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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDUARDO ISAAC MARTINEZ SANCHEZ,

***Petitioner*,**

v.

LEONARD ODDO
in his official capacity as Warden of Moshannon Valley Processing Center, Philipsburg;

JOHN E. RIFE,
in his official capacity as Acting Philadelphia Field Office Director, United States Immigration and Customs Enforcement;

DAVID J. VENTURELLA,
in his official capacity as Acting Director of Immigration & Customs Enforcement;

MARKWAYNE MULLIN
in his official capacity as Secretary, U.S. Department of Homeland Security; and

TODD BLANCHE,
in his official capacity as Acting Attorney General, U.S. Department of Justice.

Respondents.

Case No. 3:26-cv-1039

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

Petitioner, Eduardo Isaac Martinez Sanchez, is a Salvadoran national who petitions for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the lawfulness of his detention by Immigration and Customs Enforcement ("ICE"). Petitioner requests that this Court release him from detention by the Immigration and Customs Enforcement ("ICE") or, alternatively, conduct or order a bond hearing in which the Respondents bear the burden of justifying Petitioner's continued detention. Petitioner also requests that the Court set aside recent policies implemented by Respondents that are contrary to the statutory right of non-citizens like Petitioner to seek release and bail through an exercise of the Respondents' discretion.

Mr. Martinez Sanchez is a native and citizen of El Salvador. He entered the U.S. as an unaccompanied minor at age 16 in November 2020. Mr. Martinez Sanchez was processed by the Office of Refugee Resettlement and released to the custody of an aunt. Mr. Martinez filed an application for asylum with the Asylum Office on January 16, 2025 and the application remains pending. Nothing has changed to warrant Mr. Martinez Sanchez's re-detention.

On June 2, 2026, ICE unlawfully detained Mr. Martinez Sanchez. ICE did not make any individualized assessment required under 8 U.S.C. § 1226(a) that he posed a flight risk or a danger to the community and, therefore, detained Mr. Martinez Sanchez without due process. Moreover, Respondents have adopted policies enshrined in administrative decisions by the Board of Immigration Appeals ("BIA") that subject non-citizens like Mr. Martinez Sanchez to mandatory detention in violation of Section 1226(a). He therefore seeks immediate release from custody, or in the alternative, an immediate bond hearing.

STATEMENT OF FACTS

1. Mr. Martinez Sanchez entered the United States as an unaccompanied minor at age 16 in November 2020. He has not left the United States since then.
2. On June 2, 2026, ICE detained Mr. Martinez Sanchez without an individualized assessment that he posed a flight risk or a danger to the community and, therefore, without due process. Since then, he has remained detained.
3. As of the date of this habeas corpus filing, Mr. Martinez Sanchez is being detained at the Moshannon Valley Processing Center, 555 Geo Drive, Philipsburg, Pennsylvania. *See* Exhibit A (ICE Detainee Locator).

PARTIES

4. Petitioner Mr. Martinez Sanchez is a resident of Pennsylvania who normally resides at Harrisburg, PA.
5. Respondent, Leonard Oddo, Warden of Moshannon Valley Processing Center, is named in his official capacity as the warden of Moshannon Valley Processing Center, Philipsburg, Philadelphia, where Petitioner is presently located, and is therefore the immediate legal custodian of Mr. Martinez Sanchez. *See* Exh. A (ICE Detainee Locator).
6. Respondent, John E. Rife is the Acting Philadelphia Field Office Director for Immigration and Customs Enforcement's ("ICE") Enforcement and Removal Operations. In this capacity, he is responsible for the custody of all noncitizens detained by ICE at Moshannon Valley Processing Center and has authority to release Mr. Martinez Sanchez or transfer him to a different facility. He is one of Mr. Martinez Sanchez's immediate custodians and is sued in his official capacity.

7. Respondent, David J. Venturella is the Acting Director of ICE. In this capacity he is responsible for decisions related to detaining and removing certain noncitizens. Director Venturella is a legal custodian of Mr. Martinez Sanchez and is sued in his official capacity.
8. Respondent, Markwayne Mullin is named in his official capacity as the Secretary of Homeland Security. In this capacity, he is responsible for the administration of the immigration laws pursuant to Section 402 of the Homeland Security Act of 2002. 107 Pub. L. 296 (November 25, 2003); *see also* 8 U.S.C. § 1103(a); and is legally responsible for Mr. Martinez Sanchez's incarceration and removal. He is therefore a custodian of Mr. Martinez Sanchez and is sued in his official capacity. Respondent Mullin's office is located at DHS headquarters in Washington, DC, 20528.
9. Respondent, Todd Blanche is named in his official capacity as the Attorney General of the United States. He is responsible for the administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). He is legally responsible for administering Mr. Martinez Sanchez's removal proceedings as well as the procedural standards used in those proceedings. He is therefore a legal custodian of Mr. Martinez Sanchez and is sued in his official capacity. Respondent Blanche's office is at DHS of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

JURISDICTION AND VENUE

10. Respondents incarcerated Mr. Martinez Sanchez on June 2, 2026 and he is under the direct control of Respondents and their agents.
11. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA").

12. This court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(1) and (c)(3) (habeas corpus) to determine whether people imprisoned in federal custody are held in violation of law. *INS v. St. Cyr*, 533 U.S. 289, 305 (2001).

13. Jurisdiction is also proper pursuant to 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (Administrative Procedures Act); U.S. Const. amend V (Due Process Clause), and U.S. Const. art. I § 9, cl. 2 (Suspension Clause).

14. Mr. Martinez Sanchez's detention constitutes a "severe restraint[] on his individual liberty" interest such that Mr. Martinez Sanchez is "subject to restraints not shared by the public generally" and "in custody in violation of the . . . laws . . . of the United States." *See Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973).

15. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention by DHS. *Jennings v. Rodriguez*, 583 U.S. 281, 292-95 (2018); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

16. Venue properly lies in the Western District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(2), (e) and § 2241(d) because this petition is filed while Mr. Martinez Sanchez is physically present within the district, as he is imprisoned at the Moshannon Valley Processing Center in Philipsburg, Pennsylvania.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

17. Exhaustion is not necessary because Congress did not codify a requirement that petitioners seeking a writ of habeas corpus exhaust administrative remedies. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) ("Where Congress specifically mandates, exhaustion

is required… But where Congress has not clearly required exhaustion, sound judicial discretion governs.") (citation omitted).

18. Finally, even if meaningful administrative remedies were promptly available, Mr. Martinez Sanchez as a noncitizen challenging the lawfulness of his ongoing immigration detention, is not required to exhaust those remedies under 8 U.S.C. § 2241. *See Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010).

LEGAL FRAMEWORK

19. For non-citizens attempting to enter the U.S., the INA provides that "in the case of [a non-citizen] who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained." "A noncitizen detained under Section 1225(b)(2) may be released only if he is paroled 'for urgent humanitarian reasons or significant public benefit' pursuant to 8 U.S.C. § 1182(d)(5)(A)." *Gomes v. Hyde*, 25 Civ. 11571, 2025 WL 1868288, at *2 (D. Mass. July 7, 2025) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018)).

20. In contrast, the Supreme Court has found that "U.S. immigration law authorizes the Government to detain certain [non-citizens] *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c)." *Jennings*, 583 U.S. at 288-89.

21. Section 236 of the INA provides in relevant part as follows:

> (a) Arrest, Detention, and Release. On a warrant issued by the Attorney General, *an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.* Except as provided in subsection (c) and pending such decision, *the Attorney General—*
>
> (1) *may continue to detain the arrested alien*; and
>
> (2) *may release the alien* on—
>
> (A) bond of at least $1,500 with security approved by,

> and containing conditions prescribed by, the Attorney General; or
> (B) conditional parole ...

22. The Supreme Court has interpreted similar "may" language in other provisions of the INA to require "some level of individualized determination." *I.N.S. v. Nat'l Ctr. For Immigrants' Rights*, 502 U.S. 183, 194 (1991). The regulation implementing Respondents' authority to arrest non-citizens present in the United States reads:

> *Any officer authorized to issue a warrant of arrest may, in the officer's discretion, release an alien* not described in [8 U.S.C. § 1236(c)(1)] of the Act, under the conditions at section [8 U.S.C. § 1236(a)(2) and (3)]; *provided that the alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.*

8 U.S.C. § 1236.1(c)(8).

23. Noncitizens may request a review of an initial custody determination before an Immigration Judge ("IJ"). 8 C.F.R. § 1236.1(d)(1); 8 C.F.R. § 1002.19(a). At this hearing an IJ may make the decision "upon any information that is available to the [Immigration Judge] or that is presented to him or her by the [non-citizen] or the [government]." 8 C.F.R. § 1003.19(d); *see also Matter of Guerra,* 24 I&N Dec. 37, 39 (BIA 2006). Non-citizens may appeal a negative decision in a custody review before an IJ to the Board of Immigration Appeals. 8 C.F.R. § 1236.1(d)(3)(i). The current statutory scheme was created through the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA").

24. For the first time in nearly three decades, Respondents have taken the position through a series of precedential decisions by the Board of Immigration Appeals that non-citizens residing in the interior of the United States are not entitled to a custody redetermination (a "bond hearing") before an Immigration Judge.

25. First, in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the BIA held that a non-citizen who had been apprehended at the border and subsequently released into the United States is subject to mandatory detention without a possibility of bail upon re-detention, pursuant to 8 U.S.C. § 1225(b), even if that re-detention occurs years after their initial release from custody. The BIA reasoned that "an applicant for admission who is arrested and detained without a warrant while in the process of arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section [1225(b)] [], and is ineligible for any subsequent release on bond under section [1226(a)]." *Q. Li*, 29 I&N Dec. at 74.

26. Then in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA stated that all non-citizens who are present in the United States without admission are subject to mandatory detention under Section 1225(b), regardless of how long they have been residing in the U.S. and absent any prior interaction with immigration authorities.

ARGUMENT

COUNT ONE
FIFTH AMENDMENT – DUE PROCESS

27. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

28. The Due Process Clause of the Fifth Amendment to the United States Constitution provides that "[n]o person shall . . . be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V.

29. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty interests protected under the Due Process Clause of the Fifth Amendment.

30. Mr. Martinez Sanchez is indisputably entitled to the protections of the Due Process Clause. *See Zadvydas v. Davis,* 533 U.S. 678, 693 (2001) ("[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."). Specifically, "[i]t is well established that the Fifth Amendment entitles [non-citizens] to due process of law in deportation proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *see also Abdulai v. Ashcroft*, 239 F.3d 542, 549 (3d Cir. 2001) ("[Non-citizens] facing removal are entitled to due process"); *Calderon-Rosas v. Atty' Gen.*, 957 F.3d 378, 386 (3d Cir. 2020) ("In sum, petitioners seeking discretionary relief are entitled to fundamentally fair removal proceedings, which constitutes a protected interest supporting a due process claim."). Mr. Martinez Sanchez has lived in the United States continuously since 2020, when he entered at the age of 16.

31. Respondents have deprived Mr. Martinez Sanchez of his liberty interest protected by the Fifth Amendment by detaining him since June 2, 2026, without making an individualized custody determination required under 8 U.S.C. § 1226(a), and without any hearing to determine whether his ongoing detention is justified.

32. Evaluating the adequacy of the process provided to a non-citizen requires a balancing of factors. "First, the private interest that will be affected by the official action; second, 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 finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

33. First, Mr. Martinez Sanchez faces "the most significant liberty interest there is–the interest in being free from imprisonment." *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). Second, Respondents have erroneously deprived Mr. Martinez Sanchez of his liberty without any individualized assessment of his circumstances. Third, Respondents did not make any individualized finding that Mr. Martinez Sanchez was a danger or flight risk, so there does not appear to be a significant government interest in re-detaining him. Indeed, there is no indication as to why he was detained.

34. An application of these factors requires that Mr. Martinez Sanchez should have been provided with additional process before being detained or in the alternative should be able to petition for bond upon a showing he is neither a danger to the community or flight risk.

COUNT TWO

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT 8 U.S.C. § 1226(a)

35. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

36. 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. As, relevant here, it does not apply to those who have been residing in the United States at liberty after entering without inspection. Such noncitizens, if detained, are done so under § 1226(a), and are generally eligible for release on bond.

37. Respondents' authority to detain Mr. Martinez Sanchez is derived from 8 U.S.C. § 1226(a) as he is already present in the United States.

38. Respondents have detained Mr. Martinez Sanchez without making an individualized determination regarding whether he posed a danger or flight risk as required by 8 U.S.C. § 1226(a) and its regulations.

39. Moreover, Respondents' current policies as set forth in the BIA's decisions in *Matter of Q. Li* and *Matter of Yajure Hurtado* unlawfully prevent Mr. Martinez Sanchez from obtaining a custody redetermination in front of an Immigration Judge as is his right by statute.

COUNT THREE
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT ("APA")
5 U.S.C. § 701, *et. seq.*

40. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

41. The Administrative Procedure Act ("APA") provides a right to sue when an individual has been "aggrieved" by a "final agency action for which there is no other adequate remedy in court." 5 U.S.C. § 704.

42. Respondents have violated procedural and substantive requirements of the Fifth Amendment and the Immigration and Nationality Act by arbitrarily detaining Mr. Martinez Sanchez without conducting an individualized determination into his circumstances.

43. Respondent DHS' actions in detaining and seeking to remove Mr. Martinez Sanchez and in its recent policies announced through administrative decisions issued by the BIA were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act (APA), 5 U.S.C. § 706(2)(A)-(D).

PRAYER FOR RELIEF

WHEREFORE, Mr. Martinez Sanchez prays that this Court grant the following relief:

44. Assume jurisdiction over this matter;

45. Enjoin Respondents from transferring Mr. Martinez Sanchez outside of the jurisdiction of the Western District of Pennsylvania pending the resolution of this case;

46. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately on his own recognizance or under parole, bond, or reasonable conditions of supervision, on the ground that his continued detention by the Department of Homeland Security violates his Due Process rights and that he is currently being detained under the improper authority;

47. Set aside Respondents' unlawful detention policy contained in *Matter of Q. Li* and *Matter of Yajure Hurtado* under the APA, 5 U.S.C. § 706(2), as contrary to law, arbitrary and capricious, and contrary to constitutional right;

48. Issue a Writ requiring an immediate release of petitioner as the Executive Office of Immigration Review's position makes it impossible to have a constitutionally adequate hearing before an Immigration Judge. In the alternative, petitioner requests a Constitutionally adequate bond hearing, at which: (i) DHS bears the burden to demonstrate, by clear and convincing evidence, that Petitioner's continued detention is necessary, and (ii) the immigration judge considers Petitioner's ability to pay a bond.

49. While this petition is pending, order Petitioner's immediate release pursuant to the Court's inherent authority to release habeas corpus petitioners on bail.

50. Award Mr. Martinez Sanchez attorney's fees and costs under the Equal Access to Justice Act ("EAJA") as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law;

51. Order that ICE return all personal property to Petitioner upon release; and

52. Grant any other and further relief that this Court deems just and proper.

Dated: June 4, 2026

Respectfully submitted:

/s/ Kimberly Tomczak

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LIST OF EXHIBITS

A. ICE Detainee Locator

VERIFICATION

I, /s/ Kimberly Tomczak, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that, on information and belief, the factual statements in the foregoing Petition for Writ of Habeas Corpus are true and correct.

Dated: June 4, 2026

CERTIFICATE OF SERVICE

I, Kimberly Tomczak, certify that on June 4, 2026, I electronically filed the attached the foregoing Petition for Habeas Corpus with the Clerk of the Court for the United States District Court for the Western District of Pennsylvania using the CM/ECF system.

Dated: June 4, 2026

Respectfully submitted:

/s/ Kimberly Tomczak

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