UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

ABDULLAH ANAR,

Petitioner,

v.

SHERIFF, LIBERTY COUNTY; GARRETT J. RIPA, Field Office Director, U.S. Immigration and Customs Enforcement, Miami Field Office; TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the Department of Homeland Security; TODD BLANCHE, Acting Attorney General, United States Department of Justice, *in their official capacities*,

Respondents.

Case No: 4:26-cv-197

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

INTRODUCTION

Petitioner Abdullah Anar is a native and citizen of Turkey currently detained by United States Immigration and Customs Enforcement ("ICE") at the Liberty County Detention Facility, 12422 NW Revell Road, Bristol, Florida 32321—within the jurisdiction of this Court. Petitioner challenges the legality of his civil immigration detention pursuant to 28 U.S.C. § 2241.

Petitioner entered the United States at or near Calexico, California on or about April 26, 2023. He was issued a Notice to Appear ("NTA") on April 30, 2023, charging him as inadmissible under section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA"), 8 U.S.C. §

1182(a)(6)(A)(i), and was released from initial Department of Homeland Security custody. Petitioner relocated to Paterson, New Jersey, where he resided continuously and lawfully participated in his removal proceedings before the Newark, New Jersey Immigration Court. He timely filed a Form I-589 Application for Asylum and for Withholding of Removal on April 23, 2024, which raises a substantial claim for protection based on [redacted] At all times following his release, Petitioner complied with every requirement of his immigration proceedings.

Nearly three years after his entry into the United States and during the pendency of his asylum proceedings, ICE arrested Petitioner on March 18, 2026, in Tallahassee, Florida. Within twenty-four hours, ICE transferred him to the Liberty County Detention Facility in Bristol, Florida. His removal proceedings were re-venued from Newark Immigration Court to the Orlando Immigration Court. At a master calendar hearing on March 30, 2026, Petitioner admitted the factual allegations in the NTA, conceded the charge of removability, and confirmed his applications for asylum, withholding of removal, and protection under the Convention Against Torture. An individual merits hearing on those applications is scheduled for May 4, 2026. Petitioner remains detained in Bristol, Florida, without ever having received an individualized bond hearing.

The Government's basis for detaining Petitioner without any bond hearing rests on the assertion that he is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2). That position is foreclosed by the plain text of the statute, by the substantial weight of persuasive authority from the Middle and Southern Districts of Florida and courts across the country, and by the Due Process Clause of the Fifth Amendment. Courts in the Middle and Southern Districts of Florida—the geographically and legally proximate fora—have held that

noncitizens who entered the United States without inspection, were released into the interior, and were later detained by ICE in the interior are governed by 8 U.S.C. § 1226(a), not § 1225(b)(2), and are entitled to an individualized bond hearing. *See Sibrian v. Hardin*, No. 2:26-cv-00174-KCD-NPM, slip op. (M.D. Fla. Feb. 24, 2026); *Abdukarimov v. Warden, Krome N. Serv. Processing Ctr.*, No. 1:26-cv-22193-KMW, slip op. (S.D. Fla. Apr. 9, 2026); *Hernandez-Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025); *Hinojosa Garcia v. Noem*, No. 2:25-CV-879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025); *Vasquez Carcamo v. Noem*, No. 2:25-cv-922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025).

Petitioner respectfully requests, as his primary relief, that this Court order his immediate release on recognizance or reasonable conditions of supervision. Petitioner has resided in the United States for nearly three years without incident, has no criminal history of any kind, has fully complied with every obligation of his removal proceedings, and is actively pursuing a bona fide asylum claim. The Government has identified no individualized basis for detention. As alternative relief, should this Court decline to order immediate release, Petitioner requests that Respondents be ordered to provide him with an individualized bond hearing before a neutral immigration judge within five (5) business days, at which the Government must bear the burden of demonstrating, by clear and convincing evidence, both that Petitioner poses a flight risk or danger to the community and that no alternative conditions of supervision would mitigate any identified risk. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. § 2241(a) and (c)(3), which authorizes federal courts to issue writs of habeas corpus on behalf of persons held in custody in violation of the Constitution or laws of the United States. Federal courts have long exercised habeas jurisdiction over the legality of civil immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003). The proper respondent is the immediate custodian in the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 443–47 (2004).

VENUE

Venue is proper in the Northern District of Florida, Tallahassee Division. Petitioner is physically confined at the Liberty County Detention Facility, 12422 NW Revell Road, Bristol, Liberty County, Florida 32321—which lies within the Tallahassee Division of this District. Liberty County, Florida falls within the geographic jurisdiction of the Northern District of Florida.

Venue is also proper because Respondents are officers and employees of the United States, and a substantial part of the events and omissions giving rise to the claims herein—including Petitioner's continued detention—occurred and continue to occur within this District.

REQUIREMENTS OF 28 U.S.C. § 2243

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

The habeas writ remains the principal safeguard against unlawful executive detention. As the Supreme Court has long recognized, habeas corpus is "perhaps the most important writ known to the constitutional law of England, 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). Habeas applications "usurp[] the attention and displace[] the calendar of the judge or justice who entertain[] [them] and receive[] prompt action from him within the four corners of the application." *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Exhaustion of administrative remedies is not required. Section 2241 contains no statutory exhaustion requirement, and courts apply only a prudential exhaustion doctrine in immigration habeas matters. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) (exhaustion not required where not mandated by statute). Petitioner's challenge is to the statutory and constitutional authority for his detention—claims that administrative agencies cannot adjudicate and for which they lack the power to grant habeas relief. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006) (BIA lacks authority to decide constitutional issues).

Exhaustion would, in any event, be futile. Neither the Immigration Judge nor the Board of Immigration Appeals will entertain a bond redetermination request from a noncitizen whom DHS has classified as detained under 8 U.S.C. § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Where, as here, no administrative forum can grant the relief sought, exhaustion is excused. *McCarthy*, 503 U.S. at 146–49 (exhaustion excused where agency remedies are inadequate or would cause irreparable injury).

PARTIES

Petitioner Abdullah Anar (A-Number [redacted]) is a native and citizen of the Republic of Turkey, born on [redacted], in Bakirkoy, Istanbul, Turkey. He is currently detained at the Liberty County Detention Facility, 12422 NW Revell Road, Bristol, Florida 32321. His

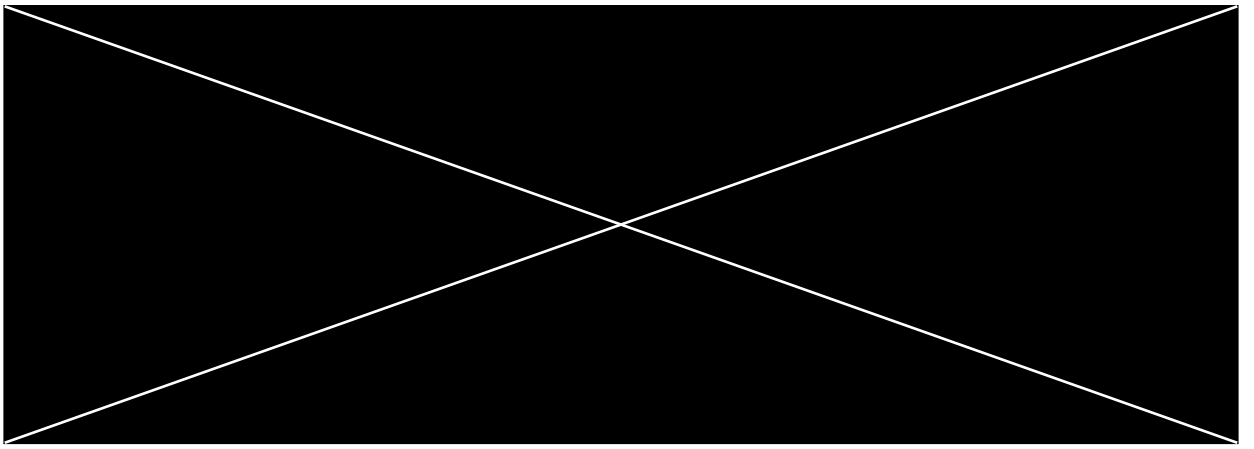
removal proceedings are pending before the Orlando, Florida Immigration Court, with an individual merits hearing scheduled for May 4, 2026.

Respondent Sheriff, Liberty County, is, upon information and belief, the immediate custodian of Petitioner at the Liberty County Detention Facility and is a proper respondent under 28 U.S.C. § 2241. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004). Respondent Garrett J. Ripa is the Field Office Director of U.S. Immigration and Customs Enforcement, Miami Field Office, whose area of responsibility encompasses the State of Florida and which exercises legal custody over Petitioner. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and has supervisory authority over immigration detention nationwide. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and has ultimate authority over immigration enforcement. Respondent Todd Blanche is the Acting Attorney General of the United States and oversees the Executive Office for Immigration Review. All Respondents are sued in their official capacities.

STATEMENT OF FACTS

A. Background and Country Conditions

Petitioner Abdullah Anar is a native and citizen of the Republic of Turkey, born on [redacted], in the Bakirkoy district of Istanbul, Turkey. [redacted] The basis for his claim to asylum, withholding of removal, and protection under the Convention Against Torture is his well-founded fear of persecution and torture in Turkey on account of his membership in a particular social group—[redacted]—and on account of imputed political opinion arising from his association with [redacted]



B. Entry into the United States and Initiation of Removal Proceedings

On or about April 26, 2023, Petitioner entered the United States at or near Calexico, California. On April 30, 2023, U.S. Customs and Border Protection issued Petitioner a Notice to Appear, alleging that he is not a citizen or national of the United States, is a native and citizen of Turkey, arrived in the United States at or near Calexico, California, on or about April 26, 2023, and was not then admitted or paroled after inspection by an immigration officer. The NTA charged Petitioner as inadmissible under section 212(a)(6)(A)(i) of the INA, 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner was released from initial Department of Homeland Security custody and instructed to appear before the Newark, New Jersey Immigration Court.

C. Residence and Compliance with Immigration Proceedings in New Jersey

Following his release, Petitioner relocated to Paterson, New Jersey, where he resided at [redacted]. He retained counsel and filed a timely Form I-589 Application for Asylum and for Withholding of Removal on April 23, 2024, well within the one-year statutory deadline of INA § 208(a)(2)(B), 8 U.S.C. § 1158(a)(2)(B). Petitioner's application included a sworn declaration setting forth in detail the basis for his fear of persecution and torture in Turkey, accompanied by a certified Turkish-to-English translation.

Petitioner appeared at all scheduled hearings, complied with every direction of the Newark Immigration Court, and maintained continuous communication with counsel. His next hearing before Immigration Judge Tamar H. Wilson at the Newark Immigration Court was set for October 27, 2026.

D. Arrest by ICE and Transfer to Bristol, Florida

On March 18, 2026—nearly three years after his entry into the United States and during the pendency of his asylum proceedings—ICE arrested Petitioner in Tallahassee, Florida. The Warrant for Arrest of Alien recited that probable cause existed based on "the pendency of ongoing removal proceedings against the subject" and certain biometric and statement-based determinations.

On March 19, 2026, ICE transferred Petitioner from the ERO Tallahassee Sub Office to the Liberty County Detention Facility, 12422 NW Revell Road, Bristol, Florida 32321, where he remains detained.

E. Re-Venue of Removal Proceedings and Pleadings Before the Orlando Immigration Court

Following his transfer to Bristol, Florida, Petitioner's removal proceedings were re-venued from the Newark Immigration Court to the Orlando Immigration Court, which conducts video-teleconference hearings at the Liberty County Detention Facility. On March 30, 2026, Petitioner appeared before Immigration Judge Benjamin Rosen for a master calendar hearing. Through counsel, Petitioner conceded proper service of the NTA, admitted factual allegations one through four, and conceded the charge of removability under INA § 212(a)(6)(A)(i). Petitioner declined to designate a country of removal and confirmed his applications for asylum, withholding of

removal, and protection under the Convention Against Torture. An individual merits hearing was thereafter scheduled for May 4, 2026, at 1:00 P.M.

F. Continued Detention Without Bond Hearing

Since his arrest by ICE on March 18, 2026, Petitioner has been detained without an individualized bond hearing before a neutral immigration judge. Upon information and belief, the Government has classified Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and has, on that basis, foreclosed access to a bond hearing under 8 U.S.C. § 1226(a). Petitioner has no criminal history. He has appeared at every scheduled immigration hearing. He has resided continuously in the United States for nearly three years.

LEGAL FRAMEWORK

A. The Statutory Detention Framework: § 1225 Versus § 1226

Two statutory provisions principally govern immigration detention pending the outcome of removal proceedings. Section 1225 governs the inspection, detention, and removal of "applicants for admission"—noncitizens who are physically seeking entry into the United States. *See* 8 U.S.C. § 1225. Section 1225(b)(1) addresses noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, and channels them into expedited-removal or credible-fear procedures. Section 1225(b)(2)(A), a residual provision, requires detention of any noncitizen "seeking admission" who "is not clearly and beyond a doubt entitled to be admitted." Detention under § 1225(b)(2) is mandatory; no bond hearing is afforded. *Jennings v. Rodriguez*, 583 U.S. 281, 287–89 (2018).

Section 1226, by contrast, governs noncitizens "already in the country pending the outcome of removal proceedings." *Jennings*, 583 U.S. at 289. Section 1226(a) provides that the Attorney

General may arrest and detain such a noncitizen pending a removal decision, *or* may release the noncitizen on bond or conditional supervision. 8 U.S.C. § 1226(a). Noncitizens detained under § 1226(a) have the right to an individualized bond hearing before an immigration judge. *Id.*; 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1).

The Supreme Court in *Jennings* emphasized the temporal and categorical distinction: § 1225 applies to noncitizens "seeking admission into the country" at the border or a port of entry, while § 1226 governs those "already in the country pending the outcome of removal proceedings." 583 U.S. at 285–89. That distinction controls here.

B. Persuasive Authority in Florida and Across the Country: Interior EWI Detainees Are Governed by § 1226(a)

Although the Northern District of Florida has not yet addressed the § 1225(b)(2) versus § 1226(a) question in this specific posture, courts in the Middle and Southern Districts of Florida—the geographically and legally proximate fora—have squarely held that noncitizens who entered the United States without inspection, were released into the interior, and were later detained by ICE in the interior are governed by 8 U.S.C. § 1226(a) and are entitled to an individualized bond hearing. The body of authority in this state, combined with the weight of authority from other district courts, provides compelling guidance for this Court.

Middle District of Florida. In *Sibrian v. Hardin*, No. 2:26-cv-00174-KCD-NPM, slip op. (M.D. Fla. Feb. 24, 2026), the petitioner illegally entered the United States in 2013 and was later detained by ICE pending removal. The court rejected the Government's invocation of mandatory detention under § 1225(b)(2)(A) and ordered the Government to provide the petitioner with the statutory process required under § 1226(a), which includes a bond hearing. *Id.*, slip op. at 6. The

court relied on what it described as the "comfortable majority position" among federal district courts. *Id.* The same analysis governs here.

Sibrian was preceded by a line of M.D. Fla. decisions reaching the same conclusion: *Hernandez-Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025); *Hinojosa Garcia v. Noem*, No. 2:25-CV-879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025); and *Vasquez Carcamo v. Noem*, No. 2:25-cv-922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025). Each granted habeas relief on the same § 1226(a) theory to interior detainees in the Middle District. The Middle District has reaffirmed this approach in *Malikov v. Bondi*, No. 2:26-cv-00172-SPC-NPM, slip op. (M.D. Fla. Feb. 12, 2026), which ordered Respondents either to bring the petitioner before an immigration judge for an individualized bond hearing within ten days or to release him.

Southern District of Florida. In *Abdukarimov v. Warden, Krome North Service Processing Center*, No. 1:26-cv-22193-KMW, slip op. (S.D. Fla. Apr. 9, 2026), the petitioner was "process[ed] . . . as [a] noncitizen present without admission or parole" upon entry, was "release[d] on his own recognizance," and was later detained by ICE following state criminal proceedings. *Id.*, slip op. at 2. The Southern District rejected the Government's mandatory-detention theory under § 1225, holding that "This Court and countless others have uniformly rejected the Government's expansive interpretation of § 1225," and ordered the Government to afford the petitioner an individualized bond hearing under § 1226(a). *Id.*, slip op. at 6, 11. Petitioner Anar's posture is materially identical: he was charged under § 212(a)(6)(A)(i) as a noncitizen present without admission or parole, was released into the interior, and was later detained by ICE.

National consensus. The Florida courts' analysis aligns with what those courts and others have characterized as the "legion" of federal district court decisions reaching the same conclusion. *Abdukarimov*, slip op. at 6 n.4. *See, e.g.*, *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *3, *7–8 (E.D. Mich. Sept. 9, 2025) ("For almost three decades, most noncitizens who entered without inspection that were placed in standard removal proceedings received bond hearings . . . . [T]he Respondents' proposed statutory interpretation does not align with the executive branch's contemporaneous guidance when the IIRIA passed or with the expectations the guidance established."); *Becerra Perez v. Grant*, No. CIV-25-1560-R (W.D. Okla. Feb. 5, 2026) (granting habeas to noncitizen who previously entered without inspection).

C. The Due Process Standard at Bond Hearings

As a noncitizen detained under § 1226(a), Petitioner has the right to a bond hearing before a neutral immigration judge. *See Jennings*, 583 U.S. at 306 ("Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.") (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)). The Due Process Clause of the Fifth Amendment requires that civil immigration detention be accompanied by adequate procedural protections. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 531. Petitioner requests that, at any ordered bond hearing, the Government bear the burden of proof by clear and convincing evidence that he poses a flight risk or danger to the community, and that no less-restrictive conditions of supervision would mitigate any identified risk. *See Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976).

ARGUMENT

I. PETITIONER IS ENTITLED TO IMMEDIATE RELEASE BECAUSE § 1226(a), NOT § 1225(b)(2), GOVERNS HIS DETENTION.

A. Petitioner Is Not "Seeking Admission" Within the Meaning of § 1225(b)(2).

Section 1225(b)(2)(A) applies only to a noncitizen who is both an "applicant for admission" and is actively "seeking admission." 8 U.S.C. § 1225(b)(2)(A); *Jennings*, 583 U.S. at 287. The phrase "seeking admission" describes active, present-tense conduct: physically attempting to enter the United States and presenting oneself for inspection. A noncitizen who entered the country years ago, was released into the interior, established residence, applied for asylum, and was thereafter arrested by ICE in the interior is not "seeking admission" within any reasonable construction of that phrase. *See Hernandez-Lopez*, 2025 WL 3022245, at *2.

Petitioner Anar entered the United States on or about April 26, 2023—nearly three years before the filing of this Petition. He was issued an NTA on April 30, 2023, was released from initial DHS custody, and resided in Paterson, New Jersey for approximately three years while pursuing relief from removal in the Newark Immigration Court. He is not at the border. He has not presented himself for inspection. He is not, in any sense, "seeking admission." He has been in the interior—placed in INA § 240 removal proceedings, with a pending Form I-589 application—for years. The Government cannot transform a noncitizen who has resided in the interior for years into a border-seeker by the act of arresting him.

B. Interior Arrest in Tallahassee Confirms That § 1226(a) Governs.

Courts in the Middle District of Florida and across the country have recognized that the location and circumstances of a noncitizen's arrest—interior, rather than border—bear directly on which detention statute applies. *Hernandez-Lopez*, 2025 WL 3022245, at *2; *Hinojosa Garcia*, 2025 WL 3041895, at *4. Section 1225(b)(2)(A) is designed for the port-of-entry inspection process; it applies to those physically presenting themselves for admission, not to those arrested years after entry in the interior.

Petitioner was arrested by ICE in Tallahassee, Florida—deep in the interior of the country, hundreds of miles from any port of entry, and nearly three years after his initial entry near Calexico, California. This sequence is precisely the pattern that Florida and national courts have recognized as interior detention governed by § 1226(a). *See Sibrian*, slip op. at 6 (granting § 1226(a) bond hearing to noncitizen who entered without inspection in 2013 and was "recently detained by ICE"); *Abdukarimov*, slip op. at 11 (granting § 1226(a) bond hearing to noncitizen processed at entry as a noncitizen present without admission or parole and later detained by ICE).

C. Florida District Court Persuasive Precedent, Combined with the National Consensus, Forecloses the Government's § 1225(b)(2) Theory.

The decisions of the Middle and Southern Districts of Florida—the federal courts most familiar with the legal and operational landscape of immigration detention in this state—establish a consistent line of authority: noncitizens who entered the United States, whether by parole or without inspection, were released into the interior, established residence, and were thereafter detained by ICE in the interior are governed by § 1226(a). The Government has no valid basis to depart from this framework in this Court.

As the Southern District of Florida observed in *Abdukarimov* on April 9, 2026, the question of which statute applies is a "purely legal question of statutory interpretation" within the court's jurisdiction. Slip op. at 6. The Seventh Circuit, in a preliminary determination, found that the Government's argument that interior detainees are subject to mandatory detention under § 1225(b)(2)(A) is unlikely to succeed on the merits. *Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1060–63 (7th Cir. 2025). And as the Eastern District of Michigan summarized, "For almost three decades, most noncitizens who entered without inspection that were placed in standard removal proceedings received bond hearings, unless subject to an

exception." *Pizarro Reyes*, 2025 WL 2609425, at *7. The Government's recent shift in position, embodied in *Matter of Yajure Hurtado*, departs from that long-settled understanding without statutory warrant.

II. IN THE ALTERNATIVE, THE COURT SHOULD ORDER AN INDIVIDUALIZED BOND HEARING WITHIN FIVE DAYS AT WHICH THE GOVERNMENT BEARS THE BURDEN OF CLEAR AND CONVINCING EVIDENCE.

A. Bond Hearing as Alternative Relief.

Should this Court conclude that immediate release is not appropriate at this stage, the established remedy in Florida federal courts is a prompt § 1226(a) bond hearing at which the Government bears the burden of proof. In *Sibrian*, the court ordered the Government to provide a § 1226(a) bond hearing. In *Malikov*, the Middle District ordered the Government either to bring the petitioner before an immigration judge for a bond hearing within ten days or to release him. In *Abdukarimov*, the Southern District ordered an individualized bond hearing within five days or release. Petitioner respectfully requests a hearing within five business days of this Court's order.

Should this Court order a bond hearing, it should specify that the Government bears the burden of proving by clear and convincing evidence both that Petitioner poses a flight risk or danger to the community and that no alternative conditions of supervision would adequately mitigate that risk. *See Mathews*, 424 U.S. at 334–35. The Government has classified Petitioner as subject to mandatory detention without any individualized assessment. Placing the burden on the Government at any bond hearing is necessary to remedy the deprivation of process Petitioner has already suffered.

B. This Court's Habeas Authority Is Independent of Any Administrative Framework.

This Petition is an independent action brought pursuant to 28 U.S.C. § 2241 on behalf of Petitioner individually. Class-action proceedings or administrative agency rules that may otherwise affect similarly situated noncitizens do not impair this Court's authority to grant individual habeas relief to Petitioner. This Court retains independent authority to grant relief under the ordinary habeas process, finding as a matter of law that Petitioner's detention violates the INA and the Fifth Amendment. *Cf. Sibrian*, slip op. at 7 n.3 (granting habeas relief notwithstanding pending California class action).

III. ADVERSE AUTHORITY DOES NOT PRECLUDE RELIEF IN THIS COURT.

The Government may invoke *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026), and *Herrera Avila v. Bondi*, No. 25-3248, 2026 WL 819258 (8th Cir. 2026), which upheld mandatory detention under § 1225(b)(2) for certain noncitizens who entered without inspection. Neither decision binds this Court. The Eleventh Circuit has not yet ruled on this question, and the federal district courts of Florida have specifically considered—and declined to follow—both decisions. The Middle District of Florida observed in *Malikov* that *Buenrostro-Mendez* "contradicts the vast majority of district court opinions addressing the issue," that the court "respectfully disagrees with the majority's reasoning," and that "Judge Douglas's dissent" is "more persuasive." Slip op. at 3 n.1. The Southern District of Florida, in *Abdukarimov*, similarly declined to follow these circuit decisions, noting that they "run contrary to the legion" of district court authority, that "[n]either opinion is binding on this Court," and that "without Eleventh Circuit guidance, this Court will not adopt the Government's expansive reading of § 1225." Slip op. at 6 n.4.

The Government may also invoke *Matter of Yajure Hurtado*, to argue that immigration judges lack jurisdiction to conduct § 1226(a) bond hearings for noncitizens in Petitioner's posture.

Florida federal courts have rejected *Yajure Hurtado* as a basis for denying habeas relief and have ordered bond hearings notwithstanding the Government's reliance on that decision. *See Malikov*, slip op. at 3; *Sibrian*, slip op. at 4–5. Following *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 394 (2024), this Court owes no deference to the BIA's statutory interpretation and must exercise independent judgment in interpreting the INA. *See Abdukarimov*, slip op. at 6 (citing *Loper Bright*). The BIA's interpretive position cannot override this Court's independent habeas authority.

CLAIMS

CLAIM ONE

Detention Violates the Immigration and Nationality Act

Petitioner incorporates by reference the allegations set forth in all preceding paragraphs.

The Government is detaining Petitioner pursuant to 8 U.S.C. § 1225(b)(2), even though that provision does not govern his detention. Petitioner entered the United States in April 2023, was issued a Notice to Appear charging him under INA § 212(a)(6)(A)(i), and was released into the interior. He filed a Form I-589 Application for Asylum and for Withholding of Removal on April 23, 2024 and complied with all obligations of his removal proceedings before the Newark Immigration Court for nearly two years. He was not apprehended at a port of entry or during any contemporaneous effort to enter the country. The statutory text and the weight of persuasive authority from Florida and across the country establish that noncitizens who entered without inspection, were released into the interior, and were later detained by ICE in the interior are detained, if at all, under 8 U.S.C. § 1226(a), which provides for discretionary custody and the right

to an individualized bond hearing. *See Sibrian*, slip op. at 6; *Abdukarimov*, slip op. at 11; *Hernandez-Lopez*, 2025 WL 3022245, at *2.

Because Petitioner is not subject to detention under § 1225(b)(2), his continued detention without access to an individualized bond hearing exceeds the Government's statutory authority and violates the INA. Petitioner is entitled to habeas relief in the form of immediate release or, in the alternative, a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a).

CLAIM TWO

Violation of the Due Process Clause of the Fifth Amendment

Petitioner incorporates by reference the allegations set forth in all preceding paragraphs.

Petitioner's continued detention without a bond hearing or any individualized determination of flight risk or danger violates the Due Process Clause of the Fifth Amendment. The Government asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)—even though he entered the United States nearly three years ago, was released into the interior, applied for asylum, has appeared at every immigration hearing, and has no criminal history of any kind.

Treating Petitioner as an "applicant for admission" subject to mandatory detention without any procedural safeguards is arbitrary and contrary to the basic guarantees of due process. Even where the Government possesses authority to detain individuals for immigration purposes, such detention must bear a reasonable relation to its asserted purpose and be accompanied by adequate procedural protections. *Demore*, 538 U.S. at 531.

As the Supreme Court explained in *Zadvydas*, 533 U.S. at 690, freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. The Due Process Clause extends to all persons within the United States, including noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

The *Mathews* balancing test confirms that Petitioner is, at minimum, entitled to a bond hearing. *Mathews*, 424 U.S. at 334. Petitioner's liberty interest is at its highest; the risk of erroneous deprivation is substantial given the Florida and national authority rejecting § 1225(b)(2) classification of interior detainees; and the Government's administrative interest does not override constitutional commands where the asserted statutory basis for detention has been rejected by courts across the country. Accordingly, Petitioner's continued detention violates the Fifth Amendment, and this Court should grant habeas relief and order Petitioner's immediate release or, at a minimum, a prompt bond hearing at which the Government bears the burden of proving by clear and convincing evidence that continued detention is justified and that no less-restrictive alternatives exist.

CLAIM THREE

Violation of the Suspension Clause of the United States Constitution

Petitioner incorporates by reference the allegations set forth in all preceding paragraphs.

The Suspension Clause, U.S. Const. art. I, § 9, cl. 2, guarantees that "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." Petitioner's continued detention without access to a meaningful mechanism to challenge the legality of his custody implicates this constitutional guarantee. The Supreme Court has long held that habeas relief remains available to noncitizens seeking to

challenge unlawful executive detention. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). The writ cannot be withdrawn where the Executive detains an individual without statutory authority and without due process safeguards. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).

Because the Government has invoked § 1225(b)(2) to assert mandatory detention while simultaneously foreclosing bond jurisdiction before the Immigration Court under *Matter of Yajure Hurtado*, Petitioner's only meaningful remedy is through this Court's habeas jurisdiction under 28 U.S.C. § 2241. This Court should exercise that jurisdiction and grant relief.

PRIMARY RELIEF REQUESTED: IMMEDIATE RELEASE

The appropriate primary remedy in this proceeding is Petitioner's immediate release from custody—not merely an order directing Respondents to conduct a bond hearing. The statutory predicate for Petitioner's detention—§ 1225(b)(2)—is inapplicable under the substantial weight of authority from Florida's federal district courts and courts across the country. Petitioner has resided in the United States for nearly three years following his entry, complied with every obligation of his removal proceedings, timely filed his Form I-589 within the one-year statutory deadline, and pursued his asylum claim diligently before the Newark Immigration Court. He has no criminal history of any kind. Where, as here, the Government lacks any valid statutory basis for detention and has provided no individualized finding of flight risk or danger, immediate release is the appropriate remedy. *See Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

The combined effect of (a) the substantial weight of authority in Florida and nationally establishing that § 1225(b)(2) does not govern Petitioner's detention; and (b) the BIA's position under *Matter of Yajure Hurtado* foreclosing bond jurisdiction before the Immigration Court, is that there is no administrative forum in which Petitioner can meaningfully obtain relief. The only

avenue available is this Court's independent habeas authority under 28 U.S.C. § 2241. This Court should exercise that authority to remedy unlawful detention directly and order Petitioner's immediate release under reasonable conditions of supervision. *See Zadvydas*, 533 U.S. at 699; *Preiser*, 411 U.S. at 484.

ALTERNATIVE RELIEF: INDIVIDUALIZED BOND HEARING

If this Court declines to order immediate release and instead orders a bond hearing as alternative relief, Petitioner respectfully requests that the Court's order specify the following terms:

First, the hearing shall be conducted before a neutral Immigration Judge within five (5) business days of this Court's order. *See Abdukarimov*, slip op. at 11 (ordering bond hearing within five days or release); *Malikov*, slip op. at 4 (ordering bond hearing within ten days or release); *Sibrian*, slip op. at 6 (ordering § 1226(a) bond hearing).

Second, Respondents shall bear the burden of proving, by clear and convincing evidence, both that Petitioner poses a flight risk or danger to the community *and* that no less-restrictive conditions of supervision would adequately mitigate any identified risk. *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976); *Zadvydas*, 533 U.S. at 690.

Third, in meeting that burden, the Government may not rely on categorical assumptions applicable to noncitizens in removal proceedings generally, speculation regarding the merits of Petitioner's pending asylum application, or Petitioner's immigration status alone. The Government must come forward with concrete, individualized evidence specific to Petitioner.

Fourth, should Respondents fail to provide the hearing within the specified period or fail to carry their burden at such a hearing, Petitioner shall be immediately released from custody under

reasonable conditions of supervision. This Court retains continuing jurisdiction to enforce its order and to ensure compliance.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
2. Issue an Emergency Order prohibiting Respondents from transferring Petitioner outside this judicial district during the pendency of these proceedings;
3. Grant the Petition for a Writ of Habeas Corpus and hold that Petitioner's continued detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;
4. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from immigration detention under reasonable conditions of supervision;
5. In the alternative, should the Court determine that release is not immediately warranted, order Respondents to provide Petitioner with a constitutionally adequate individualized bond hearing within five (5) business days, at which the Government bears the burden of proving dangerousness or flight risk by clear and convincing evidence;
6. Order that if Respondents fail to provide such a hearing within the specified time, or fail to meet their burden, Petitioner shall be immediately released from custody;
7. Temporarily enjoin the Government from re-detaining Petitioner unless it first demonstrates by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker that Petitioner is a flight risk or danger to the community;
8. If the Government pursues re-detention, order that it must first provide Petitioner with a bond hearing at which a neutral immigration judge shall determine whether detention is warranted pending the resolution of his removal proceedings;
9. Upon Petitioner's release, order Respondents to return all of Petitioner's personal belongings confiscated upon his detention, including identification documents; and

10. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on April 21, 2026.

/s/ Harun Taskin
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COUNSEL FOR PETITIONER

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. I have reviewed the relevant documentation of the events described in this Petition that was reasonably available to me prior to and at the time of filing. Based on those documents and on discussions with individuals whom Petitioner authorized to speak on his behalf, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

Respectfully submitted on April 21, 2026.

/s/ Harun Taskin
Harun Taskin
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