UNITED STATES DISTRIC COURT
FOR THE
DISTRICT COURT OF ARIZONA
U.S. Courthouse, suite 130
401 West Washington Street, SPC10
Phoenix, Arizona 85003-2119

FILED ___ LODGED
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APR 21 2026
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY ___ DEPUTY

RAMS PAUL
A# [redacted]
Petitioner,

CV26-02741-PHX-SMB--JZB

V.

Pam Bondi,
US ATTORNEY GENERAL;
Kristi Noem,
SECRETARY OF DEPARTMENT OF HOMELAND SECURITY;
John E. Cantu,
FIELD OFFICE DIRECTOR FOR THE PHOENIX FIELD OFFICE;
Warden Eloy detention center
Respondents,

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

INTRODUCTION

1. This case is about Petitioner Rams Paul ("Petitioner" or "Rams"), a 34-year-old Haitian man who has been residing freely and absent any criminal record in the United States for more than a year. He fled Haiti for political reasons and entered the United States without inspection in 2024. No longer living in [redacted], his home for the past year, he now sits incarcerated at Eloy Detention Center, Eloy AZ.

2. On July 7, 2025, without notice or warning, Rams was seized by federal authorities, arrested, and detained.

3. He was transported to Eloy Detention Center on July 20, 2025, and denied an immigration bond on March 27, 2026. Absent this court's intervention, Rams will, at a minimum, remain incarcerated until the IJ make a decision in his asylum application case and if he gets deny by the IJ, until BIA review the appeal (and likely thereafter, during the pendency of any appeals she or Respondents may take)—despite the fact that he is neither a flight risk, nor a danger to the community.

4. Rams's life dramatically changed on July 7, 2025, when he was incarcerated pursuant to the mandatory detention provision of this country's expedited removal law: Section 1225(b)(2)(A) of Chapter 8 of the United States Code ("Section 1225(b)").

5. But Rams was not (and is still not) in expedited removal proceedings—rendering, on the plain meaning of the statute, his mandatory detention pursuant to Section 1225(b) unlawful. (bond denial determination by immigration judge on jurisdictional grounds, specifically referencing Section 1225(b), which requires mandatory detention and bars a bond determination). Because Rams is not in expedited removal proceedings, he is not subject to mandatory detention. Instead, as his March 11, 2026, hearing demonstrates, he is a noncitizen eligible for bond under Section 1226(a) of Chapter 8 of the United States Code ("Section 1226(a)").

6. A number of recent lower federal district court decisions have reached the conclusion that the mandatory detention provision of the expedited removal law,

Section 1225(b), cannot be applied to noncitizens in 1226(a) proceedings, like Rams. *See Rodriguez Vazquez v. Bostock*, ---F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on conclusion that Section 1225 cannot be applied on similar facts); *Benitez v. Francis*, 29-CV-5937, Oral Tr. at 39:2-15 (S.D.N.Y July 28, 2025) (same); *Chipantiza-Sisalema,* 2025 WL 1927931, at *1 (S.D.N.Y. July 13, 2025), (granting release pursuant to courthouse arrest resembling petitioners).

7. Because Rams was summarily denied bond under an inapplicable provision of the law to her case, he seeks habeas corpus release from this court.

8. Rams's arrest followed a May 22, 22025, unpublished decision from the Board of Immigration Appeals ("BIA" or the "Board"), a court that by statute follows the directives of the Attorney General of the United States and is prevented from addressing constitutional challenges to arguments raised to the Board's attention. *See Varela-Chavarria v. Garland*, 86 F. 4th 443, 449 (1st Cir. 2023) (standing for the proposition that the BIA cannot hear constitutional issues). The Board held in its May 22 decision that the noncitizen—there, a citizen of Guatemala who entered without inspection roughly a decade prior—was considered an applicant for admission under Section 1225(b) and, accordingly, deemed ineligible for an immigration bond. Declaration in Support of Plaintiffs, *Rodriguez Vazquez v. Bostock*, 3:25-cv-05240-TMC (July 8, 2025).

9. Rams's arrest is another case wherein ICE "in coordination with" the Department of Justice ("DOJ") officially announced that they were rejecting decades of precedent and practice concerning the expedited removal mandatory detention statute. ICE and DOJ explained in their guidance that they would now apply the mandatory detention provision to all those who EWI, not simply those subject to expedited removal—in the absence of any due process regarding this newfound application, and regardless of when an EWI entered the United States or whether they had a pending asylum application.

10. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission,"3 claims that all EWIs shall now be deemed "applicants for admission" under Section 1225—the expedited removal statute—and therefore subject to mandatory detention under Section 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, or whether they have a pending asylum application, and affects those who have resided in the United States for months, years, decades-like Rams.

11. This new policy was issued against the dictates of binding judicial precedent, including *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018), wherein the United States Supreme Court explained that Section 1225's mandatory detention scheme applies not in cases like Rams's (in short to those who EWI), but instead "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 v. Rodriguez*, 583 U.S. 281, 287 (2018).

12. Against this backdrop, Rams —who entered the United States without inspection decades ago and has a pending application and no criminal record—was detained on July 7, 2025, without any consideration of his flight risk or dangerousness. He was never afforded any notice or opportunity to be heard as to whether he should be detained by Respondents in light of (1) his absence of any criminal record (in sum, his lack of any perceived dangerousness); (2) that fact that he was obviously not a flight risk ; and (3) immigration relief available to his, which would render his removal anything but imminent. In light of these facts, the strict purposes for immigration detention do not apply to Rams, calling into question Respondents ability to detain him. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (describing the limited purposes of immigration detention, which include preventing flight and danger to the community).

13. Without this Court's intervention, Rams will have no avenue to challenge his physical detention by Respondent. For the avoidance of any doubt concerning this Court's jurisdiction, through this petition, Rams seeks only to challenge Respondents' ability to detain him pursuant to the Immigration and Nationality Act and the due process protections of the Fifth Amendment of the United States Constitution. *See* Order Granting Mot. Temp. Restraining Ord., *Pourhosseinhendabad v. Trump et al.,* No. 1:25-cv-00987 (Jul. 17, 2025) (granting temporary restraining order in habeas challenge, later recalled and dissolved upon petitioners' release). Respondents may, of course, continue his removal proceedings as they see fit without any interference from this Court pursuant to this petition. *See*

Dep't of Homeland Sec. v. Thuraissigiam, 591 U.S. 103, 118 (2020) (noting that the writ of habeas corpus invalidates government custody and ensures release, but does not disturb immigration court processes themselves).

14. Rams submits this petition for a writ of habeas corpus ("Petition") pursuant to 28 U.S.C. § 2241, the All-Writs Act, 28 U.S.C. § 1651, Article I, Section 9 of the United States Constitution and the Fifth Amendments of the United States Constitution, to remedy her unlawful detention.

JURISDICTION

15. This action arises under the constitution of the United States, and the Immigration and Nationality Act ("INA"), 8 U.S.C. 1101 et seq. as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. 701 et seq.

16. This court has jurisdiction under 28 U.S.C. 2241: art. I 9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, law, or treaties of the United State. This court may grant relief pursuant to 28 U.S.C. 2241, 5 U.S.C. 702, and the All Writs Act, 28 U.S.C. 1651.

17. Petitioner has exhausted any and all administrative remedies to the extend require by law.

VENUE

18. Pursuant to Braden V. 30th Judicial Circuit Ct., 410 u.s. 484, 495-96, 93 S. Ct. 1123,35 L. Ed. 2d 443 (1973); Roman V. Ashcroft, 340 F.3d 314, 318-20 (6th Cir. 2003). Thus, because the petition indicates that Petitioner is currently incarcerated at **Eloy Detention Center**, the proper venue for this action is the United States District Court for the **District of Arizona**, the judicial district in which Petitioner resides.

19. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the **District of Arizona**.

PARTIES

20. Petitioner is a native and citizen of **Haiti**. Petitioner was taken into ICE custody on **July 7, 2025**.

21. Respondent **Pam Bondi** is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration & Nationality Act (INA). As such, **Mrs. Bondi** has ultimate custodial authority over Petitioner.

22. Respondent **Kristi Noem** is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation

and enforcement of the Immigration & Nationality Act (INA). As such, **Mrs. Noem** is the legal custodian of Petitioner.

23. Respondent **John E. Cantu** is one of the ICE Field Director of the Phoenix Field Office of ICE and is Petitioner's immediate custodian who has signed Petitioner's continued Detention Letters. **See Vasquez v. Reno 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).**

24. Respondent Warden of Eloy detention Center, where Petitioner is currently detained under the authority of ICE, alternatively, may be considered to be Petitioner's immediate custodian.

EXHAUSTION OF REMEDIES

25. No statutory exhaustion requirement applies to a petition challenging immigration detention under 28 U.S.C. § 2241. *See, e.g.*, *Montano v. Texas*, 867 F.3d 540, 542 (5th Cir. 2017) ("Unlike 28 U.S.C. § 2254, Section 2241's text does not require exhaustion."); *Robinson v. Wade*, 686 F.2d 298, 303 n.8 (5th Cir. 1982) ("[S]ection 2241 contains no statutory requirement of exhaustion like that found in section 2254(b) . . . .").

26. Rams's claims—that his detention is unconstitutional because it contravenes the protections of the Fifth Amendments—are unrelated to any legitimate governmental purpose and therefore are not subject to any statutory requirement of administrative exhaustion, and thus, exhaustion is not a jurisdictional prerequisite. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992).

27. To the extent that any prudential considerations might lead the Court to consider requiring exhaustion as a matter of discretion, the Supreme Court has recognized that courts should not require exhaustion where there is an "unreasonable or indefinite timeframe for administrative action." *Id.* at 147. Exhaustion is thus not appropriate where the petitioner "may suffer irreparable harm if unable to secure immediate judicial consideration of [his] claim." *Id.* Because Rams is in detention, wherein each moment of his unconstitutional incarceration implicates irreparable harm, only this Court can consider his claim.

28. Finally, the denial of Rams's application for bond at the March 27 hearing on grounds of "mandatory detention" demonstrates that there are no meaningful and genuine administrative remedies or opportunities for Rams to challenge here detention. See *Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003) (Sotomayor, J.) (as amended) (judicial exhaustion may be excused when "available remedies provide no genuine opportunity for adequate relief" or exhaustion "would be futile").

STATEMENT OF FACTS AND PROCEDURAL HISTORY

Rams Enters the United States Without Inspection in 2024

30. Rams is a 34-year-old resident of Wellington, FL and a citizen and native of Haiti.

31. In 2024, Rams fled Haiti for the United States, where he joined her wife. He entered without inspection and has resided in the United States with his wife since 2024. Rams wife, Telemaque Asse Fildia filed an I-130 petition for Alien

relative on July 7, 2022.Ms. Fildia I-130 was granted on June 9, 2023. *See approval notice attached*

32. On January 15, 2024, Rams was served with a Notice to Appear and began his immigration court proceedings. Rams's immigration court proceedings began because he affirmatively applied for asylum.

LEGAL BACKGROUND

Rams Is Subject to 1226(a) Proceedings Not Expedited Removal Proceedings That Fall Under the Auspices of Section 1225(b).

The Statutory Framework at Issue

33. The Immigration Nationality Act ("INA") prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

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

35. Throughout Rams's years in the United States, he has not been charged with or convicted of *any* crimes. He, therefore, should have been afforded a genuine bond hearing with a meaningful opportunity for release on bond.

36. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under Section 1225(b)(1) and for other recent arrivals seeking admission referred to under Section 1225(b)(2).

37. This expedited removal provision is the provision that Respondents erroneously assert applies to Rams, albeit placing her in regular removal proceedings under Section 1226(a).

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

39. This provision too does not apply to Rams, as he has not been ordered removed or is not in withholding proceedings.

The Interplay between §§ 1226(a) and 1225(b)(2) and DOJ's New Policy

40. This case concerns the detention provisions in Section 1226 and Section 1225.

41. The detention provisions at Sections 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(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

42. 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 Section 1225 and that they were instead detained

under Section 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).

43. Thus, in the decades that followed, most people who EWI were placed in standard removal proceedings and received bond hearings, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an immigration judge or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

44. In the *Rodriguez Vazquez* litigation, where EOIR and the Attorney General are defendants, DOJ has affirmed its position that individuals like Petitioner are applicants for admission and subject to detention under Section 1225(b)(2)(A). *See* Mot. to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.

45. But this is wrong because Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under Section 1229(a), to "decid[e] the inadmissibility or deportability of a[][noncitizen]."

46. The text of Section 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. §

1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). 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)).

47. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who EWI.

48. By contrast, Section 1225 applies to people arriving at U.S. ports of entry or who recently entered the United States – people subject to expedited removal. The statute'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). 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 v. Rodriguez*, 583 U.S. 281, 287 (2018).

ARGUMENT

Rams's Procedural Due Process Rights Are Being Violated Because Her Detention Contradicts the Plain Meaning of the Statue and He was Afforded No Notice or Opportunity to Contest Respondents' Application of Section 1225(b) to His Section 1226(a) Proceedings.

49. Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment.

50. Because Rams's detention has been unaccompanied by any of the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause, for example any notice or opportunity to challenge this detention or meaningful process to contest his detention, his detention violates his procedural due process rights. *See Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).

51. The Supreme Court has long made clear that, where the government seeks to deprive an individual of a "particularly important individual interest[]," it must bear the burden of justifying this deprivation by clear and convincing evidence. *See, e.g.*, *Addington v. Texas*, 441 U.S. 418, 424 (1979). In cases like Rams's, who was suddenly detained without explanation, there is a significant interest at stake and a "clear and convincing" evidence standard provides the appropriate level of procedural protection. *See id.* at 423.

52. As set forth *supra,* on July 8, 2025, ICE in concert with DOJ announced a new policy prescribing mandatory detention with no bond eligibility for individuals who EWI. *See supra,* ¶13.As a result of this new policy, the immigration judge who heard Rams's application for bond found that that she was subject to mandatory detention under Section 1225(b) (also known as INA § 235(b)(2)(A)). *See supra,* ¶11.

53. But that determination—which upends decades of precedent and for which no notice, let alone process, was given to Rams —is arbitrary and capricious for all of the reasons concerning the procedural history of the INA and its subsequent reforms discussed above, *see supra,* ¶42. *See United States ex rel. Acardi v. Shaughnessy*, 347 U.S. 260, 265-266 (1954) (holding that the actions of the Attorney General denied Petitioner the rights guaranteed to him by statute o regulation); *see also Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024) (standing for the proposition that is the judiciary's role to interpret statutory language at issue to ascertain the rights of the parties).

54. Courts to consider the issue have determined that the new policy issued by ICE and DOJ concerning the application of Section 1225(b)(2)(A) to those who EWI defies the INA. By way of example, after immigration judges in the Tacoma, Washington, immigration court stopped providing bond hearings for EWIs, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that Section 1226(a), not Section 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock,* --- F. Supp. 3d --- 2025 WL 1193850, *12 (W.D. Wash. Apr. 24, 2025); *see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion).

55. Accordingly, pursuant to its plain meaning, the mandatory detention provision of Section 1225 does not apply to people like Rams, who have already

entered and were residing in the United States at the time they were apprehended. *See Jennings*, 583 U.S. at 287.

56. Rams should have never been detained, necessitating his immediate release from detention.

57. His detention is unconstitutional because he was never provided with notice that he would be detained on July 7, 2025, based on Respondents newfound interpretation of the INA, nor allowed to be heard on why such a determination was erroneous as applied to him.

58. Moreover, his bond application, which was denied on "mandatory detention" grounds based upon Respondents' reinterpretation of the INA, was perfunctory and deprived him of any actual or genuine process and thus opportunity for relief – to wit, release, despite the fact that he falls within the auspices of Section 1226(a), not Section 1225(b). Due process requires that he be allowed to make his case as to this very point.

Rams's Substantive Due Process Rights Are Being Violated Because His Detention Bears No Reasonable Relationship to Any Legitimate Government Purpose

59. Rams's detention violates his substantive right to due process because he is not subject to expedited removal and cannot be deemed a danger to the community or a flight risk

60. To comport with substantive due process, civil immigration detention must bear a reasonable relationship to its two regulatory purposes— (1) to ensure

the appearance of noncitizens at future hearings and (2) to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-91.

61. In his nearly two years of residence in the United States, Rams has attended all of his immigration court proceedings and has had no criminal history. And, as demonstrated to the immigration court by Rams's submissions with his since-denied bond application, he is an active member of his church; has strong and abiding personal ties to the community(wife and brother) *see attached married certificate*, and support of, many U.S. citizen members of the community.. There is therefore no reason to believe he would fail to appear at future hearings, or that he is somehow a danger to his community.

62. The government thus has no legitimate interest in detaining him. *See Demore v. Hyung Joon Kim*, 538 U.S. at 533 (2003) (O'Connor, J., concurring).

63. Indeed, no public interest is served by detaining a 34-year-old man who has lived here uneventfully for nearly two years and committed no crimes in the meantime..

64. Rams 's detention is accordingly unlawful, warranting immediate release.

CLAIMS FOR RELIEF

COUNT ONE

Rams's Arrest and Detention Violates His Rights Under the Fifth Amendment's Guarantee of Procedural Due Process Because he Has Been Placed in 1226(a) Proceedings to Which Mandatory Detention Under Section 1225(b) Does Not Apply

65. Rams realleges and incorporates by reference all of the aforementioned allegations included in the above-numbered paragraphs as if set forth fully herein.

66. The government's infringement upon Rams's liberty interest triggers a right to meaningful process to contest that infringement, for example, to a hearing before that right is deprived. *See Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 569-70 (1972).

67. "The determination of what procedures are required under the Fifth Amendment requires consideration of: (1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of that interest through the procedures used; and (3) the Government's interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail." *Mathews*, 424 U.S. at 335.

68. Because Rams's detention on July 7, 2025, has been unaccompanied by any hearing, or by any of the procedural protections that such a significant deprivation of his liberty interest would require, his continued detention violates his procedural due process rights. *See Id.* at 332.

69. The lack of individual consideration creates the highest risk of erroneous deprivation of liberty.

70. The governmental interest in providing these procedures is not burdensome as it merely comports with the Constitutional protections guaranteed by the Fifth Amendment.

71. Furthermore, the mandatory detention provision of the INA does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under Section 1226(a), unless they are subject to Sections 1225(b)(1),1226(c), or 1231. Therefore, applying Section 1225(b)(2) to Rams violates the plain text of the INA.

72. Separately, but equally relevant, on information and belief, Respondents adopted a policy of indiscriminately targeting noncitizens for arrest at immigration court buildings. This policy is arbitrary and capricious, and amounts to an abuse of discretion. *See Accardi,* 347 U.S. 260 (1954).

73. For these reasons, Rams's ongoing detention is unconstitutional. He should accordingly be released.

COUNT TWO

Rams's Detention Violates the Fifth Amendment's Substantive Due Process Guarantees Because It Bears No Reasonable Relationship to Any Legitimate Purpose.

74. Rams realleges and incorporates by reference all of the aforementioned allegations included in above numbered paragraphs as if set forth fully herein.

75. Rams's detention violates his substantive due process rights because his liberty is being restricted without justification. *See Hensley,* 411 U.S. at 351.; 28 U.S.C. § 2241(c)(3).

76. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas*, 533 U.S. at 690.

77. The only permissible detention purposes for detention—preventing danger and flight risk—are not present here, unlawfully infringing upon Rams's liberty interest. *See Zadvydas*, 533 U.S. at 690-91.

78. For this reason, Rams's detention is unconstitutional. He should accordingly be released.

COUNT THREE

Maldonado Bautista v. Santacruz

79. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); Maldonado Bautista v.

Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

80. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). Maldonado Bautista, 2025 WL 3289861, at *11.

81. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

82. Respondents are bound by the judgment in Maldonado Bautista, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite her clear entitlement to consideration for release on bond as a Bond Eligible Class member.

83. Immigration judges have informed class members in bond hearings that they have been instructed by "leadership" that the declaratory judgment in Maldonado Bautista is not controlling, even with respect to class members, and that

instead IJs remain bound to follow the agency's prior decision in Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025).

8. By denying Petitioner a bond hearing under § 1226(a) and asserting that she is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in Maldonado Bautista.

85. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in Maldonado Bautista, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1) Assume jurisdiction over this matter;
2) Issue an order prohibiting Respondents from transferring Rams outside of this judicial district during the pendency of these habeas proceedings;
3) Declare that Respondents' determination that Rams is subject to mandatory detention is unconstitutional because she is subject to Section 1226(a) proceedings, not the expedited removal proceedings applicable to Section 1225(b).

4) Issue a Writ of Habeas Corpus and order Rams's immediate release because he is neither a flight risk, nor a danger to the community and therefore cannot be incarcerated in immigration detention;

5) Award Petitioner her costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and,

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

RAMS PAUL

RAMS PAUL
A# [redacted]
Eloy Detention Center
1705 East Hanna Road
Eloy, AZ 85131

Dated: April 15, 2026

F309

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELOY IMMIGRATION COURT

Respondent Name:
PAUL, RAMS

To:
PAUL, RAMS
ELOY DETENTION CENTER
1705 E HANNA RD
ELOY, AZ 85131

A-Number:
[redacted]

Riders:
In Custody Redetermination Proceedings

Date:
03/27/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☑ Denied, because
The court lacks jurisdiction. The respondent is an applicant for admission and as such is subject to mandatory detention. See INA §235(b)(2)(A).

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:

CamScanner

Immigration Judge: SCHNITZER, MICHAEL 03/27/2026

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☑ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Alien | [M] Alien c/o custodial officer | [ ] Alien atty/rep. | [E] DHS
Respondent Name : PAUL, RAMS | A-Number : [redacted]
Riders:
Date: 03/27/2026 By: HARCHUT, MARGARET ANN, Court Staff

CamScanner

DEPARTMENT OF HOMELAND SECURITY

CALL-IN LETTER

To *(Name, Address, City, State, Zip Code)*
PAUL, RANS undefined

File Number [redacted]

Date 2025-03-05

Please come to the office listed below at the time and place indicated in connection with an official matter.

Office Location	2805 SOUTH WEST 145TH AVENUE MIRAMAR, FL 33027
Time and Hour	2026-03-30 08:00:00
Ask For	Duty Officer
Reason for Appointment	Check in
Bring With You	All Immigration Documents

It is important that you keep this appointment and bring this letter with you.
If you are unable to do so, state your reason, sign below, and return this letter to this office at once.

J. Cora Deportation Officer

Name and Title of Authorizing Official

Signature of Authorizing Official

I am unable to keep the appointment because:	
Signature	Date

DHS Form G-56 (1/09)

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