UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

BALJEET SINGH, Petitioner, v. SHERIFF, Liberty County; GARRETT J. RIPA, Field Office Director, Miami Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; DAVID VENTURELLA, Acting Director, Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the Department of Homeland Security; TODD BLANCHE, Attorney General, United States Department of Justice, *in their official capacities*, Respondents.	Case No.: 4:26-cv-321

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

INTRODUCTION

Petitioner Baljeet Singh is a native and citizen of India currently detained by the United States Immigration and Customs Enforcement ("ICE") at the Liberty County Jail, 12499 Pogo Street, Bristol, Florida 32321—within the jurisdiction of this Court. Petitioner challenges the legality of his civil immigration detention pursuant to 28 U.S.C. § 2241.

Petitioner entered the United States on or about May 9, 2021, near Calexico, California, and was apprehended by U.S. Border Patrol the same day. He expressed a fear of returning to

India, and on June 15, 2021, an asylum officer conducted a credible fear interview and determined that Petitioner had established a credible fear of persecution. On June 18, 2021, a supervisory asylum officer approved that determination, and that same day the Department of Homeland Security ("DHS") issued Petitioner a Notice to Appear ("NTA") charging him under INA § 212(a)(6)(A)(i) and § 212(a)(7)(A)(i)(I) and placed him in removal proceedings under 8 U.S.C. § 1229a. On July 13, 2021, ICE released Petitioner from custody on parole. Petitioner filed a Form I-589 Application for Asylum and Withholding of Removal with the Immigration Court on October 27, 2021, obtained employment authorization, and resided in California while his case remained pending before the Sacramento Immigration Court. At all times, Petitioner complied with his obligations before the Immigration Court.

While his removal proceedings remained pending, Petitioner was taken into ICE custody in Florida on June 5, 2026, following a traffic stop near Tallahassee. His immigration case was transferred to the detained docket, and a master calendar hearing is presently scheduled for July 10, 2026. Petitioner is currently in ICE custody at the Liberty County Jail in Bristol, Florida, without having been afforded an individualized bond hearing.

The Government's basis for detaining Petitioner without any bond hearing rests on the assertion that he is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2). That position is foreclosed by binding Eleventh Circuit precedent. In *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, 175 F.4th 1258 (11th Cir. 2026), the Eleventh Circuit held that unadmitted noncitizens found in the interior of the United States are governed by the discretionary detention framework of 8 U.S.C. § 1226(a)—not § 1225(b)(2)—and are eligible for bond while they go through immigration proceedings. This Court has already applied that precedent, granting habeas relief to a previously paroled noncitizen detained at the

same Liberty County Jail where Petitioner is now held. *Ernazarov v. Crosby*, No. 4:26-cv-170-AW-MAF, ECF No. 12 (N.D. Fla. May 20, 2026) (report and recommendation), *adopted*, 2026 WL 1847452 (N.D. Fla. June 26, 2026). The same conclusion follows from the substantial weight of authority from the Middle and Southern Districts of Florida and courts across the country, and from fundamental principles of constitutional due process. See *Malikov v. Bondi*, No. 2:26-cv-00172-SPC-NPM (M.D. Fla. Feb. 12, 2026); *Abdukarimov v. Warden, Krome North Serv. Processing Ctr.*, No. 1:26-cv-22193-KMW (S.D. Fla. Apr. 9, 2026); *Sibrian v. Hardin*, No. 2:26-cv-00174-KCD-NPM (M.D. Fla. Feb. 24, 2026); *Hernandez Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM (M.D. Fla. Oct. 29, 2025); *Hinojosa Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM (M.D. Fla. Oct. 31, 2025); *Vasquez Carcamo v. Noem*, No. 2:25-cv-922-SPC-NPM (M.D. Fla. Nov. 7, 2025).

Petitioner respectfully requests, as his PRIMARY RELIEF, that this Court order his IMMEDIATE RELEASE on recognizance or reasonable conditions. Petitioner was screened by DHS upon his apprehension in 2021, was found by an asylum officer to have a credible fear of persecution, and was released from ICE custody on parole on July 13, 2021. In the five years since, he has pursued his asylum claim before the Immigration Court, obtained employment authorization, has no criminal convictions, and has established community ties in the United States. The Government has provided no individualized basis for his detention. In the alternative, should this Court decline to order immediate release, Petitioner requests that Respondents be ordered to provide him with an individualized bond hearing before an immigration judge within five (5) business days, at which the Government must bear the burden of demonstrating by clear and convincing evidence both that Petitioner poses a flight risk or danger to the community and

that no alternative conditions of release would mitigate those risks. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. § 2241(a) and (c)(3), which authorizes federal courts to issue writs of habeas corpus on behalf of persons held in custody in violation of the Constitution or laws of the United States. Federal courts have long exercised habeas jurisdiction over the legality of civil immigration detention. *Zadvydas*, 533 U.S. at 687; *Demore v. Kim*, 538 U.S. 510, 516–17 (2003). The proper respondent is the custodian in the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 443–47 (2004). The Eleventh Circuit has affirmed grants of § 2241 relief on precisely the statutory and constitutional claims presented here, *Hernandez Alvarez*, 175 F.4th 1258 (affirming habeas relief to noncitizens detained without bond under § 1225(b)(2)(A)), and this Court exercised § 2241 jurisdiction over the same claims in *Ernazarov v. Crosby*, No. 4:26-cv-170-AW-MAF (N.D. Fla. 2026).

VENUE

Venue is proper in the Northern District of Florida, Tallahassee Division, because Petitioner is physically confined at the Liberty County Jail, 12499 Pogo Street, Bristol, Liberty County, Florida 32321, which lies within the Tallahassee Division of this District. 28 U.S.C. § 2241(a). Liberty County, Florida is within the geographic jurisdiction of the Northern District of Florida.

Venue is also proper in this Court pursuant to 28 U.S.C. § 2241(a) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Northern District of Florida.

REQUIREMENTS OF 28 U.S.C. § 2243

The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The writ of habeas corpus is a fundamental safeguard against unlawful executive detention.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Exhaustion of administrative remedies is not required in this case. 28 U.S.C. § 2241 contains no statutory exhaustion requirement, and courts apply only a prudential exhaustion doctrine in immigration habeas matters. See *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) (exhaustion not required where not mandated by statute), *superseded by statute on other grounds as recognized in Woodford v. Ngo*, 548 U.S. 81 (2006). Where, as here, a petitioner challenges the statutory and constitutional authority for detention, exhaustion is not required because administrative agencies cannot adjudicate constitutional claims and lack the power to grant habeas relief. See *Sterkaj v. Gonzales*, 439 F.3d 273, 280 (6th Cir. 2006) (BIA lacks authority to decide constitutional issues).

Moreover, exhaustion would be futile because neither the Immigration Judge nor the Board of Immigration Appeals can review DHS's claim that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), nor can they order release where DHS invokes that statute. See

McCarthy, 503 U.S. at 146–49 (exhaustion excused where agency remedies are inadequate or would cause irreparable injury).

PARTIES

Baljeet Singh (A-Number: [redacted]) is a native and citizen of India, born on [redacted] He is currently detained at the Liberty County Jail located at 12499 Pogo Street, Bristol, Florida 32321. His removal proceedings are presently pending on the detained docket, with a master calendar hearing scheduled for July 10, 2026, at 10:00 A.M. before Immigration Judge Thomas Allmond.

Respondent, the Sheriff of Liberty County, is, upon information and belief, the immediate custodian of Petitioner and the proper respondent in this habeas proceeding pursuant to 28 U.S.C. § 2241; Respondent Garrett J. Ripa, Field Office Director, Miami Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, is responsible for decisions regarding Petitioner's custody and detention in Florida; Respondent David Venturella is the Acting Director of U.S. Immigration and Customs Enforcement and has supervisory authority over immigration detention nationwide; Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security and has ultimate authority over immigration enforcement; and Respondent Todd Blanche is the Attorney General of the United States and oversees the Executive Office for Immigration Review. All Respondents are sued in their official capacities.

STATEMENT OF FACTS

I. Background, Country Conditions, and Entry

Petitioner Baljeet Singh is a native and citizen of India, born on [redacted]

[redacted]

On or about May 9, 2021, Petitioner entered the United States near Calexico, California, without inspection, and was apprehended by U.S. Border Patrol the same day. He was initially processed for expedited removal and expressed a fear of returning to India. On June 15, 2021, an asylum officer conducted a credible fear interview and determined that Petitioner had established a credible fear of persecution. On June 18, 2021, a supervisory asylum officer approved that determination.

On June 18, 2021, following the positive credible fear determination, DHS issued Petitioner a Notice to Appear ("NTA"), charging him under INA § 212(a)(6)(A)(i), as an alien present in the United States who has not been admitted or paroled, and under INA § 212(a)(7)(A)(i)(I), and ordering him to appear before the Stewart Immigration Court in Lumpkin, Georgia. The NTA states on its face that it was issued after an asylum officer found that Petitioner demonstrated a credible fear of persecution.

II. Release on Parole, Residence, and Immigration Proceedings

On July 2, 2021, while detained at the Stewart Detention Center, Petitioner moved for a bond hearing before the Immigration Court. Upon information and belief, on July 13, 2021, before the motion was decided, ICE released Petitioner from custody on parole. Following his release on parole, Petitioner resided in the United States—ultimately in the Stockton, California area—and his removal proceedings were transferred to the Sacramento Immigration Court. Petitioner applied for asylum, withholding of removal, and protection under the Convention Against Torture, filing his Form I-589 with the Immigration Court on October 27, 2021.

Petitioner has complied with the requirements of his immigration proceedings, including timely completing his biometrics appointment and keeping the Immigration Court apprised of his address. After the passage of the requisite period, Petitioner applied for and obtained employment authorization from USCIS.

III. Re-Detention and Transfer to Bristol, Florida

On June 5, 2026, Petitioner was taken into ICE custody in Florida following a traffic stop near Tallahassee, while his immigration proceedings were ongoing. According to DHS records, Petitioner was transported to the Suwannee County Sheriff's Office on an immigration detainer and then taken into ICE custody through the ERO Tallahassee sub-office. According to ICE records, Petitioner is currently detained at the Liberty County Jail in Bristol, Florida.

Following his re-detention, Petitioner's case was transferred to the detained docket, and a master calendar hearing is currently scheduled for July 10, 2026, before Immigration Judge Thomas Allmond. At no time since his re-detention has Petitioner been provided with an individualized bond hearing before an immigration judge.

Petitioner is currently detained under the authority of U.S. Immigration and Customs Enforcement. Upon information and belief, the Government has treated Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and has denied him the opportunity for an individualized bond hearing under 8 U.S.C. § 1226(a).

LEGAL FRAMEWORK

I. The Statutory Detention Framework: § 1225 versus § 1226

Two statutory provisions govern immigration detention pending the outcome of removal proceedings. Section 1225(b) applies to 'applicants for admission' who are physically seeking entry into the United States. Section 1225(b)(1) applies to aliens arriving in the United States who are 'determined to be inadmissible' and directs their expedited removal or detention. Section 1225(b)(2)(A), a residual provision, requires detention of any alien 'seeking admission' who 'is not clearly and beyond a doubt entitled to be admitted.' *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Detention under § 1225(b)(2) is mandatory; there is no bond hearing. Id.

Section 1226(a), by contrast, governs aliens 'already in the country pending the outcome of removal proceedings.' *Jennings*, 583 U.S. at 289 (emphasis added). It provides that the Attorney General may arrest and detain an alien pending a removal decision, or may release the alien on bond or conditional supervision. 8 U.S.C. § 1226(a). Aliens detained under § 1226(a) have the right to a bond hearing before an immigration judge. *Id.*; 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1). Section 1226(c), which mandates detention for certain noncitizens with qualifying criminal convictions, has no application here: Petitioner has no criminal convictions, and the Government has not invoked that provision.

II. Binding Eleventh Circuit Authority: Noncitizens Apprehended in the Interior Are Governed by § 1226(a), Not § 1225(b)(2)

On May 6, 2026, the Eleventh Circuit resolved the § 1225(b)(2) versus § 1226(a) question in a published, precedential decision. *Hernandez Alvarez*, 175 F.4th 1258. The court framed the question presented as "whether unadmitted aliens found in the interior of the United States are eligible for bond while they go through immigration proceedings," 175 F.4th at 1261, and answered that question in the affirmative. The court held that § 1225(b)(2)(A) "limits no-bond detention to applicants for admission who are 'seeking admission,'" and that "no-bond detention generally applies to arriving aliens seeking lawful entry to the country, and not to aliens who are simply present here." 175 F.4th at 1262. As the court explained, "§ 1225 applies to arriving aliens seeking entry at the border, whereas § 1226 applies to aliens unlawfully in the interior. By interpreting § 1225 to stretch far beyond the border and ports of entry, the Government vitiates this longstanding distinction." 175 F.4th at 1276. The court accordingly rejected the Government's reading of § 1225(b)(2)(A) and affirmed the district court's orders granting habeas relief. 175 F.4th at 1262. The petitioners in *Hernandez Alvarez* stood in the same posture as Petitioner here: they entered the United States without inspection, resided in the interior for years, were arrested by immigration authorities following traffic stops, were charged with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i), and were detained without the possibility of bond in light of *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). 175 F.4th at 1263–64.

This Court has already applied *Hernandez Alvarez*. In *Ernazarov v. Crosby*, No. 4:26-cv-170-AW-MAF (N.D. Fla.), a noncitizen who had entered the United States on parole through the CBP One program, and was later apprehended in the interior of Florida—and who was detained at the same Liberty County Jail where Petitioner is now held—sought habeas relief on the same

grounds presented here. Magistrate Judge Fitzpatrick concluded that "[t]he Eleventh Circuit's opinion in Hernandez Alvarez is binding authority on this Court" and that, pursuant to that precedent, the petitioner's detention was governed by 8 U.S.C. § 1226 and not § 1225. *Ernazarov*, ECF No. 12 at 4 (N.D. Fla. May 20, 2026) (report and recommendation). Chief Judge Winsor adopted the report and recommendation, granted the petition in part, and ordered the Government either to provide an individualized bond hearing pursuant to § 1226(a) within seven days or to release the petitioner. *Ernazarov*, ECF No. 20, 2026 WL 1847452 (N.D. Fla. June 26, 2026).

Additional supporting authority—Middle District of Florida: In *Malikov v. Bondi*, the Middle District of Florida—on facts closely analogous to Petitioner's—held that a native and citizen of Russia who had entered the United States on humanitarian parole, applied for asylum, and was subsequently detained by ICE following a local police traffic stop was governed by § 1226(a), not § 1225(b)(2). The court rejected the Government's mandatory detention argument, held that exhaustion was excused on futility grounds, and ordered Respondents to either bring the petitioner before an immigration judge for an individualized bond hearing or release him within ten days. The *Malikov* court characterized the petition as asserting "a now common claim based on ICE's reliance on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)," and granted relief notwithstanding that decision, declining to follow contrary out-of-circuit authority as unpersuasive and at odds with the vast majority of district court opinions addressing the issue. *Malikov*, slip op. at 2–3 & n.1.

Additional supporting authority—Southern District of Florida: In *Abdukarimov v. Warden, Krome North Service Processing Center*, No. 1:26-cv-22193-KMW (S.D. Fla. Apr. 9, 2026), the Southern District of Florida granted habeas relief to a noncitizen who had entered the United States and was detained without a bond hearing. The court rejected the Government's mandatory

detention argument under § 1225(b)(2), held that § 1226(a) governed, and ordered Respondents either to provide an individualized bond hearing within five days or to release the petitioner. *Accord Chamsadine v. Assistant Field Dir. Warden*, No. 26-21487-CV, 2026 WL 746400, at *1 (S.D. Fla. Mar. 17, 2026) (holding that whether § 1225(b)(2) or § 1226(a) governs a noncitizen's detention is a question within the court's habeas jurisdiction). The *Abdukarimov* decision is instructive here because the petitioner, like Petitioner Singh, had a pending asylum claim and an employment authorization history. The Southern District's order demonstrates that Florida federal courts continue to grant habeas relief to detained noncitizens in circumstances materially indistinguishable from Petitioner's.

III. The Due Process Standard at Bond Hearings

As a noncitizen detained under § 1226(a), Petitioner has the right to a bond hearing before a neutral immigration judge. See *Jennings*, 583 U.S. 281, 287–89 (2018) (describing the § 1226(a) framework, under which a detained noncitizen may be released on bond) (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)). The Due Process Clause of the Fifth Amendment requires that civil immigration detention be accompanied by adequate procedural protections. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. at 531. Petitioner requests that, at any ordered bond hearing, the Government be required to bear the burden of proof by clear and convincing evidence that he poses a flight risk or danger to the community, and that no less-restrictive conditions of supervision would mitigate any identified risk. See *Mathews*, 424 U.S. at 334–35.

ARGUMENT

I. PETITIONER IS ENTITLED TO IMMEDIATE RELEASE BECAUSE THE GOVERNMENT HAS NO VALID AUTHORITY TO DETAIN HIM UNDER § 1225(b)(2), AND BINDING ELEVENTH CIRCUIT AUTHORITY ESTABLISHES THAT § 1226(a) GOVERNS HIS DETENTION.

A. Petitioner Is Not "Seeking Admission" Within the Meaning of § 1225(b)(2).

Section 1225(b)(2)(A) applies only to a noncitizen who is both an "applicant for admission" and who is actively "seeking admission." *Hernandez Alvarez*, 175 F.4th at 1262, 1269; *Navarrete v. Noem*, No. 3:26-cv-00320-KM (M.D. Pa. Feb. 26, 2026), slip op. at 9; *Hernandez Lopez*. In *Hernandez Alvarez*, the Eleventh Circuit held that although noncitizens present in the United States without admission are statutorily deemed "applicants for admission" under § 1225(a)(1), they are not on that account "seeking admission": "Petitioners were not applying for entry in any literal sense when they were detained following a traffic stop, nor were they taking any cognizable step to obtain the rights and privileges of lawful entry. They were only present in the country." 175 F.4th at 1269. The phrase "seeking admission" describes active, present, and ongoing conduct—physically attempting to enter the United States at a border or port of entry and presenting oneself for inspection at that moment. A noncitizen who entered the United States years ago, was released on parole, established a home, applied for asylum, and lived in an interior state for an extended period is not "seeking admission" within any reasonable construction of that phrase. See *Hernandez Alvarez*, 175 F.4th at 1285 ("seeking relief from removal is not the same thing as seeking admission"); *Navarrete*, slip op. at 12 (so holding as to a § 1182(d)(5) parolee who had resided in the interior for years since entry).

Petitioner entered the United States on May 9, 2021—more than five years ago. He was apprehended near the border, found by an asylum officer to have a credible fear of persecution, placed in removal proceedings under 8 U.S.C. § 1229a, and released from ICE custody on parole on July 13, 2021, to pursue his case in the interior of the country. By statute, § 1225(b)(1) explicitly applies only to "aliens arriving in the United States" and certain aliens who "have not been admitted or paroled." 8 U.S.C. § 1225(b)(1) (emphasis added). Section 1225(b)(2)(A) cannot apply

because Petitioner was not seeking admission when ICE re-arrested him on June 5, 2026: he was not presenting himself at a port of entry or making any contemporaneous effort to enter the United States; he was detained following a traffic stop in the interior. That is precisely the circumstance the Eleventh Circuit addressed: "neither Petitioner was seeking lawful entry into the United States after inspection by an immigration officer when he was arrested," and "neither Petitioner was pursuing any object, let alone 'lawful entry,' when he was detained following a traffic stop." *Hernandez Alvarez*, 175 F.4th at 1262. The same is true of Petitioner. The Government cannot transform a noncitizen whom it screened, found to have a credible fear of persecution, and released on parole five years ago into a present-tense border-seeker by the mere act of re-arresting him in the interior. See *Ernazarov*, ECF No. 12 at 3; *Navarrete*, slip op. at 13.

The practical consequence of the Government's position—if accepted—would be that a noncitizen whom DHS itself apprehended and screened at the border, found to have a credible fear of persecution, placed in full removal proceedings, and released from custody on parole could be re-detained five years later without any individualized custody determination whatsoever. The Eleventh Circuit rejected precisely this borderless reading of § 1225: by interpreting § 1225 to "stretch far beyond the border and ports of entry," the Government "vitiates this longstanding distinction" between border and interior detention. *Hernandez Alvarez*, 175 F.4th at 1276. This Court and others have rejected it as well. See *Ernazarov*, ECF No. 20.

B. Petitioner's Prior Release on Parole and His Re-Arrest in the Interior Confirm That § 1226(a) Governs.

Where and when a noncitizen is apprehended matters. Under *Hernandez Alvarez*, § 1225 is designed for the border and port-of-entry inspection process; it applies to individuals who are physically presenting themselves for admission, not individuals who are arrested years after entry in the interior of the country. 175 F.4th at 1276–77; accord *Hernandez Lopez*; *Hinojosa Garcia*.

Petitioner's prior release on parole does not alter that conclusion—it reinforces it. In *Ernazarov*, this Court explained that a petitioner who had been denied admission years earlier and "released on parole to live in the United States pending immigration proceedings" is "no longer 'an arriving alien seeking entry at the border'—that ship has sailed"; he was instead apprehended "within the interior." ECF No. 12 at 3. Chief Judge Winsor adopted that reasoning and rejected the Government's entry-fiction theory, holding that "[t]he government has not clearly shown the entry fiction doctrine applies under these circumstances." ECF No. 20. Courts in the Middle District of Florida have applied Hernandez Alvarez to noncitizens detained in the interior after their release. See *Mendes v. Ripa*, No. 3:26-cv-118-JEP-PDB (M.D. Fla. May 19, 2026) (reasoning of *Hernandez Alvarez* applies equally to an individual who had been paroled into the country and whose parole had since expired); *Garcia v. Warden*, No. 2:26-cv-1143-KCD-NPM, 2026 WL 1345914, at *3 (M.D. Fla. May 14, 2026) (holding § 1226(a) governs an alien stopped at the border, denied admission, and released into the interior).

Petitioner, who had been residing in California, was detained by ICE following a traffic stop near Tallahassee, processed through the Suwannee County Sheriff's Office, and confined at the Liberty County Jail in Bristol, Florida. This sequence—state or local law-enforcement contact in the interior, followed by transfer to ICE custody—is the same pattern presented in *Hernandez Alvarez*, 175 F.4th at 1263 (petitioners "were arrested by immigration authorities following two traffic stops"), and in *Ernazarov*, ECF No. 12 at 2 (petitioner encountered at the Suwannee County Jail and taken into ICE custody), and it is governed by § 1226(a). See also *Malikov v. Bondi* (Russian national detained by ICE following local police traffic stop in interior held under § 1226(a)); *Abdukarimov v. Warden* (noncitizen detained by ICE after state law enforcement contact in interior held under § 1226(a)).

C. Binding Circuit Precedent, Applied in This District, Forecloses the Government's § 1225(b)(2) Theory.

The Eleventh Circuit's published decision in *Hernandez Alvarez* is binding on this Court, and this Court has already applied it. *Ernazarov*, ECF No. 12 at 4 ("The Eleventh Circuit's opinion in Hernandez Alvarez is binding authority on this Court."). To the extent the Government suggests that any withholding of the mandate in *Hernandez Alvarez* limits its precedential force, this Court has already rejected that suggestion. *Id.* at 4 n.1 (citing *Martin v. Singletary*, 965 F.2d 944, 945 n.1 (11th Cir. 1992), and 11th Cir. IOP—Cir. R. 36.2, and explaining that a published opinion is binding unless and until it is reversed, overruled, vacated, or otherwise modified, and that a stay of the mandate does not affect the duty of the courts in this circuit to apply its precedent now). Courts in this Circuit have continued to apply *Hernandez Alvarez* as binding. On July 2, 2026, the Middle District of Florida granted habeas relief in three separate cases and ordered a § 1226(a) bond hearing or release within seven days in each—expressly recognizing "the precedential authority of *Hernandez Alvarez*" notwithstanding the presiding judge's disagreement with the majority opinion. See *Cortes Hernandez v. Noem*, No. 3:26-cv-234-WWB-PDB, 2026 WL 1900262 (M.D. Fla. July 2, 2026); *Reyes Gutierrez v. Woodall*, No. 3:26-cv-323-WWB-MCR, 2026 WL 1900264 (M.D. Fla. July 2, 2026); *Navarro-Zaldivar v. Woodall*, No. 3:26-cv-196-WWB-PDB, 2026 WL 1900259 (M.D. Fla. July 2, 2026). The decisions of the Middle and Southern Districts of Florida are in accord: noncitizens who entered the United States, whether by parole or without inspection, were released into the interior, established residence, and were thereafter detained by ICE in the interior are governed by § 1226(a). The Government has no valid basis to depart from this framework in this Court.

In *Abdukarimov*, decided on April 9, 2026, the Southern District of Florida rejected the Government's expansive reading of § 1225 and granted habeas relief, ordering a bond hearing

within five days or release. The Seventh Circuit has found in a preliminary determination that the Government's argument that interior detainees are subject to mandatory detention under § 1225(b)(2)(A) is not likely to succeed on the merits. *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1060–61 (7th Cir. 2025) (preliminary stay-pending-appeal determination in a class action concerning warrantless arrests by the ICE Chicago Field Office).

II. IN THE ALTERNATIVE, THE COURT SHOULD ORDER AN INDIVIDUALIZED BOND HEARING WITHIN FIVE DAYS AT WHICH THE GOVERNMENT BEARS THE BURDEN OF CLEAR AND CONVINCING EVIDENCE.

A. Bond Hearing as Alternative Relief.

Should this Court conclude that immediate release is not appropriate at this stage, the established remedy in Florida federal courts is a prompt § 1226(a) bond hearing at which the Government bears the burden of proof. In *Ernazarov*, this Court ordered the Government either to provide an individualized bond hearing pursuant to § 1226(a) within seven days or to release the petitioner. ECF No. 20. In *Malikov*, the Middle District of Florida ordered Respondents to either bring the petitioner before an immigration judge for an individualized bond hearing or release him within ten days. In *Sibrian*, the court granted habeas relief and directed that the petitioner receive the process required by § 1226. In *Hernandez Lopez*, *Hinojosa Garcia*, and *Vasquez Carcamo*, the courts granted habeas relief entitling petitioners to bond hearings as a matter of right under § 1226(a). Petitioner requests a hearing within five business days of this Court's order.

Should this Court order a bond hearing, it should further specify that the Government bears the burden of proving by clear and convincing evidence both that Petitioner poses a flight risk or danger to the community and that no alternative conditions of supervision would adequately mitigate those risks. See *Mathews*, 424 U.S. at 334–35. The Government has classified Petitioner as subject to mandatory detention without any individualized assessment. Imposing the burden

upon the Government at the bond hearing is necessary to remedy the deprivation of process Petitioner has already suffered.

B. This Court's Habeas Authority Is Independent of Any Administrative Framework.

This petition is an independent action brought pursuant to 28 U.S.C. § 2241 on behalf of Petitioner individually. Any class action proceedings or administrative agency rules that may otherwise affect similarly situated noncitizens do not impair this Court's authority to grant individual habeas relief to Petitioner. This Court retains full and independent authority to grant relief to Petitioner through the ordinary habeas corpus process, finding as a matter of law that Petitioner's detention violates the INA and the Fifth Amendment.

III. PETITIONER'S CONTINUED DETENTION WITHOUT ANY HEARING INDEPENDENTLY VIOLATES THE FIFTH AMENDMENT DUE PROCESS CLAUSE.

Even setting aside the statutory framework, Petitioner's continued civil detention without any individualized hearing violates the Fifth Amendment. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690. Civil immigration detention is among the most severe deprivations of liberty. *United States v. Salerno*, 481 U.S. 739, 748–49 (1987). Petitioner has received no process—no hearing, no individualized assessment, no finding that he poses a flight risk or danger. This procedural void is constitutionally impermissible regardless of which detention statute technically applies.

Applying the *Mathews* balancing test: (1) Petitioner's private interest is his physical liberty, the most fundamental liberty interest recognized by American law; (2) the risk of erroneous deprivation is high, given that the Eleventh Circuit and courts across the country have held that the Government's § 1225(b)(2) classification of similarly situated individuals is unlawful, and

given that Petitioner has a documented history of compliance, was found to have a credible fear of persecution, and has no criminal convictions in the United States; and (3) the Government's interest in administrative convenience does not override the constitutional requirement of process where liberty is at stake. *Mathews*, 424 U.S. at 334–35; *Navarrete*, slip op. at 15 (applying *Mathews* to parolee; finding first two factors weigh heavily in petitioner's favor). Applying *Mathews*, all three factors weigh decisively in Petitioner's favor. His ongoing confinement without any hearing constitutes an unreasonable deprivation of liberty requiring either immediate release or a bond hearing at which the Government bears the burden. *Zadvydas*, 533 U.S. at 699.

Florida federal courts have granted habeas relief to noncitizens detained without any meaningful opportunity to contest their detention. See *Ernazarov*, ECF No. 20; *Abdukarimov*, slip op. at 2–5. This Court should reach the same conclusion.

IV. ADVERSE AUTHORITY DOES NOT PRECLUDE RELIEF IN THIS COURT.

The Government may cite *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026), or *Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026), which upheld mandatory detention under § 1225(b)(2)(A) for noncitizens who entered without inspection. Neither decision is binding in the Eleventh Circuit, and both are now displaced in this Circuit by *Hernandez Alvarez*, which considered and rejected their reasoning. The Eleventh Circuit expressly acknowledged the circuit split, noting that four other circuits had "reach[ed] well-reasoned yet distinctly contrary conclusions," and nonetheless held that § 1226(a)—not § 1225(b)(2)—governs the detention of unadmitted noncitizens found in the interior. 175 F.4th at 1261–62. Before *Hernandez Alvarez* issued, Florida district courts had already declined to follow that contrary out-of-circuit authority. See *Malikov v. Bondi*, No. 2:26-cv-00172-SPC-NPM, slip op. at 3 n.1 (M.D. Fla. Feb. 12, 2026) (declining to follow *Buenrostro-Mendez* as contrary to the vast majority of district court opinions);

Abdukarimov v. Warden, Krome North Serv. Processing Ctr., No. 1:26-cv-22193-KMW, slip op. at 6 n.4 (S.D. Fla. Apr. 9, 2026). That question is now settled in this Circuit by binding precedent.

Petitioner stands in the same posture as the prevailing petitioners in *Hernandez Alvarez*, who likewise entered without inspection and were arrested in the interior following traffic stops. If anything, Petitioner's claim to § 1226(a) treatment is stronger. Unlike the *Hernandez Alvarez* petitioners, Petitioner was apprehended and screened by DHS at the time of his 2021 entry, was found by an asylum officer to have a credible fear of persecution, was placed in § 1229a removal proceedings, and was affirmatively released from ICE custody on parole—the very circumstance this Court found dispositive in *Ernazarov*, ECF No. 12 at 3. Moreover, the fact that the *Hernandez Alvarez* petitioners had been denied bond by immigration judges in reliance on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), did not prevent the Eleventh Circuit from affirming habeas relief. 175 F.4th at 1263–64. The Seventh Circuit—which governed proceedings arising in that circuit—has likewise found in a preliminary determination that the Government's reading of § 1225(b)(2) is "unlikely to succeed on the merits." *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1060–61 (7th Cir. 2025) (preliminary stay-pending-appeal determination in a class action concerning warrantless arrests by the ICE Chicago Field Office).

The Government may also invoke *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), arguing that immigration judges lack jurisdiction to conduct § 1226(a) bond hearings for noncitizens in Petitioner's posture. The Eleventh Circuit's decision in *Hernandez Alvarez* forecloses that argument: the petitioners there had been denied bond in reliance on *Yajure Hurtado*, and the court nonetheless held that § 1226(a) governs and affirmed habeas relief. 175 F.4th at 1263–64. Florida federal courts have likewise declined to give effect to *Yajure Hurtado*, granting habeas relief and ordering bond hearings notwithstanding the Government's reliance on that

decision. See *Malikov*, slip op. at 2–4; *Sibrian v. Hardin*, No. 2:26-cv-00174-KCD-NPM, slip op. at 4–5 (M.D. Fla. Feb. 24, 2026). Following *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 394 (2024), this Court owes no deference to the BIA's statutory interpretation and must exercise independent judgment in interpreting the INA. The BIA's interpretive position cannot override this Court's independent habeas authority to grant relief.

CLAIMS

CLAIM ONE

Detention Violates the Immigration and Nationality Act (INA)

Petitioner incorporates by reference the allegations set forth in all preceding paragraphs.

The Government is unlawfully detaining Petitioner pursuant to 8 U.S.C. § 1225(b)(2), despite the fact that § 1225(b)(2) does not govern Petitioner's detention. Petitioner entered the United States near Calexico, California, in May 2021, was apprehended and screened by DHS, was found by an asylum officer to have a credible fear of persecution, and was placed in removal proceedings under 8 U.S.C. § 1229a. He was released from ICE custody on parole on July 13, 2021, filed a Form I-589 Application for Asylum and Withholding of Removal with the Immigration Court on October 27, 2021, obtained employment authorization, and resided in California until his re-detention. He was not apprehended at a port of entry or during any contemporaneous effort to enter the country. Under binding Eleventh Circuit precedent, and the overwhelming weight of persuasive authority from Florida and national courts, individuals who were not apprehended while seeking admission at the border and who were released into the interior of the United States are detained, if at all, under 8 U.S.C. § 1226(a), which provides for discretionary custody and guarantees the right to an individualized bond hearing before a neutral

decisionmaker. See *Hernandez Alvarez*, 175 F.4th 1258; *Ernazarov*, ECF No. 20; *Malikov v. Bondi*; *Abdukarimov v. Warden*; *Navarrete v. Noem*.

Because Petitioner is not subject to detention under § 1225(b)(2), his continued detention without access to an individualized bond hearing violates the INA, exceeds the Government's statutory detention authority, and is unlawful. Petitioner is entitled to habeas relief, including immediate release, or, in the alternative, a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a).

CLAIM TWO

Violation of the Due Process Clause of the Fifth Amendment

Petitioner incorporates by reference the allegations set forth in all preceding paragraphs.

Petitioner's continued detention without a bond hearing or individualized determination of flight risk or danger violates the Due Process Clause of the Fifth Amendment. The Government asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), even though he was screened by DHS in May 2021, found by an asylum officer to have a credible fear of persecution, released from custody on parole in July 2021, applied for asylum before the Immigration Court, obtained employment authorization, was not apprehended at the border while seeking admission, and has no criminal convictions in the United States.

Treating Petitioner as an 'applicant for admission' subject to mandatory detention without any procedural safeguards is arbitrary, punitive, and contrary to the basic guarantees of due process. Even where the Government possesses authority to detain individuals for immigration purposes, such detention must bear a reasonable relation to its asserted purpose and be accompanied by adequate procedural protections. See *Demore v. Kim*, 538 U.S. at 531.

As the Supreme Court explained in *Zadvydas*, 533 U.S. at 690, freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause. The Due Process Clause of the Fifth Amendment extends to all persons within the United States, including noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

The *Mathews* balancing test confirms that Petitioner is entitled to a bond hearing at minimum. *Mathews*, 424 U.S. at 334. Petitioner's liberty interest is at its highest; the risk of erroneous deprivation is high given binding Eleventh Circuit precedent and national authority against § 1225(b)(2) classification of interior detainees who were released on parole, *Hernandez Alvarez*, 175 F.4th at 1261–62; *Ernazarov*, ECF No. 20; and the Government's administrative interest does not override constitutional commands where, as here, the statutory basis for detention has been rejected by the controlling Court of Appeals and courts across the country. See *Navarrete*, slip op. at 14–16 (applying *Mathews* and ordering immediate release of parolee).

Accordingly, Petitioner's continued detention violates the Fifth Amendment, and this Court should grant habeas relief and order Petitioner's immediate release, or, at a minimum, a prompt bond hearing at which the Government bears the burden of proving by clear and convincing evidence that continued detention is justified and that no less-restrictive alternatives exist.

CLAIM THREE

Violation of the Suspension Clause of the U.S. Constitution

Petitioner incorporates by reference all preceding paragraphs. The Suspension Clause, U.S. Const. art. I, § 9, cl. 2, guarantees 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.'

Petitioner's continued detention without access to a meaningful mechanism to challenge the legality of his custody violates this constitutional guarantee.

The Supreme Court has long held that habeas relief remains available to noncitizens seeking to challenge unlawful executive detention. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). The writ cannot be withdrawn where, as here, the Executive detains an individual without statutory authority and without due process safeguards. See *Boumediene v. Bush*, 553 U.S. 723, 771 (2008).

Because the Government has invoked § 1225(b)(2) to assert mandatory detention while simultaneously foreclosing bond jurisdiction before the Immigration Court under *Matter of Yajure Hurtado*, Petitioner's only meaningful remedy is through this Court's habeas jurisdiction under 28 U.S.C. § 2241. Denial of this petition would constitute an effective suspension of the writ as to Petitioner. This Court must therefore exercise jurisdiction and grant relief.

PRIMARY RELIEF REQUESTED: IMMEDIATE RELEASE

Petitioner respectfully submits that the appropriate and primary remedy in this proceeding is his immediate release from custody—not merely an order directing Respondents to conduct a bond hearing. The statutory predicate for Petitioner's detention—§ 1225(b)(2)—is inapplicable under binding Eleventh Circuit precedent and the substantial weight of authority from Florida's federal district courts and courts across the country. *Hernandez Alvarez*, 175 F.4th 1258; *Ernazarov*, ECF No. 20. Petitioner was apprehended and screened by DHS in 2021, found by an asylum officer to have a credible fear of persecution, released from ICE custody on parole, complied with the conditions of his release and his immigration proceedings, applied for asylum in a timely manner, obtained employment authorization, and has no criminal convictions of any kind in the United States. Where, as here, the Government has no valid statutory basis for detention and has provided

no individualized finding of flight risk or danger whatsoever, immediate release is the appropriate remedy. See *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973); *Navarrete v. Noem*, No. 3:26-cv-00320-KM (M.D. Pa. Feb. 26, 2026) (ordering immediate release of parolee in analogous procedural posture).

Immediate release is warranted because the Government has neither statutory authority nor individualized justification for this detention. Petitioner has demonstrated through five years of conduct since his release on parole that he poses no flight risk and no danger to the community. He was found to have a credible fear of persecution, applied for asylum, and appeared in his removal proceedings for years before being re-detained. He completed his biometrics, kept the Immigration Court apprised of his address, and obtained employment authorization. He has no in-absentia removal order and no criminal convictions. His pending, credible-fear-supported asylum claim provides a powerful incentive to remain and seek relief through lawful channels. The Government has never alleged—and cannot allege—that any individualized basis for detention exists. Petitioner is not a flight risk. Petitioner is not a danger to the community.

The combined effect of (a) the substantial weight of authority in Florida and nationally establishing that § 1225(b)(2) does not govern Petitioner's detention; and (b) the BIA's position under *Matter of Yajure Hurtado* foreclosing bond jurisdiction before the Immigration Court, is that there is no administrative forum in which Petitioner can meaningfully obtain relief. The only avenue available to Petitioner is this Court's independent habeas authority under 28 U.S.C. § 2241. This Court should exercise that authority to remedy unlawful detention directly and order Petitioner's immediate release under reasonable conditions of supervision. See *Zadvydas*, 533 U.S. at 699; *Preiser*, 411 U.S. at 484; *Navarrete*, slip op. at 15 (ordering immediate release; finding that

where the Government lacks statutory authority to detain and has made no individualized showing, release—not a bond hearing—is the appropriate remedy).

ALTERNATIVE RELIEF: INDIVIDUALIZED BOND HEARING

Should this Court determine, in its discretion, that immediate release is not warranted at this stage, Petitioner respectfully requests—as alternative and secondary relief—that the Court order Respondents to provide a constitutionally adequate, individualized bond hearing before a neutral Immigration Judge within five (5) business days of this Court's order. See *Ernazarov*, ECF No. 20 (ordering bond hearing within seven days or release for previously paroled noncitizen detained at the same facility); *Malikov v. Bondi* (ordering bond hearing within ten days or release); *Abdukarimov v. Warden*, No. 1:26-cv-22193-KMW (S.D. Fla. Apr. 9, 2026) (ordering bond hearing within five days or release); *Sibrian v. Hardin*, No. 2:26-cv-00174-KCD-NPM (M.D. Fla. Feb. 24, 2026) (granting habeas relief under § 1226(a)).

Should this Court order a bond hearing, it must further specify that the burden of proof rests entirely and exclusively upon Respondents. The Government must demonstrate by clear and convincing evidence—not by a preponderance, and not by categorical assertion—that Petitioner poses a danger to the community or a risk of flight, and that no less-restrictive conditions of supervision would adequately mitigate any identified risk. *Mathews*, 424 U.S. at 334–35; *Zadvydas*, 533 U.S. at 690. The Government must come forward with concrete, individualized evidence—not generalized assumptions applicable to all noncitizens in removal proceedings, not speculation about the outcome of his pending asylum application, and not categorical reliance on immigration status alone. The strong presumption of release, established by Petitioner's five years of compliance since his release on parole, his employment authorization, his pending asylum

claim, and the complete absence of any individualized finding of risk, must be overcome by the Government by clear and convincing evidence or Petitioner must be released.

Should Respondents fail either to provide such a hearing within the five-day period ordered by this Court, or fail to carry their burden of proof by clear and convincing evidence at such a hearing, Petitioner must be immediately released from custody. This Court retains continuing jurisdiction to enforce its order and to ensure compliance.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
2. Issue an Emergency Order prohibiting Respondents from transferring Petitioner outside this judicial district during the pendency of these proceedings;
3. Grant the Petition for a Writ of Habeas Corpus and hold that Petitioner's continued detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;
4. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from immigration detention under reasonable conditions of supervision;
5. In the alternative, should the Court determine that release is not immediately warranted, order Respondents to provide Petitioner with a constitutionally adequate individualized bond hearing within five (5) business days, at which the Government bears the burden of proving dangerousness or flight risk by clear and convincing evidence;
6. Order that if Respondents fail to provide such a hearing within the specified time, or fail to meet their burden of proof, Petitioner must be immediately released from custody;

7. Temporarily enjoin the Government from re-detaining Petitioner unless they first demonstrate by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker that Petitioner is a flight risk or danger to the community;
8. If the Government pursues re-detention, order that it must first provide Petitioner with a bond hearing at which a neutral immigration judge shall determine whether detention is warranted pending the resolution of his removal proceedings;
9. Upon Petitioner's release, order Respondents to return all of Petitioner's personal belongings confiscated upon his detention, including identification documents; and
10. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on July 7, 2026.

/s/ Harun Taskin

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ATTORNEY FOR PETITIONER

28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have reviewed the relevant documentation of the events described in this Petition that was reasonably available to me prior to and at the time of filing. Based on those documents and on discussions with individuals whom the Petitioner authorized to speak on his behalf, I hereby verify that the statements made in this Petition are true and correct to the best of my knowledge.

Respectfully submitted on July 7, 2026.

/s/ Harun Taskin

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