IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

LUIS RAUL LALA HUERTA, Petitioner, v. MICHAEL BALL, Warden of the Buffalo Federal Detention Facility, TAMMY MARICH, Acting Director of the Buffalo Field Office of Immigration and Customs Enforcement; Markwayne Mullin, Secretary of the Department of Homeland Security; Todd Blanche, Acting Attorney General, Respondents.	Case No. 1:26-cv-1330 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF** Agency No.:

INTRODUCTION

1. This action concerns the unlawful detention of Luis Raul Lala Huerta, a native and citizen of Ecuador who was arrested by immigration agents on June 30, 2026, while working at a construction site. Petitioner has lived continuously in the United States since entering in 2019, and maintains a stable residence in Ridgewood, New York. He has no criminal history, has never previously been placed in removal proceedings, and has no prior order of removal or deportation. He presents no danger to the community and has substantial incentives to appear for any future immigration proceedings.

2. This case is not merely about whether Petitioner should remain detained; it is about whether the Government complied with the Constitution and the INA before taking his liberty in the first place.

3. Rather than providing the individualized custody determination required by Congress, ICE detained Mr. Lala Huerta under 8 U.S.C. § 1225(b), a statute that does not govern individuals who have long resided in the United States. Upon information and belief, ICE also failed to serve the warrant required by 8 U.S.C. § 1226(a). Section 1226(a) expressly conditions arrest on the issuance of a warrant. Because no warrant was issued or served before Petitioner's arrest, the detention was unlawful from its inception. Each of these independent defects renders Petitioner's detention unlawful.

4. Petitioner's continued detention serves no legitimate governmental purpose. He presents no danger to the community and poses no meaningful risk of flight. Nothing in the record suggests that Petitioner's continued incarceration advances either recognized purpose of civil immigration detention.

5. Federal judges across the country—and repeatedly within this District—have rejected ICE's attempt to detain long-term residents under § 1225(b), ordering their **immediate release** or requiring constitutionally adequate custody determinations. See, e.g., *Cunha v. Freden*, No. 25-3141-pr, slip op. at 3–7, 60 (2d Cir. Apr. 28, 2026) (holding that § 1226(a), rather than § 1225(b)(2)(A), governs the detention of a noncitizen who entered without inspection, remained in the United States, and was later apprehended in the interior, and affirming the grant of habeas relief), *Perdomo Perez v. Akshar, No. 9:26-cv-00120-ECC (N.D.N.Y. Feb. 6, 2026) (granting the habeas petition and ordering the petitioner's immediate release); Gaspar v. Akshar, No. 9:26-cv-00118-BKS (N.D.N.Y. Feb. 5, 2026) (granting the habeas petition and directing respondents to immediately release the petitioner); Martinez Noguez v. Brophy, No. 9:26-cv-00030-MAD (N.D.N.Y. Feb. 13, 2026) (granting the habeas petition and ordering the petitioner's release by February 17, 2026, unless the government first conducted a bond hearing and proved by clear and*

convincing evidence that he was a flight risk or danger to the community,), Cunha v. Freden, No. 6:25-cv-06532-MAV (W.D.N.Y. Nov. 25, 2025) (holding that the petitioner was detained under 8 U.S.C. § 1226(a), ordering a bond hearing, and noting that the petitioner was subsequently released on bond); Lieogo v. Freden, No. 6:25-cv-06615-EAW (W.D.N.Y. Nov. 26, 2025) (granting the habeas petition to the extent of requiring a prompt bond hearing at which the Government bore the burden of proving dangerousness or flight risk by clear and convincing evidence); Alvarez Ortiz v. Freden, No. 1:25-cv-00960-LJV (W.D.N.Y. Nov. 4, 2025) (ordering an individualized bond hearing within seven days and directing the petitioner's immediate release if the Government failed to provide the required hearing).

6. Requiring Petitioner to pursue relief through the immigration court would not afford him a constitutionally adequate remedy. Immigration judges remain bound by the Board's decision in *Matter of Yajure Hurtado*, which adopts the very statutory interpretation challenged in this Petition. Moreover, publicly available information indicates that immigration judges deciding custody matters have been subjected to increasing institutional pressure regarding bond determinations, raising substantial concerns about whether the Government can presently provide the neutral forum that due process requires. Under these circumstances, the legality of Petitioner's detention is properly decided by this Court.

7. Recent public reporting has documented the removal of immigration judges, the appointment of newly appointed judges—including temporary military attorneys and individuals recruited as "deportation judges"—and reports of institutional pressure surrounding bond determinations. This Court need not resolve those broader issues here. They nevertheless underscore why the federal courts—not the Executive Branch—must have the final word on the legality of Petitioner's detention. See Lok Darjee, "Everyone Has a Breaking Point": The

Immigration Judges at the Sharp End of Trump's Deportation Drive, Guardian (May 9, 2026), available at https://www.theguardian.com/us-news/2026/may/09/trump-administration-immigration-judges .

8. Because Respondents cannot establish the lawfulness of Petitioner's detention, this Court should order Petitioner's immediate release. Alternatively, if the Court determines that an individualized custody determination is necessary, Petitioner respectfully requests that this Court conduct that determination itself, or appoint a neutral judicial officer acting under its supervision, rather than remand the matter to the Immigration Court. Immigration judges remain bound by *Matter of Yajure Hurtado*, the very interpretation challenged in this Petition, and therefore cannot provide meaningful relief on the statutory and constitutional issues presented here.

JURISDICTION

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

11. 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.

VENUE

12. Venue is proper because Petitioner is currently detained at the Buffalo Federal Detention Facility, located at 4250 Federal Drive, Batavia, New York 14020, which is within the Western District of New York and within the territorial jurisdiction of this Court.

PARTIES

13. Petitioner is a native and citizen of Ecuador who has resided continuously in the United States since entering in 2019. He is currently detained at the Buffalo Federal Detention Facility in Batavia, New York.

14. Respondent Michael Ball is the Warden of the Buffalo Federal Detention Facility in Batavia, New York. In that capacity, he is Petitioner's immediate physical custodian and has day-to-day control over Petitioner's detention.

15. Respondent Tammy Marich is the Acting Field Office Director of ICE's Buffalo Field Office. In her official capacity, she is responsible for overseeing immigration enforcement and detention operations within the Buffalo Field Office's area of responsibility. She exercises authority over Petitioner's continued ICE detention and has the ability to direct or authorize his release from custody.

16. Respondent, Markwayne Mullin is the Secretary of DHS, which is ICE's parent agency. In his official capacity, he oversees and directs the activities of ICE, including its detention operations in Buffalo, New York, and elsewhere. He therefore has constructive custody of Petitioner, in that he can direct ICE to release him from custody.

17. Respondent Todd Blanche, is the Acting Attorney General. In his official capacity, he is charged with making determinations as to removability, asylum eligibility, and immigration custody, all of which are binding on DHS and its components. He therefore has constructive custody of Petitioner, in that he has the capacity to compel ICE to release him.

STATEMENT OF FACTS

18. Luis Raul Lala Huerta is a twenty-seven-year-old native and citizen of Ecuador who entered the United States without inspection in or around 2019. Petitioner has continuously resided in the United States since that time and has not departed the country.

19. Petitioner is a resident of New York. He resides at [redacted].

20. Upon information and belief, Petitioner has never previously been placed in removal proceedings and has no prior removal order or final order of deportation. He also has no criminal history or prior arrests.

21. On June 30, 2026, at approximately 6:00 to 7:00 a.m., Petitioner was arrested by immigration officers while working at a construction site. Petitioner and two coworkers were seated inside their work truck on the property where they had been assigned to work when officers approached them, requested identification, and questioned them regarding their immigration status. The officers did not present a judicial warrant, administrative warrant, Form I-200, or other court order, and they did not ask for any particular individual by name. After collecting the workers' identification, the officers detained all three men.

22. Mr. Lala Huerta has established substantial ties to the United States during his approximately seven years of residence. He maintains a stable residence in Ridgewood, New York, and has worked as a construction worker for JHV Roofing for approximately two years. He has no criminal history, no prior removal order, and no history of failing to appear for immigration proceedings.

23. Nothing in the record suggests that Petitioner's continued incarceration serves either recognized purpose of civil immigration detention.

LEGAL STANDARDS

24. As the Supreme Court has repeatedly instructed, freedom "from government custody, detention, or other forms of physical restraint" is at "the heart" of what the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); see also *Foucha v. Louisiana,* 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.").

25. This is particularly true in the context of civil detention. See, e.g., *Addington v. Texas,* 441 U.S. 418, 425 (1979) ("This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection."); *Kansas v. Hendricks,* 521 U.S. 346, (1997) (requiring "strict procedural safeguards" to justify involuntary civil commitment of certain sex offenders); *Foucha,* 504 U.S. at 81-82, 86 (holding unconstitutional a state civil commitment "statute that place[d] the burden on the detainee to prove that he is not dangerous").

A. ICE Lacked Statutory Authority Because It Failed to Obtain and Serve a Warrant Before Arresting Petitioner

26. Constitutional due process protections require that arrests comply with statutory and Fourth Amendment standards at the time of the arrest. Violations such as warrantless arrests without probable cause or the issuance of a valid NTA cannot be cured retroactively by a later reinstatement. (*See Vartelas v. Holder,* 566 U.S. 257 (2012), laws are presumed to apply prospectively only, similarly, Courts will not allow retroactive application of immigration laws or consequences without clear congressional intent. Hence a reinstatement of an Order cannot be used to cure past procedural defects absent such intent).

27. Discretionary detention under § 1226(a) requires a warrant. The INA provides that "[*o*]*n 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." 8 U.S.C. § 1226(a) (emphasis added). "[T]he issuance of a warrant is a necessary condition to justify detention." *Astudillo v. Hyde,* 2025 WL 3035083, at *4. (D.R.I. Oct. 30, 2025) (quoting *Chogllo Chafla v. Scott*, No. 25 Civ. 438 (SDN), 2025 WL 2688541, at *11 (D. Me. Sep. 22, 2025)).

28. "Because the Government failed to obtain a warrant as required by statute, [Petitioner] may not be detained and must be immediately released." Id.; accord Chiliquinga Yumbillo v. Stamper, No. 25 Civ. 479 (SDN), 2025 WL 2783642, at *5 (D. Me. Sep. 30, 2025) (quoting Chogllo Chafla, supra); J.A.C.P. v. Wofford, No. 25 Civ. 1354 (KES), 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025) (same).

B. Petitioner's Detention Violates Procedural Due Process Under the Fifth Amendment

29. "[C]ivil immigration detention is justified only when a noncitizen presents a risk of flight or danger to the community." *J.A.E.M. v. Wofford,* No. 25 Civ. 1380 (KES), 2025 WL 3013377, at *3 (E.D. Cal. Oct. 27, 2025) (citing *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Padilla v. ICE,* 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023)). "A protected liberty interest may arise from a conditional release from physical restraint. Even when a statute allows the government to arrest and detain an individual, a protected liberty interest under the Due Process Clause may entitle the individual to procedural protections not found in the statute." *Id.* (citation omitted) (citing *Young v. Harper*, 520 U.S. 143, 147–49 (1997)).

30. "Due process 'is a flexible concept that varies with the particular situation.' The procedural protections required in a given situation are evaluated using the *Mathews v. Eldridge* factors." Id. at *6 (quoting *Zinermon v. Burch*, 494 U.S. 113, 127 (1990), which in turn cites 424 U.S. 319, 335 (1976)). To determine whether a civil detention violates a detainee's procedural due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge,* 424 U.S. 319

(1976). *See Velasco Lopez v. Decker,* 978 F.3d 842, 851 (2d Cir. 2020) (applying Mathew's test to a challenge involving discretionary noncitizen detention).

31. Pursuant to Mathews, courts weigh the following three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews,* 424 U.S. at 335.

32. The first Mathews factor requires consideration of the private interest affected by Respondents' detention of Petitioner. This factor weighs heavily in Petitioner's favor because Mr. Luis Raul Lala Huerta's interest in being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld,* 542 U.S. 507, 529 (2004).

33. As the court stated in *Carlos Javier Lopez Benitez v. Francis,* 25 civ. 5937 (DEH), "the most significant liberty interest there is—the interest in being free from imprisonment" (quoting *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2nd Cir. 2020)).

C. Additional Allegations Regarding the Absence of a Contemporaneous Custody Determination

34. The second Mathews factor examines the risk of erroneous deprivation created by the procedures used and the value of additional safeguards. That risk is especially high here because ICE detained Petitioner without first conducting any individualized assessment of flight risk, dangerousness, or other custody factors, and without providing notice or an opportunity to be heard.

35. The individualized custody determination required under 8 U.S.C. § 1226(a) is not a technical formality. It is the mechanism that ensures detention is imposed on a case-by-case basis rather than automatically or categorically.

36. In *Gopie v. Lyons*, No. 25-cv-05229-SJB (E.D.N.Y. Nov. 13, 2025), the court held that due process is violated when ICE deprives a noncitizen of liberty without first providing the individualized custody determination contemplated by § 1226(a) and its implementing regulations.

37. A later bond hearing cannot fully cure that violation. Once Petitioner was jailed without the required custody determination, the constitutional injury had already occurred, and subsequent process cannot retroactively supply the notice, hearing, and individualized assessment that should have preceded or accompanied the deprivation of liberty.

38. Because Respondents failed to conduct the individualized custody determination required by § 1226(a), its implementing regulations, and the Due Process Clause, Petitioner's detention was unlawful from its inception and habeas relief is warranted.

39. Regarding the value of additional safeguards, the court in *Carlos Javier Lopez Benitez v. Francis,* 25 civ. 5937 stated that "[a] person's liberty cannot be abridged without adequate procedural protections".

40. Nor does the Government avoid constitutional scrutiny by characterizing Petitioner's custody challenge as intertwined with removal proceedings. Courts have recognized that habeas petitions challenging unlawful detention and the process leading to detention are not barred by the jurisdiction-stripping provisions of 8 U.S.C. § 1252(g) or § 1252(b)(9), because such claims do not seek review of a final order of removal and do not arise from a discretionary decision to "commence proceedings."

41. The third Mathews factor, the Government's interest, also weighs in favor of granting this petition. The Government's only legitimate interest at stake is its interest in ensuring that people facing removal do not endanger the public or abscond during the pendency of their removal cases. The Government's legitimate interests are not meaningfully burdened by requiring constitutionally adequate procedures—particularly where, as here, Petitioner has been living in the United States for approximately seven years, and is unlikely to abscond during the pendency of his proceedings.

42. Accordingly, Petitioner's detention violates procedural due process.

D. Petitioner's Continued Detention Violates Substantive Due Process

43. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Hernandez v. Sessions,* 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas,* 533 U.S. at 693). These due process rights are both substantive and procedural.

44. In regard to substantive due process, the United States Supreme Court stated, "[t]he touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell,* 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate government objective." *Cnty. of Sacramento v. Lewis,* 523 U.S. 833, 846 (1998).

45. These protections extend to noncitizens facing detention, as "[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno,* 481 U.S. 739, 755 (1987). Accordingly, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas,* 533 U.S. at 690.

46. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a "reasonable relation" to a non-punitive purpose. *See Jackson v. Indiana,* 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen's appearance at immigration proceedings and preventing danger to the community. *Zadvydas,* 533 U.S. at 690–92; *see also Demore v. Kim,* 538 U.S. 510 at 519–20, 527–28, 31 (2003).

47. Hence, to meet the strictures of due process, Mr. Luis Raul Lala Huerta's detention must "bear[] a reasonable relation to [the] purpose[s]" of civil immigration detention, which the Supreme Court has identified as mitigating flight risk and mitigating danger to the community. *See Zadvydas,* 533 U.S. at 690 (quoting *Jackson v. Indiana,* 406 U.S. 715 (1972)) (quotation marks omitted).

48. Respondents cannot demonstrate that Petitioner's continued detention is necessary to prevent flight or protect the community.

E. Petitioner Is Subject to 8 U.S.C. § 1226(a), Not Mandatory Detention Under § 1225(b).

49. The Government appears to take the position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b).

50. In recent months, ICE has increasingly relied on a broad interpretation of 8 U.S.C. § 1225(b) to subject noncitizens who have long resided in the interior of the United States to mandatory detention, including individuals arrested at their homes and places of employment. This enforcement position treats persons who are already present in the United States as though they were still seeking admission at the border, notwithstanding the length of their residence or the circumstances of their later interior arrest.

51. ICE's legal position is based on the Board of Immigration Appeals ("BIA") advanced novel interpretations of the immigration detention statutes. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), it held for the first time that individuals who were paroled into the United States years ago without ever being placed in expedited removal proceedings were subject to mandatory detention under 8 U.S.C. § 1225. Shortly thereafter, it expanded this mandatory detention holding to cover all persons present in the United States without admission, irrespective of their time and manner of entry. See In the *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (2025).

52. **However, such a position contradicts the ruling from the Supreme Court.** The United States Supreme Court has recognized that noncitizens "already in the country" are governed by § 1226(a). "8 U.S.C. § 1226(a)…provides for discretionary authority to detain other noncitizens who are '**already in the country**'". (emphasis added) *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018).

53. Similarly, Judge Edwards in Louisiana (among others), agreed that the Government's theory conflicts with its precedent, most notably with *Jennings v. Rodriguez*, 583 U.S. 281 (2018), as has explained:

> Petitioner is likely to succeed on the merits of his habeas claim. As an "alien already present in the United States," he is subject to Section 1226, not Section 1225, and is thus not subject to mandatory detention. *See Kostak v. Trump*, 2025 WL 2472136, at **2–3 (W.D. La., 2025) (holding that mandatory detention of aliens like Petitioner "under Section 1225 was erroneous..." and that they are instead subject to Section 1226); *see also Lopez Santos v. Noem*, 2025 WL 2642278, at **3–5 (W.D.La., 2025) (Doughty, C.J.) (holding same). What the BIA thinks of the matter, as expressed *In the Matter of Yajure Hurtado*, 29 I&N Dec. 216 (2025), is of no moment, as it is principally *our* job to interpret statutes. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024). "And the Court respectfully disagrees with how the BIA reads §§ 1226(a) and 1225(b)(2)(A) in conjunction with one another." *Pizarro Reyes v. Raycraft*, 2025 WL 2609425, at *6 (E.D.Mich., 2025). So does the Supreme Court. *See Jennings*, 583 U.S. at 297–303. And the Court is not going to say—effectively—that there is no difference between the two, when the Supreme

> Court has said that there is. *See id.* Plainly, "arriving" means "arriving," *see Pizarro Reyes*, 2025 WL 2609425, at *5 (discussing Section 1225), "already present" means "already present," *see Jennings*, 583 U.S. at 303 (discussing Section 1226), and there is no synonymy, nor ambiguity, between.

Ventura Martinez v. Trump, 25 Civ. 1445 (JE), 2025 WL 3124847, at *2 (Oct. 22, 2025) (W.D. La. Oct. 22, 2025) (emphasis in original).

54. Courts reviewing similar interior arrests have repeatedly rejected the Government's effort to impose mandatory detention under § 1225(b) on noncitizens who were already living in the United States when apprehended. These decisions recognize that the relevant statutory distinction is between persons seeking admission and persons already present in the country, not the location or manner of a later enforcement arrest. See, e.g., *Cunha v. Freden*, No. 25-3141-pr (2d Cir. Apr. 28, 2026); *Hyppolite v. Noem*, No. 25 Civ. 4304 (NRM), 2025 WL 2829511, at *12 (E.D.N.Y. Oct. 6, 2025).

55. Further, the Government's novel mass detention theory has received a chilly reception before our Nation's district courts. *See,* e.g., *Hyppolite v. Noem,* No. 25 Civ. 4304 (NRM), 2025 WL 2829511, at *12 (E.D.N.Y. Oct. 6, 2025) ("[S]ince Respondents began to broadly invoke § 1225(b)(2)(A) to justify the mandatory detention of noncitizens who already reside within the United States, well over a dozen federal courts around the country have rejected Respondents' novel and illogical interpretation of the INA." (citing Lopez Benitez, 2025 WL 2371588; *Mata Velasquez,* 2025 WL 1953796; Lepe v. Andrews, No. 25 Civ. 1163 (KES), 2025 WL 2716910 (E.D. Cal. Sep. 23, 2025); *Barrera v. Tindall,* No. 25 Civ. 541 (RGJ), 2025 WL 2690565 (W.D. Ky. Sep. 19, 2025); *Pablo Sequen v. Kaiser,* No. 25 Civ. 6487 (PCP), 2025 WL 2650637 (N.D. Cal. Sep. 16, 2025); *Pizarro Reyes v. Raycraft,* No. 25 Civ. 12546 (RJW), 2025 WL 2609425 (E.D. Mich. Sep. 9, 2025);

56. The Government's new mandatory detention theory is also inconsistent with its own behavior over the past three decades. *See, e.g.*, *Chogllo Chafla v. Scott*, No. 25 Civ. 437 (SDN), 2025 WL 2688541, at *8 (D. Me. Sept. 22, 2025) ("The BIA's decision in *Yajure Hurtado* also is at odds with decades of DHS's own practices, which the opinion acknowledges.").

57. As discussed above, multiple judges of this Court have recently granted identical relief in materially indistinguishable cases. Courts in the Western District of New York have consistently held that noncitizens already present in the United States are detained under § 1226 rather than § 1225. *See Cunha v. Freden, No. 6:25-cv-06532-MAV (W.D.N.Y. Nov. 25, 2025) (holding that the petitioner was detained under 8 U.S.C. § 1226(a), ordering a bond hearing, and noting that the petitioner was subsequently released on bond); Lieogo v. Freden, No. 6:25-cv-06615-EAW (W.D.N.Y. Nov. 26, 2025) (granting the habeas petition to the extent of requiring a prompt bond hearing at which the Government bore the burden of proving dangerousness or flight risk by clear and convincing evidence); Alvarez Ortiz v. Freden, No. 1:25-cv-00960-LJV (W.D.N.Y. Nov. 4, 2025) (ordering an individualized bond hearing within seven days and directing the petitioner's immediate release if the Government failed to provide the required hearing).*

FIRST CLAIM FOR RELIEF
STATUTORY AND REGULATORY VIOLATIONS

58. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

59. The INA provides that "[*o*]*n 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." 8 U.S.C. § 1226(a) (emphasis added).

60. In the present case, as detailed *supra,* ICE did not issue Petitioner a warrant prior to his arrest. Mr. Luis Raul Lala Huerta's detention was therefore unlawful from its inception and cannot be justified by any post-hoc issuance of a warrant.

SECOND CLAIM FOR RELIEF
VIOLATION OF PROCEDURAL DUE PROCESS

61. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

62. Applying the three-part test set forth in *Mathews v. Eldridge,* 424 U.S. 319 (1976), and in *Velasco Lopez v. Decker,* 978 F.3d 842, 851 (2d Cir. 2020), Petitioner has been deprived of his right to procedural due process, and he is therefore entitled to immediate release.

63. In particular, **no individualized determination was made, either contemporaneously with or before ICE arrested Mr. Luis Raul Lala Huerta on June 30, 2026, regarding whether he posed a flight risk or danger to the community.** In fact, no process whatsoever was conducted before Petitioner's detention.

THIRD CLAIM FOR RELIEF
VIOLATION OF SUBSTANTIVE DUE PROCESS

64. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

65. The Due Process Clause of the Fifth Amendment protects the substantive right of all persons in the United States, including noncitizens, to be free from unjustified deprivations of physical liberty. U.S. CONST. amend. V; *see generally Reno v. Flores,* 507 U.S. 292 (1993).

66. "[G]overnment detention violates the [Due Process Clause] unless the detention is ordered in a criminal proceeding with adequate procedural protections, or, in certain special and narrow nonpunitive circumstances, where a special justification . . . outweighs the individual's

constitutionally protected interest in avoiding physical restraint." *Zadvydas,* 533 U.S. at 690 (quotation marks and citations omitted).

FOURTH CLAIM FOR RELIEF
VIOLATION OF SECTION 236(a) OF THE INA, 8 U.S.C. § 1226(a)

67. Petitioner hereby repeats and realleges all preceding allegations in the instant Petition as if fully set forth herein.

68. The Government appears to take the position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b). Because such a reading of the statute "(1) disregards the plain meaning of section 1225(b)(2)(A); (2) disregards the relationship between sections 1225 and 1226; (3) would render a recent amendment to section 1226(c) superfluous; and (4) is inconsistent with decades of prior statutory interpretation and practice," *Lepe*, 2025 WL 2716910, at *4, the Court should reject it, as a chorus of District Judges throughout the Nation has done, *cf. Buenrostro-Mendez*, 2025 WL 2886346, at *3 ("The court need not repeat the 'well-reasoned analyses' contained in these opinions and instead simply notes its agreement." (quoting Chogllo Chafla, 2025 WL 2688541, at *5)).

69. **In fact, as discussed *supra*, within the Western District of New York, federal judges have held that § 1226 governs the detention of aliens who are already in the United States** and that § 1225's detention mandate applies only to noncitizens 'seeking admission.'

70. Because Petitioner's detention was carried out pursuant to a flawed reading of the INA, it should be considered unreasonable ab initio and the Government should be ordered to release Petitioner immediately. *See,* e.g., *Zumba v. Bondi,* No. 25 Civ. 14626 (KSH), 2025 WL 2753496, at *11 (D.N.J. Sep. 26, 2025) ("For the reasons set forth above, petitioner's mandatory detention under § 1225 violates the INA and the Due Process Clause of the Fifth Amendment. The Court grants the writ of habeas corpus and orders respondents to release the Petitioner from

detention within 24 hours. Following his release, respondents are permanently enjoined from re-arresting or otherwise detaining petitioner under § 1225 and may not arrest or otherwise detain petitioner under § 1226(a) for 14 days."); *Bethancourt Soto,* 2025 WL 2976572, at *9 (citing Zumba, supra).

71. Petitioner was arrested within the interior of the United States after having resided here, and was not seeking admission at a port of entry when he was detained. These circumstances further demonstrate that Petitioner falls within the detention framework of 8 U.S.C. § 1226(a), rather than the mandatory-detention provisions applicable to applicants for admission under 8 U.S.C. § 1225(b). Accordingly, Petitioner was entitled, at a minimum, to an individualized custody determination addressing whether his detention was warranted based on flight risk or danger to the community.

72. Under these circumstances, the Court should order Petitioner's immediate release. Alternatively, if the Court concludes that further factual findings regarding custody are necessary, the Court should conduct the bond hearing itself or appoint a judicial officer subject to the Court's supervision to do so. A district court sitting in habeas possesses broad equitable authority to fashion relief sufficient to cure constitutional violations and ensure that any custody determination is made by a neutral and independent decisionmaker.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court:

1. Assume jurisdiction over this Petition pursuant to 28 U.S.C. § 2241;
2. Issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241;
3. Declare that Petitioner's continued detention under 8 U.S.C. § 1225(b) is unlawful;

4. Declare that Petitioner's arrest and detention violated the Immigration and Nationality Act, applicable regulations, and the Due Process Clause of the Fifth Amendment;
5. Order Respondents to immediately release Petitioner from ICE custody;
6. Order Respondents to restore Petitioner to the custody status and conditions of release that existed immediately before his arrest on June 30, 2026;
7. Enjoin Respondents from re-detaining Petitioner pursuant to 8 U.S.C. § 1225(b) absent lawful statutory authority;
8. Enjoin Respondents from transferring Petitioner outside the Western District of New York while this action remains pending, absent prior authorization of this Court;
9. Grant such other and further relief as the Court deems just, equitable, and proper.

Dated: June 30, 2026

By: */s/ Reuben S. Kerben, Esq.*

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

I represent Petitioner, Luis Raul Lala Huerta, and submit this verification on Petitioner's 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 30th day of June, 2026.

By: */s/ Reuben S. Kerben, Esq.*

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