

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

GERAD FELIPE FIGOLI GOMEZ
IN REPRESENTATION OF PERFECTO PAULA
Petitioners,

v.

Civil No. 3:26-cv-_____

REBECCA GONZÁLEZ RAMOS, Special Agent in Charge of Homeland Security Investigations in San Juan, **GARRET J. RIPA** is Miami Field Office Director for U.S. Immigration and Customs Enforcement, overseen Puerto Rico's Immigration and Removal Operations, ICE Office in GSA Guaynabo Detention Facility; **TODD LYONS** in his official capacity, Acting Director for U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of Homeland Security; **PAMELA BONDI**, United States Attorney General; **W. STEPHEN MULDROW**, US District Attorney for the District of Puerto Rico; **ROBERTO VAQUERO** Director of Field Operations Customs and Border Protection; *all in their official capacities*

PETITION FOR A WRIT OF
HABEAS CORPUS

**URGENT MOTION TO STAY
TRANSFER OF PETITIONER
TO OTHER JURISDICTION**

Respondents.

**URGENT MOTION REQUESTING ORDER PROHIBITING THE TRANSFER OF
PETITIONER FROM PUERTO RICO TO OTHER JURISDICTION AND THAT THIS COURT
CONDUCT A BOND HEARING
FORTHWITH**

TO THE HONORABLE COURT:

Come now the Petitioners, through the undersigned legal counsel and respectfully state, allege and pray as follows:

1. On February 16, 2026, the Petitioners filed a Habeas Corpus Petition (Dkt. 1)
2. On February 16, 2026, summons were submitted and Petitioners are ready to proceed to initiate service of process on Respondents.

3. The Petitioner has filed a Petition for Writ of Habeas Corpus where he asserts that his detention by Immigration and Customs Enforcement ("ICE") violates his due process rights and seeks his immediate release.

4. The Petitioner filed a *Motion for Bond* before the Immigration court, in order to exhaust administrative remedies.

5. Mr. Paula respectfully requests that in the alternative to his release, the court orders that a bond hearing be held forthwith pursuant to 8 U.S.C. § 1226(a) or that this Court conducts a **Bond hearing**.

7. Mr. Paula is a national of Dominican Republic who has resided in the United States for many years. He entered the United States without inspection and was not apprehended by government officials upon entry.

8. He is the beneficiary of an approved Petition for Alien Relative (I-130) and an approved Application for Provisional Unlawful Presence Waiver (I 601 A) both adjudicated by USCIS.

9. **In addition**, it is of the utmost importance to note that Mr. Paula complied with all the exigencies and requirements set by USCIS to legalize his status thus trusting in the US Government's representation that to legalize his status he need to file an I 601 A waiver to proceed with a Consular Process interview without the need of being separated from his family for a prolonged and unknow period of time, which is the purpose USCIS created the I 601 A in the first place pursuant to 8 CFR 212.7.

10. A person detained under 8 U.S.C. § 1226(a), must, upon his request, receive a custody redetermination hearing ('bond hearing') with strong procedural protections.

11. Petitioner respectfully states that the BIA's decision in *Matter of Yajure Hurtado*, it is not binding and this court "must exercise independent judgment in determining the meaning of statutory provisions." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394, 144 S. Ct. 2244, 219 L. Ed. 2d 832 (2024).

12. Moreover, Petitioner represents to the Court that Immigration Court are not an impartial

trier of facts inasmuch they have received specific instructions that the administrative decision in Matter of Yajure Hurtado is binding precedent immaterial of whatever class action related to the interpretation of the agency states.

13. The *Yajure* decision is contrary to US district courts uniform approach to interpreting 8 U.S.C. §§ 1225 and 1226. See decision in *Doe v. Moniz*, F. Supp. 3d, 2025 U.S. Dist. LEXIS 173360, 2025 WL 2576819 (D. Mass. Sept. 5, 2025), at *5 (collecting cases).

14. Multiple district courts within the First Circuit have recently noted in rejecting the BIA's reasoning in *Matter of Yajure Hurtado*, the decision is inconsistent with other BIA decisions and with decades of the Department of Homeland Security's practice. See [Elias] *Escobar v. Hyde*, Civil Action No. 25-cv-12620-IT, 2025 U.S. Dist. LEXIS 196284, 2025 WL 2823324 (D. Mass. Oct. 3, 2025), and *Maza v. Hyde*, Civil Action No. 25-cv-12407-IT, -- F. Supp. 3d --, 2025 U.S. Dist. LEXIS 205956, 2025 WL 2951922 (D. Mass. Oct. 20, 2025); *Chogllo Chafra v. Scott*, 2025 U.S. Dist. LEXIS 184909, 2025 WL 2688541, at *7-S8 (D. Me. Sept. 22, 2025); see also *Sampiao v. Hyde*, F. Supp. 3d , 2025 U.S. Dist. LEXIS 175513, 2025 WL 2607924, at *8 n.11 (D. Mass. Sept. 9, 2025); *Jimenez v. FCI Berlin*, Warden, F. Supp. 3d , 2025 U.S. Dist. LEXIS 176165, 2025 WL 2639390, at *10 n.9 (D.N.H. Sept. 8, 2025).

15. Mr. Paula is a member of the nationwide class certified in *Maldonado-Bautista*, (C.D. of California, Case No. 5:25-cv-01873-SSS-BFM) and that remain in limbo without real access to justice and the rule of law due to illegal instructions received by immigration judges across the United States. Exhibits 1 and 2. See *Pablo Lora Salazar v. Garret J. Ripa et als*, Civil No. 26-cv-1014 (MAJ), where the US District for the District of Puerto Rico stated:

"Emergency Motion for Order to Show Cause." On January 13, 2025, this Court enjoined the Defendants from transferring Petitioner out of the District of Puerto Rico until Petitioner was afforded an opportunity for a bond hearing, since 8 U.S.C. § 1226(a) entitles Petitioner to a bond hearing as of right. (ECF No. 5) (citing *Elias Escobar v. Hyde*, Civ. No. 25-12620, 2025 WL 2823324, at *3 (D. Mass. Oct. 3, 2025)). **Since the subsequent bond proceedings held before an Immigration Judge were dismissed for lack of jurisdiction, (ECF No. 8 at 2), that prior Order remains in effect. Accordingly, at this time Respondents may not transfer Petitioner out of the District.** The Court notes that

in other recent cases where the Government has argued that there is no right to a bond hearing for individuals detained under circumstances similar to those of Petitioner, their arguments have been rejected again and again by various district courts. *See, e.g., Elias Escobar*, 2025 WL 2823324; *Moreira Aguiar v. Moniz*, 25-cv-12706, 2025 WL 2987656 (D. Mass. Oct. 22, 2025); *Tomas Elias v. Hyde*, 25-cv-540, 2025 WL 3004437 (D.R.I. Oct. 27, 2025); *Rodriguez v. Nessinger*, 25-cv-505, 2025 WL 3306576 (D.R.I. Oct. 17, 2025); *Los Caballero v. Baltazar*, 25-cv-3120, 2025 WL 2977650 (D. Co. Oct. 22, 2025); *Barco Mercado v. Francis*, 25-cv-6582, 2025 WL 3295903 (S.D.N.Y. Nov. 26, 2025). In each of those cases, federal district judges granted habeas relief and ordered the Government to comply with the well-established rule that a person detained under Section 1226(a) is entitled to a bond hearing. This Court will do the same. **Accordingly, the Court GRANTS 1 "Petition for Writ of Habeas Corpus."** Respondents are hereby **ORDERED** to provide Petitioner with a bond hearing under Section 1226(a) within 10 days of this Order. Respondents are further **ORDERED** to release Petitioner immediately pending that bond hearing. The Government shall set minimal release conditions that will reasonably assure Petitioner's appearance at the bond hearing. Respondents are further **ORDERED** to provide individualized reasons at the bond hearing as to why Petitioner is granted or denied bond. If Respondents do not provide Petitioner with a bond hearing under Section 1226(a) as hereby ordered, **or if said bond hearing is dismissed for lack of jurisdiction**, Petitioner must be immediately released from detention. No later than 1/29/2026 the Parties shall file a Joint Status Report concerning (1) the results of any bond hearing that was conducted or, if no hearing was held, advise the Court of the date Petitioner was released from custody; and (2) whether any additional proceedings in this matter are required. Signed by Judge Maria Antongiorgi-Jordan on 1/16/2026. (ao) (Entered: 01/16/2026)" (Emphasis added).

Wherefore, the Petitioner respectfully asks that the Honorable Court order that Mr. Paula NOT be transferred from Puerto Rico, and to either order a Bond Hearing forthwith or that this court conducts the bond hearing, which apparently is the right course of action.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico on February 16, 2026.

s/ Fermín L. Arraiza-Navas
#215705 (US District Court Puerto Rico)

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Dated: February 16, 2026

CERTIFICATE OF SERVICE : I hereby certify that, on February 16th, 2026, I electronically filed the foregoing document with the United States District Court of Puerto Rico by using the CM/ECF system, which will send notifications of such filing to all CM/ECF counsel of record.

Dated this 16th day of February, 2026.

s/ Fermín L. Arraiza-Navas
Attorney Name