IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KRISTYN MARTIN RODRIGUEZ BONILLA,
A# [redacted],

Petitioner,

v.

LEONARD ODDO, in his official capacity as Facility Administrator of the Moshannon Valley Processing Center; TODD BLANCHE, in his official capacity as Attorney General of the United States; and MARKWAYNE MULLIN, in his official capacity as Secretary of Homeland Security,

Respondents.

Civil Action No. 3:26-cv-01650

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

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Kristyn Martin Rodriguez Bonilla, through undersigned counsel, petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 and states as follows:

INTRODUCTION

1. This Petition challenges Petitioner's present civil immigration detention under the wrong statutory framework and without a meaningful individualized determination that detention is necessary. DHS previously released Petitioner under 8 U.S.C. § 1226, Petitioner remained at liberty for nearly five years, and the present record identifies neither criminal conduct nor any violation of release. The Petition therefore does not depend upon the present status of Petitioner's confidential derivative T-family application.

2. Petitioner is a twenty-one-year-old native and citizen of Nicaragua. He entered the United States as a seventeen-year-old minor in October 2021, was placed in ordinary removal proceedings, and was released by DHS on his own recognizance under section 236 of the Immigration and Nationality Act, 8 U.S.C. § 1226.

3. Petitioner remained at liberty for nearly five years under that release order. The present record reflects no criminal arrest, charge, or conviction and no allegation that he violated a condition of release.

4. The family provided counsel a USCIS receipt showing that USCIS received a Form I-914, Supplement A, filed for Petitioner as a family member of a T-1 recipient on October 22, 2022. The receipt establishes the filing but not its present status. Counsel does not presently know whether

USCIS has granted, denied, or otherwise resolved the application and cannot independently verify its status through ordinary channels because T-visa records are protected by statutory confidentiality restrictions. Any allegation of present pendency is therefore made only on information and belief. Petitioner also has a pending application for asylum and related protection, received by USCIS on April 12, 2024.

5. On May 20, 2026, the United States District Court for the Central District of California preliminarily certified a nationwide Pending Petition Class consisting of all persons with pending principal or derivative U-visa petitions, T-visa petitions, or VAWA self-petitions whom ICE detains or seeks to detain for civil immigration enforcement. Immigration Center for Women & Children v. Noem, No. 2:25-cv-09848-AB-AS, 2026 WL 1455004, at *39 (C.D. Cal. May 20, 2026), appeal docketed, No. 26-3961 (9th Cir. June 22, 2026) ("ICWC").

6. The ICWC court stayed ICE Policy No. 11005.4, including its rescission of ICE's prior victim-centered enforcement policies, in favor of the members of all three certified classes. Id. at *40. On July 28, 2026, the court denied the Government's request to stay that relief pending appeal. ICWC, ECF No. 88 (C.D. Cal. July 28, 2026). The nationwide stay therefore remains operative.

7. The ICWC theory is pleaded as an additional and expressly alternative ground for relief. If the derivative T-family application remains pending, as alleged only on information and belief, Petitioner falls within the plain terms of the Pending Petition Class because ICE has detained him for civil immigration enforcement. If USCIS has already resolved that application, Petitioner's statutory and due-process challenges to detention remain independently sufficient.

8. The restored policies require ICE to treat a pending victim-based petition as a substantial favorable factor and provide that, absent serious adverse factors such as national-security concerns or evidence of serious criminal history, favorable discretion—including release from detention—generally is appropriate. ICWC, 2026 WL 1455004, at *5-6.

9. No serious adverse factor appears in Petitioner's record. His present detention is unlawful because it rests on the wrong statutory framework and lacks a meaningful individualized custody determination. If the derivative T-family application remains pending, the detention is additionally inconsistent with ICWC and the restored policies.

10. The Department of Homeland Security has charged Petitioner as a person present in the United States who was not admitted or paroled. His Notice to Appear does not designate him as an arriving alien.

11. Under 8 U.S.C. § 1226(a), a person arrested and detained pending a decision in ordinary removal proceedings is subject to discretionary detention and may be released on bond or conditional parole.

12. EOIR nevertheless treats Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025), and Matter of Q. Li, 29 I. & N. Dec. 66 (BIA 2025), as controlling decisions that deprive Immigration Judges of authority to provide bond to persons situated like Petitioner.

13. A judge of this Court has already concluded that because Matter of Q. Li and Matter of Yajure Hurtado control Immigration Judges and EOIR, any request for bond or release before filing a habeas petition would have been denied at the administrative level. Miranda Bravo v. Charles, No. 3:26-cv-00952-AJS, ECF No. 11, at 4 (W.D. Pa. July 22, 2026).

14. Respondents therefore cannot defend this detention by asserting both that EOIR lacks authority to provide bond and that Petitioner was required to exhaust a bond remedy before EOIR. There is no meaningful administrative remedy to exhaust.

15. Immediate release is warranted because DHS previously released Petitioner under § 1226, the record reflects nearly five years of compliance, and Respondents have supplied no individualized basis for finding detention necessary. The unrebutted sworn declaration of former ICE counsel Jorge E. Artieda further describes a systematic post-habeas practice in which Immigration Judges deny bond through categorical and pretextual rationales, making the hearings illusory rather than genuine individualized adjudications. Declaration of Jorge E. Artieda, Briceno Solano v. Mason, No. 2:26-cv-00045, ECF No. 24-1 (S.D.W. Va. Jan. 29, 2026) ("Artieda Declaration") (Exhibit 7). If Petitioner's derivative T-family application remains pending, ICWC supplies an additional ground for release.

16. At minimum, if the Court does not order immediate release, it should order a prompt, full, fair, and complete bond hearing before a neutral decisionmaker possessing actual authority to release Petitioner and operating under enforceable constitutional safeguards.

JURISDICTION AND VENUE

17. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under or by color of the authority of the United States and contends that his custody violates the Constitution and laws of the United States.

18. This Court also has federal-question jurisdiction under 28 U.S.C. § 1331.

19. The Suspension Clause, U.S. Const. art. I, § 9, cl. 2, preserves habeas review of the legality of Petitioner's physical confinement.

20. Petitioner is physically detained at the Moshannon Valley Processing Center in Clearfield County, Pennsylvania, within the Western District of Pennsylvania.

21. Venue is proper in this District because Petitioner's immediate physical custodian is located here and Petitioner is confined here. See

Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004); Braden v. 30th Judicial Cir. Ct., 410 U.S. 484, 493-500 (1973).

22. This action principally challenges Petitioner's detention under the wrong statutory framework and the absence of constitutionally adequate custody process. It additionally challenges ICE's disregard of the operative nationwide stay only if Petitioner's derivative T-family application remains pending, as alleged on information and belief. It does not seek review of a final order of removal.

PARTIES

23. Petitioner Kristyn Martin Rodriguez Bonilla is a native and citizen of Nicaragua, A# [redacted]. He is presently detained at the Moshannon Valley Processing Center.

24. Respondent Leonard Oddo is the Facility Administrator of the Moshannon Valley Processing Center and is sued in his official capacity as Petitioner's immediate physical custodian. If another person occupies that office while this action is pending, substitution occurs automatically pursuant to Federal Rule of Civil Procedure 25(d).

25. Respondent Todd Blanche is the Attorney General of the United States and is sued in his official capacity. The Attorney General supervises the Executive Office for Immigration Review. If another person occupies that office while this action is pending, substitution occurs automatically pursuant to Federal Rule of Civil Procedure 25(d).

26. Respondent Markwayne Mullin is the Secretary of Homeland Security and is sued in his official capacity. The Secretary is responsible for DHS and the immigration detention authority exercised over Petitioner. If another person occupies that office while this action is pending, substitution occurs automatically pursuant to Federal Rule of Civil Procedure 25(d).

FACTUAL ALLEGATIONS

27. Petitioner was born on [redacted], in Nicaragua.

28. Petitioner entered the United States on or about October 21, 2021, at or near El Paso, Texas, without inspection. He was seventeen years old.

29. DHS placed Petitioner in removal proceedings under INA § 240 and charged him under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as present without admission or parole. His NTA classifies him as a person present in the United States who has not been admitted or paroled; it does not classify him as an arriving alien. A copy of the NTA is attached as Exhibit 2.

30. On October 22, 2021, DHS released Petitioner on his own recognizance under INA § 236, 8 U.S.C. § 1226, subject to reporting and other conditions. Petitioner's prior release records are attached as Exhibit 5.

31. Petitioner remained at liberty under DHS supervision for nearly five years. The present record contains no allegation that he failed to report, violated his release conditions, absconded, or committed a crime.

32. The family provided counsel a USCIS Form I-797C receipt showing that USCIS received a Form I-914, Supplement A, application for Petitioner on October 22, 2022. The receipt is attached as Exhibit 3. It identifies the case type as an application for a family member of a T-1 recipient, identifies Petitioner as the beneficiary, and identifies [redacted] as the principal applicant.

33. Counsel does not presently know whether USCIS has granted, denied, or otherwise resolved the derivative T-family application. Counsel has not been able to verify its status independently because T-visa filings and related agency records are subject to the confidentiality protections of 8 U.S.C. § 1367 and are not available through ordinary public case-status channels. The receipt itself states that it proves filing on the received date but is not evidence that the case remains pending. To preserve any protection that may still attach, Petitioner alleges present pendency only on information and belief, based on the family's records and the absence of any adjudicatory notice presently known to counsel. The age of the receipt does not establish present pendency, and no claim other than the alternative ICWC claim depends upon that allegation.

34. On April 12, 2024, USCIS received Petitioner's Form I-589 application for asylum, withholding of removal, and protection under the Convention Against Torture. USCIS issued Receipt No. [redacted]. The receipt states that the application was received and pending as of April 12, 2024. A later annual-asylum-fee receipt, dated November 7, 2025, concerns the same receipt number. The asylum receipt records are attached as Exhibit 4.

35. Petitioner's I-589 reports no criminal arrest, charge, conviction, or sentence in the United States or elsewhere.

36. Petitioner also suffers from colitis, a medical condition disclosed to ICE in counsel's August 14, 2026 Form G-28 submission.

37. By August 14, 2026, ICE had taken Petitioner back into civil immigration custody and EOIR had placed his removal case on the detained docket of the Elizabeth Immigration Court.

38. EOIR's Automated Case Information record dated August 23, 2026 states that Petitioner's removal case is pending and schedules an internet-based master-calendar hearing for August 26, 2026, before Immigration Judge Tamar H. Wilson. That record is attached as Exhibit 6. Petitioner seeks habeas relief before any purported bond proceeding because EOIR's binding precedent forecloses ordinary § 1226(a) bond jurisdiction.

39. ICE's ERO eFile system identified Petitioner by his A-number and country of citizenship and accepted undersigned counsel's appearance in Petitioner's custody matter on August 14, 2026.

40. DHS and USCIS possess the agency records necessary to determine the current status of Petitioner's confidential derivative T-family application. Unlike counsel, the Government is not dependent upon public case-status tools to determine whether its own protected filing remains pending. Before detaining Petitioner, ICE knew or readily could determine through authorized review whether the alternative ICWC protections applied.

41. DHS has not provided Petitioner a custody determination by a neutral adjudicator possessing undisputed authority to order release.

42. DHS has not provided an individualized written explanation establishing that Petitioner presents a danger or flight risk that cannot be addressed by conditions. DHS also has not stated that it checked the current status of Petitioner's derivative T filing or, if the application remains pending, explained how detention complies with the operative ICWC stay.

43. Under EOIR's presently controlling interpretation, an Immigration Judge would deny jurisdiction under Matter of Yajure Hurtado and Matter of Q. Li rather than conduct a bond hearing under § 1226(a).

THE ALTERNATIVE ICWC CLASSWIDE THEORY

44. ICWC challenges ICE Policy No. 11005.4, issued January 30, 2025, which rescinded prior policies governing enforcement against known beneficiaries of victim-based immigration benefits and persons with pending applications or petitions for those benefits.

45. The ICWC court found that the 2025 Guidance changed ICE's posture from generally refraining from enforcement in deference to pending victim-based petitions to enforcement despite those petitions. 2026 WL 1455004, at *1.

46. The court preliminarily certified a nationwide Pending Petition Class encompassing '[a]ll individuals with pending principal or derivative U visa petitions, T visa petitions, or VAWA self-petitions who ICE detains or seeks to detain for civil immigration enforcement.' Id. at *39.

47. In the alternative, and only on information and belief, Petitioner alleges that he is a member of that class because the derivative T-family application reflected in the USCIS receipt remains pending and ICE has detained him for civil immigration enforcement. The current-status allegation is necessarily qualified for the confidentiality reasons stated above. The receipt alone does not establish present class membership.

48. Pursuant to 5 U.S.C. § 705, the ICWC court stayed the 2025 Guidance, including its rescission of the prior policies, in favor of all members of the Pending Petition Class. Id. at *40.

49. The restored 2011 and 2021 policies require victim-centered consideration of pending U-, T-, and VAWA-based matters and disfavor detention absent serious adverse factors. Under the 2011 Policy, absent national-security concerns or evidence of a serious criminal history, favorable discretion such as release from detention generally is appropriate. Id. at *5-6.

50. On July 28, 2026, the ICWC court denied Respondents' request to stay its order pending appeal. The nationwide class relief therefore remains in effect, including for Petitioner if his derivative T filing remains pending as alleged on information and belief.

51. If the application remains pending, Respondents may not evade the operative stay by withholding the status of a protected filing from Petitioner and counsel while detaining him without identifying a serious adverse factor, applying the restored policies, or providing a reasoned, individualized determination consistent with those policies.

52. The present record reflects no serious criminal history, national-security concern, violation of release, or other serious adverse factor. If the derivative T application remains pending as alleged on information and belief, continued detention is incompatible with the operative nationwide relief and restored enforcement framework.

EXHAUSTION

53. Section 2241 contains no statutory exhaustion requirement. The Third Circuit applies a prudential exhaustion doctrine subject to recognized exceptions where the issue presented is one of statutory construction or exhaustion would be futile. See Callwood v. Enos, 230 F.3d 627, 634, 643 (3d Cir. 2000); Vasquez v. Strada, 684 F.3d 431, 433-34 (3d Cir. 2012).

54. Exhaustion presupposes an available administrative remedy capable of granting meaningful relief.

55. EOIR has already determined through binding published precedent that Immigration Judges lack bond authority over persons whom the agency places within Matter of Yajure Hurtado and Matter of Q. Li.

56. In Miranda Bravo, a Judge of this Court concluded that because Matter of Q. Li and Matter of Yajure Hurtado are controlling on Immigration Judges and EOIR, 'any request by Petitioner for a bond hearing or release from detention prior to filing his habeas petition would have been denied at the administrative level.' No. 3:26-cv-00952-AJS, ECF No. 11, at 4 (W.D. Pa. July 22, 2026). The court therefore did not require the petitioner to pursue that futile administrative step before seeking habeas relief. The decision is attached as Exhibit 8.

57. The same reasoning applies here. A request to an Immigration Judge would not invoke an available exercise of discretion. It would produce a jurisdictional denial compelled by agency precedent.

58. An appeal to the BIA would not provide a meaningful remedy because the BIA would be asked to disregard its own published precedent.

59. Respondents cannot simultaneously contend that EOIR lacks authority to grant bond and that Petitioner was required to exhaust that nonexistent authority.

60. If Immigration Judges lack authority under Matter of Yajure Hurtado, there is no administrative remedy to exhaust. If Immigration Judges possess authority sufficient to make exhaustion meaningful, Respondents' reliance on Matter of Yajure Hurtado necessarily fails.

61. Petitioner's alternative ICWC claim likewise presents a legal question: if Government records confirm that the derivative application remains pending, whether Respondents may continue to detain a member of the Pending Petition Class while the 2025 Guidance and its rescission of prior victim-centered policies remain stayed. EOIR cannot modify, stay, or disregard the federal classwide order.

62. The USCIS receipt establishes only that a derivative T-family application was filed for Petitioner. Its present status is information uniquely within the Government's protected records. The confidentiality regime should not permit Respondents to avoid the alternative ICWC claim by withholding a status the Government itself can readily determine; nor does uncertainty concerning that status defeat Petitioner's independent statutory and due-process claims.

63. Requiring Petitioner to remain jailed while completing a predetermined administrative sequence would cause ongoing irreparable loss of liberty without advancing agency expertise, factual development, or judicial economy.

64. Exhaustion therefore does not bar this Petition.

CLAIM ONE

RESPONDENTS ARE DETAINING PETITIONER UNDER THE WRONG STATUTORY FRAMEWORK

65. Petitioner incorporates paragraphs 1 through 64.

66. Section 1226(a) governs the arrest and detention of a noncitizen 'pending a decision on whether the alien is to be removed from the United States.'

67. Petitioner's NTA commenced ordinary removal proceedings under INA § 240, 8 U.S.C. § 1229a.

68. DHS arrested Petitioner in the interior nearly five years after entry and after DHS itself had released him under INA § 236. The NTA does not classify him as an arriving alien.

69. Section 1225(b) addresses inspection and detention of applicants for admission at the threshold of entry. Applying that provision to an

interior resident arrested years after entry collapses the distinct statutory functions of §§ 1225 and 1226.

70. Section 1226(a) expressly authorizes release on bond or conditional parole pending removal proceedings.

71. Matter of Yajure Hurtado cannot eliminate authority Congress supplied in § 1226(a).

72. Respondents' continued categorical denial of access to § 1226(a) custody review violates the INA.

CLAIM TWO

ALTERNATIVELY, IF THE DERIVATIVE T-FAMILY APPLICATION REMAINS PENDING, CONTINUED DETENTION DISREGARDS THE OPERATIVE ICWC NATIONWIDE STAY

73. Petitioner incorporates paragraphs 1 through 72.

74. This claim is pleaded expressly in the alternative. On information and belief only, Petitioner alleges that he is a member of the nationwide ICWC Pending Petition Class because the derivative T-family application reflected in Exhibit 3 remains pending. Exhibit 3 proves filing, not current pendency or class membership.

75. The ICWC order stays the 2025 Guidance, including its rescission of the prior victim-centered policies, for Petitioner's class. The issuing court denied a stay pending appeal on July 28, 2026. If Respondents contend that Petitioner's application is no longer pending, that assertion should be supported through a procedure that preserves the confidentiality required by 8 U.S.C. § 1367.

76. The restored policies require individualized, victim-centered consideration and provide that release from detention generally is appropriate absent serious adverse factors.

77. Petitioner's nearly five years of compliance on recognizance, lack of criminal history, pending asylum application, family ties, and medical condition are substantial favorable factors independent of the derivative T-family filing.

78. Respondents have identified no serious criminal history, national-security concern, violation of release, or other serious adverse factor.

79. Detaining Petitioner as a routine civil enforcement measure without applying the restored policies or providing a reasoned explanation consistent with them nullifies the practical protection afforded by the operative ICWC stay.

80. If Government records confirm that the derivative T-family application remains pending, Petitioner's detention is additionally not in accordance with law under the operative ICWC relief and cannot continue on that independent ground.

CLAIM THREE

CONTINUED DETENTION WITHOUT A MEANINGFUL INDIVIDUALIZED CUSTODY DETERMINATION VIOLATES DUE PROCESS

81. Petitioner incorporates paragraphs 1 through 80.

82. Freedom from physical restraint lies at the core of the liberty protected by the Fifth Amendment.

83. Due process requires factfinding based upon the record before the decisionmaker, a meaningful opportunity to present argument, and an individualized determination of the noncitizen's interests. Abdulai v. Ashcroft, 239 F.3d 542, 549-50 (3d Cir. 2001); Kamara v. Att'y Gen., 420 F.3d 202, 211 (3d Cir. 2005).

84. Petitioner has received no individualized adjudication by a decisionmaker with undisputed authority to order release.

85. A hearing that ends at the threshold with a declaration of no jurisdiction cannot determine whether Petitioner presents a danger, a flight risk, or whether conditions can reasonably assure appearance.

86. The constitutional deficiency is compounded by evidence that post-habeas EOIR bond hearings are not operating as genuine individualized adjudications.

87. Jorge E. Artieda is a former ICE Headquarters attorney, former ICE Assistant Chief Counsel, former Special Assistant United States Attorney, and immigration practitioner with more than two decades of experience. Artieda Declaration ¶¶ 1-4 (Exhibit 7).

88. Based on personal observation of hearings, review of written decisions, communications with practitioners, and historical knowledge of bond practice, Artieda describes an abrupt and uniform shift to systematic bond denial in post-habeas cases. Id. ¶¶ 5-20.

89. Artieda identifies categorical rationales that, if consistently applied, would make bond impossible for virtually any detained person: unlawful entry, unlawful presence, unauthorized work, lack of a financial sponsor, and characterization of pending relief as speculative. Id. ¶¶ 16-26.

90. Artieda concludes that these rationales operate as pretexts rather than individualized risk assessment and that the resulting hearings appear to be illusory remedies designed to create an appearance of process while ensuring continued detention. Id. ¶¶ 26-32.

91. Where the available administrative process is structurally incapable of producing a genuine neutral custody determination, remand alone does not cure the constitutional injury.

92. Petitioner's detention without a full, fair, and effective custody determination violates the Due Process Clause.

CLAIM FOUR

IMMEDIATE RELEASE IS THE APPROPRIATE HABEAS REMEDY; ALTERNATIVELY, THE COURT SHOULD ORDER AND SUPERVISE A CONSTITUTIONALLY ADEQUATE BOND HEARING

93. Petitioner incorporates paragraphs 1 through 92.

94. Habeas corpus provides a swift and effective remedy for unlawful physical restraint.

95. Immediate release is warranted because Respondents have placed Petitioner under the wrong detention framework, denied access to a meaningful custody determination, and identified no individualized basis for re-detaining a person who apparently complied with recognizance for nearly five years. If Government records confirm that the derivative T-family application remains pending, the operative ICWC classwide stay and restored victim-centered policies provide an additional and independent basis for release.

96. Immediate release is also warranted because EOIR's current jurisdictional interpretation forecloses bond at the outset, while the Artieda Declaration provides unrebutted evidence that post-habeas hearings nominally ordered under § 1226(a) have become perfunctory proceedings producing predetermined detention.

97. Even if an Immigration Judge orders Petitioner's release, any administrative appeal would be decided by the Board of Immigration Appeals—the same tribunal that issued Matter of Q. Li and Matter of Yajure Hurtado, the precedential decisions underlying the jurisdictional rule challenged here.

98. Habeas corpus exists to provide an independent judicial remedy for unlawful executive detention. A remedy that leaves the legality of continued detention subject to the same administrative framework that produced the injury does not fully vindicate the writ.

99. A court is not required to order an empty procedure when the record establishes that the procedure cannot provide meaningful relief.

100. Petitioner therefore requests immediate release under the terms of his existing recognizance order or other reasonable conditions of supervision.

101. In the alternative, the Court should order a bond hearing within seven days and retain active jurisdiction over both the hearing and its implementation. The Court's order should prescribe the governing burden, standard of proof, permissible considerations, deadlines, record requirements, and consequence of noncompliance so that the constitutionality of Petitioner's continued detention is not returned to an uncontrolled administrative process.

102. The order should require that: (a) Respondents bear the burden of proving by clear and convincing evidence that Petitioner's continued

detention is necessary because he presently poses a danger to the community or a flight risk that cannot be adequately addressed by reasonably available conditions of release; (b) Petitioner bears no burden to prove that he should be released; (c) the decisionmaker consider each proposed condition of release, Petitioner's ability to pay, his prior compliance on recognizance, and all less restrictive alternatives; (d) if Government records confirm that the derivative T-family application remains pending, the decisionmaker meaningfully consider Petitioner's ICWC class membership and the restored victim-centered policies; (e) unlawful entry, civil immigration status, unauthorized employment, inability to produce a financial guarantor, or the pendency or asserted weakness of immigration relief may not be treated categorically as establishing danger or flight risk; and (f) detention may continue only upon individualized findings supported by the hearing record.

103. To permit effective supervision, the Court should further require a recorded hearing; disclosure to Petitioner, sufficiently before the hearing, of the evidence on which Respondents intend to rely; a written decision within twenty-four hours after the hearing stating the evidence, findings, and reasons supporting each conclusion; and filing in this action, within twenty-four hours after issuance, of the hearing record, written decision, and a notice stating whether Petitioner has been released. If Respondents do not conduct a compliant hearing within seven days, do not satisfy their burden, or do not release Petitioner within twenty-four hours after an order of release, the Court should order his immediate release under reasonable conditions. No administrative stay or appeal should suspend release required by this Court's judgment unless this Court expressly authorizes a stay. The Court should retain jurisdiction to review compliance and enforce these requirements on an expedited basis.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this action;
2. Issue the writ of habeas corpus;
3. Declare that Petitioner's detention is governed by 8 U.S.C. § 1226(a);
4. Alternatively, if Government records confirm that Petitioner's derivative T-family application remains pending, hold that Petitioner is a member of the ICWC Pending Petition Class and Respondents may not detain him in disregard of the operative nationwide stay and restored victim-centered policies;
5. Hold that exhaustion does not bar review because EOIR has already foreclosed the requested administrative relief and cannot alter or enforce the ICWC classwide order;

6. Order Petitioner's immediate release from immigration custody under his existing recognizance order or other reasonable conditions of supervision;

7. Alternatively, order Respondents to provide within seven days a full, fair, complete, and constitutionally adequate bond hearing before a neutral decisionmaker with actual authority to order release, at which Respondents bear the burden of proving by clear and convincing evidence that continued detention is necessary because Petitioner presents a danger or flight risk that cannot be adequately addressed by reasonable conditions of release, and subject to all additional safeguards stated above;

8. Require a recorded hearing, advance disclosure of Respondents' evidence, a written decision within twenty-four hours, filing of the hearing record and decision in this action, and Petitioner's release within twenty-four hours after an order of release;

9. Order that failure to conduct a compliant hearing within seven days, failure to satisfy Respondents' burden, failure to provide the required record and written findings, or failure to timely implement an order of release shall result in Petitioner's immediate release under reasonable conditions, without suspension by an administrative stay or appeal unless this Court expressly orders otherwise;

10. Retain active jurisdiction to review compliance, resolve any dispute on an expedited basis, and enforce the judgment;

11. Award costs and any fees available by law, grant such other relief as the Court deems just and proper, and provide any further relief necessary to make the writ effective.

Respectfully submitted,

Joseph Patrick Murphy

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Respondents.

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VERIFICATION

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

I, Joseph P. Murphy, Esquire, am counsel for Petitioner Kristyn Martin Rodriguez Bonilla and am authorized to act on his behalf under 28 U.S.C. § 2242. I have reviewed the foregoing Petition and the records presently available to me. Its factual allegations are true and correct to the best of my knowledge, information, and belief. The family's USCIS receipt verifies only that USCIS received the Form I-914, Supplement A, on October 22, 2022; it does not establish current pendency. I do not know whether USCIS has granted, denied, or otherwise resolved the application and cannot independently verify its status through ordinary channels because T-visa records are protected by 8 U.S.C. § 1367. Every allegation of current pendency and ICWC class membership is therefore made expressly and only on information and belief, and the Petition's other claims do not depend upon it. Petitioner's confinement at the Moshannon Valley Processing Center is alleged on the fact that he was produced via televideo from Moshannon at the last Master Hearing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 23, 2026, at Pittsburgh, Pennsylvania.

Joseph Patrick Murphy

Joseph P. Murphy, Esquire

Counsel for Petitioner