UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSE-MATUL, Sebastian,

Petitioner,

v.

JAMISON, J.L.,
Warden, Federal Detention Center, Philadelphia;

RIFE, John,
Acting Field Office Director, Philadelphia Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security;

MULLIN, Markwayne,
Secretary, U.S. Department of Homeland Security; and

BLANCHE, Todd,
Acting Attorney General, U.S. Department of Justice;

Respondents.

Case No. 2:26-cv-02747

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Respondents' agents encountered and detained Petitioner Sebastian Jose-Matul on April 23, 2026. Mr. Jose-Matul was driving with his family when police officers pulled his car over. They checked his ID and then asked him get out of his car. U.S. Immigration and Customs Enforcement ("ICE") soon arrived and took Mr. Jose-Matul into immigration custody. Respondents presently hold Mr. Jose-Matul at the Federal Detention Center ("FDC") in Philadelphia, Pennsylvania.

2. Respondents presumably detained Mr. Jose-Matul under their new view that all noncitizens who have not effectuated an "admission," 8 U.S.C. § 1101(a)(13)(A), into the United States are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The U.S. Department of Homeland Security ("DHS") adopted this new interpretation of the immigration detention statutes in July 2025, changing course from decades of prior precedent and practice. The Executive Office of Immigration Review ("EOIR") followed suit in September 2025 when it issued *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

4. DHS and EOIR's new interpretation conflicts with the plain language and structure of the Immigration and Nationality Act ("INA"). It has been widely rejected by district judges around the country, particularly within this District. *See Ndiaye v. Jamison*, No. 25-cv-6007, 2026 WL 373247, at *7 n.10 (E.D. Pa. Feb. 10, 2026) ("In the Eastern District of Pennsylvania, virtually every single active district judge has . . . ruled against the Government.");[1] *see also* Kyle Cheney,

[1] *See, e.g.*, *Cantu-Cortes v. O'Neill*, No. 25-cv-6338, 2025 WL 3171639, at *1–2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Kashranov v. Jamison*, No. 25-cv-5555, 2025 WL 3188399, at *4–7 (E.D. Pa. Nov. 14, 2025) (Wolson, J.); *Demirel v. Fed. Det. Ctr. Phila.*, No. 25-cv-5488, 2025 WL 3218243 (E.D. Pa. Nov. 18, 2025) (Diamond, J.); *Ndiaye v. Jamison*, No. 25-cv-6007, 2025 WL 3229307, at *8 (E.D. Pa. Nov. 19, 2025) (Sánchez, J.); *Patel v. McShane*, No. 25-cv-5975, 2025 WL 3241212, at *3 (E.D. Pa. Nov. 20, 2025) (Brody, J.); *Centeno Ibarra v. Warden of the Fed. Det. Ctr. Phila.*, No. 25-cv-6312, 2025 WL 3294726, at*4–8 (E.D. Pa. Nov. 25, 2025) (Rufe, J.); *Espinal Rosa v. O'Neill*, No. 25-cv-6376 (E.D. Pa. Nov. 25, 2025) (Weilheimer, J.); *Morocho v. Jamison*, No. 25-cv-5930, 2025 WL 3296300, at *2–3 (E.D. Pa. Nov. 26, 2025) (Gallagher, J.); *Diallo v. O'Neill*, No. 25-cv-6358, 2025 WL 3298003, at *2–6 (E.D. Pa. Nov. 26, 2025) (Savage, J.); *M-L-Z- v. Noem*, No. 25-cv-5479, 2025 WL 3470046, at *1–3 (E.D. Pa. Dec. 2, 2025) (Baylson, J.); *Soumare v. Jamison*, No. 25-cv-6490, 2025 WL 3461542, at *3 (E.D. Pa. Dec. 2, 2025) (Henry, J.); *Nogueira-Mendes v. McShane*, No. 25-cv-5810, 2025 WL 3473364, at *4 (E.D. Pa. Dec. 3, 2025) (Slomsky, J.); *Rodrigues Pereira v. O'Neill*, No. 25-cv-6543, 2025 WL 3516665, at *6–8 (E.D. Pa. Dec. 8, 2025) (Marston, J.); *Anirudh v. McShane*, No. 25-cv-6458, 2025 WL 3527528, at *4–6 (E.D. Pa. Dec. 9, 2025) (Bartle, J.); *Picon v. O'Neill*, No. 25-cv-6731, 2025 WL 3634212, at *4–5 (E.D. Pa. Dec. 15, 2025) (Perez, J.); *Hurtado v. Jamison*, No. 25-cv-6717, 2025 WL 3678432, at *5–6 (E.D. Pa. Dec. 18, 2025) (Padova, J.); *Toure v. Bondi*, No. 25-cv-710 (E.D. Pa. Dec. 19, 2025) (McHugh, J.); *Rios Porras v. O'Neill*, No. 25-cv-6801, 2025 WL 3708900, at *3 (E.D. Pa. Dec. 22, 2025) (Beetlestone, C.J.); *Dong v. Rose*, No. 25-cv-7182 (E.D. Pa. Dec. 23, 2025) (Kearney, J.); *Kumar v. McShane*, No. 25-cv-6238, 2025 WL 3722005, at *7 (E.D. Pa. Dec.

Hundreds of Judges Reject Trump's Mandatory Detention Policy, With No End in Sight, Politico (Jan. 5, 2026, 5:55 A.M.), https://www.politico.com/news/2026/01/05/trump-administration-immigrants-mandatory-detention-00709494 ("More than 300 federal judges, including appointees of every president since Ronald Reagan, have now rebuffed the administration's six-month-old effort to expand its so-called 'mandatory detention' policy" and "ordered immigrants' release or the opportunity for bond hearings in more than 1,600 cases.").

5. Respondents' detention of Mr. Jose-Matul is contrary to law, violating both the INA and the Administrative Procedure Act ("APA"). It also violates Mr. Jose-Matul's substantive due process rights. Because civil immigration detention is authorized only to curtail specific flight or dangers risks, Respondents' detention of Mr. Jose-Matul without considering his potential risk lacks a "reasonable relation to the purpose for which [he] was committed." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). And Respondents' detention of Mr. Jose-Matul violates his procedural due process rights. Each of the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing-test factors favors providing Mr. Jose-Matul additional process. Respondents' blanket detention of all noncitizens who have not yet effectuated an INA admission creates impermissible risks of erroneous deprivations of noncitizens' "most elemental of liberty interests[:]" the "interest in being free from physical detention." *Restrespo*, 2026 WL 141803, at *7 (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)).

23, 2025) (Quiñones Alejandro, J.); *Mardet v. Jamison*, No. 25-cv-7169, 2025 WL 3772152, at *1 (E.D. Pa. Dec. 31, 2025) (Hodge, J.); *Camara v. Jamison*, No. 25-cv-7326 (E.D. Pa. Dec. 31, 2025) (Schmehl, J.); *Diop v. Jamison*, No. 25-cv-6946 (E.D. Pa. Jan. 5, 2026) (Murphy, J.); *Manrique-Luque v. Jamison*, No. 25-cv-7332 (E.D. Pa. Jan. 7, 2026) (Younge, J.); *Ferreira v. McShane*, No. 25-cv-7335 (E.D. Pa. Jan. 9, 2026) (Pappert, J.); *Vargas v. O'Neill*, No. 25-cv-7094, 2026 WL 105711, at *4 (E.D. Pa. Jan. 14, 2026) (Costello, J.); *Muzofirov v. Jamison*, No. 25-cv-7371, 2026 WL 126153, at *1 (E.D. Pa. Jan. 16, 2026) (Scott, J.); *Montes Restrepo v. Jamison*, No. 25-cv-6518, 2026 WL 141803, at *11 (E.D. Pa. Jan. 20, 2026) (Leeson, J.).

6. Mr. Jose-Matul respectfully requests that this Court issue a writ of habeas corpus and order Respondents to release him from their custody. *See, e.g.*, *Patel*, 2025 WL 3241212, at *3 ("I will order the release of Mr. Patel because he was unlawfully detained without a bond hearing as required by Section 1226(a)."); *see also Tumba Huamani v. Francis*, 813 F. Supp. 3d 394, 406 (S.D.N.Y. 2025) (ordering noncitizen's release after noting that the "typical remedy" for "unlawful executive detention" is "release") (quoting *Munaf v. Geren*, 553 U.S. 674, 693 (2008)); *Dominguez Izaguirre v. Mason*, No. 26-cv-121, 2026 WL 561235, at *3 (S.D.W.V. Feb. 27, 2026) ("Immediate release is the only appropriate remedy. Where detention has been found unlawful and no constitutionally adequate bond hearing has been provided, continued custody cannot stand."). He further requests that this Court enjoin Respondents from transferring him out of this District during the pendency of this action so that if this Court grants him relief, he may quickly and reasonably access such relief.[2]

[2] The Honorable Jerry W. Blackwell of the U.S. District Court for the District of Minnesota outlined, at a show cause hearing, the collateral difficulties of acquiring adequate government compliance if the government transfers a noncitizen outside of the habeas court's jurisdiction. He explained that it takes "repeat, after repeat, after follow-up, after follow-up with the Government" to receive information and procure a noncitizen's return. Tr. of Show Cause Hr'g, ECF No. 19, *Segundo A.P.G. et al. v. Bondi*, No. 26-cv-603 (D. Minn. Feb. 3, 2026), at 11. And he traced the difficulty in prescribing adequate remedies, describing:

> For example, if we say, release the person immediately, then we learn that, having transported [the noncitizen] to El Paso or New Mexico, [the government] do[esn't] bring him back. We learn that somebody is put out on the street with just the clothes on their backs and have to figure out how to get back here when they should not have been arrested here in the first place, let alone flown halfway across the continent of North America. And have to – so now we have to address that. We have to say, bring them back.
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> And then we say, all right, so you brought them back. We can't have them released when it's minus 14 outside. And so now we have to address that. Don't release them in the circumstances that might endanger their health or safety.

PARTIES

7. Petitioner Sebastian Jose-Matul was stopped while he was driving and then detained by Respondents on April 23, 2026. Respondents presently detain Mr. Jose-Matul at the Federal Detention Center in Philadelphia, Pennsylvania.

8. Respondent J.L. Jamison is sued in his official capacity as the Warden of the Philadelphia Federal Detention Center. He has direct custodianship over Petitioner at the Philadelphia FDC.

9. Respondent John Rife is sued in his official capacity as the Acting Field Office Director of U.S. Department of Homeland Security, Immigration and Customs Enforcement's Philadelphia Field Office. He is responsible for the administration and management of ICE enforcement and removal operations in Pennsylvania and exercises administrative control over Petitioner's custody.

10. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. He and DHS are responsible for administering and enforcing the immigration laws, including making the decision to detain noncitizens during the pendency of their removal proceedings. Secretary Mullin has ultimate legal custodianship over Petitioner.

11. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. He is responsible for the Department of Justice, which includes the

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> And so once that's addressed, then we learn they've been released, but now conditions have been imposed. That somebody who should not have been arrested in the first place is now being told, you're going to be released if you wear an ankle monitor, which the Court didn't order because the person was unlawfully detained in the first place. Then we have to go back and address that now.

Id. at 33–34.

Executive Office of Immigration Review. EOIR adjudicates immigration matters, comprising removal and custody proceedings.

JURISDICTION AND VENUE

17. This Court has subject matter jurisdiction pursuant to Art. I § 9, cl. 2 of the U.S. Constitution, as well as 28 U.S.C. §§ 1331, 1361, and 2241. This Court may grant equitable 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.

18. The United States has waived sovereign immunity for this action for declaratory and injunctive relief against its agencies and those agencies' officers, who are sued in their official capacities. *See* 5 U.S.C. § 702.

20. Venue is proper in this District because the Petitioner is detained in this District. 28 U.S.C. § 1391; *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004). Venue is also properly in this District pursuant to 28 U.S.C. § 1391(e) because Respondents are employees and officers of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Eastern District of Pennsylvania.

REQUIREMENTS OF 28 U.S.C. § 2243

21. Title 28 U.S.C. § 2243 instructs courts, sitting in habeas, to either grant a petition for writ of habeas corpus or order respondents to show cause. If an order to show cause is issued, respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

22. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the

writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

STATEMENT OF FACTS

28. Mr. Jose-Matul resides in Delaware with his wife and three children. On April 23, 2026, Mr. Jose-Matul and his family were driving when they were pulled over. Officers checked Mr. Jose-Matul's ID. They then instructed Mr. Jose-Matul to exit the vehicle.

29. ICE officers then showed up and took Mr. Jose-Matul into immigration custody. Respondents transported Mr. Jose-Matul to the FDC in Philadelphia, Pennsylvania, where they presently detain him. *See* Ex. A, U.S. Immigr. & Customs Enf't, *Online Detainee Locator System*, https://locator.ice.gov/odls/#/search (last accessed Apr. 26, 2026). Mr. Jose-Matul's removal proceedings are active and ongoing. *See* Ex. B, Exec. Off. of Immigr. Rev., *Automated Case Information*, https://acis.eoir.justice.gov/en/ (last accessed Apr. 26, 2026).

LEGAL FRAMEWORK

I. Section 1226(a) Governs the Detention of Noncitizens Who Are Arrested and Detained in the U.S.-Interior.

30. The Immigration and Nationality Act contains several provisions authorizing the detention of noncitizens. Title 8 U.S.C. § 1226(a) entitles most noncitizens with pending removal proceedings to a hearing before an immigration judge to determine whether they should be released on bond. *See also* 8 C.F.R. § 1236.1(d). Title 8 U.S.C. § 1225(b), meanwhile, mandates the detention of noncitizens who are "arriving" or "seeking admission" into to the United States.

31. The detention provisions at 8 U.S.C. § 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.

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

32. After IIRIRA's enactment, EOIR drafted new regulations explaining that people who entered the country without inspection are detained under 8 U.S.C. § 1226(a) and not § 1225(b). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.").

33. In the decades that followed, most people who entered without inspection and were thereafter arrested by DHS were considered for release on bond by both DHS and EOIR. *See Ndiaye*, 2025 WL 3229307, at *6 ("Before DHS's change in policy in July 2025, the Government's practice was to apply § 1226(a) to inadmissible non-citizens who were already residing in the country. In fact, DHS has maintained this practice since § 1225(b)(2) first took effect in 1997."). That practice was consistent with many more decades of prior practice, in which noncitizens who had entered the United States, even if without inspection, were entitled to a custody hearing before an immigration judge or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994).

34. Respondents abruptly changed course this past year. On July 8, 2025, former Acting ICE Director Todd M. Lyons issued an internal memorandum stating that, "in coordination with the Department of Justice (DOJ)," DHS had "revisited" its legal position and believed that 8 U.S.C.

§ 1225, not § 1226, governs the detention of noncitizens who are present in the United States without having been admitted. *Martinez v. Hyde,* 792 F. Supp. 3d 211, 218 (D. Mass. 2025).

35. And on September 5, 2025, EOIR followed suit when the Board of Immigration Appeals issued a precedential decision in *Matter of Yajure Hurtado*, holding that noncitizens "who are present in the United States without admission are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings." 29 I. & N. Dec. at 220.

36. The *Yajure Hurtado* interpretation has been soundly rejected by Article III Courts. Judges from all around the country, including "virtually every single active district judge" in the Eastern District of Pennsylvania, have held that people who are present without having been admitted are eligible for bond pursuant to § 1226(a). *Ndiaye*, 2026 WL 373247, at 7 n.10; *see also Demirel*, 2025 WL 3218243, at *5–13 (listing out 288 cases that have rejected *Yajure Hurtado*); Nate Raymond, Kristian Cooke & Brad Heath, *Courts Have Ruled 4,400 Times That ICE Jailed People Illegally. It Hasn't Stopped*., Reuters, https://www.reuters.com/legal/government/courts-have-ruled-4400-times-that-ice-jailed-people-illegally-it-hasnt-stopped-2026-02-14/ (updated Feb. 17, 2026).

37. As these decisions explain, EOIR's position in *Yajure Hurtado* defies the INA. The plain text of the statute shows that 8 U.S.C. § 1226(a), not § 1225(b), applies to immigrants like Mr. Jose-Matul. Section 1226(a) applies by default to all persons "pending a decision on whether the[y] . . . [are] to be removed from the United States." *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (describing 8 U.S.C. § 1226(a) as the "default rule" for the detention of noncitizens pending removal).

38. The text of 8 U.S.C. § 1226 explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Just this year, Congress enacted subparagraph (E) in the Laken Riley Act to exclude certain noncitizens who entered without inspection from Section 1226(a)'s default bond provision. Subparagraph (E)'s reference to persons inadmissible under Section 1182(6)(A), *i.e.*, persons inadmissible for entering without inspection, makes clear that, by default, such people are afforded a bond hearing under subsection (a). 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." 779 F. Supp. 3d at 1256–57 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

39. Under EOIR's interpretation, all noncitizens subject to inadmissibility grounds are detained without the opportunity for a bond hearing under 8 U.S.C. § 1225(b). *Yajure Hurtado*, 29 I. & N. Dec. at 220; *see* 8 U.S.C. § 1182(a)(6) (making people who are present without having been admitted inadmissible); 8 U.S.C. § 1101(a)(13)(A) (defining an admission). The agency's interpretation would render all the grounds of mandatory detention in 8 U.S.C. § 1226(c) applied to inadmissible noncitizens, including the recently passed Laken Riley Act, superfluous. *Gomes v. Hyde*, 804 F. Supp. 3d 265, 275 (D. Mass. 2025); *Rodriguez*, 779 F. Supp. 3d at 1258; *see Marx v. Gen. Revenue Corp.*, 568 U.S. 371, 386 (2013) ("[T]he canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme."). Section 1226's statutory structure instead demonstrates that Congress did not intend to make 8 U.S.C. § 1226(a) inapplicable to all inadmissible noncitizens, but rather viewed it as the default detention provision for people arrested within the United States.

40. By contrast, 8 U.S.C. § 1225(b) applies to people arriving at U.S. ports of entry or who very recently entered the United States. 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); *see also Martinez*, 792 F. Supp. 3d at 222 ("[O]ur immigration laws have long made a distinction between those [noncitizens] who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality.") (quoting *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958)). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings*, 583 U.S. at 287.

41. "The Government's interpretation of 8 U.S.C. § 1225(b)(2) [indeed] violates the rule against surplusage" because it reads out the phrase, "seeking admission." *Ndiaye*, 2025 WL 3229307, at *14; *Demirel*, 2025 WL 3218243, at *9 ("I am not prepared to read this part ["alien[s] seeking admission"] of § 1225(b)(2) out of existence."). Section 1225(b)(2) only applies to people who are (1) applicants for admission; (2) seeking admission; and (3) not clearly and beyond a doubt entitled to be admitted. 8 U.S.C. § 1225(b)(2)(A); *Demirel*, 2025 WL 3218243, at *9. *Yajure Hurtado*'s interpretation makes all applicants for admission subject to mandatory detention, leaving the "seeking admission" criterion unnecessary and violating the rule against surplusage. *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 487 (S.D.N.Y. 2025); *Martinez*, 792 F. Supp. 3d at 217.

42. Instead, the phrase "seeking admission" indicates that 8 U.S.C. § 1225(b)(2)(A) applies to people who are taking "some sort of present-tense action;" in other words, coming or attempting to come into the United States. *Diaz Martinez*, 2025 WL 2084238, at *6; *see also*

Matter of M-C-D-V-, 28 I. & N. Dec. 18, 23 (BIA 2020) (stating that "the use of the present progressive tense . . . denotes an ongoing process"). Title 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), therefore governs the detention of people, like Mr. Jose-Matul, detained within the United States who are not actively seeking admission.

43. Finally, as discussed below, EOIR's interpretation of 8 U.S.C. § 1225(b)(2)(A) to mandate detention without a bond hearing for all noncitizens present in the United States without having been admitted presents serious constitutional concerns. To the degree that the statute remains ambiguous, the Court should presume that Congress "did not intend the alternative which raises serious constitutional doubts" and reject that construction. *Clark v. Martinez*, 543 U.S. 371, 381–82 (2005). Section 1225(b)(2)(A) does not govern Mr. Jose-Matul's detention.

II. Respondents' Blanket Detention of Noncitizens Without Providing Any Notice or Process Violates Substantive and Procedural Due Process.

44. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting Reno v. Flores, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690. This fundamental protection applies to all noncitizens within the United States, including both removable and inadmissible noncitizens. *See id.* at 693; *Plyler v. Doe*, 457 U.S. 202, 212 (1982); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896).

45. Absent adequate procedural protections, substantive due process requires a "special justification" that "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690; *accord, e.g., Herrera Torralba v. Knight*, 798 F. Supp. 3d 1184, 1199 (D. Nev. 2025) (describing the standard for a substantive due process

violation); *Fernandez v. Lyons*, No. 25-cv-506, 2025 WL 2531539, at *4 (D. Neb. Sept. 3, 2025) (same); *Luna Quispe v. Crawford*, No. 25-cv-1471, 2025 WL 2783799, at *7 (E.D. Va. Sept. 29, 2025) (same). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Zadvydas*, 533 U.S. at 693; *Demore*, 538 U.S. at 528. To withstand constitutional scrutiny, the nature of government-enforced immigration detention must be reasonably related to these purposes.

46. Respondents' detention of Mr. Jose-Matul without any pre-deprivation assessment of his flight or danger risks violates his substantive due process rights. *See, e.g., Kourouma v. Jamison*, No. 26-cv-182, 2026 WL 120208, at *5 (E.D. Pa. Jan. 15, 2026) ("This Court will order the release of Petitioner because he was unlawfully detained."); *Tumba Huamani*, 813 F. Supp. 3d at 404 (ordering release after finding "the complete absence of any reason for Petitioner's arrest" by DHS); *Lopez Benitez*, 795 F. Supp. 3d at 499 (ordering release after rejecting the government's "suggestion that [its] agents may sweep up any person they wish, for no reason whatsoever . . . so long as the person will, at some unknown point in time, be allowed to ask some other official for his or her release") (cleaned up).

47. Additionally, procedural due process protects noncitizens against deprivation of liberty without adequate procedural protections, including notice and the opportunity to be heard. *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367 (2025); *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). In determining the proper procedure to protect a detained noncitizen's procedural due process rights under the Fifth Amendment, courts apply the three-part balancing test in *Mathews*, 424 U.S. at 335, weighing (1) "the private interest that will be affected by the official action;" (2) "the risk of an erroneous deprivation of such interest

through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Black v. Decker*, 103 F.4th 133, 147–48 (2d Cir. 2024); *Gayle v. Warden Monmouth Cnty Corr. Facility*, 12 F. 4th 321, 331 (3d Cir. 2021); *Hernandez-Lara v. Lyons*, 10 F.4th 19 at 28 (1st Cir 2021); *Velasco Lopez*, 978 F.3d at 851 (all quoting *Mathews*, 424 U.S. at 335). Each factor favors providing Mr. Jose-Matul additional process.

48. First, the "importance and fundamental nature" of an individual's liberty interest is well-established. *United States v. Salerno*, 481 U.S. 739, 750 (1987); *see also Ashley v. Ridge*, 288 F. Supp. 662, 670 (D.N.J. 2003) ("[F]reedom from confinement is a liberty interest of the highest constitutional import.") (internal citation and quotation marks omitted). For people "who can face years of detention before resolution of their immigration proceedings, 'the individual interest at stake is without doubt particularly important.'" *Linares Martinez v. Decker*, No. 18-cv-6527, 2018 WL 5023946 at *3 (S.D.N.Y. Oct. 17, 2018).

49. Weighing this factor in *Velasco Lopez*, the Second Circuit found the private interest to be "on any calculus, substantial," observing that the noncitizen "could not maintain employment or see his family or friends or others outside normal visiting hours. The use of a cell phone was prohibited, and he had no access to the internet or email and limited access to the telephone." 978 F.3d at 851–52. Similarly, the First Circuit found a substantial private liberty interest for the petitioner in *Hernandez-Lara*, noting that the noncitizen was incarcerated "alongside criminal inmates" at a jail where "she was separated from her fiancé and unable to maintain her employment." 10 F.4th at 28. Because Mr. Jose-Matul has the same core interest in his liberty, the first factor weighs in his favor.

50. Second, Respondents' blanket detention of all inadmissible noncitizens creates a large risk of erroneous deprivation. Particularly, it has led and continues to the lead to the detention of many—like Mr. Jose-Matul—who the government cannot prove to be a flight risk or a danger to the community. *See, e.g., Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1187–88 (D. Minn. 2025) (noting that lack of consideration of "individualized or particularized facts . . . increases the potential for erroneous deprivation of individuals' private rights"); *Ashley*, 28 F. Supp. 2d at 670 (finding a procedural due process violation because "the Government has not proved that Petitioner presents an identified and articulable threat to an individual or the community so as to justify his continued detention"). Ensuring Respondents conduct a pre-deprivation assessment prior to detention strikes the proper procedural balance. The second factor therefore weighs in Mr. Jose-Matul's favor.

51. Finally, the burden on Respondents to conduct pre-deprivation reviews is not a large burden. They need only conduct an individualized assessment of Mr. Jose-Matul's circumstances prior to detention. Such a burden serves—not hampers—the government's interest because the government has an interest in "minimizing the enormous impact of incarceration in cases where it serves no purpose." *Velasco Lopez*, 978 F.3d at 854; *see also Hernandez-Lara*, 10 F.4th at 33 (noting that "limiting the use of detention to only those noncitizens who are dangerous or a flight risk may save the government, and therefore the public, from expending substantial resources on needless detention"). Additionally, "unnecessary detention imposes substantial societal costs. . . . The needless detention of those individuals thus separates families and removes from the community breadwinners, caregivers, parents, siblings and employees. Those ruptures in the fabric of communal life impact society in intangible ways that are difficult to calculate in dollars and cents." *Hernandez-Lara*, 10 F.4th at 33 (citation and internal quotation marks omitted). The cost

to the government and society of detaining people unnecessarily for long periods of time is greater than the cost of providing individualized hearings. The third factor therefore weighs in affording Mr. Jose-Matul additional procedural protections.

THE PROPER REMEDY IS RELEASE

52. Given Respondents did not conduct any pre-deprivation assessment of Mr. Jose-Matul's risks prior to his detention, he merits release. *See, e.g., Kourouma*, 2026 WL 120208, at *5 ("This Court will order the release of Petitioner because he was unlawfully detained."); *Patel*, 2025 WL 3241212, at *3 (same); Order, ECF No. 5, *Ponce Hernandez v. Jamison*, No. 26-cv-306 (E.D. Pa. Jan. 27, 2026) (same).

53. Mr. Jose-Matul also merits release because a bond hearing before an immigration judge has been shown not to be an adequate remedy.[3] Immigration judges have unreasonably refused to grant bond despite evidence that a noncitizen is not a danger or a flight risk, requiring petitioners to seek further relief from habeas courts. *See A.D. v. Oddo*, No. 25-460J, Memorandum Order at 7–8 (W.D. Pa. Feb. 12, 2026) (finding petitioner was unfairly prejudiced at his habeas ordered bond hearing and ordering immediate release); *Soto-Medina v. Lynch*, No. 1:25-CV-1704, 2026 WL 161002, at *2 (W.D. Mich. Jan. 21, 2026) (noting that at a habeas ordered bond hearing petitioner presented evidence that he is not a flight risk or danger, including "evidence of his family connections, that his daughter attended Chicago Public Schools, and that he has a pending asylum application and valid work authorization," that the "government did not present any evidence"

[3] *See* Nicholas Nehamas et al., *How Trump Purged Immigration Judges to Speed Up Deportations*, NY Times (Apr. 9, 2026), https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html?unlocked_article_code=1.ZlA.JJNG.txwMTdEzjRn7&smid=url-share [https://perma.cc/L94K-NL5X] (last accessed Apr. 13, 2026) ("One current judge said the 'pressure to deny bond is overt.' The judge said that there was a requirement to inform a supervisor every time bond was granted, underscoring how closely the administration was monitoring decisions.").

against granting bond, but "the immigration judge denied Petitioner's request for bond because Petitioner had 'not established that he is not a flight risk'"); *Ramirez v. Lynch*, No. 1:25-CV-1800, 2026 WL 212932, at *1 (W.D. Mich. Jan. 27, 2026) (same).

54. A hearing before an immigration judge also does not provide a sufficient assurance of neutrality. Immigration judges, who serve at the pleasure of the U.S. Attorney General—a respondent in this matter—have been removed from service for not following the Executive's deportation goals.[4] And on January 13, 2026, Chief Immigration Judge Teresa L. Riley instructed immigration judges to continue denying bond despite a nationwide declaration against DHS's detention policies in *Maldonado Bautista v. Santacruz*, No. 25-cv-1873, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025).[5]

55. If, alternatively, this Court orders for a bond hearing, due process requires that the Government bear the burden of proof by clear and convincing evidence. *See Gayle*, 12 F.4th at 332 ("[W]hen such a severe deprivation is at issue, the Government must bear the burden of proof."). Such a "standard of proof serves to [properly] allocate the risk of error between the litigants and reflects the relative importance attached to the ultimate decision." *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 213 (3d Cir. 2020) (citing *Addington v. Texas*, 441 U.S. 418, 423 (1979)). The Third Circuit has long ordered for the government to bear a clear and convincing burden at a constitutionally-mandated bond hearing. *German Santos*, 965 F.3d at 214; *Guerrero-Sanchez v. Warden York Cnty. Prison*, 905 F.3d 208, 224 n.12 (3d Cir. 2018), *abrogated on other*

[4] *See, e.g.*, Joshua Goodman, *Military Lawyer Swiftly Fired from Immigration Bench After Defying Trump Deportation Push*, Times Union (updated Dec. 19, 2025), https://perma.cc/JWJ2-WH9E.

[5] *See Practice Alert: EOIR Issues Nationwide Guidance on Maldonado Bautista*, AILA Doc. No. 26011404, Am. Immigr. Laws. Ass'n (Jan. 16, 2026), https://perma.cc/9LDH-ZKAF (last visited Feb. 8, 2026).

grounds by Johnson v. Arteaga-Martinez, 596 U.S. 572 (2022). Other circuit courts have similarly held the same for Section 1226(a) detention. *Hernandez-Lara v. v. Lyons*, 10 F.4th 19, 39-40 (1st Cir 2021); *Velasco Lopez*, 978 F.3d at 855–56; *see also Soto-Medina*, 2026 WL 161002, at *5-11. Any assessment of custody should include consideration of alternatives to detention and ability to pay. *See, e.g.*, *Black*, 103 F.4th at 155.

56. Should this Court order for a bond hearing, it should preside over such a hearing rather than assign it to an EOIR administrative judge, for the reasons discussed above. *See Centeno-Martinez v. Jamison*, No. CV 25-3593, 2025 WL 3157711, at *3 (E.D. Pa. Nov. 12, 2025) (finding that the district court should hold the bond hearing because it is "a 'legal and logical concomitant' of habeas jurisdiction, particularly where delay risks perpetuating the constitutional injury"); *Swann v. Charlotte Mecklenburg Bd. of Educ*., 402 U.S. 1, 15 (1971) ("[T]he scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies."); *see also Zadvydas*, 533 U.S. at 700 (authorizing federal courts to "condition[]" a noncitizen's release "on any of the various forms of supervised release that are appropriate in the circumstances").

CLAIMS FOR RELIEF

COUNT 1
Violation of the Immigration and Nationality Act
Unlawful Application of Mandatory Detention Provision

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

61. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) 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 have been residing in the United States at liberty after

being briefly detained at or near the border. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

62. Mr. Jose-Matul was not "arriving" into the United States or "seeking admission" when Respondents' agents stopped and arrested him. 8 U.S.C. § 1225(b). That is, he was not engaged in "present-tense action[s]" that trigger Section 1225(b) detention. Respondents' erroneous application of Section 1225(b) to Mr. Jose-Matul violates the INA.

COUNT II

Violation of Fifth Amendment Due Process Clause
Substantive Due Process

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

69. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V. Substantive due process requires that immigration detention be reasonably related to the goals of ensuring the appearance of noncitizens at future proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690.

70. Respondents' detention of Mr. Jose-Matul without any consideration of his particular flight or danger risks bears no relation to the limited goals of immigration detention. It violates his substantive right to be free from unjustified government detention.

COUNT III

Violation of Fifth Amendment Due Process Clause
Procedural Due Process

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

73. The government violates a person's due process rights if it deprives their liberty without providing adequate procedural protections. Courts apply the *Mathews* balancing test to determine what procedural protections the Due Process Clause requires. *Gayle*, 12 F.4th at 331.

74. The first factor is the private interest that will be affected by the official action. *Id.* The deprivation of Mr. Jose-Matul's liberty is a particularly weighty interest. *See Morrissey*, 408 U.S. at 482 (describing the substantial private interest in remaining out of custody, which "enables [one] to do a wide range of things open to persons" who are free from custody).

75. The second factor is the risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional safeguards. *Id.* Respondents' blanket application of Section 1225(b)(2)(A) to all noncitizens who have not been admitted creates great risk of unnecessary detention because their interpretation of the statute does not permit any individualized determination of whether detention during removal proceedings is necessary. *See Ashley*, 288 F. Supp. 2d at 670. Respondents' procedures—or lack thereof—create an erroneously high risk of wrongly depriving those, like Mr. Jose-Matul, their protected interest in being free from government custody.

76. The final factor is the government's interest and burden in providing additional procedures. *Gayle*, 12 F.4th at 331. The government has no legitimate interest in detaining those like Mr. Jose-Matul when detention is not necessary to ensure his appearance at future hearings or protect the community, and less restrictive measures like a reasonable bond could serve those same purposes. *Hernandez-Lara*, 10 F.4th at 32–33; *see also Ousman D. v. Decker*, No. 20-cv-9646, 2020 WL 5587441, at *4 (D.N.J. Sept. 18, 2020) (holding that due process requires consideration of less restrictive alternatives to detention that would address the government's legitimate purpose); *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 241–42 (W.D.N.Y. 2019) (same).

Affording noncitizens pre-deprivation review of their flight or danger risks presents a minimal burden and serves the government's interest in ensuring only those individuals that need to be detained are detained. *See Velasco Lopez*, 978 F.3d at 857 (the government "has no interest in the continued incarceration of an individual who it cannot show to be either a flight risk or a danger to his community" and the public has an "interest in seeing that individuals who need not be jailed are not incarcerated"). Respondents' detention of Mr. Jose-Matul without any assessment of whether that detention is necessary violates procedural due process.

COUNT IV

Violation of Administrative Procedure Act as Contrary to Law and Arbitrary and Capricious Agency Policy

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

78. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. In taking a contrary position, Respondents have reversed decades of prior practice and attempted to "expand § 1225(b) far beyond how it has been enforced historically, potentially subjecting millions more undocumented immigrants to mandatory detention, while simultaneously narrowing § 1226(a) such that it would have extremely limited (if any) application." *Lopez Benitez*, 795 F. Supp. 3d at 490. Respondents have not offered reasoned explanations for their decisions, which represent changes in the agencies' policies and positions; have considered factors that Congress did not intend to be considered; have entirely failed to consider important aspects of the immigration detention policy; and have offered explanations for their decisions that run counter to the evidence before the agencies.

79. The APA provides that a "reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of

discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Respondents' application of 8 U.S.C. § 1225(b)(2) to Mr. Jose-Matul is arbitrary, capricious, and not in accordance with law. It should be set aside.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Issue an order administratively staying Respondents from transferring Petitioner outside this Court's geographic jurisdiction pending the Court's adjudication of the petition;

c. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, the Administrative Procedure Act, and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

d. Issue a Writ of Habeas Corpus and order Petitioner's immediate release from custody without additional or new conditions;[6]

e. In the alternative, conduct a custody hearing at which Respondents must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk that Petitioner's release would present;

f. Issue an order requiring Respondents to return Petitioner's personal property, including identification and documents;[7]

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[6] *See, e.g.,* Order, ECF 8, *Noicy v. Jamison et al.*, No. CV 26-1388, 2026 WL 637635 (E.D. Pa. Mar. 6, 2026) (ordering that "the Government shall not subject [Petitioner] to any conditions of release including the imposition of any and all GPS monitoring technology or devices").

[7] *See, e.g.*, Order, ECF 6, *Juarez Francisco v. Jamison et al.*, No. CV 26-1321, 2026 WL 607988 (E.D. Pa. Mar. 4, 2026) (ordering "immediately upon his release [return] all personal belongings confiscated upon or during his detention, including his identification documents"); Order, ECF No. 20, *Abreu v. Baker*, No. 25-cv-3088 (D. Md. Dec. 18, 2025) (ordering return of

g. Award Petitioner his costs and reasonable attorney fees in this action as provided for by the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law, *see Michelin v. Warden Moshannon Valley Corr. Ctr.*, 169 F.4th 418, 432 (3d Cir. 2026); and

h. Grant such further relief as the Court deems just and proper.[8]

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petitioner's personal property confiscated at the time of her detention); *Ortiz Martinez v. Wamsley*, No. 25-cv-1822, 2025 WL 2899116, at *5 (W.D. Wash. Oct. 10, 2025) (same).

[8] Some district courts have used their inherent equitable powers under habeas to require wider government conformance with the court's decisions. The Honorable Judge Joseph R. Goodwin of the U.S. District Court for the Southern District of West Virginia, for example, recently emphasized:

> The holdings in [prior cases concerning Respondents' detention of noncitizens], particularly the constitutional interpretations, are not passing observations. They are constitutional holdings, and they govern the conduct of federal officers operating within the jurisdiction of this court.
>
> Constitutional rulings of federal district courts are not advisory opinions. They are binding law within this jurisdiction unless and until reversed. Government officials—federal and state—subject to this court's jurisdiction are required to conform their conduct to this court's constitutional rulings. This court possesses inherent authority to enforce its constitutional determinations and will not permit systematic violations to continue while awaiting appellate resolution.
>
> Once a federal court has declared particular conduct unconstitutional, the court possesses equitable authority to prevent the same defendants from engaging in the same unconstitutional conduct again. That authority rests not on judicial innovation but on the necessity of making constitutional judgments effective. A constitutional ruling cannot be reduced to a temporary directive that must be relitigated each time the same conduct recurs.
>
> If officials could repeat practices already determined to be unconstitutional and require each affected person to begin anew, constitutional adjudication would become provisional, and judicial power would be reduced to commentary. The Constitution does not contemplate violations in installments.
>
> This court will not permit constitutional violations to proceed piecemeal while officials await appellate reversal of rulings they are presently bound to obey. If systematic violations continue despite repeated judicial findings of unconstitutionality, this court will employ the full range of its inherent authority,

Respectfully submitted,

/s/ Lilah Thompson

Lilah Thompson (PA ID 374718)
DEFENDER ASSOCIATION OF PHILADELPHIA
1441 Sansom St.
Philadelphia, PA 19102
T: (267) 765-6716
E: lrthompson@philadefender.org

*John Peng (NY ID 5751680)
JOHN PENG CONSULTING, LLC
1322 15th St. NW #1
Washington, DC 20005
T: (516) 712-7608
E: johnhcpeng@gmail.com
* Pro Hac Vice Application Forthcoming

Pro Bono Counsel for Petitioner

DATED: Apr. 26, 2026
Philadelphia, PA

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including (1) injunctive relief prohibiting detention without individualized custody determinations, (2) contempt proceedings against officials who defy this court's orders or constitutional rulings, (3) monetary sanctions against responsible officials, and (4) any other such other relief as may be necessary to vindicate constitutional rights and enforce this Court's rulings.

The Constitution requires immediate compliance with judicial determinations, not continuation of violations pending appeal.

Dominguez Izaguirre, 2026 WL 561235, at *6.

CERTIFICATE OF SERVICE

I hereby certify that I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system on April 26, 2026. I further certify that I will send a courtesy copy of these filings, via email, to the office of the United States Attorney for the Eastern District of Pennsylvania at the following email addresses:

desiree.wilkins@usdoj.gov
susan.becker@usdoj.gov
anthony.stjoseph@usdoj.gov
gregory.david@usdoj.gov

DATED: Apr. 26, 2026

/s/ Lilah Thompson

Lilah Thompson
DEFENDER ASSOCIATION OF PHILADELPHIA
1441 Sansom St.
Philadelphia, PA 19102
T: (267) 765-6716
E: lrthompson@philadefender.org

EXHIBIT A

Official Website of the Department of Homeland Security

U.S. Immigration and Customs Enforcement

Report Crimes: Email or Call 1-866-DHS-2-ICE

Home | Who We Are | What We Do | Newsroom | Information Library | Contact ICE

Search Results: 1

SEBASTIAN JOSE-MATUL

Country of Birth : Guatemala
A-Number: [redacted]
Status : In ICE Custody
State: PA
Current Detention Facility: Philadelphia Federal Detention Center

** Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >

Related Information

Helpful Info

Status of a Case

About the Detainee Locator

Brochure

ICE ERO Field Offices

ICE Detention Facilities

Privacy Notice

External Links

Bureau of Prisons Inmate Locator

DHS.govUSA.gov OIG Open Gov FOIA Metrics No Fear Act Site Map Site Policies & Plug-Ins

EXHIBIT B

An official website of the United States government Here's how you know

EOIR | Automated Case Information

Court Closures Today April 26, 2026

Please check https://www.justice.gov/eoir-operational-status for up to date closures.

Automated Case Information

Name: JOSE-MATUL, SEBASTIAN | A-Number: [redacted] | Docket Date: 10/10/2019

Next Hearing Information

There are no future hearings for this case.

Court Decision and Motion Information

This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107

PHONE NUMBER
(215) 656-7000

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

Sebastian Jose-Matul

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

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

* Please see attached addendum

DEFENDANTS

* Please see attached addendum

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

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

Attorneys *(If Known)*

U.S. Attorney for the Eastern Office of Pennsylvania

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

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

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

(For Diversity Cases Only)

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

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

Click here for: Nature of Suit Code Descriptions.

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

TORTS

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

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

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

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

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

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

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

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

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

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

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

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

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

PRISONER PETITIONS

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

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

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

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

VI. CAUSE OF ACTION

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

Brief description of cause:
Civil immigration detention violates Immigration and Nationality Act, Administrative Procedure Act, and U.S. Constitution

VII. REQUESTED IN COMPLAINT:

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

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
04/26/2026

SIGNATURE OF ATTORNEY OF RECORD
/s/ Lilah Thompson

FOR OFFICE USE ONLY

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

Respondents
J.L. Jamison, Warden, Federal Detention Center, Philadelphia;

John Rife, Acting Field Office Director, Philadelphia Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement;

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

Todd Blanche, Acting Attorney General, U.S. Department of Justice.

Attorneys for Petitioner
Lilah Thompson
DEFENDER ASSOCIATION OF PHILADELPHIA
1441 Sansom St.
Philadelphia, PA 19102
T: (267) 765-6716
E: lrthompson@philadefender.org

*John Peng (NY ID 5751680)
JOHN PENG CONSULTING, LLC
1322 15th St. NW #1
Washington, DC 20005
T: (516) 712-7608
E: johnhcpeng@gmail.com

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Delaware

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

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

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

Civil Litigation Categories

A. Federal Question Cases:

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

B. *Diversity Jurisdiction Cases:*

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

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

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

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

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

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

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