

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

Sabrina Aylen CARMONA SANCHEZ,

Petitioner,

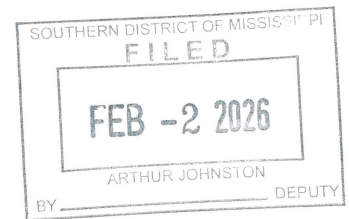
v.

RAFAEL VERGARA, Warden of Adams
County Correctional Center, BRIAN
ACUÑA, Acting Director of U.S.
Immigration and Customs Enforcement
New Orleans Field Office, TODD M.
LYONS, Acting Director of U.S.
Immigration and Customs Enforcement,
KRISTI NOEM, Secretary of the
Department of Homeland Security, and
PAMELA BONDI, U.S. Attorney General,
in their official capacities,

Respondents.

Civil Action No.:

5:26-cv-46-DCB-BWR



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

INTRODUCTION

1. Petitioner Sabrina Aylen Carmona Sanchez (“Petitioner” or “Ms. Carmona Sanchez”) is currently detained in the Adams County Correctional Center (“Adams”), a privately-run U.S. Immigration and Customs Enforcement (“ICE”) detention center in Natchez, Mississippi. She is currently in removal proceedings, where she is seeking asylum and other protection-based forms of relief from removal based on the violence, threats, and persecution she faced in her native Ecuador based on her identity as a transgender woman. She is also in the process of applying for a U Visa—a visa available to victims of certain crimes who have cooperated with law enforcement—after suffering a violent assault in New York City, as well as

a T Visa—a visa available to victims of human trafficking. Prior to her detention by ICE on or around January 3, 2026, she had been living in New York City for several years, after entering the United States without inspection in 2023. Her removal case is ongoing, and she is not subject to a final order of removal.

2. Because Ms. Carmona Sanchez is currently in full removal proceedings before an immigration judge, and because she has no criminal history that would subject her to pre-removal mandatory detention under the Immigration and Nationality Act (“INA”), her detention is governed by the INA’s discretionary pre-removal order detention provision, 8 U.S.C. § 1226(a). Yet Respondents have denied her, and many others like her, the right to seek review of their detention without having to turn to the federal courts for habeas relief. Under § 1226(a), Ms. Carmona Sanchez is statutorily eligible to be considered for release on bond or her own recognizance, but Respondents have categorically denied her an opportunity for release by misclassifying her as an “arriving alien” under 8 U.S.C. § 1225(b). Respondents have done so in defiance of hundreds of federal court rulings that this interpretation of the INA is unlawful, *see Buenrostro Mendez v. Bondi*, No. 4:25-cv-3726, 2025 WL 2886346, at *2–3 (S.D. Tex. Oct. 7, 2025), including a final class declaratory judgment that is binding on Respondents as to Ms. Carmona Sanchez. *Bautista v. Santacruz*, No. 5:25-cv-1873, 2025 WL 3713987, at *32 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom. Maldonado Bautista v. Noem*, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025).

3. Ms. Carmona Sanchez is being detained in dormitory-style housing at Adams with approximately 100 men. Prior to her detention, Ms. Carmona Sanchez was receiving gender-affirming care, including regular hormone replacement therapy and psychological counseling, at a clinic in New York City, where she resides with her partner. ICE and facility

staff at Adams have failed to provide Ms. Carmona Sanchez with hormone medications and other necessary medical care and hygiene items. Ms. Carmona Sanchez, who identifies and presents as a woman, and whose legal sex is listed as female on her government-issued identity document from Ecuador, is facing harassment and threats from other detained persons at Adams, leading her to fear for her safety. These alarming circumstances, along with Ms. Carmona Sanchez's strong community ties in the New York City area, her record of dutifully appearing for her immigration court hearings prior to her detention, her lack of criminal history, and other equities, would typically be considered by ICE or an immigration judge in deciding whether Ms. Carmona Sanchez must remain detained at the government's expense while her removal case is pending. Instead, her only recourse is to petition this Court to rectify Respondent's brazenly erroneous interpretation of the INA and vindicate her due process rights.

4. Upon filing of this Petition and payment of the required filing fee, Ms. Carmona Sanchez asks this Court to forthwith order Respondents "to show cause why the writ should not be granted . . . **within three days** unless for good cause additional time, not exceeding twenty days, is allowed," as required by statute. 28 U.S.C. § 2243 (emphasis added).

JURISDICTION AND VENUE

5. Jurisdiction is proper under 28 U.S.C. §§ 1331 (federal question), 1651 (All Writs Act), 2201-02 (declaratory relief), and 2241 (habeas corpus), and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, because Petitioner is presently in custody under or by color of the authority of the United States in violation of the Constitution and laws of the United States.

6. District courts have jurisdiction to hear habeas petitions brought pursuant to 28 U.S.C. § 2241 by individuals in ICE custody who challenge the lawfulness of their detention

under federal law. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Ali v. Dep't of Homeland Sec.*, 451 F. Supp. 3d 703, 706 (S.D. Tex. 2020).

7. Venue is proper in the Southern District of Mississippi pursuant to 28 U.S.C. §§ 1391(b) and 2241(d) because Petitioner is confined within this district, her immediate custodian is located in this district, and a substantial part of the events or omissions giving rise to her claims occurred in this district.

PARTIES

8. Petitioner Sabrina Aylen Carmona Sanchez is an Ecuadorian citizen who is currently detained in the custody of Respondents at the Adams County Correctional Center in Natchez, Mississippi. She is currently in removal proceedings, and is not subject to a final order of removal. Although Ms. Carmona Sanchez is subject to discretionary pre-final order detention under the INA, she has not been afforded the opportunity to seek release from detention on bond before an immigration judge.

9. Rafael Vergara is the Warden of the Adams County Correctional Center, an ICE detention center run by the private prison corporation CoreCivic, Inc. Accordingly, Respondent Vergara is Petitioner's immediate custodian; he is also a legal custodian of Petitioner. He is named in his official capacity.

10. Respondent Brian Acuña is the Acting Field Office Director of ICE's New Orleans Field Office, which has administrative jurisdiction over Petitioner's case and the Adams County Correctional Center. He is a legal custodian of Petitioner and is named in his official capacity.

11. Respondent Todd M. Lyons is the Acting Director of ICE, a component of the Department of Homeland Security (“DHS”) that is responsible for enforcing the nation’s immigration laws. He is a legal custodian of Petitioner and is named in his official capacity.

12. Respondent Kristi Noem is the Secretary of DHS. She is a legal custodian of Petitioner and is named in her official capacity.

13. Respondent Pamela Bondi is the Attorney General of the United States. She leads the Department of Justice, which has jurisdiction over the immigration court system and shares responsibility with DHS for enforcement of immigration laws. She is a legal custodian of Petitioner and is named in her official capacity.

FACTS

14. Sabrina Aylen Carmona Sanchez is a 41-year-old native and citizen of Ecuador.

15. Ms. Carmona Sanchez is a transgender woman. Her government-issued identity documents from Ecuador reflect that she is female.

16. Ms. Carmona Sanchez is currently detained in the Adams County Correctional Center in Natchez, Mississippi—an ICE detention center run by the private prison corporation CoreCivic, Inc.

17. Adams is the largest ICE detention center in the country, imprisoning over 2,000 people on any given day.¹ In 2021, the DHS Office of Inspector General issued a report documenting numerous violations of ICE detention standards at Adams that “threatened the health, safety, and rights of” people detained there.² Adams has also been the subject of numerous complaints of civil rights violations, inadequate healthcare, and abusive treatment,

¹ Transactional Recs. Access Clearinghouse, *Immigration Detention Quick Facts*, <https://bit.ly/4qJ5X4Z> (last visited February 2, 2026).

² Dep’t of Homeland Security, Office of the Inspector General, *Violations of ICE Detention Standards at Adams County Correctional Center* (July 14, 2021), <https://bit.ly/4hlcCbz>.

including torture.³ On December 4, 2025, a 39-year-old man was found unresponsive at Adams; he was declared dead at Merit Health Natchez hospital ten days later.⁴ His death was one of at least thirty deaths in ICE custody in 2025—the deadliest year in two decades.⁵

18. Ms. Carmona Sanchez fled her native Ecuador in or around 2011 due to violence, threats, and persecution she faced as a transgender woman. After living in Chile, she migrated to the United States in 2023. Ms. Carmona Sanchez fears returning to both Ecuador and Chile due to her identity as a transgender woman.

19. On November 15, 2023, Ms. Carmona Sanchez was apprehended by immigration authorities in California shortly after crossing the border. She was taken to the hospital for emergency medical care and then briefly held in Customs and Border Protection (“CBP”) custody. She was issued a Notice to Appear in immigration court and released on her own recognizance from CBP custody the next day. *See* Exhibit 1, Notice to Appear and Order of Release on Recognizance.

20. Upon information and belief, Ms. Carmona Sanchez did not receive a credible fear interview even though she informed CBP officials that she was afraid to return to Ecuador.

21. In the Notice to Appear, DHS charged Ms. Carmona Sanchez as removable under Section 212(a)(6)(1) of the INA (8 U.S.C. § 1182(a)(6)(i)) as a noncitizen “present in the United States without being admitted or paroled, or who arrived in the United States at any time or place

³ *See, e.g.*, Physicians for Hum. Rts. et al., *Deadly Failures: Preventable Deaths in U.S. Immigration Detention* 9 (2024), <https://bit.ly/3WE6yqQ> (reporting detained person who died of heart attack at Adams who was not discovered by staff until 45 minutes after his heart attack); *id.* at 17 (reporting two deaths at Adams between 2017 and June 2024); Scott Hawkins, *SPLC files complaint against Adams County Correctional Facility, ICE, alleging inmate abuse*, THE NATCHEZ DEMOCRAT (Oct. 28, 2020), <https://bit.ly/4qPpy3E>; Alissa Zhu, *‘Treated like hell’: Mississippi ICE detainees say they don’t get enough food, medical care*, CLARION LEDGER (Dec. 20, 2019), <https://bit.ly/4i1TbLb>.

⁴ Nick Judin, *Nicaraguan Man in ICE Custody Dies in Mississippi Hospital*, MISSISSIPPI FREE PRESS (Dec. 24, 2025), <https://bit.ly/4a8h1RN>.

⁵ Ted Hesson and Susan Heavey, *Four died in ICE custody this week as 2025 deaths reach 20-year high*, REUTERS (Dec. 19, 2025), <https://bit.ly/3NND0WY>.

other than as designated by the Attorney General,” and ordered her to appear in immigration court in New York City in August 2024. Ex. 1 at 3.

22. After she was released from CBP custody, Ms. Carmona Sanchez moved to Queens, New York City, where she continued to live until her current detention.

23. Ms. Carmona Sanchez dutifully attended all of her scheduled hearings before the immigration judge in New York.

24. She filed *pro se* applications for asylum and other protection-based forms of relief from removal and later obtained immigration counsel to assist with these pending applications.

25. Ms. Carmona Sanchez has been receiving gender affirming healthcare, including hormone replacement therapy, for more than twenty years. She identifies and presents as a woman, and her government-issued identity documents from Ecuador list her legal sex as female.

26. In December 2023, soon after arriving in New York City, Ms. Carmona Sanchez began receiving gender-affirming care at the Community Healthcare Network clinic in New York. She was prescribed oral hormone replacement therapy medications, which she was taking regularly up until her current detention. She also received regular psychological counseling, and underwent hair removal and several gender-affirming surgeries in New York. Prior to her detention, Ms. Carmona Sanchez had recently been informed by her medical team that she would be scheduled for another gender affirming surgery sometime this spring.

27. In December 2023, Ms. Carmona Sanchez was the victim of a violent assault in Brooklyn, New York. The assailant pointed a gun at her, threatened to rape her, and beat her up. The New York Police Department (“NYPD”) and emergency medical personnel responded to the incident. Ms. Carmona Sanchez was taken to a hospital to treat her injuries. She gave a detailed

report to NYPD officials, who certified her as a victim of a qualifying crime for the purposes of applying for a U Visa—a type of visa available to victims of crime who cooperate with law enforcement investigations.⁶ With the assistance of her current pro bono immigration counsel at Sanctuary for Families, a New York-based nonprofit organization, Ms. Carmona Sanchez is in the process of preparing her U Visa petition for submission to U.S. Citizenship and Immigration Services. Ms. Carmona Sanchez’s immigration attorneys are also preparing a petition for a T Visa, a type of visa available to victims of human trafficking.⁷

28. On January 3, 2026, Ms. Carmona Sanchez was arrested by local law enforcement at a hotel in Long Island, New York. To her knowledge, she was not charged with any crime. Instead of being released from local law enforcement custody, she was transferred to ICE custody.

29. Once in ICE custody, Ms. Carmona Sanchez was transported around New York City and then to New Jersey, where she was loaded onto a plane along with other people detained by ICE.

30. On December 16, 2025, Ms. Carmona Sanchez had undergone surgery on her face and hairline. She still had stitches at the time she was detained by ICE. Her doctors told her that it was not safe for her to fly during her recovery from the operation. Ms. Carmona Sanchez informed ICE officials of this fact, but they loaded her onto a plane anyway.

⁶ See 8 U.S.C. § 1101(a)(15)(U) (listing criteria for U Visa eligibility); see also U.S. Citizenship & Immigr. Serv., *Victims of Criminal Activity: U Nonimmigrant Status* (last updated Dec. 22, 2025), <https://bit.ly/3NI5pNT>.

⁷ See 8 U.S.C. § 1101(a)(15)(T) (listing criteria for T Visa eligibility); see also U.S. Citizenship & Immigr. Serv., *Victims of Human Trafficking: T Nonimmigrant Status* (last updated Dec. 22, 2025), <https://bit.ly/4tcAmdc>.

31. On or around January 4, 2026, Ms. Carmona Sanchez was flown from New Jersey to an ICE detention center in Louisiana. Her face was swollen and her nose was bleeding after the flight.

32. At the detention center in Louisiana, Ms. Carmona Sanchez and other detained individuals were made to sleep on the floor, without a mattress or bedding, because there were not enough beds available.

33. On or around January 5, 2025, Ms. Carmona Sanchez was boarded onto another plane—despite having informed ICE that this went against her doctors’ medical advice—and transferred to Adams, where she remains detained today.

34. During her initial detention in the New York area and in Louisiana, ICE detained Ms. Carmona Sanchez with other women. During an intake interview in Louisiana before boarding the flight to Adams, she informed an ICE official that she is transgender and was then transferred to Adams, a men’s detention center.

35. Due to her detention and transfer to Mississippi, Ms. Carmona Sanchez’s removal proceedings are now taking place before an immigration judge who hears cases from individuals detained in Mississippi and Louisiana. As of the date of this filing, she is awaiting a date for her next immigration court hearing.

36. Ms. Carmona Sanchez has not been provided a bond hearing in front of an immigration judge.

37. Ms. Carmona Sanchez’s prior removal defense counsel has informed Ms. Carmona Sanchez that she can no longer represent her now that she is detained. Ms. Carmona Sanchez’s pro bono immigration counsel, who is representing Ms. Carmona Sanchez for her U and T Visa petitions, is planning to enter an appearance in her removal case once Ms. Carmona

Sanchez's prior counsel's withdrawal is approved by the immigration judge, and now plans to represent her in her requests for asylum and other forms or relief from removal before the immigration judge.

38. Ms. Carmona Sanchez fears for her safety at Adams. Detained men at Adams have verbally harassed and threatened her, calling her slurs and making lewd sexual comments and advances. She is currently assigned to a men's dorm where about 100 other people sleep on bunks in a large room. Though Ms. Carmona Sanchez is permitted to shower privately in the healthcare unit, she must use the toilets in the dorm, which do not have doors or privacy screens. Because she fears for her safety in the communal restroom, she waits until everyone has gone to sleep to use the restroom.

39. Transgender people suffer rape at a higher rate than any other population in immigration detention and are routinely targeted for other abuses.⁸

40. As of the date of this filing, Ms. Carmona Sanchez has not been provided hormone replacement therapy medications at Adams, despite Ms. Carmona Sanchez's and undersigned counsel's having made ICE aware that she was prescribed and receiving hormone replacement therapy before her detention, and of ICE and its contractors' legal duty to provide necessary medical care.

41. Additionally, Ms. Carmona Sanchez is not receiving adequate follow-up care for the facial surgery she underwent on December 16, 2025. She is suffering complications, including ongoing bleeding from her hairline, eyes, and nose and signs of infection, including pus at the site of her surgical wounds, due to the lack of post-operative care.

⁸ Whitney Curry Wimbish, *ICE Deletes Rape Protection for Trans Immigrants*, THE AM. PROSPECT (Jan. 14, 2026), <https://bit.ly/4a8vwFb>.

42. Upon information and belief, Ms. Carmona Sanchez has never been charged with or convicted of a crime in the United States.

43. If released from ICE custody, Ms. Carmona Sanchez will return to reside with her partner in Queens, New York City. She and her partner both have employment authorization allowing them to work lawfully in the United States. Prior to her detention, Ms. Carmona Sanchez was an active participant in several community organizations in New York City, including Translatina Network, which can help support her and welcome her home if she is released. She can also continue receiving gender-affirming care at Community Healthcare Network, and can attend meetings with her immigration counsel regarding her pending applications. Ms. Carmona Sanchez is willing to comply with any requirements imposed on her as a condition of her release.

LEGAL FRAMEWORK

I. Immigration Detention Framework

44. “In 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).

45. For decades, the immigration system has implemented this balance through a network of three mutually exclusive detention statutes.

46. First, at the border, “applicants for admission” who are “seeking admission” are placed into expedited removal proceedings and subject to detention without a bond hearing under 8 U.S.C. § 1225(b)(2).⁹ *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (describing § 1225 as relating to “borders and ports of entry”). These individuals may request release through humanitarian parole under 8 U.S.C. § 1182(d)(5)(A).

⁹ Separately, there is also a limited subset of individuals in and around the border who may be placed into the expedited removal process and are subject to mandatory detention under 8 U.S.C. § 1225(b)(1). *See Make the Road N.Y. v. Noem*, No. 25-190, 2025 WL 2494908, at *23 (D.D.C. Aug. 29, 2025).

47. Second, individuals arrested inside the United States are generally placed into removal proceedings under 8 U.S.C. § 1229(a), during which an Immigration Judge (“IJ”)—and later potentially the Board of Immigration Appeals (“BIA”) and a U.S. Court of Appeals—will decide whether or not the person should be deported. During these proceedings, a noncitizen may apply for various forms of relief from deportation, such as asylum, withholding of removal, cancellation of removal, and adjustment of status. This process can take months or even years. Any detention of individuals who are arrested inside the United States and placed in removal proceedings is subject to 8 U.S.C. § 1226. *See Jennings*, 583 U.S. at 288–89 (describing § 1226 detention as relating to people “inside the United States” and “present in the country”). Most of these individuals are eligible for release on bond or their own recognizance under § 1226(a), and if ICE initially declines to release them, they are consequently entitled to a custody redetermination (colloquially called a “bond hearing”) before an IJ to decide whether they should be detained or released pending the adjudication of their removal proceedings. *See* 8 C.F.R. §§ 1003.19(a), 236.1(d).

48. The Supreme Court has recognized only one exception to this constitutional requirement for a bond hearing for § 1226 detainees: In 2003, in *Demore v. Kim*, the Court held that, under 8 U.S.C. § 1226(c), there is a narrow category of people who can be held in mandatory detention for a brief period of time, if the person has conceded removability and has been convicted of certain crimes following all of the due process afforded by a criminal adjudication. 538 U.S. 510, 513 (2003).

49. Section 1226 was most recently amended earlier this year by the Laken Riley Act (“LRA”). Pub. L. No.119-1, 139 Stat. 3 (2025) (codified at 8 U.S.C. § 1226(c)(1)(E)). Congress passed the LRA to expand mandatory detention under § 1226(c), the statute that subjects

noncitizens convicted of certain crimes to detention without initial bond eligibility. *See id.* The LRA amendments require detention for noncitizens who have been charged as inadmissible under § 1182(a)(6)(A) (the inadmissibility ground for a noncitizen “present in the United States without being admitted or paroled”), § 1182(a)(6)(C) (misrepresentation), or § 1182(a)(7) (lacking valid documentation), *and* have been arrested for, charged with, or convicted of certain crimes—expressly contemplating the inclusion of people who entered without inspection within the scope of § 1226 detention. § 1226(c)(1)(E); *see also Shi v. Lyons*, 2025 WL 3637288, at *6 (S.D. Tex. Dec. 12, 2025); *Guzman v. Bondi*, No. 1:25-CV-2055-RP, 2025 WL 3724465, at *4 (W.D. Tex. Dec. 23, 2025).

50. Last, the INA provides for detention of noncitizens who are subject to final orders of removal. *See* 8 U.S.C. § 1231(a). A removal order is not final until the BIA has dismissed any appeal of an immigration judge’s decision. 8 C.F.R. § 1241.1(a).

51. This detention scheme—in which people arrested inside the United States are generally eligible for a bond hearing and release during immigration proceedings—has existed in essentially its current form since Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, Div. C, § 3003, 110 Stat. 3009-546, 3009-585 to 3009-587.

II. DHS Policy Change and the State of Nationwide Litigation

52. Pursuant to a July 8, 2025 policy titled “Interim Guidance Regarding Detention Authority for Applicants for Admission” (hereinafter “July 8, 2025 Policy”),¹⁰ DHS’s representatives in the immigration courts began to request that immigration judges nationwide misclassify people who are bond-eligible under § 1226(a) as subject to mandatory detention

¹⁰ *See* Am. Immigr. Lawyers Assoc., *ICE Memo: Interim Guidance Regarding Detention Authority for Applicants for Admission* (July 8, 2025), <https://bit.ly/4teDTaM>.

under § 1225(b)(2) and refuse to conduct bond hearings on that basis. This policy upended the well-established understanding of the INA’s statutory detention framework and reversed decades of agency practice.

53. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). There, the BIA held that all noncitizens who entered the United States without admission or parole, regardless of length of time in the country or former § 1226(a) classification by the DHS itself, were actively “seeking admission,” and therefore subject to § 1225(b)(2) and ineligible for bond. Therefore, under *Yajure Hurtado*, all immigration judges were directed to misclassify people in this manner, making them ineligible for bond throughout the course of removal proceedings, which can take, in many cases, years.

54. Even before ICE or the BIA introduced these nationwide policies, immigration judges in the Tacoma, Washington immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. In response to a challenge brought by a class of noncitizens being misclassified in this way, the U.S. District Court for the Western District of Washington granted a motion for summary judgment to the plaintiff class and declared that the “[c]lass members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2).” *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297, 1336 (W.D. Wash. 2025). Further, the court declared that “the Tacoma Immigration Court’s practice of denying bond to [class members] on the basis of § 1225(b)(2) violates the Immigration and Nationality Act.” *Id.*

55. On November 25, 2025, the Central District of California followed suit, certifying a nationwide class of bond-eligible individuals in *Maldonado Bautista et al. v. Santacruz Jr. et*

al., No. 5:25-cv-01873, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). On December 18, 2025, the court entered a final judgment vacating the July 8, 2025 Policy under the Administrative Procedure Act as “not in accordance with law.” *Bautista v. Santacruz*, No. 5:25-CV-01873, 2025 WL 3713987, at *22 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom. Maldonado Bautista v. Noem*, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). The court declared that class members “are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2),” and thus, pursuant to DHS’s own regulations, they “are entitled to consideration for release on bond by immigration officers and, if not released, a custody redetermination hearing before an immigration judge.” 2025 WL 3678485, at *1.

56. In addition to the judgments in these certified class actions—one of which vacates the July 8, 2025 Policy that Respondents rely on here to detain Ms. Carmona Sanchez without bond—the overwhelming majority of courts throughout the country, including many in the Fifth Circuit, have concluded that the July 8, 2025 Policy belies “the statutory text [of the INA], the statute’s history, Congressional intent, and § 1226(a)’s application for the past three decades.” *Buenrostro Mendez*, 2025 WL 2886346, at *3 (quoting *Pizarro Reyes v. Raycraft*, No. 2:25-cv-12546, 2025 WL 2609425, at *4 (E.D. Mich. Sep. 9, 2025)); *see also Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 681 (W.D. Tex. 2025) (“In recent weeks, courts across the country have held that this new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect.” (footnote omitted)); *Demirel v. Fed. Det. Ctr. Philadelphia*, No. 2:25-cv-5488, 2025 WL 3218243, at *1 (E.D. Pa. Nov. 18, 2025) (explaining that there are now “288 district court decisions addressing this issue” and in “all but six, the Government’s interpretation of the INA . . . was rejected”); *Rodriguez*, 802 F. Supp. 3d at 1303–04 & n.3 (W.D. Wash. Sep. 30, 2025) (collecting cases and noting that, at that time, “[e]very district court to

address” the statutory question “has concluded that the government’s position belies the statutory text of the INA, canons of statutory interpretation, legislative history, and longstanding agency practice”; listing cases); *Belsai D.S. v. Bondi*, No. 25-cv-3682, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025) (joining the “chorus” of courts).

57. This Court already has before it a Report and Recommendation to join the chorus of federal courts that have concluded that Respondents’ interpretation and application of § 1225(b)(2) to deny bond eligibility to people who are not “seeking admission” is unlawful. Report and Recommendation, *Cun Chitay v. Bondi*, No. 5:25-cv-00113-DCB-ASH (S.D. Miss. Jan. 22, 2026), ECF No. 11 at 11, 13 (concluding that petitioner “was not ‘seeking admission’ at the time of his detention,” which occurred years after he entered the United States without inspection, and thus “Respondents may not detain him under § 1225(b)(2)”). If adopted, that conclusion would apply with equal force here.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Immigration and Nationality Act, 8 U.S.C. §§ 1225(b)(2) and 1226(a)

58. Ms. Carmona Sanchez repeats and realleges each allegation contained above.

59. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does apply not to noncitizens like Ms. Carmona Sanchez who have been residing in the United States following release on their own recognizance.

60. Because Ms. Carmona Sanchez Petitioner is not “seeking admission,” she is not lawfully detained under 8 U.S.C. § 1225(b)(2) and her detention pursuant to that statute is *ultra vires*.

61. Respondents' actions also violate 8 U.S.C. § 1226(a), and its implementing regulations, 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), which require Respondents to consider Ms. Carmona Sanchez for bond at least at the outset of her detention. *See Jennings*, 583 U.S. at 306. Respondents' failure to consider Ms. Carmona Sanchez for bond violates § 1226(a).

62. Ms. Carmona Sanchez is not subject to a final order of removal, and she has no criminal history that would subject her to mandatory pre-removal detention under § 1226(c).

63. By asserting that Ms. Carmona Sanchez is subject to mandatory detention under § 1225(b)(2) and categorically depriving her of the opportunity for release on bond under § 1226(a), Respondents are violating the INA.

COUNT TWO

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

64. Ms. Carmona Sanchez repeats and realleges each allegation contained above.

65. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V.

66. Ms. Carmona Sanchez has a fundamental liberty interest in being free from official restraint. *See Zadvydas*, 533 U.S. at 690 (“Freedom 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.”).

67. Civil immigration detention violates due process if it is not reasonably related to its purpose. *See id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)); *Demore*, 538 U.S. at 527.

68. Due process requires Respondents to justify Ms. Carmona Sanchez's detention by clear and convincing evidence that she is a flight risk or danger to others at an individualized hearing before a neutral decisionmaker. *Lopez-Arevelo*, 801 F. Supp. 3d at 688.

69. Respondents' categorical detention of Ms. Carmona Sanchez without an opportunity to seek release on bond violates her due process rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Sabrina Aylen Carmona Sanchez prays that the Court grant the following relief:

- A. Assume jurisdiction over this matter;
- B. Issue an order to show cause to be returned within three days and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243;
- C. Declare that Petitioner's detention violates the Immigration and Nationality Act;
- D. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution;
- E. Issue a writ of habeas corpus requiring Respondents to immediately release Petitioner from their custody; or, alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide her a bond hearing under 8 U.S.C. § 1226(a) within seven (7) days, at which Respondents bear the burden of proof by clear and convincing evidence; and
- F. Grant any other relief that this Court deems just and proper.

Dated: February 2, 2026

Respectfully submitted,



D. Korbin Felder, MS Bar No. 106643
CENTER FOR CONSTITUTIONAL RIGHTS

P.O. Box 12046
Jackson, MS 39236

[REDACTED]

Jessica Myers Vosburgh*
C.J. Sandley*
CENTER FOR CONSTITUTIONAL RIGHTS
P.O. Box 486
Birmingham, AL 35201

[REDACTED]

Celine Zhu*
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666 Broadway, 7th Floor
New York, NY 10012

[REDACTED]

Gerardo Romo*
NATIONAL IMMIGRANT JUSTICE CENTER
111 W. Jackson Blvd, Suite 800
Chicago, IL 60604

[REDACTED]

**Pro hac vice application forthcoming*

Pro Bono Counsel for Petitioner

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

Undersigned counsel submits this verification on behalf of the Petitioner. Undersigned counsel has discussed with Petitioner the events described in this Petition for Writ of Habeas Corpus and, on the basis of those discussions, verify that the statements in the Petition are true and correct to the best of our knowledge.

Dated: February 2, 2026

s/ Jessica Vosburgh

Counsel for Petitioner

EXHIBIT 1

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: [Redacted]
Date: November 16, 2023
Event No: BLV2411000192

Name: SABRINA AYLEN CARMONA SANCHEZ

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

[X] You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

[X] You must surrender for removal from the United States if so ordered.

[X] You must report in (writing) (person) to [Redacted] (Name and Title of Case Officer)

at As indicated on the attached OREC G-56 (Location of DHS Office) ON [Redacted] (Day of each week or month) at [Redacted] (Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

[X] You must not change your place of residence without first securing written permission from the immigration officer listed above.

[X] You must not violate any local, State, or Federal laws or ordinances.

[X] You must assist the Department of Homeland Security in obtaining any necessary travel documents.

[] Other: [Redacted]

[] See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.

LUIS MANENT
Date: 2023.11.16 19:18:04 -08:00
0345968265.CBP

(Signature of DHS Official)

(A) WATCH COMMANDER

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

JOSAIHAS MORALES
Date: 2023.11.16 20:25:07 -08:00
0594382456.CBP
(Signature of Immigration Officer Serving Order)

[Signature]
(Signature of Alien)

11/16/2023
(Date)

Cancellation of Order

I hereby cancel this order of release because: [] The alien failed to comply with the conditions of release.

[] The alien was taken into custody for removal. [Redacted] (Date)

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID: 389500901

FINS #: 1335542845

DOB: [REDACTED]

File No: [REDACTED]
Event No: BLV2411000192

In the Matter of:

Respondent: SABRINA AYLEN CARMONA SANCHEZ currently residing at:

[REDACTED]

[REDACTED]

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of ECUADOR and a citizen of ECUADOR ;
3. You arrived in the United States at or near TECATE, CA , on or about November 15, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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

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

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

Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

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

26 FEDERAL PLZ, 12TH FL RM1237 NEW YORK NY 10278

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

on August 20, 2024 at 08:30 AM to show why you should not be removed from the United States based on the

(Date)

(Time)

LUIS MANENT
Date: 2023.11.16 10:44 -08:00
0345968265.CBP

charge(s) set forth above.

(A) WATCH COMMANDER

(Signature and Title of Issuing Officer)

Date: November 16, 2023

San Diego, California

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on November 16, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

[Signature]
(Signature of Respondent if Personally Served)

JOSAIHAS MORALES, Border
Patrol Agent

JOSAIHAS A MORALES
Date: 2023.11.16 20:46 -08:00
0594382456 CBP

(Signature and Title of officer)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>SABRINA AYLEN CARMONA SANCHEZ</p> <p>(b) County of Residence of First Listed Plaintiff <u>Adams</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) D. Korbin Felder, MS Bar No. 106643 (see attached)</p>	<p>DEFENDANTS</p> <p>RAFAEL VERGARA et al. (see attached)</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>Attorneys (If Known) U.S. Attorney for the Southern District of Mississippi</p>
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SOUTHERN DISTRICT OF MISSISSIPPI
FILED
FEB - 2 2026
ARTHUR JOHNSTON

<p>II. BASIS OF JURISDICTION (Place an "X" in one Box only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one Box for Plaintiff and One Box for Defendant)</p> <p><i>(For Diversity Cases Only)</i></p> <table style="width:100%;"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td>PTF DEF</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td></td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td></td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	PTF DEF	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2		<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3		<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	<input type="checkbox"/> 1	PTF DEF	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3		<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>INTELLECTUAL PROPERTY RIGHTS</p> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. § 2241; 8 U.S.C. §§ 1225(b)(2), 1226(a); and U.S. Const. Amend. 5

Brief description of cause:
 Non-citizen challenging immigration detention without bond hearing

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 02/02/2026 SIGNATURE OF ATTORNEY OF RECORD: /s/ D. Korbin Felder

FOR OFFICE USE ONLY

RECEIPT # #13489 AMOUNT 5.00 APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Sabrina Aylen Carmona Sanchez v. Rafael Vergara et al.

Civil Cover Sheet Attachment

I.(a)

DEFENDANTS/RESPONDENTS

RAFAEL VERGARA, Warden of Adams County Correctional Center (official capacity)

BRIAN ACUÑA, Acting Director of U.S. Immigration and Customs Enforcement New Orleans Field Office (official capacity)

TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement (official capacity)

KRISTI NOEM, Secretary of the Department of Homeland Security (official capacity)

PAMELA BONDI, U.S. Attorney General (official capacity)

I.(c) PLAINTIFF/PETITIONER'S ATTORNEYS

D. Korbin Felder, MS Bar No. 106643
CENTER FOR CONSTITUTIONAL RIGHTS
P.O. Box 12046
Jackson, MS 39236

[REDACTED]

C.J. Sandley*
Jessica Myers Vosburgh*
CENTER FOR CONSTITUTIONAL RIGHTS
P.O. Box 486
Birmingham, AL 35201

[REDACTED]

Celine Zhu*
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 10012

[REDACTED]

Gerardo Romo*
NATIONAL IMMIGRANT JUSTICE CENTER
111 W. Jackson Blvd, Suite 800

Chicago, IL 60604



**pro hac vice application forthcoming*