LYONS, in his official capacity as Acting director of Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; and
TODD BLANCHE, Acting U.S. Attorney General.

Respondents.

Civil Action No.: 7:26-cv-116

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. Petitioner Ismael Castillo Velazquez ("Petitioner") brings this petition for a writ of habeas corpus. He is a non-citizen who has been residing in the United States since 2000. He entered the United States undetected in 2000 and has resided continuously within the borders of the United States since then. Petitioner was apprehended by immigration officials in the interior on or about March 24, 2026 and removal proceedings were initiated. **(Exhibit A, Notice to Appear)**. Petitioner has not engaged in any disqualifying criminal activity.

2. Under the Immigration and Nationality Act ("INA"), individuals arrested in the interior and placed in § 240 removal proceedings are detained, if at all, under 8 U.S.C. § 1226(a), with a right to a custody redetermination by an Immigration Judge ("IJ").

3. DHS and the BIA assert that because Petitioner was never formally admitted, he is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and ineligible for bond. That position contravenes the statute, the implementing regulations, decades of pattern & practice, and a judge of this Court rejected the same theory recently in ordering a § 1226(a) bond hearing for a Folkston detainee. *J.A.M. v. Streeval et al*, No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025).

4. Courts have also rejected the Government's position on a class-wide basis as well. In *Maldonado Bautista v. Santacruz*, the Central District of California granted partial summary judgment declaring that 8 U.S.C. § 1226(a)—not § 1225(b)(2)—governs detention for long-present interior arrestees placed directly into § 240 proceedings, and days later certified a nationwide Bond-Eligible Class and ordered access to § 236(a) bond hearings for class members. *See Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-

SSS-BFM (C.D. Cal. Nov. 20, 2025) (partial summary judgment); id. (Nov. 25, 2025) (class certification and injunctive relief). Despite the federal court order, DHS counsel and immigration judges at Stewart Immigration Court continue to follow Yajure. On February 18, 2026, the Maldonado Bautista v. Santacruz court struck down Yajure Hurtado. On March 6, 2026, the Ninth Circuit Court of Appeals issued an Emergency Stay, preventing Maldonado Bautista class members from seeking bond hearings from immigration judges.

5. Petitioner seeks a writ of habeas corpus directing Respondents to provide Petitioner a prompt, individualized bond hearing before a neutral adjudicator under § 1226(a) (within 7 days), at which the Government bears the burden to show by clear and convincing evidence that he is a danger or flight risk, or, in the alternative, an order for his immediate release under reasonable conditions. He also seeks an order prohibiting transfer outside this District during the pendency of these proceedings.

II. JURISDICTION

6. 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).

7. 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.

III. VENUE

8. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Middle District of Georgia, the judicial district in which Petitioner currently is detained.

9. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the MIDDLE DISTRICT of Georgia. . **(Exhibit B, ICE Detainee Locator)**

IV. REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved by this Court in J.A.M. v. Streeval et al, No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025).

11. The Central District of California in Maldonado Bautista v. Santacruz has additionally issued a nationwide class certification declaring that class members, including Petitioner, are for all eligible class-members, including Petitioner, are eligible to have an individualized bond hearing. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20 & 25, 2025).

12. 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. 2006) (citation omitted).

V. PARTIES

13. Petitioner ISMAEL CASTILLO VELAZQUEZ is a citizen of Mexico who entered the United States undetected in 2000 and was arrested in the interior on or about March 24, 2026. He has been detained at the Irwin Detention Center since approximately

March 24, 2026. After Petitioner was arrested, ICE did not set bond. Petitioner has resided in the United States since at least 2000. To date, Petitioner, remains detained at the Irwin Detention Center.

14. Respondent WARDEN OF IRWIN COUNTY DETENTION CENTER is employed by LaSalle Corrections. as Warden of the Irwin County Detention Center, where Petitioner is detained. Respondent WARDEN has immediate physical custody of Petitioner. Respondent WARDEN is sued in his official capacity.

15. Respondent Ladeon Francis is the Director of the Atlanta Field Office of ICE's Enforcement and Removal Operations division. As such, Ladeon Francis is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

16. Respondent Ladeon Francis is sued in his official capacity as Field Office Director, Atlanta Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement ("ICE"), which oversees ICE's operations in Georgia. Respondent Ladeon Francis is a legal custodian of Petitioner.

17. Respondent Todd Lyons is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Petitioner.

18. Respondent MARKWAYNE MULLIN is sued in his official capacity as Secretary of Homeland Security. As the head of the Department of Homeland Security ("DHS"), the agency tasked with enforcing immigration laws, Secretary Mullin is Petitioner's ultimate legal custodian.

19. Respondent TODD BLANCHE is sued in his official capacity as Acting Attorney General of the United States. As Acting Attorney General, Respondent Todd Blanche

oversees the immigration court system, including the immigration judges who conduct removal proceedings and bond hearings as his designees, and is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(g). Respondent Todd Blanche is legally responsible for administering Petitioner's removal and bond proceedings, and as such, Todd Blanche is a legal custodian of Petitioner.

VI. EXHAUSTION AND FUTILITY

20. No statute imposes an exhaustion requirement for habeas petitions under 28 U.S.C. § 2241 in this context. Any prudential exhaustion is excused because Immigration Judges are bound by Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), and have been declining bond jurisdiction for entrants without inspection, rendering any motion futile.

21. On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that: "Maldonado Bautista is not a nationwide injunction and does not purport to vacate, stay or enjoin Yajure Hurtado." **(Exhibit C, January 13, 2026 Email from Chief Immigration Judge Teresa Riley)**. In the January 13, 2026 email, Immigration judges are instructed to follow the BIA's decision in Matter of Yajure Hurtado as binding precedent. Accordingly, guidance from the Chief Immigration Judge states that the Maldonado Bautista v. Santacruz "declaratory judgment" is not binding and does not have the authority to compel specific action.

22. On March 6, 2026, the Ninth Circuit Court of Appeals issued an Emergency Stay, holding that the Maldonado Bautista v. Santacruz holding is stayed. **(Exhibit D, Emergency Stay Order 3/6/2026).**

23. The question presented is purely legal and urgent, and Petitioner faces ongoing deprivation of physical liberty absent judicial intervention. It is Petitioner's position that Maldonado Bautista v. Santacruz is binding and that futility is further underscored. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20 & 25, 2025). Maldonado Bautista v. Santacruz has already required § 236(a) bond access for similarly situated interior arrestees nationwide, reinforcing that the Government's § 1225(b)(2) position is unlawful and is currently being ignored by DHS counsel and immigration judges. Id.

VII. STATEMENT OF FACTS

24. Petitioner is a Mexican national born on [redacted]. Petitioner entered the United States undetected on or about 2000 and has resided continuously in the interior of the United States since 2000.

25. Petitioner has been married to a US citizen, Myra Castillo, since 2020. Petitioner is father of three U.S. Citizen children. Two of the U.S. Citizen children are minors. Without Petitioner, Petitioner's US citizen wife and children remain in an untenable position.

26. Prior to Petitioner's detention, Petitioner resided in Macon, Georgia, and has had stable employment working as a residential contractor.

27. Petitioner has no disqualifying criminal convictions and is not a danger to the community. Specifically, Petitioner has two Driving Without a License convictions; one from March 2026 and the other from over ten years ago.

28. On or about March 24, 2026, DHS placed petitioner in removal proceedings under 8 U.S.C. § 1228 (INA § 240) by filing a Notice to Appear (NTA). (**Exhibit A, Notice to Appear**)

29. Petitioner is not a flight risk, given his many long-standing community ties.

30. On or about March 22, 2026, ICE apprehended Petitioner after he was arrested for driving without a license in Gainesville, Georgia. ICE transported Petitioner to the Irwin County Detention Center and has kept Petitioner detained without a bond hearing at the Irwin County Detention Center.

31. DIIS has never processed Petitioner for § 235 admission or expedited removal under § 235(b)(1).

32. Petitioner has not requested a custody redetermination, because DHS and the BIA have taken the position that he is categorically ineligible for bond because he is an "applicant for admission" under § 235(b)(2)(A). Requesting a custody redetermination would be futile. Upon information and belief, if an IJ hearing occurred, the IJ would invoke Yajure and ignore Maldonado Bautista.

VIII. LEGAL FRAMEWORK

33. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for "any alien" arrested and detained pending a decision on removal, unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

34. Section 236(a) of the INA, 8 U.S.C. § 1226(a), governs discretionary civil immigration detention for "any alien" arrested and detained pending a decision on

removal, unless § 236(c) applies. It authorizes release on bond and gives Immigration Judges custody redetermination authority by regulation. See 8 C.F.R. §§ 1236.1(d)(1), 1003.19(a).

35. Section 235(b)(2) of the INA, 8 U.S.C. § 1225(b)(2), governs detention in the inspection context and the classes designated for expedited removal—settings that occur at or near the border and, by regulation, only for individuals described in published Federal Register notices. See 8 C.F.R. § 235.3(b)(1)–(2). Interior expedited removal is limited to certain encounters and, at most, to those who cannot show two years' continuous presence. 84 Fed. Reg. 35,409 (July 23, 2019). Individuals—like Petitioner—who were arrested in the interior long after entry and placed in § 240 proceedings are detained, if at all, under § 1226(a).

36. In J.A.M. v. Streeval et al, No. 4:25-cv-342 (M.D. Ga. Nov. 1, 2025), the court rejected the government's Yajure theory and held that § 1226(a) governs interior arrests charged into § 240, not § 1225(b)(2). The court concluded that "aliens who are found in the country unlawfully and are arrested, an immigration officer or immigration judge has the discretion, after considering all the circumstances, not to detain such aliens and instead grant them release on bond" subject to exceptions for mandatory detainees delineated in 8 U.S.C. § 1226(c). Id. at 10. The court found *Matter of Yajure Hurtado* "unpersuasive," aligned with the already large and still growing district-court consensus, and concluded the petitioner is entitled to discretionary bond under § 1226(a).

37. The same statutory reading has now been adopted in class-wide relief. In *Maldonado Bautista v. Santacruz*, the court held that detention for interior arrests charged into § 240 is governed by § 1226(a) and not § 1225(b)(2), and it directed that

class members be afforded individualized bond hearings before an immigration judge under § 236(a) on a prompt timeline. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (partial summary judgment); Id. (Nov. 25, 2025) (class certification).

That class relief confirms the statute's two-track structure: § 235 governs the inspection/expedited-removal track; § 236(a) governs detention during § 240 removal proceedings for long-present interior arrestees.

General Principles

38. The "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the Constitution. Velasco Lopez v. Decker, 978 F.3d 842, 855 (2d Cir. 2020); see also 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").

Immediate Release

39. 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 has been detained in violation of both the INA and due process, is release on recognizance without further conditions of release. See Ambroladze v.

Maldonado, No. 26-CV-00474 (HG), 2026 WL 280182, at *3 (E.D.N.Y. Feb. 3, 2026) (given that the typical remedy for unlawful detention is release, "the government's ongoing detention of Petitioner, in the face of yet another complete failure of process, entitles him to immediate release.")

40. Dozens of courts across the country have agreed. 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 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, 794 F. Supp. 3d 128, 154 (W.D.N.Y. 2025) (ordering release and that petitioner could not be 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).

41. 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 by ICE 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); Noyola v. Bondi, --- F.Supp.3d ---, No. 1:26-CV-405-RP, 2026 WL 607266, at *5 (W.D. Tex. Mar. 4, 2026) (same); Bethancourth v. Tate, --- F.Supp.3d ---, No. 4:26-CV-01169, 2026 WL 638482, at *5 (S.D. Tex. Mar. 6, 2026) (same, where the government alleged no changed circumstances justifying re-detention); Crespo Tacuri v. Genalo, No. 25-cv-06896, 2026 WL 35569, at *7 (E.D.N.Y. Jan. 6, 2026) (finding that post-deprivation review cannot remedy the due process violation of detaining petitioner with no process or individualized assessment); Diallo v. Trump, 25-cv-2012-JE-JMP (W.D.L.A. Mar. 5, 2026) (granting immediate release as the appropriate remedy for illegal re-detention, and in light of medical hardship petitioner was suffering in detention); 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); see also Garrison G. v. Bondi, No. 26-CV-172, 2026 WL 157677, at *4 (D. Minn. Jan. 17, 2026) (finding that ICE's violation of the Fourth Amendment by entering petitioner's home without a warrant or consent alone also warranted immediate release).

Bail Hearing by the Habeas Court

42. In the alternative, the habeas court can hold its own custody hearing and determine whether ICE 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).

Enforcement Problems in Court-Ordered Bond Hearings

43. 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.

A. **ICE's Use of the "Automatic Stay" of an IJ Bond Grant**

44. 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 ordered Respondents to allow a petitioner to post his bond. See, e.g., Merchan-Pacheo v. Noem, No. 1:25-cv-03860, 2026 WL 88526, at *16 (D. Colo. Jan. 12, 2026) (finding automatic stay 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); see also Garvey v. Noem, No. 6:26-CV-3109-MDH, 2026 WL 612302, at *3 (W.D. Mo. Mar.

4, 2026) (granting TRO and ordering immediate release given the "blatant absence of procedural due process" in ICE's use of automatic stay); 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 and granting preliminary injunction); 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).

B. ICE Unilaterally Imposing GPS Ankle Monitors and Conditions of Release Ordered By No Judge

45. 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 Gonzalez Centeno v. Lowe, No. 3:25-cv-2518, 2026 WL 196513, at *2 (M.D. Pa. Jan. 26, 2026) (ordering ICE to remove ankle monitor it imposed after habeas court had ordered immediate release, noting "the government continues to provide unsupported or even Kafkaesque arguments to justify DHS's noncompliance with court orders"); 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); Montes Aguillon v. Bondi, No. EP-26-CV-71-KC, 2026 WL 531899, at *2 (W.D. Tex. Feb. 25, 2026) (same, and collecting cases); Batz Barreno v. Baltasar, --- F.Supp.3d. ---, No. 25-CV-03017, 2026 WL 120253, at *3 (D. Colo. Jan. 15, 2026) (same, noting that removal of the ankle monitor was required by "[f]undamental fairness and compliance with the rule of law"

and the general notion of "fairness and fairplay"); 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- 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); da Silva v. LaForge, No. 25-cv-17095, 2026 WL 45165, at *4 (D.N.J. Jan. 7, 2026) (requiring ICE to vacate its imposed conditions including electronic monitoring, home confinement days, unscheduled ICE home visits, and travel restrictions, as their imposition violated the bond regulations and substantially prejudiced petitioner).

C. Widespread Noncompliance with Federal Habeas Court Orders

46. Hundreds of other cases have involved Respondents' outright refusal, inability, or failure to hold a timely bond hearing after being ordered to do so. See Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284, at *4 (C.D. Cal. Feb. 18, 2026) (granting motion

to enforce classwide declaratory judgment that thousands of noncitizens are eligible for bond, noting that "Respondents' noncompliance with the Final Judgment has taken a toll on wrongfully detained noncitizens, courts, and government and Petitioners' attorneys," and noting over 400 individual habeas petitions that were granted for individuals who should have benefited from class membership); Rodriguez Vazquez v. Hermosillo, No. 3:25-CV-05240-TMC, 2026 WL 102461, at *1 (W.D. Wash. Jan. 14, 2026) (granting in part motion for further relief in similar

class action concerning a single ICE facility and noting that "more than 100 unlawfully detained noncitizens—left with no other recourse due to Defendants' noncompliance"—had to file habeas petitions to access the bond hearings the court had already ordered for the class); Juan T.R. v. Noem, No. 26-CV-0107 (PJS/DLM), 2026 WL 555601, at *1 (D. Minn. Feb. 26, 2026) (habeas court attaching appendices cataloging 210 court orders the Department of Justice had violated in 143 habeas cases, which included over 15 instances of failing to provide a court-ordered bond hearing);[1] Kumar v. Soto, No. 26-cv-777, Dkt. No. 21. (D.N.J. Feb. 13, 2026) (filing from the New Jersey U.S. Attorney's Office admitting to violating 56 orders in habeas cases, including holding bond hearings in the required time period, and failing to file 16 required status updates); Fernandez Alvarez v. Noem, No. 2:26-CV-00313-SPC-DNF, 2026 WL 598614, at *1 (M.D. Fla. Mar. 4, 2026) (ordering immediate release after immigration judge found petitioner was detained under 8 U.S.C. 1225(b)(2) and ineligible for bond even after habeas court had explicitly ordered otherwise); Cartagena Hueso v. Soto, No. 26-cv-1455 (ZNQ), 2026 WL 539271, at *3 (D.N.J. Feb. 26, 2026) (granting immediate release after Respondents failed to comply with two court orders to hold a bond hearing within 10 days and to prevent petitioner's transfer out of state).

47. Government attorneys have also tried to disavow responsibility for ensuring their clients will comply with future court orders. See, e.g., Gomez Rodriguez v. Noem, No.

---

[1] The other violations in Juan T.R. and other cases around the country include failure, after being ordered to: prevent transfer of a petitioner out of state; return a petitioner to his or her home state; timely release a petitioner; return a petitioner's personal ID cards and property; and file status updates to the Court showing compliance. See also Kyle Cheney, How ICE defies judges' orders to release detainees, step by step, Politico, Feb. 10, 2026, available at https://www.politico.com/news/2026/02/10/ice-immigration-detention-court-orders-00771727; Maria Sacchetti, How ICE officers defied court orders as immigrant arrests soared in Minneapolis, Washington Post, March 9, 2026, available at https://www.washingtonpost.com/immigration/2026/03/10/trump-immigration-detention-minneapolis-courts/.

2:25-cv-01115, 2025 WL 3771268, at *2 (M.D. Fla. Dec. 31, 2025) (noting that "[i]n other cases before this Court, the respondents have claimed they cannot direct the EOIR when to conduct a bond hearing," and ordering release if the government does not comply); Khogiani v. Raycraft, No. 25-cv-13744, 2025 WL 3753532, at *4 (E.D. Mich. Dec. 29, 2025) (noting the government's argument that given the "overwhelming caseload" in the immigration courts, it likely could not comply with an order to hold a bond hearing within five days, but re-setting a short deadline anyway given the petitioner's five months of unlawful detention); Vargas v. Bondi, No. 25-cv-1023, 2025 WL 3300446, at *5 (W.D. Tex. Nov. 12, 2025), report and recommendation adopted, No. 25-cv-1023, 2025 WL 3300141 (W.D. Tex. Nov. 26, 2025) (recommending immediate release, in part because respondents argued that "if this Court ordered a hearing, it would require the immigration judge to do that which, in light of BIA precedent, the judge would not believe he had any authority to do"); O.F.C. v. Almodovar, No. 25-cv-9816, 2026 WL 74262, at *16 (S.D.N.Y. Jan. 9, 2026) (expressing concern that at oral argument, government counsel refused to guarantee that in a court-ordered bond hearing, ICE would not invoke the automatic stay or argue that the IJ lacked jurisdiction to set bond; either action "would render the Court's intended relief illusory").

48. As one example, government counsel in the Southern District of New York have often asserted that an immigration court bond hearing is an appropriate remedy, citing Romero Perez v. Francis, No. 25-cv-8112, 2025 WL 3110459 (S.D.N.Y. Nov. 6, 2025). However, that case alone demonstrates why such bond hearings are often futile. In Romero Perez, notwithstanding the court's order that a burden-shifted bond hearing be held within seven days, the immigration judge refused to hold a hearing on the merits,

denying bond on a lack of jurisdiction. See No. 25-cv-8112, ECF No. 31 (Nov. 10, 2025) (first motion to enforce). After petitioner filed an emergency motion to enforce, the immigration judge held a second hearing and granted bond.

49. ICE then immediately invoked the automatic stay provision to bar the Petitioner's release. Id., ECF No. 33 (Nov. 13, 2025) (second motion to enforce). Only after the second emergency motion was filed did ICE withdraw the automatic stay and permit release. Id., ECF No. 34 (status update).

50. This is not an isolated incident, as many cases have presented the same ICE actions frustrating the court's orders. See Diahn, 2026 WL 84576, at *2 (explaining that petitioners had filed two motions to enforce, first when ICE invoked the automatic stay after the IJ granted bond, and second when ICE withdrew the stay but placed a painful ankle monitor on the petitioner that the IJ had not ordered); M.P.L., 2025 WL 3288354, at *1 (granting motion to enforce where DHS invoked automatic stay after habeas court-ordered bond hearing); J.M.P. v. Arteta, No. 25-cv-4987, 2025 WL 2984913, at *2 (S.D.N.Y. Oct. 23, 2025) (finding DHS's use of multiple "one-sided" stay mechanisms to prevent release after habeas-court ordered bond hearing violated due process, and granting motion to enforce).[2]

D. Immigration Judge Failures to Conduct a Bond Hearing As Ordered

51. Finally, in some cases, Immigration Judges have failed to conduct a neutral, individualized bond hearing or to place the burden of proof as ordered by the habeas court. See Ulloa Bueno v. Soto, No. 26-CV-896, 2026 WL 509102, at *2 (D.N.J. Feb. 24,

[2] In J.M.P., the DHS attorney at the habeas-ordered bond hearing continued to insist the IJ lacked jurisdiction to consider bond in the face of the habeas court's order. 2025 WL 2984913, at *5.

2026) (granting immediate release after immigration judges twice failed to conduct a neutral bond hearing with the burden on DHS: "Continued detention in the face of repeated noncompliance with explicit judicial directives constitutes an ongoing deprivation of liberty without constitutionally sufficient process."); Pedroso de Oliveira v. Freden, No. 6:25-CV-6663 2025 WL 3554686, at *1 (W.D.N.Y. Dec. 11, 2025) (granting motion to enforce where "the IJ wholly failed to follow the Court's directions to require Respondents to bear the clear and convincing evidence burden of proof at the bond hearing, nor did the IJ even attempt to consider alternatives to detention."); Mathon v. Searls, 623 F. Supp. 3d 203, 208 (W.D.N.Y. 2022) (granting motion to enforce and ordering immediate release after the IJ did not hold DHS to his habeas court-ordered burden of proof or properly consider alternatives to detention, and thus "failed to provide him with the bond hearing to which he was constitutionally entitled"); Akhemedov v. Pittman, No. CV 25-13734 (MCA), 2026 WL 323404, at *4 (D.N.J. Feb. 6, 2026) (ordering second bond hearing because at the first court-ordered hearing, the IJ did not clearly put the burden of proof on DHS as the habeas court had required); A.D. v. Oddo, 3:25-cv-460-SLH-MPK, Dkt. No. 40 (W.D.P.A. Feb. 12, 2026) (granting motion to enforce and ordering immediate release where IJ did not provide correct interpreter, then incorrectly called the petitioner "evasive" in denying bond); Said v. Noem, 3:25-cv-938-MOC (W.D.N.C, Feb. 4, 2026) (granting TRO where immigration judge's refusal to consider testimony and declarations, or let petitioner defend himself against unauthenticated assertion he had not complied with a prior condition of release, likely violated due process).

52. These failures include immigration judges denying bond in numerous cases

without explanation or based on generic factors common to millions of people, such as merely being undocumented or having had any criminal contact, regardless of severity or proof of guilt.[3] See, e.g., Agullon Fuentes v. Bondi, No 1:26-cv-167-AJT-WEF (E.D.V.A. Feb. 24, 2026) (granting motion to enforce after immigration judge denied bond based on "flight risk" factors that were "so lacking in probative value" that they violated due process and would result in denying bond to most undocumented persons); Lozhkina v. Noem, 6:26-cv-3001-MDH (W.D.Mo. Feb. 10, 2026) (granting motion to enforce where immigration judge's denial of bond based on flight risk lacked any record support and had "indications of predetermined outcome based on disagreement over [habeas court's] previous order"); Picado v. Hyde, 26-cv-65-JJM-PAS (D.R.I. Feb. 9, 2026) (granting immediate release where Picado had "two bond hearings that two separate judges have found to be deficient," including an immigration judge finding that an uncorroborated police report that Picado was speeding constituted clear and convincing evidence he was a danger to the community); Santos v. Lowe, No. 1:18-cv-1553, No. 2020 WL 4530728, at *3 (M.D. Pa. Aug. 6, 2020) (after court-ordered bond hearing for § 1226(c) prolonged detention claim, finding that "[m]echanistic reliance on factors that are common to all 1226(c) detainees will not suffice"); Luciano-Jimenez v. Doll, 543 F. Supp. 3d 69, 72 (M.D. Pa. 2021) (finding court-ordered bond hearing was not individualized and granting federal court hearing); see also Chi Thom Ngo v. I.N.S., 192 F.3d 390, 398 (3d Cir. 1999) ("The fact that some aliens posed a risk of flight in the past does not mean that they will forever fall into that category. Similarly, presenting danger to the community at one point

[3] See Kyle Cheney, Judges keep ordering immigration hearings – but say the results are a sham, Politico, Mar. 6, 2016, available at https://www.politico.com/news/2026/03/06/immigration-case-hearings-judges-00815660.

by committing crime does not place them forever beyond redemption. Measures must be taken to assess the risk of flight and danger to the community on a current basis.").

53. To avoid a wasteful round of enforcement proceedings – or even two – while unlawful detention continues, this court should grant release or hold any bail hearing itself.

E. Strong Procedural Protections If the Court Orders an Immigration Court Bond Hearing

54. 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-ordered bond hearing should be placed on the government).

55. 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 ICE 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 ICE from arguing the IJ lacks jurisdiction or from invoking the automatic stay).

56. The parties should submit a status update to the Court promptly after any hearing. See Dominguez v. Noem, 25-cv-0074, 2026 WL 67200, at *4 (W.D. Tex. Jan. 8, 2026) (ordering bond hearing with burden on the government by clear and convincing evidence, and ordering "an expedited timeline for compliance" given multiple past cases where the government had violated the court's orders). However, because this may still be inefficient and result in additional litigation, release or a detention hearing held by this court are the most appropriate and efficient remedies.

IX. CAUSES OF ACTION

COUNT ONE
STATUTORY CLAIM (Detention Governed by INA § 236(a))

57. Petitioner incorporates paragraphs 1 through 56 as if fully set out herein.

58. Section 235(b)(2)(A) does not govern Petitioner's detention because he was not encountered during inspection and is not within any class designated for expedited removal by published notice. Reading § 1225(b)(2)(A) to govern all never admitted noncitizens regardless of when and where they were arrested would nullify

Congress's express two-year limit on interior expedited removal and collapse the statute's two-track scheme. Under § 1226(a) and its implementing regulations, Petitioner is entitled to a prompt bond hearing before a neutral adjudicator.

COUNT TWO
PROCEDURAL DUE PROCESS (U.S. Const. amend. V)

59. Petitioner incorporates paragraphs 1 through 56 as if fully set out herein.

60. Prolonged civil detention without a neutral bond hearing violates procedural due process. If Respondents' position categorically forecloses any IJ bond review for interior arrestees like Petitioner, it denies a meaningful opportunity to be heard and invites arbitrary confinement. At minimum, due process requires a prompt bond hearing at which the Government bears the burden to justify detention by clear and convincing evidence.

COUNT THREE
SUBSTANTIVE DUE PROCESS (U.S. Const. amend. V)

61. Petitioner incorporates paragraphs 1 through 56 as if fully set out herein.

62. Civil detention must remain reasonably related to its purposes of ensuring appearance and protecting the community. Detaining Petitioner without any individualized assessment, solely on a categorical theory rejected by this Court days ago, bears no reasonable relation to any legitimate aim and is excessive in relation to its purposes.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1) Assume jurisdiction over this matter;
2) Issue a writ of habeas corpus directing Respondents to release Petitioner immediately.

3) Alternatively, hold a bail hearing in the Middle District of Georgia, with the Government bearing the burden to establish that Petitioner is a danger to the community or a flight risk, and to consider alternatives to detention (consistent with Maldonado Bautista v. Santacruz, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025));
4) Alternatively, issue a writ of habeas corpus directing Respondents to provide Petitioner a bond hearing under 8 U.S.C. § 1226(a) before an Immigration Judge within 7 days of the Court's order, with the Government bearing the burden to establish that Petitioner is a danger to the community or a flight risk, and to consider alternatives to detention (consistent with Maldonado Bautista v. Santacruz, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025));
5) Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of those proceedings;
6) Order Respondents to answer the petition within 3 business days; and
7) Grant such other relief as the Court deems just and proper.

Respectfully submitted this 21st day of April, 2026.

____//Laura Glass-Hess//_____
Laura Glass-Hess
Georgia Bar #547555
Attorney for Petitioner
GlassHessLaw, LLC
PO Box 11470
Atlanta GA 30310
Phone: 678-710-3594
Email: laura@glasshesslaw.com

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with Petitioner's family members and have reviewed various documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed the foregoing Petition and that the facts and statements made in this Petition and Complaint are true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

Respectfully submitted this 21st day of April, 2026.

____//Laura Glass-Hess//_____
Laura Glass-Hess
Georgia Bar #547555
Attorney for Petitioner
GlassHessLaw, LLC
PO Box 11470
Atlanta GA 30310
Phone: 678-710-3594
Email: laura@glasshesslaw.com

EXHIBIT A

Uploaded on: 03/25/2026 at 04:12:53 PM (Eastern Daylight Time) Base City: SDC

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]
Event [redacted]

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

Subject ID: [redacted] FINS: [redacted] File No: [redacted]

In the Matter of:

Respondent: ISMAEL CASTILLO-VELAZQUEZ currently residing at:

DHS / ICE / ERO 146 CCA ROAD LUMPKIN, GEORGIA 31815 (229) 838 5000
(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;

2. You are a native of MEXICO and a citizen of MEXICO;

3. You entered the United States at or near an unknown place, on or about unknown date;

4. You were not then admitted or paroled after inspection by an Immigration Officer.

5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the See Continuation Page Made a Part Hereof

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

See Continuation Page Made a Part Hereof

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

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

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

146 CCA RD, PO BOX 248, LUMPKIN, GEORGIA 31815. EOIR Lumpkin, GA
(Complete Address of Immigration Court, including Room Number, if any)

on April 16, 2026 *(Date)* at 8:30 am *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

PRINCESS A GIBSON Digitally signed by PRINCESS A GIBSON Date: 2026.03.24 12:55:38 -04'00'
PRINCESS GIBSON - SDDO
(Signature and Title of Issuing Officer)

Date: March 24, 2026 ATLANTA, GA
(City and State)

EOIR – 1 of 4

Uploaded on: 03/25/2026 at 04:12:53 PM (Eastern Daylight Time) Base City: SDC

Notice to Respondent

Alien Registration: This Notice to Appear serves as evidence of your alien registration pursuant to INA § 262. If you are 18 years or older, failure to carry this Notice to Appear, or other evidence of alien registration as provided in 8 C.F.R. § 264.1(b), on your person at all times is a criminal offense pursuant to INA § 264(e), for which you may be subject to a criminal penalty of $5,000 and imprisonment of up to 30 days.

Notification to the Department of Homeland Security (DHS) of Change of Address: All aliens aged 14 years or older, and all parents and legal guardians of aliens under the age of 14, must report a change of address to U.S. Citizenship and Immigration Services, a component of DHS, within 10 days of moving, pursuant to INA § 265(a). Failure to notify DHS of your change of address is a criminal offense pursuant to INA § 266(b), for which you may be subject to a criminal penalty of $5,000 and imprisonment of up to 30 days. More information is available online at **https://www.uscis.gov/addresschange**. **This obligation is in addition to your obligation to notify the Immigration Court of your change of address**.

Representation: If you choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to INA §§ 240(b)(4)(A) and 292. Unless you request otherwise in writing, no hearing will be scheduled earlier than 10 days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost is provided with this notice.

Conduct of the hearing: At your hearing you will be given the opportunity to admit or deny any or all of the allegations in this Notice to Appear, including that you are inadmissible or deportable. You will be advised by the immigration judge of any relief from removal for which you may appear eligible, including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge. At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross-examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at **www.uscis.gov/i-589**. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to INA § 208(a)(2)(B).

Notification to the Immigration Court of Change of Address: You are required to notify the Immigration Court, in writing, of your full mailing address and telephone number (if any). You must also immediately notify the Immigration Court whenever you change your address or telephone number during the course of this proceeding by using Form EOIR-33/IC, Change of Address/Contact Information Form. Notices of hearing will be mailed to this address. If you file a Form EOIR-33/IC with the Immigration Court, you must serve a copy on the ICE Office of the Principal Legal Advisor. If you change your address or telephone number during the course of this proceeding and do not submit Form EOIR-33/IC, the Immigration Court shall not be required to provide you with written notice of your hearing. **This obligation is in addition to your obligation to notify DHS of your change of address.**

Failure to Appear: If you fail to attend the hearing at the date, time, and place designated on this notice, or any date, time, or place later directed by the Immigration Court, the immigration judge shall order you removed in your absence upon determining that you were provided written notice and are removable. If you are arrested by ICE after being ordered removed in your absence by the immigration judge pursuant to INA § 240(b)(5), you will be required to pay a minimum fee of $5,000, adjusted for inflation, or a greater amount as established by the Secretary of Homeland Security.

Mandatory Duty to Depart the United States: If you become subject to a final order of removal as defined in 8 C.F.R. § 1241.1, you must depart the United States within 90 days of the order. If you do not depart, you may be subject to a civil penalty under INA § 274D(a) of $500 per day, adjusted for inflation, and imprisonment of up to 4 years (or 10 years if you belong to certain specified classes described in INA § 237(a)(1)(E), (2), (3), or (4)). If you are granted voluntary departure, you must comply with the terms of the voluntary departure order. If you fail to voluntarily depart within the time provided, you will be subject to a final order of removal, may be ineligible for certain immigration benefits for a period of 10 years from the date you overstayed the order, and may be subject to a civil penalty from $1,000 to $5,000, adjusted for inflation. For additional information, refer to the order granting voluntary departure, as well as INA § 240B(d).

Sensitive Locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in INA § 239(e)(1), such action complied with 8 U.S.C. § 1367.

EOIR – 2 of 4

Uploaded on: 03/25/2026 at 04:12:53 PM (Eastern Daylight Time) Base City: SDC

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

_____ Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on March 26, 2026, in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☐ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act. 287g

Refused To Sign
(Signature of Respondent if Personally Served)

E. 8248 STEWART - Deportation Officer
(Signature and Title of officer)

WITNESS: _____

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR – 3 of 4

Uploaded on: 03/25/2026 at 04:12:53 PM (Eastern Daylight Time) Base City: SDC

U.S. Department of Homeland Security **Continuation Page for Form I-862**

Alien's Name	File Number	Date
CASTILLO-VELAZQUEZ, ISMAEL	[redacted]	03/24/2026

THE SERVICE ALLEGES THAT YOU:

Immigration and Nationality Act; and/or

6. You are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

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

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature			Title
PRINCESS GIBSON	PRINCESS A GIBSON	Digitally signed by PRINCESS A GIBSON Date: 2026.03.24 12:56:15 -04'00'	SDDO

EOIR - 42A

EXHIBIT B

Search Results: 1

ISMAEL CASTILLO-VELAZQUEZ

Country of Birth : Mexico
A-Number: [redacted]
Status : In ICE Custody
State: GA
Current Detention Facility: IRWIN COUNTY DETENTION CENTER
** Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >

Related Information

Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

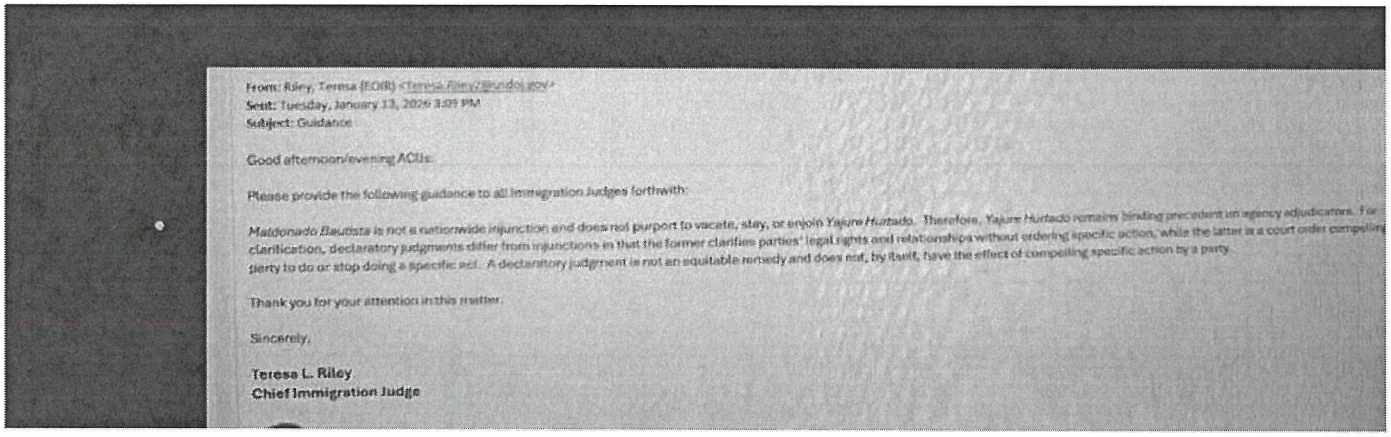
ICE Detention Facilities

Privacy Notice

External Links

Bureau of Prisons Inmate Locator

EXHIBIT C



From: Riley, Teresa (EOIR) <Teresa.Riley@usdoj.gov>
Sent: Tuesday, January 13, 2026 3:09 PM
Subject: Guidance

Good afternoon/evening ACIJs:

Please provide the following guidance to all Immigration Judges forthwith:

Maldonado Bautista is not a nationwide injunction and does not purport to vacate, stay, or enjoin *Yajure Hurtado*. Therefore, *Yajure Hurtado* remains binding precedent on agency adjudicators. For clarification, declaratory judgments differ from injunctions in that the former clarifies parties' legal rights and relationships without ordering specific action, while the latter is a court order compelling party to do or stop doing a specific act. A declaratory judgment is not an equitable remedy and does not, by itself, have the effect of compelling specific action by a party.

Thank you for your attention in this matter.

Sincerely,

Teresa L. Riley
Chief Immigration Judge

EXHIBIT D

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 6 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LAZARO MALDONADO BAUTISTA; et al., Petitioners - Appellees, v. UNITED STATES DEPARTMENT OF HOMELAND SECURITY; et al., Respondents - Appellants.	No. 26-1044 D.C. No. 5:25-cv-01873-SSS-BFM Central District of California, Riverside ORDER

Before: McKEOWN, BEA, and BRESS, Circuit Judges.

The court has received the government's emergency motion for a stay pending appeal. Dkt. Nos. 3 & 4. The court grants an administrative stay as follows:

1. The district court's December 18, 2025 declaratory judgment, D. Ct. Dkt. Nos. 93 & 94, is temporarily stayed pending a ruling on the government's emergency motion for a stay pending appeal, insofar as the district court's judgment extends beyond the Central District of California. The district court's December 18, 2025 judgment remains in place as to the Central District of California. *See* Gov't Mot. at 3 ("The validity of *Yajure Hurtado*'s interpretation of [8 U.S.C.] § 1225(b)(2)(A) is not the subject of this stay motion."); *id.* at 9 ("The Government is not seeking a stay based

on its reading of § 1225(b)(2), as that issue is already teed up for resolution in" *Rodriguez Vazquez v. Bostock*, No. 25-6842).

2. The district court's February 18, 2026 order granting petitioners' motion to enforce the judgment and vacating *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), D. Ct. Dkt. No. 116, is temporarily stayed pending a ruling on the government's emergency motion for a stay pending appeal.

AILA Doc. No. 26030905. (Posted 3/9/26)