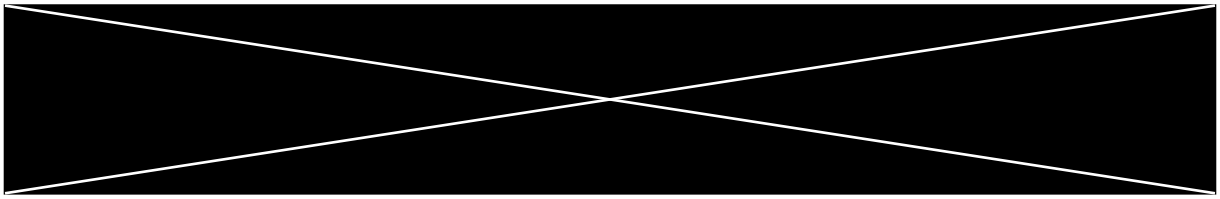
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLOMBUS DIVISION

YORDAN ORESTE AVILA GONZALEZ A# [redacted] **Petitioner** **v.** **DAVID VENTURELLA, Director of U.S. ICE; KRISTEN SULLIVAN, Field Office Director of Enforcement and Removal Operations, Atlanta Field Office, Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; U.S. Department of Homeland and Security; TODD BLANCHE, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Warden of Stewart Detention Center Detention Center.** **Respondents**	**Case No.** **PETITTION FOR WRIT OF HABEAS CORPUS** **Under 28 U.S.C. § 2241**

I. INTRODUCTION

1. Petitioner, Yordan Oreste Avila Gonzalez, by and through undersigned counsel, respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing and unlawful civil immigration detention by the United States Department of Homeland Security ("DHS") and its agents. Petitioner is an asylum seeker from Cuba, currently detained in the Stewart Detention Center, located in 146 CCA Road, Lumpkin, GA 31815, withing the Middle District of Georgia.

2. Petitioner fled his country after suffering persecution on account of his political opinions and opposition to the Cuban regime. Prior to departing Cuba, [redacted]



3. Petitioner arrived in the United States on March 13, 2022, and upon his arrival was granted parole and subsequently issued a Notice to Appear ("NTA"). Within one year of his entry, Petitioner timely filed an application for asylum seeking protection from persecution in Cuba. Since his arrival, Petitioner has consistently maintained his fear of persecution and has continued to [redacted] while residing in the United States. ***(See Exhibit A; Notice to Appear)***

4. Petitioner's application for asylum was denied by the Immigration Judge on June 18, 2025. Petitioner timely filed a Notice of Appeal with the Board of Immigration Appeals ("BIA"), seeking review of that decision. That appeal remains pending to this day, nearly one year later, and no final administrative decision has yet been issued by the BIA. Accordingly, Petitioner's claims for protection remain under active administrative review, and he continues to diligently pursue the lawful remedies available to him under the Immigration and Nationality Act. Petitioner respectfully maintains that he possesses substantial claims for protection and that his fear of return to Cuba remains genuine and well-founded. ***(See Exhibit B, Automatic Case Information from EOIR).***

5. In addition, Petitioner is married to a United States citizen. His spouse has filed a Form I-130 Petition for Alien Relative on his behalf, which remains pending before USCIS. Petitioner therefore possesses a legitimate and potentially viable pathway to lawful permanent residence through his marriage to a United States citizen.

6. Furthermore, Petitioner believes that he may qualify for relief under the Cuban Adjustment Act. However, because he was placed into removal proceedings, the Immigration Court retained jurisdiction over matters affecting his immigration status, while USCIS was unable to adjudicate adjustment-related relief absent appropriate action by the Immigration Court.

7. At all times relevant to this action, Petitioner has complied with the laws of the United States. He obtained employment authorization, maintained lawful employment, filed tax returns, obtained a driver's license where authorized, and complied with all reporting obligations imposed by the Department of Homeland Security. He has no criminal history whatsoever, no arrests for criminal conduct, no convictions, and not even a traffic-related offense.

8. On May 4, 2026, nearly one year after filing his appeal before the Board of Immigration Appeals ("BIA"), Petitioner was detained by U.S. Immigration and Customs Enforcement ("ICE"). On the date of his detention, Petitioner appeared as instructed for a routine ICE check-in appointment. He was not a fugitive, was not evading law enforcement, and had fully complied with all requirements imposed by the government, including attending scheduled appointments and maintaining communication with immigration authorities. Nevertheless, Petitioner was taken into custody despite his extensive history of compliance, his strong family and community ties, and the significant positive equities present in his case.

9. Petitioner's continued detention serves no legitimate immigration purpose. The United States Government currently faces significant practical obstacles in effectuating removals to Cuba, and Petitioner's removal is not reasonably foreseeable. As a result, Petitioner remains detained despite the absence of any meaningful likelihood of removal in the near future.

10. Petitioner has substantial family ties within the United States, including his United States citizen spouse and numerous relatives who lawfully reside in this country. He presents

neither a danger to the community nor a flight risk. To the contrary, his history demonstrates complete compliance with governmental requirements, strong family support, stable employment history, and a continuing desire to regularize his status through lawful immigration channels.

11. Petitioner's pursuit of appellate review cannot serve as evidence of dangerousness or flight risk. To the contrary, it demonstrates his commitment to utilizing lawful processes to resolve his immigration status. Federal courts have repeatedly recognized that a noncitizen should not be penalized through continued detention merely for exercising statutory and constitutional rights to seek administrative and judicial review. See *Perez Sierra v. Margolin*, No. CV 25-18829, 2026 WL 800158, at *2 (D.N.J. Feb. 23, 2026) (*holding that detention may not be prolonged in a manner that effectively penalizes an individual for pursuing available legal remedies*).

12. Here, Petitioner has done exactly what the law requires. He appeared for all required appointments, complied with ICE supervision requirements, pursued relief through the Immigration Court, timely exercised his right to appeal, and continues to seek lawful immigration status through both his pending BIA appeal and his family-based immigration petition filed by his United States citizen spouse. The Government cannot simultaneously encourage compliance with lawful immigration procedures and then rely upon Petitioner's exercise of those same procedures as a justification for continued detention.

13. Under these circumstances, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment because it bears no reasonable relationship to any legitimate governmental objective and has become excessive in relation to its purported purpose. Petitioner therefore seeks immediate release from custody or, at a minimum, an individualized custody hearing before a neutral decision-maker at which the Government bears the burden of justifying continued detention.

II. JURISDICTION

14. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner challenges the legality of his ongoing civil immigration detention and seeks relief that is within the traditional scope of habeas corpus. Jurisdiction also lies under 28 U.S.C. § 1331, as this Petition raises federal questions arising under the Constitution, laws, and treaties of the United States. The Suspension Clause of the United States Constitution further guarantees Petitioner's right to seek habeas corpus review where no other adequate remedy exists.

15. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner challenges the legality of his ongoing civil immigration detention and seeks relief that is within the traditional scope of habeas corpus. Jurisdiction also lies under 28 U.S.C. § 1331, as this Petition raises federal questions arising under the Constitution, laws, and treaties of the United States. The Suspension Clause of the United States Constitution further guarantees Petitioner's right to seek habeas corpus review where no other adequate remedy exists.

16. Federal district courts have jurisdiction to hear habeas corpus claims brought by noncitizens challenging the lawfulness of their immigration detention. See *Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (recognizing habeas jurisdiction over challenges to immigration detention); *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001) (same). That jurisdiction extends to claims alleging that detention exceeds statutory authority, violates constitutional guarantees, or results from agency action that is arbitrary, capricious, or contrary to law.

17. No petition for a writ of habeas corpus has previously been filed in any court regarding Petitioner.

III. VENUE

18. Venue is proper in the United States District Court for the Middle District of Georgia, Columbus Division, pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493–500 (1973), because Petitioner is physically confined within this District and his immediate custodian the Warden of Stewart Detention Center exercises day to day control over his detention within the territorial jurisdiction of this Court.

19. Venue is also proper pursuant to 28 U.S.C. § 1391(e) because Respondents are officers, employees, and agencies of the United States acting in their official capacities, and because a substantial part of the events and omissions giving rise to Petitioner's claims—including his warrantless arrest, continued detention, denial of any individualized custody determination, and the implementation of DHS's detention policy—occurred within the Middle District of Georgia.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

20. Petitioner satisfies the requirements of 28 U.S.C. §2243 because he is presently in custody under the authority of Respondents and is being unlawfully restrained in violation of the Constitution and laws of the United States. Petitioner respectfully requests that this Court issue an Order to Show Cause directing Respondents to state the legal basis for Petitioner's continued detention and to provide any records relied upon to justify such detention.

21. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of int or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

V. PARTIES

22. Petitioner **Yordan Oreste Avila Gonzalez** is an applicant for asylum from Cuba who is being detained at Stewart Detention Center. He was assigned alien number A[redacted] and is under the direct control and in the custody of Respondents and their agents since May 4, 2026. Petitioner entered the United States on or about March 13, 2022, and his removal proceedings remain pending

23. Respondent **David Venturella** is sued in his official capacity as the Acting Director of **U.S. Immigration and Customs Enforcement**. In this capacity, Respondent is a legal custodian of Petitioner and possesses authority over ICE detention policies, including the authority to release Petitioner from custody. He is sued in his official capacity.

24. Respondent **Kristen Sullivan** is sued in her official capacity as the **Field Office Director of ICE's Enforcement and Removal Operations for the Atlanta Field Office**. As such, Respondent is responsible for overseeing Petitioner's detention and custody within the Atlanta Area of Responsibility and exercises authority over Petitioner's continued confinement. She is a legal custodian of Petitioner

25. 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 is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention and custody. Respondent is a legal custodian of Petitioner.

26. Respondent **Todd Blanche** is sued in his official capacity as the 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, which administers the immigration courts and the BIA. Respondent is a legal custodian of Petitioner

27. Respondent **Executive Office for Immigration Review (EOIR)** is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

28. Respondent **Warden of the Stewart Detention Center** is named in his official capacity as the Warden of the facility where Petitioner is currently detained. As Warden, he is responsible for the operation of the detention facility, including the custody and supervision of individuals detained therein, and therefore is the immediate custodian of the Petitioner for purposes of this habeas action. Respondent Warden's address is 146 CCA Road, Lumpkin, Georgia 31815. He is sued in his official capacity.

VI. STATEMENTS OF FACTS

29. Petitioner is a 28-year-old citizen of Cuba who was paroled in the United States on March 19, 2022.

30. Since March 19, 2022, Petitioner has been a law-abiding and productive member of society and complied with all immigration procedures and has continued to comply with all court orders and appearances.

31. Petitioner has no criminal history and poses no risk to public safety.

32. Following the Immigration Judge's denial of asylum on June 18, 2025, Petitioner timely exercised his statutory right to appeal.

33. Petitioner's appeal before the Board of Immigration Appeals remains pending and has not yet been adjudicated. Accordingly, Petitioner's immigration proceedings remain ongoing, and his claims for protection from persecution in Cuba are still under active administrative review.

34. On May 4, 2026, Petitioner voluntarily appeared for a routine ICE check-in appointment, as he had done throughout the pendency of his case. Rather than being permitted to leave as he had during previous check-ins, Petitioner was unexpectedly taken into custody by ICE officers and detained.

35. At the time of his arrest, Petitioner had not violated any condition of release, failed to comply with any reporting requirement, missed any immigration hearing, or engaged in any conduct suggesting that he posed a danger to the community or a risk of flight.

36. Prior to his detention, Petitioner maintained a stable residence, remained continuously employed pursuant to valid employment authorization, filed tax returns, and fully complied with all conditions imposed by DHS. At no point was Petitioner advised that he had violated any condition of release or supervision.

37. The Petitioner is married to a United States citizen, and a Form I-130 Petition for Alien Relative has been filed on his behalf and remains pending before USCIS.

38. In addition, as a Cuban national who was inspected and paroled into the United States, Petitioner may be eligible to pursue lawful permanent residence under the Cuban Adjustment Act should he ultimately satisfy the applicable statutory requirements and procedural requirements.

39. Since the Petitioner's appeal is pending, his removal is not administratively final, and detention may become prolonged and potentially indefinite.

40. In a June 2025 White House Fact Sheet, the Administration specifically cited Cuba's historical refusal to accept removable nationals, its designation as a State Sponsor of Terrorism, and its lack of cooperation with certain United States law-enforcement objectives.

41. Removals to Cuba are not comparable to removals to many other countries and are frequently affected by diplomatic and geopolitical considerations beyond the control of the Petitioner. Under these circumstances, the Government cannot simply assume that Petitioner's removal will occur in the reasonably foreseeable future.

42. As a result, Petitioner remains detained without any individualized determination of flight risk or danger and subject to potentially indefinite detention.

VII. LEGAL FRAMEWORK AND DISCUSSION

43. Although Petitioner requests, in the alternative, an individualized bond hearing under 8 U.S.C. § 1226(a), he respectfully submits that such relief would not provide a meaningful remedy under the current circumstances.

44. The immigration courts, operating under recent precedential directives and institutional constraints, have declined to exercise bond jurisdiction in cases materially identical to Petitioner's. As explained in the following section, the structural limitations imposed by recent agency interpretations prevent the provision of a genuinely neutral and effective custody determination.

A. The Uncertain Nature of Removals to Cuba Demonstrates That Petitioner's Continued Detention Serves No Immediate Removal Purpose

45. The Executive Branch of the United States itself has acknowledged the uniquely strained relationship between the United States and Cuba. In a June 2025 White House Fact Sheet, the Administration specifically cited Cuba's historical refusal to accept removable nationals, its

designation as a State Sponsor of Terrorism, and its lack of cooperation with certain United States law-enforcement objectives.

46. These official governmental findings demonstrate that removals to Cuba are not comparable to removals to many other countries and are frequently affected by diplomatic and geopolitical considerations beyond the control of the Petitioner. See White House Fact Sheet, June 30, 2025. June 30, 2025.

47. Public reports indicate that no deportation flights to Cuba occurred during May 2026.[1] Even in the previous months, removals occurred only through a limited number of flights carrying relatively small numbers of individuals. The inconsistency of these operations demonstrates that removals to Cuba are not routine or automatic but instead depend upon diplomatic and logistical circumstances beyond the control of either Petitioner or DHS.

48. Moreover, publicly available data reflects that the Government frequently relies upon alternative arrangements and third-country removals involving Cuban nationals rather than direct repatriation to Cuba. Such reliance further demonstrates that the ability to remove a particular Cuban national at any given time is uncertain and dependent upon factors outside the Petitioner's control.

49. Under these circumstances, the Government cannot simply assume that Petitioner's removal will occur in the reasonably foreseeable future. Rather, the practical ability to effectuate removal depends upon diplomatic negotiations and the willingness of the Cuban government to accept repatriations, matters over which Petitioner has absolutely no control. Continued detention

[1] **https://static1.squarespace.com/static/65a03e3e3be16e44b0463440/t/6998bb1f79ebec195542421d/1771617055040/What+You+Need+to+Know+About+Cuban+Migration.pdf**

based upon speculative future removal therefore raises serious constitutional concerns under the Due Process Clause.

50. Where removal remains uncertain, dependent upon diplomatic negotiations, and not reasonably foreseeable within any identifiable timeframe, continued detention ceases to bear a reasonable relationship to its purported immigration purpose and raises serious concerns under the Due Process Clause of the Fifth Amendment.

51. In Petitioner's case, these concerns are particularly significant because his appeal before the Board of Immigration Appeals remains pending, his United States citizen spouse has filed a Form I-130 petition on his behalf, and he may ultimately qualify for relief under the Cuban Adjustment Act.

52. Under these circumstances, continued detention bears little relationship to any legitimate removal purpose. The Government seeks to detain Petitioner while his legal remedies remain unresolved, while his removal remains uncertain, and while substantial diplomatic and practical obstacles continue to affect removals to Cuba. Such detention raises serious constitutional concerns under the Due Process Clause because it serves no immediate or reasonably foreseeable removal objective.

B. Due Process

53. Noncitizens present in the United States are entitled to due process protections. See, e.g., *Trump v. J.G.G.*, 604 U.S. 670 (internal citations and quotations omitted) ("It is well established that the Fifth Amendment entitles aliens to due process of law in the context of removal proceedings."); *Zadvydas*, 533 U.S. at 693 (applying due process in the context of detention).

54. The rights of noncitizens include rights to "notice and opportunity to be heard 'appropriate to the nature of the case.'" J.G.G., 604 U.S. at 673 (quoting *Mullane v. Central*

Hanover Bank & Trust Co., 339 U.S. 306, 313 (1950)); see also *Mathews v. Eldrige*, 424 U.S. 319, 332 (1976). To determine whether detention violates procedural due process, the court weighs (1) the private interest at stake, (2) the risk of an erroneous deprivation of that private interest and the value of additional safeguards, and (3) the Government's countervailing interests. Id.

55. Respondents violated Petitioner procedural due process rights. To reach this conclusion, it is not necessary to decide whether the Petitioner was subject to mandatory detention. The subject of this analysis not Respondents' authority to detain, but the adequacy of the process by which they detained the Petitioner. See *Caisa Telenchana v. Hermosillo*, No. 2:26-CV-00363-GJL, 2026 WL 696806, at 10; *Rodríguez Cabrera v. Mattos*, 808 F. Supp. 3d 1159, 1178 (D. Nev. 2025).

- **The Private Interest**

56. Having previously been granted parole and permitted to remain at liberty in the United States, Petitioner possesses a significant liberty interest in his continued release. "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); see also *Zadvydas v. Davis*, 533 U.S. 678, 696 (2001).

57. Even when an individual remains subject to conditions of parole or supervision, he reasonably relies upon the Government's implicit representation that his liberty will not be revoked absent a violation of those conditions or some other lawful basis. As the Supreme Court recognized, such liberty interests are valuable and entitled to the protection of the Due Process Clause, and their termination requires an orderly and meaningful process. Morrissey v. Brewer, 408 U.S. 471, 482 (1972).

58. Numerous federal courts have recognized that noncitizens released from immigration custody acquire a protected liberty interest that cannot be arbitrarily withdrawn. See, e.g., *Ramirez Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF, 800 F. Supp. 3d 1130 (W.D. Wash. Sept. 12, 2025) (collecting cases).

59. Following his release on parole, Petitioner established his life in the United States in reasonable reliance on his continued liberty. He obtained employment authorization, secured employment, complied with all reporting requirements imposed by ICE, and diligently pursued all available immigration remedies. After the Immigration Judge denied his asylum application, Petitioner timely filed an appeal with the Board of Immigration Appeals, which remains pending. Throughout that period, Petitioner continued to appear for his scheduled ICE check-ins and remained fully compliant with all governmental directives. ICE permitted Petitioner to remain at liberty even after the asylum decision and throughout the pendency of his appeal.

60. Significantly, Petitioner attended multiple ICE check-ins after filing his appeal and was not detained. At no point was he advised that he had violated any condition of release, failed to comply with any reporting requirement, or otherwise engaged in conduct warranting detention. Nevertheless, approximately one month after one such routine check-in, and while his appeal remained pending before the BIA, ICE abruptly detained Petitioner without prior notice and without identifying any changed circumstance, violation, flight risk concern, or public safety issue.

61. Under these circumstances, Petitioner's liberty interest is particularly compelling. For years, the Government permitted him to remain in the community, pursue his appeal, work lawfully, support his family, and comply with all reporting obligations. The sudden deprivation of that liberty, despite his complete compliance and the absence of any intervening misconduct,

implicates the core protections of the Due Process Clause and warrants meaningful procedural safeguards before continued detention may be justified.

- **Risk of Erroneous Deprivation**

62. The risk of an erroneous deprivation of Petitioner's liberty is exceptionally high. For years, DHS allowed Petitioner to remain at liberty in the United States while he pursued his immigration case. After being released from custody, Petitioner fully complied with all conditions imposed by the Government. He timely filed his asylum application, appeared for all immigration proceedings, timely appealed the denial of his asylum claim to the BIA, and consistently reported to ICE as instructed.

63. Even after the Immigration Judge denied his asylum application, DHS permitted Petitioner to remain in the community while his appeal remained pending. Petitioner attended routine ICE check-ins and was not detained. DHS never informed Petitioner that he had violated any condition of release, failed to comply with any reporting requirement, or otherwise engaged in conduct warranting detention.

64. Nevertheless, while his appeal remained pending before the Board of Immigration Appeals, Petitioner was abruptly detained despite having fully complied with all governmental directives. Respondents have identified no violation, no changed circumstance, no public safety concern, and no evidence suggesting that Petitioner suddenly became a flight risk after years of compliance.

65. The absence of any meaningful process prior to Petitioner's re-detention creates a substantial risk of factual and legal error. Petitioner was provided no notice, no explanation, and no opportunity to challenge the basis for his detention before his liberty was taken away. The lack of procedural safeguards is particularly troubling where DHS had previously determined that

Petitioner could safely remain in the community and continued to permit him to do so throughout the pendency of his immigration proceedings.

66. DHS's own conduct demonstrates that Petitioner was neither a danger to the community nor a flight risk. For years, Petitioner remained at liberty, reported as directed, complied with all governmental requirements, and pursued his immigration remedies through lawful channels. Respondents have identified no intervening event that would justify a different conclusion.

67 Due process requires, at a minimum, that the Government provide a meaningful justification for depriving an individual of his liberty and afford him an opportunity to be heard at a meaningful time and in a meaningful manner. See *Telenchana*, 2026 WL 696806, at *12; Dieng, 2026 WL 411857, at *8; *Gaitan Coreas,* 2026 WL 1121974, at *7. By detaining Petitioner without any meaningful process despite his extensive history of compliance, Respondents created an unacceptably high risk of erroneous deprivation of liberty.

- **The Government's Interest**

68. The Government has a strong interest in the efficient administration of immigration laws, including those regarding detention of noncitizens. *Rodriguez Diaz*, 53 F.4th at 1208. However, the Government's interests will still be adequately protected if immigrants are afforded some minimal procedural guarantees. *Rodriguez Cabrera*, 808 F. Supp. 3d at 1182; see Gaitan Coreas, 2026 WL 1121974, at *7 ("[T]he government's interest in detaining Petitioner without a hearing is low").

69. Respondents do not have a legitimate interest in pursuing the detention of noncitizens in a manner that violates their own regulations, nor have they demonstrated that continued detention is necessary under the circumstances. In fact, maintaining Petitioner in

continued detention imposes significant and unnecessary governmental costs, particularly where less restrictive alternatives are available and Petitioner do not pose a danger to the community or a flight risk.

70. Respondents do not have a legitimate interest in detaining Petitioner in a manner that disregards their own regulations or deprives him of constitutionally required procedural protections. Petitioner does not present a danger to the community, has no history of violence, and has consistently complied with all directives issued by immigration authorities. Moreover, his appeal remains pending before the Board of Immigration Appeals, and he continues to pursue relief through lawful channels. The Government has identified no changed circumstances that would justify treating Petitioner as a flight risk or danger after previously determining that he warranted release on parole. Under these circumstances, the Government's interest in continued detention without a meaningful opportunity to challenge that detention is minimal, particularly where less restrictive alternatives to detention are readily available. Continued detention serves no legitimate regulatory purpose and instead imposes substantial human and financial costs while separating Petitioner from his family, employment, and community support network.

C. Statutory Detention Authority

71. The Immigration and Nationality Act ("INA") establishes multiple detention authorities governing noncitizens in removal proceedings, depending on procedural posture and statutory classification. These detention provisions operate against the backdrop of constitutional limitations on civil confinement and long-recognized principles of individualized custody review

72. First, INA § 236(a), 8 U.S.C. § 1226(a), authorizes the discretionary detention of noncitizens placed in full removal proceedings under INA § 240, 8 U.S.C. § 1229a.

73. Historically, individuals in section 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).

74. Second, INA § 235(b), 8 U.S.C. § 1225(b), governs the detention of noncitizens classified as "applicants for admission," including individuals subject to expedited removal under § 1225(b)(1) and those referred to full removal proceedings under § 1225(b)(2). Section 1225(b)(2)(A) provides those certain applicants for admission "shall be detained" pending removal proceedings, subject to limited parole authority.

75. Finally, the Act also provides for the detention of noncitizens who have previously been ordered removed, including those in withholding-only proceedings. See 8 U.S.C. § 1231(a)–(b).

76. The detention provisions at section 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(c) was most recently amended earlier this year by the LRA, Pub. L. No. 119- 1, 139 Stat. 3 (2025). Congress enacted these provisions against a longstanding background principle that civil immigration detention must remain tied to legitimate regulatory purposes and must comport with constitutional due-process requirements.

77. Following IIRIRA's enactment, the Executive Office for Immigration Review promulgated regulations explaining that, as a general matter, noncitizens who entered without inspection and were placed in § 240 removal proceedings were detained under § 1226(a), 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). In the decades that followed, most noncitizens who entered without inspection—unless they were subject to some other detention authority received bond hearings. This practice was also consistent with pre-IIRIRA procedure, in which noncitizens not deemed "arriving" were entitled to a custody hearing before an Immigration Judge 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 section 1226(a) simply "restates" the detention authority previously found at section 1252(a)).

78. On July 8, 2025, DHS issued a memo to all employees of Immigration and Customs Enforcement ("ICE") stating that "[t]his message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited its legal position on detention and release authorities. DHS has determined that section 235 of the Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226], is the applicable immigration detention authority for all applicants for admission.

79. As a result, DHS now considers all noncitizens who have entered the United States without inspection and are subject to the grounds of inadmissibility, including longtime U.S. residents, are now considered to be subject to mandatory detention under section § 1225(b) and ineligible for release on bond. Conversely, according to DHS "[t]he only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)]." Id.

80. On September 5, 2025, the BIA issued a precedential decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that, based on the plain language of 8 U.S.C. §

1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to noncitizens who are present in the United States without admission. Courts across the country have rejected this expansive interpretation because it conflicts with the statutory text, structure, and longstanding practice.

81. Section 1225(b)(1) applies only to noncitizens subject to expedited removal for fraud under § 1182(a)(6)(C) or lack of proper documentation under § 1182(a)(7), and only when encountered at a port of entry or within the expedited-removal designation period. See 8 U.S.C. § 1225(b)(1)(A)(i)

82. Because neither subsection of § 1225(b) applies to Petitioner, his detention must be analyzed under 8 U.S.C. § 1226(a). Section 1226(a) governs individuals detained "pending a decision on whether the alien is to be removed from the United States." Removal proceedings under § 1229a determine inadmissibility or deportability, and the text of § 1226 expressly contemplates custody determinations for individuals charged as inadmissible.

83. The structure of the statute confirms this conclusion. Congress created specific mandatory detention categories in § 1226(c), including for certain inadmissible individuals. See 8 U.S.C. § 1226(c)(1)(E). By carving out those limited mandatory categories within § 1226 itself, Congress demonstrated that § 1226(a) is the default detention authority for individuals in removal proceedings. As courts have explained, when Congress creates specific exceptions within a statutory framework, it confirms that the general rule otherwise applies. See Rodriguez Vazquez, 779 F. Supp. 3d at 1257.

84. District courts within Georgia and the Eleventh Circuit have adopted this reasoning, holding that § 1226(a)—not § 1225(b)—governs detention of noncitizens arrested in the interior after residing in the United States. See *Aguirre Villa*, 2025 WL 3095969; *Patel v. Parra*, No. 2:25-

cv 00870 (M.D. Fla. Dec. 1, 2025). These courts have recognized that § 1225(b) is a border-focused statute and does not extend to individuals long present within the country.

85. Courts confronting materially identical facts, including *Granados* and *Pineda*, have likewise concluded that detention under § 1225(b) in such circumstances is unlawful. Accordingly, because § 1225(b) does not apply, Petitioner is being detained under an inapplicable mandatory detention provision. His detention lacks statutory authority. Habeas relief is therefore proper. Absent intervention by this Court, Petitioner will remain confined without lawful authorization and without the individualized custody review Congress expressly provided under § 1226(a)

D. Bond not an Adequate Remedy

86. The immigration court system has been transformed into a body that is structurally incapable of upholding Petitioner's statutory and constitutional rights. The immigration court system is not an independent adjudicative body. It operates under the Department of justice ("DOJ"). In the last year the DOJ and its sub-agencies, the Executive Office for Immigration Review ("EOIR") and the Board of Immigration Appeals ("BIA"), in apparent coordination with the Department of Homeland Security ("DHS") have systematically dismantled the integrity of the immigration court system to turn it into an extension of DHS' deportation and detention operations.

87. The evidence of EOIR's institutional capture falls into five categories, each independently sufficient to establish bias, but together demonstrating systematic destruction of judicial independence: (1) the ongoing mass-scale purge of immigration judges perceived as obstacles to DHS' enforcement agenda; (2) the parallel purge and reconstitution of the BIA, resulting in a 97% pro-government decision rate; (3) the recruitment and installation of two explicitly enforcement-aligned "deportation judges" with dramatically reduced qualifications; (4) EOIR policy directives establishing expectations that adjudications favor the government over

noncitizens; and (5) explicit instructions to defy district court rulings that impede DHS's enforcement goals.

88. The message to remaining immigration judges is unmistakable: neutrality is a terminable offense. No adjudicator can remain impartial when faced with the choice between upholding due process and keeping their position. Any immigration judge assigned to Petitioner's bond hearing now operates under the understanding that granting bond may cost them their livelihood.

89. Under these circumstances, ordering a bond hearing would not cure the constitutional violation. A custody determination conducted within a structurally compromised system—one operating under binding precedent that forecloses jurisdiction, directives that prioritize enforcement over neutrality, and leadership that has openly resisted federal court rulings—cannot provide the meaningful process the Constitution requires. Due process guarantees not the mere formality of a hearing, but a fair and impartial adjudication. Where the adjudicatory mechanism itself has been rendered incapable of delivering that protection, additional process becomes illusory.

90. Accordingly, because Petitioner's detention lacks lawful statutory authority and because no neutral forum presently exists to review its necessity, immediate release is the only remedy capable of fully vindicating his statutory and constitutional rights.

VIII. CLAIMS FOR RELIEF

COUNT ONE

Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution

91. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

92. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Noncitizens physically present in the United States—including those who entered without inspection—are "persons" within the meaning of the Fifth Amendment and entitled to full procedural due process protections. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); Landon v. Plasencia, 459 U.S. 21, 32 (1982) 92.

93. Petitioner is an asylum seeker and his removal proceedings remain pending, and he has filed applications for asylum, withholding of removal, and protection under the Convention Against Torture

94. Petitioner has no criminal convictions and no record of violence, and no pending criminal charges, and has never exhibited conduct suggesting danger to the community or risk of flight, and has consistently cooperated with immigration authorities since his apprehension.

95. Petitioner has been continuously detained in civil immigration custody since May 4, 2026, when he was taken into ICE custody during his routine check in visit.

96. Petitioner has been categorically barred from receiving any hearing before a neutral adjudicator to determine whether his detention is justified. He has been denied the opportunity to present evidence, contest the government's assertions, or obtain a meaningful review of his custody.

97. Furthermore, the categorical denial of any individualized custody determination violates procedural due process. Fundamental fairness requires, at a minimum, a meaningful opportunity to be heard before a neutral adjudicator when the government restrains physical liberty for a prolonged period. *Zadvydas*, 533 U.S. at 690; *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

98. The government's detention of Petitioner without any individualized assessment also violates substantive due process. Detaining an asylum seeker and father of a USC child, with

no criminal history, no dangerousness, and no flight risk—without requiring the government to justify detention or consider less restrictive alternatives—renders the confinement excessive and punitive in effect.

99. Under these circumstances, continued detention bears little relationship to any legitimate removal purpose. The Government seeks to detain Petitioner while his legal remedies remain unresolved, while his removal remains uncertain, and while substantial diplomatic and practical obstacles continue to affect removals to Cuba. Such detention raises serious constitutional concerns under the Due Process Clause because it serves no immediate or reasonably foreseeable removal objective.

100. Accordingly, Habeas relief is warranted. Petitioner respectfully requests that this Court order his immediate release from ICE custody; or in the alternative, order Respondents to provide a prompt, constitutionally adequate individualized custody hearing before a neutral decisionmaker with authority to grant release, at which the government bears the burden of justifying continued detention.

COUNT TWO
Unlawful and Indefinite Detention

101. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

102. The Immigration and Nationality Act authorize immigration detention only to the extent it serves legitimate, non-punitive statutory purposes—namely, to ensure an individual's appearance at future proceedings or to protect public safety. Detention that does not advance those purposes, or that becomes arbitrary and indefinite, exceeds the government's statutory authority. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001); Clark v. Martinez, 543 U.S. 371, 381 (2005).

103. Petitioner has pending applications for asylum, withholding of removal, and protection under the Convention Against Torture. His removal proceedings remain ongoing.

104. Petitioner has no criminal convictions and no record of violence, and has never exhibited conduct suggesting danger to the community or risk of flight. Nothing in his immigration file indicates that he poses a threat to public safety or that he would fail to appear for his hearings if released.

105. Petitioner has been continuously detained in civil immigration custody since May 4, 2026, following an ICE enforcement operation, and is currently confined at the Stewart Detention Center

106. The INA does not permit detention to operate as punishment, deterrence, or coercion, nor does it authorize prolonged confinement absent a meaningful mechanism to assess whether continued detention is necessary to serve its legitimate aims. *Zadvydas,* 533 U.S. at 690–91; Clark, 543 U.S. at 380–81.

107. Even where detention is initially authorized under INA § 235(b)(2)(A), the statute must be applied consistent with its limited purpose and in conjunction with the INA's broader detention framework, including DHS's continuing discretionary authority to release noncitizens through parole, supervision, or other conditions where detention no longer serves a legitimate statutory objective. See 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5.

108. DHS has not conducted any individualized assessment of whether Petitioner's continued detention is necessary to ensure appearance or protect public safety, nor has it articulated any reasoned basis for rejecting less restrictive alternatives to detention.

109. Petitioner's continued detention bears no reasonable relationship to the purposes of the INA. It is not tied to imminent removal, is not supported by any individualized finding of

danger or flight risk, and persists solely as a result of a categorical legal interpretation that eliminates all meaningful custody review.

110. Detention under these circumstances exceeds the detention authority Congress conferred in the INA and contravenes the statute's non-punitive design, its implementing regulations, and controlling Supreme Court precedent limiting civil immigration detention to what is reasonably necessary to achieve its lawful purposes.

111. Petitioner's removal cannot be presumed to be imminent merely because he is a Cuban national. Rather, the timing, feasibility, and manner of any future removal remain uncertain and dependent upon factors beyond Petitioner's control, including diplomatic negotiations and the willingness of the Cuban government to accept repatriations. Petitioner faces a substantial risk of prolonged or indefinite detention under penal-like conditions without any finding that his confinement is necessary to serve the government's legitimate interests.

112. Accordingly, Petitioner's continued detention is unlawful under the Immigration and Nationality Act and its implementing regulations. Petitioner respectfully requests that this Court grant habeas relief by ordering his immediate release, or, in the alternative, ordering Respondents to provide a prompt, lawful, and meaningful individualized custody determination consistent with the INA and governing law.

COUNT THREE

Violation of the Suspension Clause of the United States Constitution

113. Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

114. The Suspension Clause of the United States Constitution provides that "[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion

or Invasion the public Safety may require it." U.S. Const. art. I, § 9, cl. 2. The Clause guarantees the availability of judicial review to challenge the lawfulness of executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008); *INS v. St. Cyr*, 533 U.S. 289, 300–05 (2001).

115. Habeas corpus remains available to all persons in the United States who are detained by executive authority, including noncitizens in civil immigration custody. The Supreme Court has repeatedly held that Congress — and a fortiori the Executive — may not eliminate all avenues of meaningful judicial review of the legality of detention. St. Cyr, 533 U.S. at 305–06; Boumediene, 553 U.S. at 779.

116. Petitioner is detained solely under civil immigration authority and is currently confined at the Stewart Detention Center. He has no criminal convictions, no pending criminal charges, no history of violence, and his removal proceedings remain pending before an immigration judge.

117. The Suspension Clause forbids the government from implementing a detention scheme that eliminates all meaningful opportunity for detainees to test the legality of their confinement. *Boumediene,* 553 U.S. at 779 ("The writ must be effective."). When no adequate and effective substitute exists, habeas review is constitutionally required. St. Cyr, 533 U.S. at 305.

118. Petitioner's detention—prolonged, non-punitive in name but punitive in effect, and wholly insulated from individualized review—implicates the core protections of the Suspension Clause. Without habeas corpus, Petitioner has no judicial or administrative forum in which to contest the legality of his ongoing confinement.

119. Accordingly, habeas corpus relief is constitutionally required. Petitioner respectfully requests that this Court grant the writ and order Petitioner's immediate release from ICE custody or, in the alternative, direct Respondents to provide a prompt, meaningful, and

individualized custody determination before a neutral decisionmaker with authority to order release.

120. In the ordinary case, "the Constitution requires some kind of hearing before the State deprives a person of liberty or property." *Zinermon v. Burch,* 494 U.S. 113, 127 (1990) (emphasis in original). Thus, "because the constitutional violation is the absence of predeprivation process, the proper remedy is to restore the status quo ante – that is, to return [Petitioner] to the conditions that existed before his unlawful detention." *Kirykovich v. Hernandez*, No. 2:26-cv-00695-JNW, 2026 WL 890459, at *4 (Wash. Apr. 1, 2026) (emphasis in original)

COUNT FOUR

Violation of the Accardi Doctrine with Respect to 8 C.F.R. § 287.8(C)(2)(I)

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

122. Under the Accardi doctrine, federal agencies are required to follow their own binding regulations, and failure to do so renders resulting agency action unlawful. *United States ex rel. Accardi v. Shaughnessy,* 347 U.S. 260, 267–68 (1954); *Morton v. Ruiz*, 415 U.S. 199, 235 (1974). This principle applies with full force in immigration proceedings and is enforceable through habeas corpus where regulatory violations result in unlawful detention.

123. The United States has also failed to follow immigration-specific arrest and processing regulations. Regulations governing immigration enforcement require that warrantless arrests comply with the standards set forth in 8 C.F.R. § 287.8(c). Specifically, for any arrest, immigration officers must have reason to believe that an individual committed an offense against the United States or was present in the United States illegally. 8 C.F.R. § 287.8(c)(2)(i). And, for

a warrantless arrest, officers must also have reason to believe that an individual is "likely to escape before a warrant can be obtained." 8 C.F.R. § 287.8(c)(2)(ii).

124. These regulatory requirements are mandatory, not discretionary. They impose substantive limitations on ICE's authority to conduct warrantless arrests in the interior of the United States and are designed to protect against arbitrary deprivations of liberty.

125. At the time he was taken into ICE custody May 4, 2026, and at all times thereafter, Petitioner had complied with all immigration requirements, including appearing for his immigration proceedings and remaining available to immigration authorities. Petitioner was taken into ICE custody during an ICE check in appointment.

126. Petitioner was not evading law enforcement; to the contrary, Petitioner was fully complying with the Government's reporting requirements and appeared as instructed at his scheduled ICE check-in appointment. Petitioner was not the subject of any criminal investigation, posed no danger to any individual or the community, and presented no risk of flight. There was no factual basis to conclude that Petitioner was "likely to escape before a warrant could be obtained," as required under 8 C.F.R. § 287.8(c)(2)(ii).

127. ICE officers, therefore, failed to comply with a mandatory regulatory prerequisite to a lawful warrantless arrest. This violation of DHS's own binding regulations renders Petitioner's arrest unlawful under the Accardi doctrine.

128. The consequences of this regulatory violation are not limited to the moment of arrest. Petitioner's ongoing detention flows directly from—and is predicated upon—the unlawful warrantless arrest conducted in violation of 8 C.F.R. § 287.8(c). Continued detention based on an arrest that contravenes binding regulations is itself unlawful.

129. Federal courts have repeatedly recognized that habeas corpus is an appropriate vehicle to remedy detention that results from an agency's failure to follow its own regulations, particularly where those regulations are designed to protect individual liberty. See Accardi, 347 U.S. at 267–68; St. Cyr, 533 U.S. at 301–05.

130. Habeas relief is therefore warranted. Petitioner respectfully requests that this Court grant the writ and order his immediate release from ICE custody or, in the alternative, provide appropriate relief to remedy the unlawful detention resulting from DHS's regulatory violations.

PRAYER FOR RELIEF

The "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the Constitution. *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020); see also *Schlup v. Delo*, 513 U.S. 298, 319 (1995) (**"[H]abeas corpus is, at its core, an equitable remedy**"). This Court should order a remedy that fully addresses the statutory and constitutional violations in this case and is efficient to administer. *Carafas v. LaVallee,* 391 U.S. 234, 238 (1968) (the habeas statute "does not limit the relief that may be granted to discharge of the applicant from physical custody. Its mandate is broad with respect to the relief that may be granted").

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this habeas corpus action pursuant to 28 U.S.C. §§ 2241 and 1331;

2. Pursuant to 28 U.S.C. § 2243, issue an order to show cause directing Respondents to file a return within three (3) days, absent good cause for a short extension not exceeding ten days, and set the matter for a prompt hearing;

3. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of this action, absent further order of the Court;

4. Declare that Petitioner's continued detention violates the Constitution and laws of the United States, including but not limited to the Due Process Clause of the Fifth Amendment; the equal protection component of the Fifth Amendment; the Suspension Clause of Article I, Section 9 of the United States Constitution, the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and the Accardi doctrine, based on Respondents' failure to comply with binding immigration arrest regulations;

5. Grant the writ of habeas corpus and order Petitioner's immediate release from ICE custody; OR in the alternative, order Respondents to provide Petitioner with a prompt, constitutionally adequate, and individualized custody determination before a neutral decisionmaker with actual authority to order release, at which the government bears the burden of proving—by clear and convincing evidence—that continued detention is necessary to serve a legitimate governmental purpose and that no less restrictive conditions of supervision would suffice;

6. Award Petitioner her costs and reasonable attorneys' fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and

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

Respectfully submitted,

William Matos, Esq.
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Immigration Solution
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Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLOMBUS DIVISION

YORDAN ERASTO AVILA GONZALEZ **Petitioner** **v.** **TODD M. LYONS, Director of U.S. ICE; GEORGE STERLING, Field Office Director of Enforcement and Removal Operations, Atlanta Field Office, Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; U.S. Department of Homeland and Security; TODD BLANCHE, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;** **Warden of Stewart Detention Center Detention Center.** **Respondents**	**Case No.** **PETITTION FOR WRIT OF HABEAS CORPUS** **Under 28 U.S.C. § 2241**

EXHIBITS

EXHIBIT **PAGE**

A. Yordan Erasmo Avila Gonzalez, Notice to Appear served in March 19, 2022, ...1

B. Automated Case Information Screenshot.....2-4

EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] FINS [redacted]

DOB: [redacted] File No: [redacted]

In the Matter of:

Respondent: YORJAN UBESTE AVILA-GONZALEZ currently residing at

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of CUBA and a citizen of CUBA ;
3. You arrived in the United States at or near SAN LUIS, AZ , on or about March 17, 2022 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 236.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

401 W. Peachtree Street NW Suite 2600 Atlanta GA US 30308

(Complete Address of Immigration Court, including Room Number, if any)

on August 10, 2023 (Date) at 01:30 PM (Time) to show why you should not be removed from the United States based on the charge(s) set forth above.

JASON CHABRECK

(Signature and Title of Issuing Officer) (Sign in ink)

Date: March 19, 2022

TUCSON, ARIZONA

(City and State)

DHS Form I-862 (2/20) Page 1 of 3

IN I220A.jpeg

EXHIBIT B

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

EOIR Automated Case Information

Court Closures Today June 8, 2026

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

Home > **AVILA-GONZALEZ, YORDAN** [redacted]

Automated Case Information

Name: AVILA-GONZALEZ, YORDAN | A-Number: [redacted]
| Docket Date: 4/18/2022

Next Hearing Information

There are no future hearings for this case.

Court Decision and Motion Information

The immigration judge ordered **REMOVAL.**

DECISION DATE

June 18, 2025

COURT ADDRESS
401 W PEACHTREE ST, STE 2600
ATLANTA, GA 30308

BIA Case Information

A case appeal was received on **July 18, 2025**. It is currently pending.

ALIEN BRIEF STATUS
Brief is due on June 24, 2026.

DHS BRIEF STATUS
Brief is due on June 24, 2026.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the Board of Immigration Appeals.

COURT ADDRESS
OFFICE OF THE CHIEF CLERK
5107 LEESBURG PIKE, SUITE 2000
FALLS CHURCH, VA 22041

PHONE NUMBER

(703) 605-1007

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

I am submitting this verification on behalf of the Petitioner because I am the attorney for Petitioner. I William Matos or my co-counsel have discussed with the Petitioner the events described in this Petition Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: June 9, 2026

S/ William Matos
William Matos Esq

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2026, I filed the foregoing petition for Writ of Habeas Corpus electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

Dated: June 9, 2026

S/ William Matos
William Matos Esq.