FILED
U.S. District Court
District of Kansas
04/27/2026
Clerk, U.S. District Court
By: SND Deputy Clerk

UNITED STATES DISTRICT COURT
FOR KANSAS

Cristihan Alexander Vasquez Perez, Petitioner, v. Todd Lyons, *in his official capacity as Acting Director of Immigration and Customs Enforcement* Markwayne Mullin, *in his official capacity as Secretary of the Department of Homeland Security,* Todd Blanche, *in his official capacity as Acting Attorney General of the United States,) and* Misty Mackey, *in her official capacity as Warden in charge of Midwest Regional Reception Center, KS* Respondents.	**Petition for Writ of Habeas Corpus -- Person in ICE Custody** Case No.: 26-3102-JWL

Petition for Writ of Habeas Corpus –
Person in ICE Custody

Petitioner, Cristihan Alexander Vasquez Perez, by counsel, petitions for a writ of habeas corpus under 28 U.S.C. § 2241 and alleges as follows:

I. Introduction

1. Petitioner is a 45-year-old Honduran national who has been living in the United States since the summer of 2008. He entered the country without inspection or parole and had no interaction with U.S. immigration authorities. He has remained in the United States since that time.

2. Petitioner is a father of two U.S. citizen children.
3. Petitioner is now in removal proceedings in front of the Kansas City Executive Office of Immigration Review.
4. Petitioner is eligible for EOIR 42B, Cancellation of Removal for Non-Legal Permanent Residents based upon the substantial hardship it would cause his two U.S. citizen children should he be removed from the United States. He will comply with every immigration requirement during that process.
5. On April 13, 2026, Petitioner was arrested in Shawnee, Kansas by Immigration and Customs Enforcement (ICE) and directly taken into ICE custody. He is now detained in Leavenworth, Kansas. He has been detained since his arrest without any opportunity to seek release before a neutral decisionmaker.
6. Petitioner was not detained because of any criminal infraction or charge. He was detained solely on the basis of lacking legal status in the United States.
7. Petitioner, in the past, has been charged and convicted of traffic violations including driving without a license, failure to register vehicle, failure to equip vehicle with two approved red tail lamps on proper level, and driver/front seat passenger failure to wear properly adjusted/fastened safety belt.
8. Petitioner challenges his detention as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.
9. Accordingly, Petitioner seeks a writ of Habeas Corpus requiring his immediate release, or in the alternative, that he be provided a prompt bond hearing under 1226(a).

10. Petitioner seeks immediate release, or at a minimum, a prompt individualized custody determination.

Jurisdiction and Venue

1. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in custody in violation of the Constitution.
2. Venue is proper in this District because Petitioner is detained in Leavenworth, Kansas.

Parties

11. Petitioner Cristihan Alexander Vasquez Perez (A# [redacted] is a citizen of Honduras currently detained at Midwest Regional Reception Center (MMRC).
12. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement and is the federal agent charged with overseeing all ICE arrests in the Kansas City Region and the detention assignment and determination for the arrestees. Mr. Lyons is a legal custodian of the Petitioner, and he is sued in his official capacity.
13. Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security (DHS). DHS oversees ICE, which is responsible for administering and enforcing the national immigration laws. Mullin is the ultimate legal custodian of the Petitioner. He is sued in his official capacity.
14. Todd Blanche, the Acting Attorney General of the United States is responsible for the administration of the Immigration Court system, which is housed within the Executive Office for Immigration Review (EOIR) and includes all immigration judges and the Board of Immigration Review (BIA). He is sued in his official capacity.

15. Misty Mackey is the Warden of the Midwest Regional Reception Center in Leavenworth, Kansas. She oversees the MRRC, which houses the detention of Petitioner and she is sued in her official capacity.

Exhaustion

16. No statutory exhaustion requirement applies. However, the Kansas City Executive Office of Immigration Review is of the position that it does not jurisdiction to conduct for Bond Redetermination Hearings.

17. Further exhaustion would be futile.

V. Factual Background

A. Entry and Release.

18. Petitioner entered the United States in summer of 2008 without inspection or parole.

19. He was not apprehended at the border or during an attempted entry.

20. Since that time, Petitioner has lived freely in the United States.

B. Arrest and Transfer.

21. On April 13, 2026, Petitioner was arrested in Shawnee, Kansas.

22. Petitioner was then transported to the detention facility in Leavenworth, Kansas.

C. Detention

23. Petitioner has remained detained since April 13, 2026.

24. His case is pending before the Kansas City Immigration Court, with his next Master Calendar hearing scheduled for May 6, 2026.

3. Petitioner has no opportunity to seek bond because Immigration Judges lack jurisdiction to conduct bond hearings under Respondents' interpretation of § 1225.

D. Lack of Risk

25. Petitioner has no prior deportations.

26. Petitioner has been living in the United States for about 18 years.

27. He has no serious criminal convictions. He does have a number of traffic violation convictions, including driving without a license, failure to register vehicle, failure to equip vehicle with two approved red tail lamps on proper level, and driver/front seat passenger failure to wear properly adjusted/fastened safety belt.

28. Respondents have not alleged that Petitioner is a danger to the community or a flight risk.

Claims for Relief

Count I – Request for Custody Review and Bond Determination in Violation of 8 USC 1226(a)

29. Petitioner incorporates the preceding allegations.

30. Under 8 U.S.C. § 1226(b), judicial review is available for noncitizens who are not subject to mandatory detention.

31. Petitioner falls under 8 U.S.C. § 1226(a) who entered the United States without inspection or parole as he entered in 2008 without being apprehended by immigration enforcement.

32. Kansas City Executive Office of Immigration Review is of the position that the Petitioner falls under 8 U.S.C. § 1225(b) even though Petitioner entered in 2008 without being apprehended by immigration officials. Respondents' position is categorical: once § 1225 applies, detention without any opportunity for release is permissible.

33. Petitioner's continued detention without the opportunity to seek bond determination is therefore also unlawful.

Count II — Due Process Violation (Fifth Amendment)

34. Petitioner incorporates the preceding allegations.

4. Respondents' position is categorical: once § 1225 applies, detention without any opportunity for release is permissible.

35. That position eliminates all processes.

36. Petitioner has no bond hearing, no custody review, and no mechanism to challenge detention.

37. Respondents do not contend that Petitioner is a danger or a flight risk. They identify no individualized basis for detention.

38. Detention without any opportunity for review violates the Fifth Amendment.

Count III – Arbitrary Detention Without Justification

39. Petitioner incorporates the preceding allegations.

40. Petitioner's detention is arbitrary.

41. He has lived at liberty in the United States for almost 18 years.

42. Detention here is untethered to any purpose and is therefore unconstitutional.

Requested Relief

Petitioner respectfully requests that the Court:

a) Grant the writ of habeas corpus and order Petitioner's immediate release; or

b) In the alternative, order a prompt bond hearing before a neutral decisionmaker where the government bears the burden of proof that the petitioner is a danger or a flight risk;

c) Stay the petitioner's removal and transfer from this jurisdiction;

d) Grant any further relief deemed just.

Date: April 27, 2026 Very Respectfully Submitted,

/s/ Matthew L. Hoppock
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Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. 2242

I, Matthew L. Hoppock, am submitting this verification on behalf of the Petitioner, Cristihan Alexander Vasquez Perez, as his attorney. I have discussed the events described above in this Petition with Petitioner's relatives and Petitioner himself. Based on those discussions I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and accurate to the best of my knowledge.

Date: April 27, 2026

Very Respectfully Submitted,

/s/ Matthew L. Hoppock

Matthew L. Hoppock

Attorney for Petitioner