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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

Alfredo GARCIA RIOS, Petitioner, v. Jason KNIGHT, Field Office Director of Enforcement and Removal Operations, Salt Lake City Field Office, Immigration and Customs Enforcement; Kenneth PORTER, Director of the Boise U.S. Immigration and Customs Enforcement Field Sub-Office; Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, U.S. Attorney General; Mike HOLLINSHEAD, Sheriff of Elmore County, Respondents.	Civil Case No. 26-279 **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Alfredo Garcia Rios, a 35-year-old native and citizen of Mexico who has resided in the U.S. since approximately 2000, hereby petitions this Court for a writ of habeas corpus. Mr. Garcia Rios has resided in the United States for approximately 26 years and is currently detained at the Elmore County Detention Center in Mountain Home, Idaho.

2. Mr. Garcia Rios was arrested in Canyon County, Idaho and subsequently convicted of misdemeanor violations of Idaho Code § 37-2734A(1) and § 37-2732C(a), for which he was sentenced time served, and placed on one year of supervised probation from May 6, 2026, through May 6, 2027. He currently has an outstanding charge of disorderly conduct pending before the Idaho Court.
3. Upon his payment of a cash bond of $300, Mr. Garcia was taken into ICE custody, and transported to the Elmore County Detention Center today, May 8, 2026, solely for immigration detention, without consideration of whether he is a danger to the community or a flight risk, and without the ability to seek bond before an Immigration Judge. His detention without a bond hearing violates the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment to the United States Constitution.
4. DHS policy issued on July 8, 2025 instructs all Immigration and Customs Enforcement (ICE) employees to designate anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection as subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
5. Likewise, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
6. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who

entered the United States as a child and have been residing here for approximately 25 years. Instead, such individuals are subject to a different statute, §1226(a), that allows for release on conditional parole or bond.

7. Respondent's legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like the Petitioner.
8. Petitioner asks the Court to issue writ of Habeas Corpus by determining that his detention is not justified because the government has not established by clear and convincing evidence that he presents a risk of flight or danger in light of available alternatives to detention and order his release. In the alternative, Mr. Garcia Rios asks the Court to issue a writ of Habeas Corpus and order his release immediately.
9. Petitioner asks the Court to find that his apprehension and detention without opportunity for bond was unconstitutional and to order his release, and to stay his transportation out of the Court's jurisdiction.

JURISDICTION AND VENUE

10. This action arises under the Constitution of the United States and the Immigration Nationality Act (INA), 8 U.S.C. 8 U.S.C. § 1101 *et seq.*
11. This Court has subject matter jurisdiction under 28..U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
12. 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.
13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500

(1973), venue lies in the United States District Court for the District of Idaho, because Petitioner is detained at the Elmore County Detention Center in Mountain Home, Idaho, which is within the jurisdiction of this District. 28 U.S.C. § 1391(b); *see also* 28 U.S.C. § 2241(d); *Palma v. Holder*, 2014 U.S. Dist. LEXIS 175721 (9th Cir. 2014).

REQUIREMENTS OF 28 U.S.C. § 2243

14. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the 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).

15. 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 of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (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).

PARTIES

16. Petitioner Alfredo Garica Rios (A[redacted] born on [redacted], is a 35-year-old native and citizen of Mexico who entered the United States without inspection in approximately the year 2000 at age ten. He has lived in the United States continuously for approximately 25 years. In 2012, Petitioner was granted DACA benefits, which he

maintained for more than a decade, only for USCIS to terminate those benefits in February 2026, before he had been convicted of any crime. Petitioner is currently detained at the Elmore County Detention Center in Mountain Home, Idaho and is a resident of Caldwell, Idaho. He is recently divorced and has four U.S. citizen children. He is in custody, and under the direct control, of Respondents and their agents.

17. Respondent Mike Hollinshead is the Sheriff of Elmore County and has immediate physical custody of Petitioner pursuant to the Elmore County detention facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of petitioner.

18. Respondent Kenneth Porter is sued in his official capacity as the Acting Field Office Director of the Boise Field Office of U.S. Immigration and Customs Enforcement. Respondent is a legal custodian of Petitioner and has authority to release him.

19. Respondent Jason Knight is sued in his official capacity as the Acting Field Office Director of the Salt Lake City Field Office of U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations. Respondent is a legal custodian of Petitioner and has authority to release him.

20. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner.

21. Respondent Todd Blanche is sued in his official capacity as Acting Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

22. Respondent U.S. Attorney's Office, District of Idaho, is included as a respondent in accordance with the requirements for service on the United States government in Habeas proceedings.

STATEMENT OF FACTS

23. Petitioner Alfredo Garcia Rios is a 35-year-old citizen of Mexico, born on [redacted] who entered the United States without inspection in approximately the year 2000 at age ten. He has been a resident of Canyon County and Caldwell, Idaho since arriving in the United States and has lived in this country for approximately 25 years. His USCIS Alien number is A[redacted]

24. Petitioner was brought to the United States as child and has spent virtually his entire life in this country. He is divorced and shares custody of his four U.S. citizen children.

25. In 2012, Petitioner was granted benefits under the Deferred Action for Childhood Arrivals (DACA) program. Before he was convicted of any offense, USCIS terminated his DACA benefits in February 2026.

26. On August 2, 2024, Petitioner filed an I-131 Application for Travel Documents (Advanced Parole) with USCIS in connection with his DACA status, bearing receipt number [redacted], which was granted in November of 2024. He exited and reentered the United States lawfully the following month, in December of 2024.

27. On December 15, 2025, Petitioner was charged with Disorderly Conduct in violation of Caldwell, Idaho municipal code M611-08-01-27(1)(L), a misdemeanor, in Canyon County, Idaho. On December 29, 2025, Petitioner entered a plea of Not Guilty. That case remains pending.

28. On December 18, 2025, Petitioner was arrested, resulting in his plea of guilty to: (1) Possession of Drug Paraphernalia, in violation of Idaho Code . § 37-2734A(1); and, (2) Intoxicated Subject on the Roadway, in violation of Idaho Code § 37-2732C(a); both misdemeanors. Petitioner was held in custody from December until his detention by ICE today.

29. As a result of his conviction, he was sentenced to time served. In addition, the state court placed Petitioner on one year of supervised probation, active from May 6, 2026, through May 6, 2027.

30. The state Court's decision to place Petitioner on supervised probation reflects judicial determination that Petitioner is not a danger to the community and can be safely supervised in the community upon completion of his confinement. ICE's detention of Petitioner without consideration of his danger to the community or flight risk directly contradicts this judicial determination and would prevent Petitioner from complying with terms of his probation, including reporting requirements and payment of supervision fees.

31. ICE officials have indicated they do not intend to release Petitioner, and that they intend to transport him to the Northwest Detention Center in Tacoma, Washington.

LEGAL FRAMEWORK

32. The Supreme Court has stated that it "is well established the Supreme Court has stated that it "'is well established the Fifth Amendment entitles aliens 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 v. Davis*, 533 U.S. 678, 690 (2001); *see also id.* at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention."). This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) ("both removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious").

33. Due process therefore requires "adequate procedural protections" to ensure that the government's asserted justification for physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Id.* at 690 (internal quotation marks omitted). 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. *Id.*; *Demore*, 538 U.S. at 528.
34. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.
35. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
36. Second, the INA provides for mandatory detention of noncitizens subject to expedited

removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

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

38. This case concerns detention provisions 1226(a) and 1225(b)(2).

39. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

40. Following enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). See Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

    Thus, in the decades that followed, most people who entered without inspection— unless they were subject to some other detention authority—received bond hearings. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

41. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

42. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission,"[1] claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades

43. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

44. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected Matter of Yajure Hurtado, which adopts the same reading of the statute as ICE.

45. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not

[1] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission.

apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

46. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Hernandez Alvarez*, No. 25-14065 (11th Cir., May 6, 2026); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL

2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g.*, *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that "[t]he Court tends to agree" that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same); *but see Buenrostro-Mendez v. Bondi*, --- F.4th ---, 2026 WL 466487 (5th Cir. Feb. 6, 2026).

47. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

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

49. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the Rodriguez Vazquez court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." Rodriguez Vazquez, 779 F. Supp.

3d at 1257 (citing Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010)); see also Gomes, 2025 WL 1869299, at *7.

50. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

51. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who 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).

52. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

CLAIMS FOR RELIEF

COUNT ONE

53. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs

54. 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 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), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

55. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Stay Petitioner's transportation to another jurisdiction until this Court resolves his petition for a writ of habeas corpus;

(3) Issue an Order to Show Cause ordering Respondents to show why this Petition should not be granted within three days.

(4) Declare that denial of Petitioner's detention under 8 U.S.C. § 1225(b) denies him his statutory rights under 8 U.S.C. § 1226(a).

(5) Declare that Petitioner's detention is unlawful.

(6) Issue a writ of habeas corpus ordering Respondents to release Petitioner immediately; or, in the alternative, issue an order requiring Respondents to schedule a bond hearing within 20 days, wherein they will bear the burden to demonstrate by clear and convincing evidence that he is a danger to the community or a flight risk, to justify his continued and currently unjustified detention.

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

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

Respectfully submitted this 8th day of May 2026,

/s/Rolando N. Ruano
Rolando N. Ruano
Ruano-Martinez Law
Attorneys for Petition

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

I represent Petitioner, Alfredo Garcia Rios, 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 day, 8th of May 2026.

/s/Rolando Ruano
Rolando Ruano
Ruano-Martinez Law
Attorneys for Petitioner