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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX DIVISION

TOMASITO FUENTES-PONCE,

Petitioner,

v.

Todd Blanche, Acting Attorney General of The United States,

Markwayne Mullin, U.S. Secretary of Homeland Security;

Todd Lyons. Acting Director of Immigration and Customs Enforcement;

Daren K. Margolin, Director, Executive Office for Immigration Review;

John E. Cantu, Former Phoenix Field Office Director, U.S. Immigration and Customs Enforcement;

Luis Rosa Jr., Warden, Central Arizona Florence Correctional Complex.

Respondents.

Case No. _____

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

ORAL ARGUMENT REQUESTED

PRELIMINARY STATEMENT

This petition challenges the unlawful detention of Petitioner, Mr. Tomasito Fuentes-Ponce, a forty-two-year-old native and citizen of Mexico who has resided in the United States since 1998. Indeed, Petitioner is currently being detained by Immigration and Customs Enforcement ("ICE") at the private detention facility "Florence Correctional Center," a CoreCivic facility. The Department of Homeland Security ("DHS" or The Department") arrested Petitioner without a warrant and without justification on or about March 13, 2026, while resting and drinking a coca cola at a gas station.

The Department arrested Petitioner without justification and in violation of his bond issued by the immigration court on or about November 17, 2014. Petitioner was initially placed in removal proceedings in 2014 after he was arrested by the Mesa Police Department on suspicion of forgery. At that time, in 2014, Petitioner was then transferred to ICE Florence detention center where an immigration judge set a bond. Petitioner posted said bond and was released until he was rearrested by Ice on March 13, 2026. Then the removal proceedings were dismissed by the immigration court on September 27, 2023. Petitioner has not committed any offense or violated any terms of his 2014 bond contract to justify ICE's rearrest. The record of removal and immigration bond proceedings do not

contain any allegation of Petitioner misconduct to justify the current arrest by The Department.

After he was rearrested, Petitioner requested a bond hearing before the Immigration Judge ("IJ") on April 15, 2026. The court then denied Petitioner's bond request on April 20, 2026, citing lack of jurisdiction and indicating that:

> "Notwithstanding the federal district court's class certification in Bautista v. Nem, 5:25-cv-01873-SS-BFM (C.D. Cal.), n order or nationwide injunction has or can be issued ordering a bond in this Respondent's case. See Trump v. CASA, Inc. 606 U.S. 831, 845 S. Ct. 2540 (2025). In addition, the Central District of California order certifying the class of Respondents for bond eligibility doe not specifically overturn Matter of YAJURE HURTADO,, 29 I&N Dec. 216 (BIA) or Matter of Q. Li. 26I&N Dec. 66 (BIA) 2025, which are precedential decisions by the Board of Immigration Appeals that divest this Court of jurisdiction to issue a bond. "

The Department, as well as the Immigration Court, assert that Petitioner is subject to mandatory detention pursuant to 8 U.S.C. §1225(b) despite Congress'

separate detention framework in 8 U.S.C. § 1226(a) which governs interior arrests and provides discretionary bond and immigration-judge ("IJ") review.

The immigration court's position was promulgated by the U.S. Attorney General in *Matter of Yajure-Hurtado*, 29 I&N Dec. 220 (BIA 2025). Such a position contradicts the text of the Immigration and Nationality Act ("INA" or "The Act"), the canon against surplusage, longstanding administrative practice, and Due Process. In effect, such position ignores section 236(a) of The Act, (8 U.S.C. § 1226(a)) collapses Congress' dual-track detention scheme and imposes categorical detention on long-time residents like Petitioner who represent no danger or flight risk.

The human consequences are immediate and severe. Petitioner is a forty-two-year-old father of three U.S. citizen children. Petitioner also suffers from kidney failure and requires dialysis multiple times a week.

The Constitution, the Immigration and Nationality Act, "The Act." or "INA") and the basic principles of fairness do not permit this outcome. Petitioner respectfully requests immediate release from The Department's custody.

INTRODUCTION

1. This Petition seeks the immediate release of Petitioner, Mr. Tomasito Fuentes-Ponce, age forty-two-years old, from the unlawful detention by The Department, in violation of his constitutional and statutory rights.

2. Petitioner, Tomasito Fuentes-Ponce, is a native and citizen of Mexico. Petitioner entered the United States without being admitted or paroled on or about 1998 at or near Nogales, Arizona. Although Petitioner concedes two brief departures from the United State son 2001 and 2009, Petitioner has continuously resided in the United States since 1998.

3. Because Petitioner's 2014 removal proceedings were dismissed in 2023, The Department again initiated removal proceedings against Petitioner by issuing and serving upon him a Notice to Appear ("NTA") on or about March 13, 2026.

4. The Department initiated proceedings on March 13, 2026 while Petitioner was in the custody of The Department at the Florence Correctional Center.

5. Petitioner is currently being detained by the United States Immigration and Customs Enforcement ("ICE") at the Florence Correctional Center, a Core Civic detention facility located at 1155 North Pinal Parkway Road, Florence, Arizona 85132.

6. Petitioner requested a bond with the immigration Court on April 15, 2026.

7. The immigration court scheduled a bond hearing for April 21, 2026, and on the same date denied petitioner's bond request citing lack of jurisdiction.

8. Petitioner has been in the United States for over ten years. This detention is a substantial deprivation and burden that puts Petitioner at risk without receiving proper medical care and where his health deteriorates daily due to separation from his family.

9. Petitioner's detention is based on the United States Attorney General's assertion that because he entered the United States without inspection, he is subject to mandatory detention pursuant to 8 U.S.C. §1225(b)(2). The immigration judge noted a lack of jurisdiction in its denial of Petitioner's bond request.

10. The immigration court specifically cited the Attorney General's precedential opinion of *Matter of Yajure Hurtado*, 29 I&N Dec. (BIA 2025).

11. Petitioner is eligible to seek relief from removal before the Court in the form of Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.

12. Petitioner concedes that the has two convictions. One in 2014 where he plead guilty to solicitation to commit forgery, a class 6 undesignated felony on October 29, 2014. The offense was subsequently designated a misdemeanor on Apil 16, 2024.

13. Petitioner was convicted for driving under the influence on April 20, 2017, before the Pheonix Municipal Court. The date of the offense was on December 12, 2008.

14. Both of Petitioner's offenses took place before 2014. Indeed, Petitioner was initially placed in removal proceedings in 2014 after his arrest for the forgery offense.

15. Petitioner respectfully requests this Court to grant the instant petition for a writ of habeas corpus under 28 U.S.C. § 2241 and enjoin Respondent's continued detention of Petitioner to ensure his due process rights. In the alternative, Petitioner respectfully requests the Court to order Respondent's to show cause why this Petition should not be granted within three business days. See 28 U.S.C. § 2243.

JURISDICTION AND VENUE

16. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

17. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

18. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq*., the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

19. Venue is proper because at least one Respondent is in this District Court of Arizona. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

20. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) 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.* (emphasis added).

21. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law . . .affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). Due to the nature of this proceeding, Petitioner asks this Court to expedite proceedings in this case as necessary and practicable for justice.

22.

PARTIES

23. Petitioner is a forty-two-year-old citizen of Mexico. He entered the United States without inspection on or about 1998 and has resided continuously in the United States for over ten years.

24. Respondent Todd Blanche is named in his official capacity as Acting Attorney General of the United States. He is responsible for the administration of the Executive Office for Immigration Review ("EOIR"), including policies that bear on immigration judge's jurisdiction over custody.

25. Respondent Markwayne Mullin is named in his official capacity as Secretary of the U.S. Department of Homeland Security ("DHS"). DHS is the department charged with administering and enforcing federal immigration laws. Secretary Mullin is ultimately responsible for actions of U.S. Immigration and Customs enforcement ("ICE") and is a legal custodian of Petitioner.

26. Respondent Todd Lyons is named in his official capacity as Acting Director of ICE. He oversees ICE operations, including detention and removal, and is a legal custodian of Petitioner and has authority to release him.

27. Respondent Daren K. Margolin is named in his official capacity as Director of the Executive Office for Immigration Review. He is responsible for the general supervision and management of EOIR operations.

28. Respondent John E. Cantu is named in his official capacity as U.S. Immigration and Customs Enforcement Phoenix Field Office Director. He oversees Ice operations, including detention and removal in the Phoenix which includes the Special Processing Center where Petitioner is currently detained and is a legal custodian of Petitioner and has authority to release him.

29. Respondent Luis Rosa Jr. is named in his official capacity as Warden of the Central Arizona Florence Correctional Complex which is the facility where Petitioner is currently detained and is a legal custodian of Petitioner and has authority to release him.

STATEMENT OF FACTS

30. Petitioner, Tomasito Fuentes-Ponce, is a forty-two-year-old citizen of Mexico. Petitioner has continuously resided in the United States since approximately 1998 and is a father of three U.S. citizen children.

31. The Department previously initiated removal proceedings against Petitioner by issuing and serving upon him a Notice to Appear ("NTA") on or about October 31, 2014.

32. During the 2014 removal proceedings, Petitioner posted a bond and was released from ICE's custody on or about November 12, 2014. (November 12, 2014 is the date of the immigration court's bond order.)

33. On September 27, 2023, the immigration court dismissed Petitioner's 2014 removal proceedings.

34. The Department re-initiated proceedings on March 13, 2026, while Petitioner was in the custody of The Department at the Florence Correctional Center by issuing and serving upon him a Notice to Appear ("NTA") dated March 13, 2026.

35. While in custody Petitioner filed an application for relief, Cancellation of Removal for Certain Nonpermanent Residents, and is currently pending before the immigration court.

36. While in custody, Petitioner requested a bond with the immigration court and the Court set a hearing for April 20, 2026.

37. On April 20, 2026, the immigration court denied Petitioner's bond request, citing lack of jurisdiction pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

38. Petitioner is currently being detained by the United States Immigration and Customs Enforcement ("ICE") at the Florence Correctional Center at 1155 N. Pinal Parkway Florence, Arizona 85132.

LEGAL FRAMEWORK: DUE PROCESS CLAUSE

39. The Fifth Amendment's Due Process Clause applies to "all persons" within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678,

693 (2001.) "Freedom from imprisonment- from government custody detention, or other forms of physical restraint – lies at the heart of the liberty that the Clause protects." *Id*. at 690. In the immigration context, detention is constitutionally justified only to prevent flight or protect the community. *Demore v. Kim*, 538 U.S. 510, 528 (2003.)

40. Congress created two distinct detention regimes. Section 235(b) governs inspection and limited mandatory detention of arriving aliens or those apprehended shortly after entry; §236(a) governs interior arrests on warrant, authorizing detention pending a removal decision with discretionary release on bond. See *Jennings v. Rodriguez*, 583 U.S. 281, 297, 302-03 (2018) (describing §235(b0 as "primarily" for those seeking entry and §236(a) as applying to aliens "already in the United States" and arrested "on warrant").

41. The Laken Riley Act confirms Congress preserved §236(a)'s discretionary bond regime for most inadmissible entrants arrested in the interior by adding a narrow new mandatory-detention category under §236(c)(1)(E) (pairing inadmissibility under 8 U.S.C. § 1182(a)((6)(C0) or (7) with specified crimes). If §235(b) already mandated detention for all inadmissible entrants, §236(c)(1)(E) would be redundant – an outcome courts must avoid. See *Corley v. United States*, 556 U.S. 303. 314 (2009); *Van Buren v. United States*, 593 U.S. 374, 393 (2021). Congress legislated against decades of agency practice applying §236(a) to interior

arrests, and courts presume amendments harmonize with that practice. *Velazquez v. Bondi*, 604 U.S. 712, 145 S. Ct. 1232, 1242 (2025).

42. On September 5, 2025, the BIA in *Matter of Yajure-Hurtado* adopted DHS' position that immigration judges lack jurisdiction for noncitizens present without admission because they are "applicants for admission" detained under §235(b)(2)(A) for the duration of proceedings. 29 I&N Dec. at 220 (relying on *Jennings*, 583 U.S. at 300). But *Jennings* construed statutory text and explicitly left open constitutional challenges. *Id.* at 303. Moreover, the Supreme Court has since overruled Chevron deference; courts must independently interpret the INA rather than deferring to agency readings. *Loper Bright Enters. V. Raimondo*, 603 U.S. 369, 385-86 (2024).

43. Longstanding agency materials confirm individuals encountered inside the country without admission were treated under §236(a) and were "eligible for bond and bond redetermination." *Inspection and Expedited Removal of Aliens*, 62 Fed Reg. 10, 312, 10,323 (Mar. 6, 1997). DHS itself historically limited the "applicant for admission" designation to encounters within a short time and distance the border. *See Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 121, 130 n.2 (2020) (describing DHS' 2004 14-day/100-mile policy for expedited removal.)

44. Arrest authority reinforces this divide: warrantless arrests are narrowly permitted under t8 U.S.C. §1357(a)(INA §287(a)); otherwise, interior arrests proceed on warrant (Form I-200) and fall under § 236(a). *See Matter of Mariscal-Hernandez*, 28 I&N Dec. 666, 668-71 (BIA 2022) (equating "reason to believe" with probable cause; warrantless arrests are exceptional). Mr. Fuentes-Ponce' interior arrest should have been, on information and belief, effectuated pursuant to an I-200 warrant – placing him squarely within §236(a).

45. Statutes must be read "with a view to their place in the overall statutory scheme," giving effect to every clause and word. *Gundy v. United States*, 588 U.S. 128, 141 (2019) (quotation omitted); DHS' view collapses §§ 235 and 236, nullifies §236©(1)(E), and contradicts the INA's structure.

41. Federal Courts addressing DHS' new theory have rejected it and ordered relief, concluding §2369a) governs noncitizens "already in the country." Even under DHS' classification, constitutional avoidance and due process require meaningful review of whether mandatory detention actually applies (a *Joseph*-type inquiry), and courts must preserve habeas for unlawful detention See *Jennings*, 583 U.S. at 303, *Clark v. Martinez*, 543 U.S. 371, 380-82 (2005); *INS v. St. Cyr*, 553 U.S. 298, 314 (2001).

42. The equities here underscore the *Mathews v. Eldrige* balance: (10 Petitioner's profound liberty and family interests; (2) the high risk of erroneous deprivation from DHS' categorical no-bond stance (and the value of individual hearings); and (3) minimal government burden to provide the longstanding process Congress preserved. See 424 U.S. 319, 333, 335 (1976).

CLAIMS FOR RELIEF

COUNT ONE
Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution

43. The allegations in the above paragraphs are realleged and incorporated herein.

44. The Due Process Clause asks whether the government's deprivation of a person's life, liberty, or property is justified by a sufficient purpose. Here, there is no question that the government has deprived Petitioner of his liberty.

45. Mr. Tomasito Fuentes-Ponce's arrest and continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

46. The Due Process Clause of the Fifth Amendment to the U.S. Constitution provides that "[n]o person shall…be deprived of life, liberty, or property without due process of law." As a noncitizen who shows well over "two years" physical presence in the United States (indeed Petitioner has twenty-six

years) Mr. Fuentes-Ponce is entitled to Due Process protections against deprivation of liberty and property. *See Zadvydas,* 533 U.S. at 693 ([T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.") Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by "sufficiently strong special justification" to outweigh the significant deprivation of liberty. *Id*. at 690.

47. Respondents have deprived Mr. Fuentes-Ponce of his interest in liberty protected by the Fifth Amendment by detaining him since on or before March 13, 2026.

COUNT TWO
Violation of the Immigration and Nationality Act

48. The allegations in the above paragraphs are realleged and incorporated herein.

49. Petitioner was detained pursuant to "authority contained in section 236" of The Act; section 236 is codified at 8. U.S.C. §1226. Despite this, DHS finds that he is detained and subject to 8 U.S.C. §1226(b)(2) and the immigration judge lacks jurisdiction under *Matter of Yajure Hurtado* on the same basis.

50. The mandatory detention provision at 8 U.S.C. §1225(b)(2) does to apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. Mandatory detention 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 1226(a) and are eligible for release on bond, unless they are subject to §1225(b)(1), §1226(c) or § 1231.

51. Respondents have wrongfully adopted a policy and practice of arguing all noncitizens, such as Petitioner are subject to mandatory detention under §1225(b)(2).

52. The unlawful application of §1225(b)(2) to Petitioner violates The Act.

COUNT THREE
Fifth Amendment – Due Process – Denial of Opportunity to Contest Mis-Inclusion in mandatory Category of Detention

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

54. Mr. Fuentes-Ponce has a vested liberty interest in preventing his removal because he is eligible for cancellation of removal, and protection from removal pursuant to the Convention Against Torture and is entitled to pursue that relief outside the detention by showing he is neither a danger to the community or a flight risk under 8 U.S.C. §12269a).

55. For all the above reasons, Respondents' attempts to detain Petitioner without a meaningful opportunity to be heard violate his Procedural Due Process rights under the Fifth Amendment.

COUNT FOUR
Administrative Procedure Act

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

57. Respondent's continued efforts to deny bond violate The Act, Administrative Procedures Act ("APA") and the U.S. Constitution.

58. As set forth in Count Two and Three, federal regulations and case law provide the procedure for a respondent in removal proceedings like him to seek a bond redetermination by an Immigration Judge.

59. In being denied the opportunity to return to his family and pursue cancellation of removal and protection pursuant to the Convention Against Torture, in a non-detained setting where he is free to gather the necessary evidence, Petitioner is deprived of the right to freedom to lawfully pursue his rights in this civil matter. The Government's "no-review" provisions are a violation of his procedural and substantive due process and without any statutory authority. There is no time-frame or procedure for requesting DHS to itself review its custody decision, and removal proceedings in this case will proceeds during that time while Petitioner remains in custody.

60. The actions by Respondents would improperly alter the substantive rules concerning mandatory custody status without the required notice-and-comment period would be in violation of The Act and its regulations. These actions by Respondents violate the APA. Under the APA, this Court may hold unlawful and set aside an agency action which is "contrary to constitutional right, power, privilege or immunity." 5 U.S.C. § 706(2)(B). The regulations at 8 C.F.R. §§ 1003.19(h)(1)(B) and 1003.19(h)(2)(B) providing no review of DHS custody decision for arriving aliens in removal proceedings are in violation of substantive and procedural due process as guaranteed by the Fifth Amendment to the United States Constitution. It is ultra vires because it exceeds the authority granted ICE by Congress at 8 U.S.C. § 12626(a). For these reasons, this Honorable Court should hold that Petitioner is detained under §236(a), not §235(b), and order his immediate release. Any contrary reliance on *Matter of Yajure-Hurtado* would unlawfully misapply the statute and deprive Petitioner of his rights under The Act, the APA, and the Due Process Clause.

COUNT FIVE
Stay of Removal Claim

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

62. The denial of a meaningful bond hearing, followed by removal of Mr. Fuentes-Ponce from the United States would cause him irreversible harm and

injury because he is misclassified by the Government as subject to mandatory detention.

63. The Court should grant the stay of Mr. Fuentes-Ponce removal to protect his statutory rights under The Act and the APA. In attempting to assert his rights, the Government has railroaded him and deprived him of freedom and liberty to contest his removal while free on bond, or at the very least, if his ability to prove he is not subject to mandatory detention and that he merits release on bond.

COUNT SIX
Suspension Clause Claim

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

65. If 8 U.S.C. §1252 stripped the Court jurisdiction from this matter, it would be unconstitutional as applied because it would deny Petitioner the opportunity to meaningful review of the unlawfulness of his detention and removal.

66. To invoke the Suspension Clause, a petitioner must satisfy a three-factor test: "(1) the citizenship and status detainee and the adequacy of the process through which that status determination was made (2) the nature of the sites where apprehension and then detention took place; and (3) the practical obstacles inherent in resolving the prisoner's entitlement to the writ." *Boumediene v. Bush*,

553 U.S. 723, 766 (2008). Mr. Fuentes-Ponce satisfies these three requirements and may invoke the Suspension Clause.

67. First, although Mr. Fuentes-Ponce is not a citizen or resident of the United States, he has lived here for over twenty-six years, he qualifies for cancellation of removal for certain nonpermanent residents, because he has resided in the United States for over ten years, has not been convicted of a disqualifying offense under 8 U.S.C. §1182(2)(A), 1227(2)(A), or 1127(A)(3), and his removal will result in exceptional and extremely unusual hardship to his two United States citizen children. 8 U.S.C.§1229b(b)(1). Mr. Fuentes-Ponce satisfies the second prong because he is detained in the custody of the Department of Homeland Security and remains detained.

68. Finally, there are no serious, practical obstacles to resolving this present matter. This Court is equipped to decide whether Mr. Fuentes-Ponce is entitled to the writ.

69. There are no adequate alternatives to a habeas petition. The refusal of the immigration court to grant Mr. Fuentes-Ponce, without proper notice or due process, deprives him of his constitutional rights. The BIA cannot adequately and expeditiously review these issues.

COUNT SEVEN
Injunctive Relief

70. Petitioner re-alleges and incorporates herein by reference each and every allegation contained in the above paragraphs of this Petition.

71. This Court has the discretion to enter temporary a restraining order and preliminary injunction. See *Haitian Refugee Center v. Nelson*, 872 F.2d 1555, 156101562 (11th Cir. 1989). "To be entitled to a preliminary injunction, the applicants must show (1) a substantial likelihood that they will prevail on the merits, (2) a substantial threat that they will suffer irreparable injury if the injunction is not granted, (3) their substantial injury outweighs the threatened harm to the party whom they seek to enjoin, and (4) granting the preliminary injunction will not disserve the public interest." *Tex. Med. Providers Performing Abortion Servs. v. Lakey*, 667 F.3d 570, 574 (5th Circ. 2012). All four elements must be demonstrated to obtain injunctive relief.

72. Respondents' actions have caused Petitioner harm that warrants immediate relief.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this writ should not be granted;

(3) Declare that ICE's March 13, 2026, apprehension and detention of Mr. Fuentes-Ponce was an unlawful exercise of authority because the ICE officer provided no reason that he represents a danger to the community or a flight risk, or a violation of his prior bond terms;

(4) Enjoin ICE from transferring Mr. Fuentes-Ponce outside the District of Arizona while this matter is pending;

(5) Grant the writ of habeas corpus ordering Respondents to release Mr. Fuentes-Ponce on his own recognizance, parole, or reasonable conditions of supervision;

(6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(7) Grant any further relief this Court deems just and proper.

PRAYER FOR EXPEDITED CONSDERATION

Pursuant to 28 U.S.C. §2243, Petitioner respectfully requests the expedited consideration. Each day of unlawful detention inflicts irreparable harm on Petitioner and his U.S. citizen children, depriving them of their father's care, stability, and support. Prompt judicial intervention is necessary to protect Petitioner's constitutional rights and his family's well-being.

Respectfully submitted,

/s/ *Hugo F. Larios*
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Attorney for Petitioner

Dated: April 22, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Mr. Tomasito Fuentes-Ponce, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 29th day of April 22, 2026.

s/*Hugo F. Larios*
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I, hereby certify that on April 22, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus and all accompanying exhibits to be served by certified mail, return receipt requested, on the following:

U.S. Attorney's Office for the District of Arizona
Attn: Timothy Courchaine, Civil Process Clerk
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Mr. Luis Rosa Jr.,
Warden, Central Arizona Florence Correctional Complex
1155 N. Pinal Parkway
Florence, Arizona 85132

Pursuant to Fed. R. Civ. P. 4(i), service on the United States Attorney constitutes service on all named federal Respondents in this matter, and service has also been made directly on the warden as Petitioner's immediate custodian.

Dated this 29th Day of April 22, 2026.

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