UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Wilfredo Manuel Bayona Quezada,
[redacted],
Petitioner,

v.

JAMAL L. JAMISON, in his official capacity as the Facility Administrator of the Philadelphia Federal Detention Center; JOHN E. RIFE, in his official capacity as acting Philadelphia Field Office Director for U.S. Immigration and Customs Enforcement; TODD LYONS, in his official capacity as acting Director of U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, in his official capacity as Secretary of the U.S. Department of Homeland Security; TODD BLANCHE, in his official capacity as Attorney General of the United States,

Respondents.

Case No. 26-2631

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

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

INTRODUCTION

1. Petitioner Wilfredo Manuel Bayona Quezada is a 53-year-old noncitizen from Peru in the custody of the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), who is currently detained in Philadelphia at the Philadelphia Federal Detention Center ("FDC" or the "Facility"). Pet Exh. A and E. Prior to his detention, Petitioner lived in Reading, Pennsylvania and is a *bona fide* asylum seeker. Petitioner has resided continuously in the United States since his entry without inspection, which occurred on or about February 18, 2023. Pet Exh. B. Petitioner is a person of particular vulnerabilities as he has timely filed for asylum related protections because he fears removal to Peru on the basis of his political opinion and his political participation in Peru. Pet Exh. D

2. Petitioner peaceably resided in Pennsylvania and complied with the requirements to lawfully seek asylum and related protections including obtaining counsel, passing a credible fear interview and filling a timely application for protection. Pet Exh. D. Petitioner further complied with immigration procedures by attending routine supervision appointments with U.S. Immigration and Customs Enforcement and participating in the Immigration Court in Philadelphia. Petitioner timely filed for asylum within one year of entering the United States, and after being permitted entry into the United States by the Respondents. Petitioner was released into the United States by the Respondents on March 20, 2023. Pet Exh. C, D.

3. While in the United States, the Petitioner has lived responsibly. He has obtained employment authorization from the immigration services and has maintained himself. He lived as

a lawful asylum seeker, with a pending application for protection before the Court, as he is a person who fears violence based on his political opinion against corruption and in support of democracy. Pet Exh. D.

4. After entering the United States on or about February 18, 2023, the Petitioner was released by the Respondents on or about March 20, 2023 subsequent to a fear screening and custody determination to release the Petitioner *under Section 236 of the Act*[1]. He was further issued interim parole under INA 212(d)(5). Pet Exh. C. As a result of that release the Petitioner settled into Reading, Pennsylvania and was required to attend regular immigration supervision appointments, at which he appeared. At his most recent check-in appointment at the Philadelphia office of U.S. Immigration and Customs Enforcement, today, April 21, 2026, Mr. Bayona Quezada was detained without notice or cause. He was not informed as to the reasons for his change in custody that occurred today.

5. Petitioner is detained pending removal proceedings without access to a hearing conducted by a neutral decisionmaker—a federal judge or an immigration judge—to determine whether his detention is warranted based on danger or flight risk.

6. Recent changes in DHS policy have created a maze of different DHS interpretations all funneling noncitizens toward detention without access to a hearing on bond, violating statutory, regulatory and constitutional rights. Respondents rely on the BIA's recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that all noncitizens who have entered the United States without authorization are subject to mandatory detention under 8 U.S.C. § 1225. Similarly, the Respondents also rely on *Matter of Q. Li,* 29 I&N Dec. 66 (BIA 2025), to also

[1] Like many immigration cases this Court has likely reviewed, the immigration documents provided to noncitizens are often confusing and contradictory. Insomuch as the custody documents reflect release pursuant to INA Section 236, the Petitioner relies on that act by the Respondents.

remove access to a bond hearing to other immigrant applicants issued parole documents and later re-detained holding that their also subject to 8 U.S.C. § 1225 mandatory detention.

7. Finally, the Respondents have begun to re-detain those persons whom they have previously released subsequent to establishing a credible fear of removal at the time of detention. However, Respondents' change of mind occurs several years later, without any intervening reason or factor. Often the reason is that the noncitizen presents themselves to the Respondents in compliance with their immigration supervision requirements, which Respondents have relegated at this point to a trap.

8. *Hurtado* holds that 8 U.S.C. § 1225(b)(2) makes noncitizens like Petitioner, who are apprehended in the United States but have never been admitted, subject to mandatory detention without a bond hearing. 8 U.S.C. § 1225(b)(1) holds the same.

9. However, 8 U.S.C. § 1226(a) is the governing statute which applies here and that provision authorizes release on bond after a hearing before an immigration judge where an apprehension *occurs in the interior of the United States*. Indeed, the Petitioner was apprehended in Philadelphia at a routine supervision appointment more than three years after being released at the border under Section 236 of the Act.

10. The DHS' various interpretations conflict with the plain language and structure of the statute, as well as decades of uncontroverted agency practice. Accordingly, the application of § 1225(b)(2) or § 1225(b)(1) to Petitioner is contrary to law and violates the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA).

11. In the alternative, if the statute does authorize Petitioner's detention without a bond hearing, the decision to do so violates Petitioner's rights to substantive and procedural due process and this habeas should still be granted.

12. Detention of all noncitizens in the interior who are subject to inadmissibility grounds, like Petitioner, without any individualized hearing does not "bear a reasonable relation to the purpose for which the individual was committed." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

13. Moreover, application of the *Mathews v. Eldridge* balancing test shows that a bond hearing is necessary to protect Petitioner from an unnecessary deprivation of liberty. *See* 424 U.S. 319, 335 (1976).

14. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and order Petitioner's immediate release from custody. In the alternative, Petitioner requests that this Court conduct, or order an immigration judge to conduct, a bond hearing at which (1) the government bears the burden of proving flight risk and/or dangerousness by clear and convincing evidence and (2) the reviewing court considers alternatives to detention that could mitigate risk of flight. *See German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 213-214 (3d Cir. 2020).

PARTIES

15. Petitioner Wilfredo Manuel Bayona Quezada is a noncitizen currently detained by Respondents at the Philadelphia Federal Detention Center, without access to bond and pending removal proceedings.

16. Respondent Jamal L. Jamison is employed as the Warden of the Philadelphia Federal Detention Center, where Petitioner is, on information and belief, detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

17. Respondent John E. Rife is the acting Director of the Philadelphia Field Office of ICE's Enforcement and Removal Operations division, a component of the Department of Homeland Security. He is responsible for administration and management of ICE Enforcement

Removal Operations in Pennsylvania. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is sued in his official capacity.

18. Respondent Todd Lyons is named in his official capacity as the Acting Director of ICE. In this capacity, Respondent Lyons is responsible for the administration of federal immigration law and the execution of detention and removal determinations, and, as such, he is a legal custodian of Petitioner.

19. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

20. Respondent Todd Blanche is the acting Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity.

JURISDICTION AND VENUE

14. Petitioner is in the physical custody of Respondents in Philadelphia, Pennsylvania at the FDC. Pet Exh. E. Accordingly, Venue lies in the United States District Court for the Eastern District of Pennsylvania, the judicial district in which Petitioner currently is detained. *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 444–45 (3d Cir. 2021) (describing how a habeas petitioner seeking to challenge his present physical custody should "file the petition in the district of confinement.").

15. This action arises under the Fifth and Fourteenth Amendments to the U.S. Constitution. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), and Article

I, section 9, clause 2 of the United States Constitution (the Suspension Clause). This Court may also grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgement Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

16. 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. *See* 5 U.S.C. § 702.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

17. There is no statutory requirement of exhaustion of administrative remedies where a noncitizen challenges the lawfulness of his detention. *Arango Marquez v. I.N.S.*, 346 F.3d 892, 897 (9th Cir. 2003). Any requirement of administrative exhaustion is therefore purely discretionary. *See Santos v. Lowe*, No. 1:18-cv-1553, 2020 WL 4530728, at *2 (M.D. Pa. Aug. 2020) ("[T]he exhaustion requirement imposed by courts relating to habeas corpus petitions filed by immigration detainees is a prudential benchmark which is not compelled by statute.").

18. In making that decision, the Court should consider the urgency of the need for immediate review. "Where a person is detained by executive order . . . the need for collateral review is most pressing. . . In this context the need for habeas corpus is more urgent." *Boumediene v. Bush*, 553 U.S. 723, 783 (2008) (waiving administrative exhaustion for executive detainees).

19. Moreover, the exhaustion "doctrine is not without exception." *Ashley v. Ridge*, 288 F. Supp. 2d 662, 666. (D.N.J. 2003). "Courts have found that the exhaustion of administrative remedies may not be required when available remedies provide no opportunity for adequate relief, an administrative appeal would be futile, or if plaintiff has raised a substantial constitutional question." *Id*. at 666-67.

20. Respondents have published decisions, and have enacted policies, holding that people like Petitioner who entered the United States without inspection and therefore have not been admitted are ineligible for bond. Immigration judges and the BIA are bound by these determination. 8 C.F.R. § 1003.1(g)(1). Exhaustion before the BIA would therefore be futile.

21. Further, the BIA does not have jurisdiction to adjudicate constitutional issues. *Qatanani v. Att'y Gen. of the U.S.*, 144 F.4th 485, 500 (3d Cir. 2025); *see also Ashley*, 288 F. Supp. 2d at 667 (citation omitted). Therefore, any administrative proceedings would be futile because petitioner raises a constitutional due process claim. *Qatanani*, 144 F.4th at 500.

STATEMENT OF FACTS

22. Wilfredo Manuel Bayona Quezada is a citizen and native of Peru. Pet Exh. A. Prior to his detention by the Respondents, Mr. Bayona Quezada resided in Reading, Pennsylvania and supported himself through his work at a local chicken factory, Bell & Evans. Petitioner has a timely application for asylum pending and has valid work authorization issued by the government. Pet Exh. D.

23. Petitioner is a person of good character. On information and belief, he has not had any criminal contacts anywhere in the world apart from traffic citations for driving without a license.

24. Petitioner is a bona fide asylum seeker who suffered severe persecution and physical harm in Peru due to [redacted] the United States to seek asylum on or about February 18, 2023. Pet Exh. B.

26. After his detention, he received a fear interview and was found to have a credible fear on or about March 17, 2023. Pet Exh. C.

27. On March 17, 2023 Petitioner was released to pursue his asylum claim before the Immigration Court in a non-detained setting. He timely and lawfully sought asylum, filing an application for protection within one year of his entry into the United States and undergoing background checks. Pet. Ex. C., D.

28. Subsequent to his entry into the United States, the Petitioner regularly attended routine supervision appointments with immigration officials at the Philadelphia office for Immigration and Customs Enforcement. Petitioner did not miss any appointments or violate the terms of his release in any way whatsoever.

29. Petitioner has never engaged in criminal activity and has no history of conduct suggesting danger to the community. On the contrary, he has demonstrated deep respect for lawful authority and a consistent willingness to participate in legal proceedings and comply with all conditions of supervision. Pet. Ex. D. He properly obtained counsel, obtained lawful employment authorization, filed for relief before the immigration court and appeared as required by immigration services.

30. On April 21, 2026, Petitioner attended a routine immigration check-in appointment at the Philadelphia ICE office during which Respondents took Petitioner into immigration custody, even though he is not a danger to the community nor is he a flight risk.

31. Petitioner is currently detained at the Philadelphia Federal Detention Center ("FDC" or the "Facility") in Philadelphia, Pennsylvania. Pet Exh. E.

32. Petitioner is now being held without access to bond as Respondents and the Board has determined, incorrectly, that the Petitioner is subject to detention pursuant to § 1225(b)(2), or

§ 1225(b)(1). However, the record and Petitioners detention in the interior of the United States demand that he is instead detained pursuant to the arrest authority at 8 U.S.C. § 1226(a) which requires eligibility for an immigration bond before an impartial adjudicator.

33. Petitioner's ongoing confinement without the opportunity for bond serves no legitimate governmental interest. He poses no threat to public safety and presents no risk of flight. Prior to detention, he lived peacefully in the United States and complied with all legal requirements to seek asylum protection in the United States. The Petitioner has always demonstrated he is a person of good character who supports the principles of safety and protection.

34. In light his compliance with the lawful procedures to seek asylum, Petitioner was afforded work authorization. His asylum application remains pending before the Philadelphia Immigration Court.

35. On information and belief, Petitioner never engaged in criminal activity and has no history of conduct suggesting danger to the community. On the contrary, he has demonstrated a deep respect for lawful authority and a consistent willingness to participate in legal proceedings and comply with all conditions of ICE supervision.

36. Prolonged and unlawful detention without a hearing is inconsistent with humanitarian principles and with the U.S.'s commitment to protect *bona fide* asylum seekers under domestic and international law. Considering Petitioner's character and demonstrated respect for the lawful asylum process, his previous release by the Respondents, no changed circumstances, the Petitioner's continued detention without a hearing is excessive, unjustified, and inconsistent with constitutional principles of due process and humane treatment. The equities of this case, as well as humanitarian and public interest considerations, weigh heavily in favor of his immediate release or conditions of bond.

LEGAL FRAMEWORK

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

37. The Immigration and Nationality Act contains several provisions authorizing detention of noncitizens.

38. Section 1226(a) entitles most noncitizens with pending removal proceedings to a hearing before an Immigration Judge to determine whether they should be released on bond. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d). Section 1226(a) is inherently tied to the interior of the United States.

39. Section 1226(c) creates an exception to section 1226(a) and provides that noncitizens who are removable by virtue of certain criminal convictions must be detained without a bond hearing.

40. Section 1225(b) provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals "seeking admission" under (b)(2). This section is inherently tied to those apprehensions which occur immediately at the border.

41. Finally, section 1231 governs the detention of noncitizens with a final order of removal.

42. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

43. "Upon passing IIRIRA, Congress declared that the new Section 1226(a) 'restates the current provisions in the predecessor statute,'" which allowed noncitizens who entered without inspection to be released on bond. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025) (citing H.R. Rep. No. 104-469, pt. 1, at 229; H.R. Rep. No. 104-828, at 210).

44. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.").

45. Thus, in the decades that followed, most people who entered without inspection and were thereafter arrested and placed in standard removal proceedings were considered for release on bond and received bond hearings before an IJ, unless their criminal history rendered them ineligible. *Diaz Martinez v. Hyde*, No. 25-11613, 2025 WL 2084238, -- F. Supp. 3d --, at *4 (D. Mass. July 24, 2025).

46. That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994).

47. In recent months, Respondents have abruptly changed course by reinterpreting these statutes with the trend of rendering the majority of noncitizens subject to mandatory detention.

48. On May 15, 2025, the BIA issued a decision holding that a noncitizen who entered without inspection and was apprehended and paroled near the border was subject to mandatory detention under § 1225(b)(2)(A) when her parole was terminated and she was re-detained. *Matter of Q. Li*, 29 I&N Dec. 66, 70 (BIA 2025).

49. On July 8, 2025, ICE Director Todd M. Lyons issued an internal memorandum stating that, "in coordination with the Department of Justice (DOJ)," DHS had "revisited" its legal position and believed that § 1225, not § 1226, governs the detention of noncitizens who are present in the United States without having been admitted. *Diaz Martinez*, 2025 WL 2084238, at *4.

50. On September 5, 2025, the BIA followed suit and issued a precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

51. In *Yajure Hurtado*, the BIA held that noncitizens "who are present in the United States without admission are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings." 29 I&N Dec. at 220.

52. The BIA adopted this position despite numerous recent federal court decisions rejecting DHS's position and holding that people who are present without having been admitted are eligible for bond pursuant to § 1226(a), including this Court. See, e.g., *Demirel v. Fed. Det. Ctr. Phila.*, Civ. A. No. 25-5488, 2025 WL 3218243, at *2 and App. (E.D. Pa. Nov. 18, 2025) (collecting 288 cases nationwide); see also, e.g., *Picon v. O'Neill*, Civ. A. No. 25-6731, 2025 WL 3634212 (E.D. Pa. Dec. 15, 2025); *Anirudh v. McShane*, Civ. A. No. 25-6458, 2025 WL 3527528 (E.D. Pa. Dec. 9, 2025); *Pereira v. O'Neill*, Civ. A. No. 25-6543, 2025 WL 3516665 (E.D. Pa. Dec. 8, 2025); *Ibarra v. Warden of Fed. Det. Ctr. Phila.*, Civ. A. No. 25-6312, 2025 WL 3294726 (E.D. Pa. Nov. 25, 2025); *Patel v. McShane*, Civ. A. No. 25-5975, 2025 WL 3241212 (E.D. Pa.

Nov. 20, 2025); *Ndiaye v. Jamison*, Civ. A. No. 25-6007, 2025 WL 3229307 (E.D. Pa. Nov. 19, 2025); *Kashranov v. Jamison*, Civ. A. No. 25-5555, 2025 WL 3188399 (E.D. Pa. Nov. 14, 2025). *See, also*, *Perez v. Berg*, No. 8:25-cv-494, 2025 WL 2531566, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025); *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411, – F. Supp. 3d --, at *13 (D. Minn. Aug. 15, 2025); *Lopez Benitez v. Francis*, No. 25-cv-5937, 2025 WL 2371588, -- F. Supp. 3d --, at *9 (S.D.N.Y. Aug. 13, 2025); *Rosado v. Figueroa*, No. 25-2157, 2025 WL 2337099, at *7 (D. Ariz. Aug. 11, 2025); *Diaz Martinez*, 2025 WL 2084238, at *8; *Gomes v. Hyde*, No. 1:25-cv-11571, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025); *Rodriguez*, 779 F. Supp. 3d at 1257.

53. As these decisions explain, the BIA's position in *Matter of Yajure Hurtado and Q. Li.* defy the INA; the plain text of the statute shows that § 1226(a), not § 1225(b), applies to people like Petitioner who are apprehended in the interior of the United States. Our Petitioner was apprehended in Philadelphia, complying with the requirements of his immigration supervision.

54. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." *See Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (describing 1226(a) as the "default rule" for detention of noncitizens pending removal).

55. These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

56. The text of § 1226 explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E).

57. Just this year, Congress enacted subparagraph (E) in the Laken Riley Act to exclude certain noncitizens who entered without inspection from § 1226(a)'s default bond provision.

58. Subparagraph (E)'s reference to persons inadmissible under § 1182(6)(A), i.e., persons inadmissible for entering without inspection, makes clear that, by default, such people are afforded a bond hearing under subsection (a).

59. As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates "specific exceptions" to a statute's applicability, it "proves" that absent those exceptions, the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

60. Under the BIA's interpretation, **all** noncitizens subject to inadmissibility grounds are detained without the opportunity for a bond hearing under 8 U.S.C. § 1225(b). *Matter of Yajure Hurtado*, 29 I&N Dec. at 220; *see* 8 U.S.C. § 1182(a)(6) (making people who are present without having been admitted inadmissible); 8 U.S.C. § 1101(a)(14) (defining an admission).

61. Therefore, this interpretation would render all the grounds of mandatory detention in § 1226(c) applying to inadmissible noncitizens, including the recently-passed Laken Riley Act, superfluous. *Gomes*, 2025 WL 1869299, at *7; *Rodriguez*, 779 F. Supp. 3d at 1258; *see Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 386 (2103) ("[T]he canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme.").

62. The statutory structure demonstrates that Congress did not intend to make § 1226(a) inapplicable to all inadmissible noncitizens and instead viewed it as the default bond provision for people arrested within the United States.

63. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who very recently entered the United States. Although the Petitioner was initially a "very recent entrant," he no longer is, and was granted release by the Department under Section 236 of the Act, as his documents show. Indeed, "If Respondents want to detain [Petitioner] pending his asylum and

removal proceedings, then they must do so pursuant to 8 U.S.C. § 1226(a) because he has been residing in this country for more than two years." *Villarreal Torres v Jamison*, Case No. 2:26-cv-02000-JDW, E.D. Pennsylvania. April 7, 2026.

64. Section 1225(b)'s entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A); *see also Diaz Martinez*, 2025 WL 2084238, at *8 ("'[O]ur immigration laws have long made a distinction between those [noncitizens] who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality.'" (quoting *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958))).

65. Indeed, the Supreme Court has explained that this mandatory detention scheme applies "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.

66. The BIA's interpretation "would render the phrase 'seeking admission' in 8 U.S.C. § 1225(b)(2)(A) mere surplusage." *Lopez Benitez*, 2025 WL 2371588, at *6.

67. That section applies to people who are (1) applicants for admission; (2) seeking admission; and (3) not clearly and beyond a doubt entitled to be admitted. 8 U.S.C. § 1225(b)(2)(A); *Lopez Benitez*, 2025 WL 2371588, at *6; *Diaz Martinez*, 2025 WL 2084238, at *2.

68. The BIA's interpretation makes all applicants for admission subject to mandatory detention, leaving the "seeking admission" criterion unnecessary and violating the rule against surplusage. *Lopez Benitez*, 2025 WL 2371588, at *6; *Diaz Martinez*, 2025 WL 2084238, at *6.

69. Instead, the phrase "seeking admission" indicates that § 1225(b)(2)(A) applies to people who are taking "some sort of present-tense action," in other words, coming or attempting to come into the United States. *Diaz Martinez*, 2025 WL 2084238, at *6; *see also Matter of M-C-*

D-V-, 28 I&N Dec. 18, 23 (BIA 2020) (stating that "the use of the present progressive tense . . . denotes an ongoing process").

70. Therefore, § 1226(a), not § 1225(b), governs the detention of people detained within the United States who are not actively seeking admission, as required by the statute.

71. Applying § 1226(a), rather than § 1225(b), to people detained in the interior who had previously entered without inspection is consistent with the government's longstanding practice, which "can inform a court's determination of what the law is." *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 386 (2024).

72. This longstanding practice further counsels against the BIA's abrupt change in policy. *Maldonado*, 2025 WL 2374411, at *11.

73. Finally, as discussed below, the BIA's interpretation of § 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.

74. Therefore, 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).

75. Accordingly, § 1226(a), which permits bond hearings, not § 1225(b)(2) or § 1225(b)(1), which does not, governs the detention of people like Petitioner. "'[W]hen [the Government] affirmatively chose to release [Petitioner] on parole, it made the decision that he would no longer be subject to the mandatory detention' under Section 1225(b)." *Olimov v. Jamison*, No. 2:26-cv-00532, slip op. at __ (E.D. Pa. Mar. 3, 2026). See also *Caiza Guevara v. Tsoukaris*, No. 2:26-cv-00967 (JXN), slip op. at __ (D.N.J. Apr. 9, 2026),; *Villarreal Torres v. Jamison*, No. 2:26-cv-02000 (JDW), slip op. at __ (E.D. Pa. Apr. 7, 2026).

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

76. "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)).

77. "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); *see also id*. at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.").

78. 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).

79. 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; *accord, e.g.*, *Torralba v. Knight*, No. 2:25-cv-1366, 2025 WL 2581792, at *12 (D. Nev. Sept. 5, 2025) (describing the standard for a substantive due process violation); *Fernandez v. Lyons*, No. 8:25-cv-506, 2025 WL 2531539, at *4 (D. Neb. Sept. 3, 2025) (same).

80. 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. *Id*.; *Demore*, 538 U.S. at 528.

81. Thus, to withstand constitutional scrutiny, the nature and duration of mandatory immigration detention must be reasonably related to these purposes.

82. In *Demore*, the Supreme Court upheld the constitutionality of § 1226(c) against a facial challenge, specifically citing evidence that had been before Congress about noncitizens with criminal convictions. 538 U.S. at 518-520.

83. This justification does not apply, however, to noncitizens with no criminal record whatsoever who have lived in the community for years.

84. The broad policy set forth in *Matter of Yajure Hurtado* is therefore not reasonably related to the purposes of preventing danger to the community or flight risk and violates substantive due process law.

85. Additionally, procedural due process law 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).

86. 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); *Hernandez-Lara*, 10 F.4th at 28; *Velasco Lopez*, 978 F.3d at 851 (all quoting *Mathews*, 424 U.S. at 335).

87. Here, the BIA's and DHS' interpretation of the statute to require detention of all people in the United States without having been admitted deprives them of their liberty without any individualized process to determine whether such detention is necessary to prevent flight risk or danger to the community and violates due process.

88. First, the "importance and fundamental nature" of an individual's liberty interest is well-established. *United States v. Salerno*, 481 U.S. 739, 750 (1987); *see also Ashley*, 288 F. Supp. at 670 ("[F]reedom from confinement is a liberty interest of the highest constitutional import."). For people "who can face years of detention before resolution of their immigration proceedings, 'the individual interest at stake is without doubt particularly important.'" *Linares Martinez v. Decker*, No. 18-cv-6527 (JMF), 2018 WL 5023946 at *3 (S.D.N.Y. Oct. 17, 2018).

89. Weighing this factor in *Velasco Lopez*, the Second Circuit found the private interest to be "on any calculus, substantial," observing that the petitioner, "could not maintain employment or see his family or friends or others outside normal visiting hours. The use of a cell phone was prohibited, and he had no access to the internet or email and limited access to the telephone." 978 F.3d at 851-52.

90. Similarly, the First Circuit found a substantial private liberty interest for the petitioner in *Hernandez-Lara*, noting that the petitioner there was incarcerated "alongside criminal inmates" at a jail where "she was separated from her fiancé and unable to maintain her employment." 10 F.4th at 28.

91. Second, absent any individualized bond hearing, people will be detained despite not being a danger to the community or a flight risk, because there is no mechanism to determine whether their detention is necessary. *See, e.g.*, *Günaydin v. Trump*, No. 25-cv-1151, 2025 WL 1459154, -- F. Supp. 3d --, at *8 (D. Minn. May 21, 2025) (noting that lack of consideration of

"individualized or particularized facts . . . increases the potential for erroneous deprivation of individuals' private rights"); *Ashley*, 28 F. Supp. 2d at 670 (finding a procedural due process violation because "the Government has not proved that Petitioner presents an identified and articulable threat to an individual or the community so as to justify his continued detention").

92. A bond hearing would have significant value in this matter because it is designed to assess the individualized facts of each case and determine whether less restrictive measures can fulfill the same goals.

93. Finally, the burden on the government of returning to the longstanding practice of holding bond hearings for people like Petitioner does not outweigh the liberty interest at stake.

94. To the contrary, the government has an interest in "minimizing the enormous impact of incarceration in cases where it serves no purpose." *Velasco Lopez*, 978 F.3d at 854; *see also Hernandez-Lara*, 10 F.4th at 33 (noting that "limiting the use of detention to only those noncitizens who are dangerous or a flight risk may save the government, and therefore the public, from expending substantial resources on needless detention").

95. Additionally, "unnecessary detention imposes substantial societal costs . . . The needless detention of those individuals thus separates families and removes from the community breadwinners, caregivers, parents, siblings, and employees. Those ruptures in the fabric of communal life impact society in intangible ways that are difficult to calculate in dollars and cents." *Hernandez-Lara*, 10 F.4th at 33 (citation and internal quotation marks omitted).

96. The cost to the government and society of detaining people unnecessarily for extended periods of time is greater than the cost of providing individualized hearings, and weighs in favor of additional procedural protections.

97. At these bond hearings, 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.").

98. "A standard of proof serves to allocate the risk of error between the litigants and reflects the relative importance attached to the ultimate decision." *German Santos v. Warden Pike C'ty Corr. Facility*, 965 F.3d 203, 213 (citing *Addington v. Texas*, 441 U.S. 418, 423 (1979)).

99. Therefore, when the Third Circuit has ordered a constitutionally-required bond hearing, it is placed the burden on the government by clear and convincing evidence. *German Santos*, 965 F.3d at 214; *Guerrero-Sanchez v. Warden York C'ty 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).

100. Other circuit courts have similarly held that due process requires this allocation of the burden in bond hearings for noncitizens like petitioner, who were then detained under § 1226(a). *Hernandez-Lara*, 10 F.4th at 39-40; *Velasco Lopez*, 978 F.3d at 855-56.

101. Thus, even if the statute requires detention without a bond hearing, due process requires a hearing at which the government bears the burden by clear and convincing evidence.

FIRST CLAIM FOR RELIEF
Violation of 8 U.S.C. § 1226(a)
Unlawful Denial of Release on Bond

102. Petitioner re-alleges and incorporates by reference all above paragraphs.

103. The mandatory detention provision at 8 U.S.C. § 1225(b) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility.

104. Specifically, it does not apply to Petitioner, who has been living in the United States for several years prior to being to being apprehended on April 21, 2026 and detained by Respondents.

105. Petitioner is detained under § 1226(a) and is eligible for release on bond. Respondents' unlawful application of § 1225(b), today, to Petitioner violates the INA.

SECOND CLAIM FOR RELIEF
Violation of Bond Regulations, 8 C.F.R. §§ 236.1, 1236.1, and 1003.19
Unlawful Denial of Release on Bond

106. Petitioner re-alleges and incorporates by reference all above paragraphs.

107. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA.

108. Specifically, under the heading of "Apprehension, Custody, and Detention of [Noncitizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." 62 Fed. Reg. at 10323 (emphasis added).

109. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.

110. The regulation at 8 C.F.R. § 1003.19 lays out bond procedures, and § 1003.19(h)(2) delineates categories of noncitizens who are subject to mandatory detention and not entitled to a bond hearing.

111. The fact that noncitizens within the United States who are subject to inadmissibility grounds are not included on this list shows that the agencies did not intend them to be subject to mandatory detention.

112. The DHS' interpretation thus violates the regulations and unlawfully denies Petitioner a bond hearing.

THIRD CLAIM FOR RELIEF
Violation of the Administrative Procedure Act
Contrary to Law and Arbitrary and Capricious Agency Policy

113. Petitioner re-alleges and incorporates by reference all above paragraphs.

114. 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).

115. The mandatory detention provision at 8 U.S.C. § 1225(b) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility.

116. Specifically, it does not apply to Petitioner, who has been living in the United States for years prior to being to being apprehended on April 21, 2026.

117. Petitioner is detained under § 1226(a) and is eligible for release on bond.

118. In taking a contrary position, the BIA has reversed decades of prior practice, and "would expand § 1225(b) face beyond how it has been enforced historically, potentially subjecting millions more undocumented immigrants to mandatory detention, while simultaneously narrowing § 1226(a) such that it would have extremely limited (if any) application." *Lopez Benitez*, 2025 2371588, at *8.

119. Respondents have failed to articulate reasoned explanations for their decisions, 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.

120. The application of § 1225(b) to Petitioner, now, is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

FOURTH CLAIM FOR RELIEF
Violation of the Fifth Amendment Due Process Clause
Substantive Due Process

121. Petitioner re-alleges and incorporates by reference all above paragraphs.

122. 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.

123. 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.

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

125. Petitioner is not a flight risk; further, on information and belief he has no criminal contacts and is in no way a danger to his community.

FIFTH CLAIM FOR RELIEF
Violation of the Fifth Amendment Due Process Clause
Procedural Due Process

126. Petitioner re-alleges and incorporates by reference all above paragraphs.

127. 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.

128. Courts apply the *Mathews v. Eldridge* balancing test to determine what procedures the due process clause requires. *Gayle*, 12 F.4th at 331.

129. The first factor is the private interest that will be affected by the official action. *Id.*

130. Here, the deprivation of Petitioner's liberty is a particularly weighty interest.

131. As it stands, Petitioner's restricted liberty substantially interferes with his daily life and his ability to support himself.

132. The second factor is the risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional safeguards. *Id.*

133. Here, there is a great risk of unnecessary detention because the BIA's interpretation of the statute does not permit any individualized determination of whether detention during removal proceedings is necessary. *See Ashley*, 288 F. Supp. 2d at 670.

134. At a hearing, Petitioner could show that his detention is not necessary because he is neither a flight risk nor any danger whatsoever to his community.

135. A hearing at which the government bears the burden of proof by clear and convincing evidence would protect the substantial liberty interest at stake. *German Santos*, 965 F.3d at 213-14.

136. The final factor is the Government's interest. *Gayle*, 12 F.4th at 331.

137. The government has no legitimate interest in detaining Petitioner when detention is not necessary to ensure 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. 20-9646, 2020 WL 5587441, at *4 (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).

138. Therefore, the government does not have an interest in detaining Petitioner without a bond hearing that outweighs his substantial liberty interest in such an individualized determination.

139. 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) Declare that Petitioner's continued detention violates the Immigration and Nationality Act, the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

3) Issue a Writ of Habeas Corpus and order Petitioner's immediate release from custody;

4) In the alternative, hold a bond hearing at which the government 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;

5) 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; and

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

Dated: April 21, 2026

Respectfully submitted,

s/ Bridget Cambria
Bridget Cambria, Esq. PA 205271
Cambria and Kline, PC
532 Walnut Street
Reading, PA 19601
Telephone: (484) 926-2014
bridget.cambria@cambriaklinelaw.com

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

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

Dated: April 21, 2026

Respectfully Submitted,

/s/Bridget Cambria
Bridget Cambria, Esq.
PA 205271
Cambria and Kline, PC
532 Walnut Street
Reading, PA 19601
Telephone: (484) 926-2014
bridget.cambria@cambriaklinelaw.com

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

Wilfredo Manuel BAYONA QUEZADA

[redacted]

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

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

Bridget Cambria, Cambria and Kline, 532 Walnut Street, Reading PA 19601, 4849262014

DEFENDANTS

JAMAL L. JAMISON, in his official capacity as the Facility Administrator of the Philadelphia Federal Processing Center;

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

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

Attorneys *(If Known)*

United States Attorney's Office for the Eastern District of Pennsylvania 615 Chestnut Street, Suite 1250 Philadelphia, PA 19106

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

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

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

(For Diversity Cases Only)

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

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

Click here for: Nature of Suit Code Descriptions.

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

TORTS

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

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

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

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

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

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

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

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

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

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

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

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

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

PRISONER PETITIONS

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

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

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 U.S.C. § 2241(c)(5) and others

Brief description of cause:
Habeas Corpus

VII. REQUESTED IN COMPLAINT:

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

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
04/21/2026

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

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

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

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

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

Civil Litigation Categories

A. Federal Question Cases:

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

B. *Diversity Jurisdiction Cases:*

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

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

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

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

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

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

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

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

E 20

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

In the Matter of:
Respondent: BAYONA-QUEZADA, Wilfredo

File No: [redacted]

currently residing at:

T. Don Hutto Residential Center, 1001 Welch Street, Taylor, TX 76574
(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 Peru and citizen of Peru;
3) You entered the United States at an unknown location on or about 2/18/2023;
4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
5) You were not then admitted or paroled after inspection by an immigration officer.

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

Section 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.

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

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

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

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

San Antonio EOIR, 800 Dolorosa St., Suite 300, San Antonio, TX 78207
(Complete Address of Immigration Court, including Room Number, if any)

on 04/26/2023 *(Date)* at 9:00 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

Supervisory Asylum Officer
(Signature and Title of Issuing Officer)

Date: 03/17/2023

Houston, TX
(City and State)

DHS Form I-862 (6/22)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so 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 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten 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 will be provided with this notice.

Conduct of the hearing: 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. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. 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. You will be advised by the immigration judge before whom you appear 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.

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 section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at **http://www.ice.gov/contact/ero**, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

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 3/20/23, 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.

X _____ _____ DO
(Signature of Respondent if Personally Served) *(Signature and Title of officer)*

DEPARTMENT OF HOMELAND SECURITY

NOTICE OF CUSTODY DETERMINATION

Alien's Name: WILFREDO MANUEL BAYONA-QUEZADA

A-File Number: [redacted]

Date: 03/17/2023

Event ID: [redacted]

Subject ID: [redacted]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of [redacted]

☐ Detained by the Department of Homeland Security.

☒ Released (check all that apply):

☐ Under bond in the amount of $ _____

☐ On your own recognizance.

☒ Under other conditions. [Additional document(s) will be provided.]

J 3460 BROWNFIELD
Name and Signature of Authorized Officer

[redacted]
Date and Time of Custody Determination

SDDO
Title

ERO Hutto Sub Office
1001 Welch Street
Taylor TX 76574
Office Location/Address

[redacted]

☒ I acknowledge receipt of this notification, and

☐ I **do** request an immediate judge review of this custody determination.

☒ I **do not** request an immediate judge review of this custody determination.

X [signature]
Signature of Alien

[redacted]
Date

The contents of this notice were read to ILFREDO MANUEL BAYONA-QUEZAD in the SPANISH language.
(Name of Alien) (Name of Language)

A 3835 SAGIRIUS
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Deportation Officer
Title

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

Date: 3/20/2023
In Reference to: A # [redacted]
Name: Bayona-Quezada, Wilfredo Manuel

INTERIM NOTICE AUTHORIZING PAROLE

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided to parole you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, *see* 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.

Bayona-Quezada, Wilfredo Manuel	X [signature]	3/20/2023
Alien Name	Alien Signature	Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

■ In person ☐ Other: _____

A.Sagirius	[signature]	3/20/2023
ICE Official Name	ICE Official Signature	Date
J.Brownfield	[signature]	3/20/2023
Deciding Official Name	Deciding Official Signature	Date

Continuation Page for Interim Notice Authorizing Parole

To: Bayona-Quezada, Wilfredo Manuel

[redacted]

Phone [redacted]

Date: 3/20/2023
File: [redacted]
Bond: **(Parole with Reporting Requirements)**

You have been released from service custody pending a final decision in your exclusion/deportation hearing. It is understood that you will be residing at the above address. As stated on the previous page, you are required to notify the Immigration Judge (at the address shown below) of any address correction or address change. When doing so, be sure to include your name and the File Number shown above in your written communication. The attached form, EOIR-33 can be used for this purpose.

Court Address
Office of the Immigration Judge

You must report in person to: Non-Detained Office/ATD Office phone: 215-656-7164

At: 114 N 8th St, 3rd Fl, Philadelphia, PA 19107

On: 4/20/2023 @ 10:00 AM

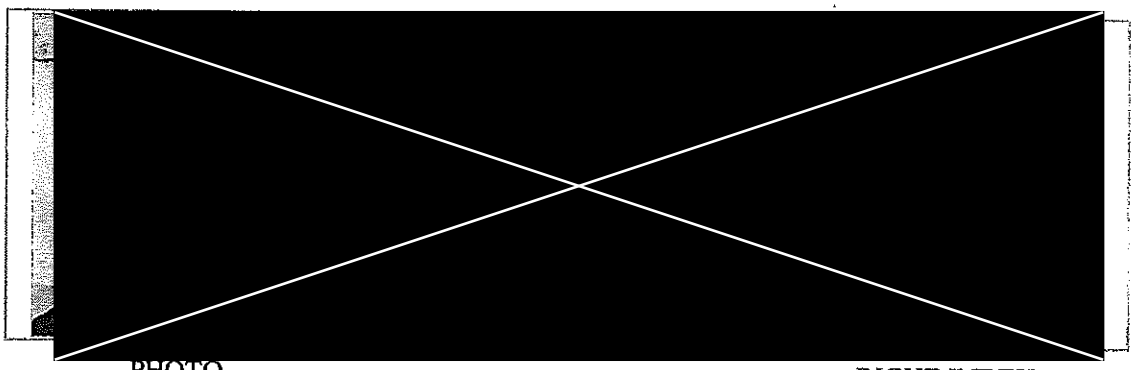


PHOTO RIGHT INDEX

Official Website of the Department of Homeland Security

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Facility Page

Detention Information For:

WILFREDO MANUEL BAYONA-QUEZADA
Country of Birth: Peru
A-Number: [redacted]

Current Detention Facility:

Philadelphia Federal Detention Center
700 Arch Street
NA
Philadelphia, PA 19106
Visitor Information: (215) 521-4000

MORE INFORMATION >

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

PHILADELPHIA, PA, DOCKET CONTROL OFFICE
Phone Number: (215) 656-7164

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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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Wilfredo Manuel Bayona Quezada, [redacted]

Petitioner,

v.

JAMAL L. JAMISON, in his official capacity as the Facility Administrator of the Philadelphia Federal Detention Center; JOHN E. RIFE, in his official capacity as acting Philadelphia Field Office Director for U.S. Immigration and Customs Enforcement; TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, in her official capacity; U.S. DEPARTMENT OF HOMELAND SECURITY; PAMELA BONDI, Attorney General of the United States, in her official capacity; and U.S. DEPARMENT OF JUSTICE;

Respondents.

Case No. 26-2631

APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE

1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court issue an order directing Respondents to show cause as to why the petition for a writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.

2. Petitioner challenges their immigration detention. *See* Petition for Writ of Habeas Corpus, ECF No. 1.

3. The federal habeas corpus statute provides that "[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243.

4. Section 2243 further provides that the writ or order to show cause "shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed."

5. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause "not more than five days after the return unless for good cause additional time is allowed."

6. In addition, Section 2243 states that the court "shall summarily hear and determine the facts, and dispose of the matter as law and justice require."

7. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondents to file a return within three days of the Court's order, showing cause, if any, why the writs of habeas corpus should not be granted, and to provide Petitioners an opportunity to file a reply within seven days after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case because Petitioners faces irreparable harm due to their unlawful detention and deprivation of their physical liberty, separation from their families, and inability to participate in gainful employment.

Dated: 04/21/2026

Respectfully submitted,

s/ Bridget Cambria
Bridget Cambria, Esq.
PA 205271
Cambria and Kline, PC
532 Walnut Street
Reading, PA 19601
Telephone: (484) 926-2014
bridget.cambria@cambriaklinelaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this date, April 21, 2026 a true and correct copy of this Application for Order to Show Cause and all attached pages was filed via the Court's CM/ECF filing system and will be served on all Defendants in accordance with the Federal Rules of Civil Procedure.

s/ Bridget Cambria
Bridget Cambria, Esq.
532 Walnut Street
Reading, PA 19601
Telephone:(484) 926-2014