

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

PABLO RAFAEL MOTA, in
representation of **Inocencia Rodriguez**
Petitioners,

v.

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; **DAVID**
VENTURELLA in his official capacity, Acting Director
for U.S. Immigration and Customs Enforcement
; **MARKWAYNE MULLIN**, Secretary of
Homeland Security; **TODD BLANCHE**, United States
Attorney General; **HECTOR RAMIREZ CARBÓ**,
Acting US District Attorney for the District of Puerto
Rico; **ROBERTO VAQUERO** Director of Field
Operations Customs and Border Protection; *all in their*
official capacities
Respondents.

Civil No. 3:26-cv-1450 ()

**PETITION FOR A WRIT OF
HABEAS CORPUS**

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

**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 July 13, 2026, the Petitioners filed a Habeas Corpus Petition (Dkt. 1)
2. As soon as this Court issues summons, Petitioner will proceed to initiate service of
process on Respondents.
3. The Petitioner has filed a Petition for Writ of Habeas Corpus (Dkt. 1) where she asserts

that her detention by Immigration and Customs Enforcement ("ICE") violates her due process rights and seeks her immediate release.

4. The Petitioner filed a *Motion for Bond* before the Immigration court, and other remedies, to exhaust administrative remedies.
5. Mrs. Inocencia Rodriguez respectfully requests that in the alternative to her 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**.
6. Mrs. Inocencia Rodriguez is a national of Dominican Republic who has resided in the United States for over nine (9) years. She entered the United States without inspection and was not apprehended by government officials upon entry.
7. She is the beneficiary of an approved Petition for Alien Relative (I-130) adjudicated by USCIS and an approved Application for Provisional Unlawful Presence Waiver (I-601A) application before the same administrative agency. See Exhibits 2 and 3 of the Habeas Petition.
8. In addition, it is of the utmost importance to note that Mrs. Inocencia Rodriguez complied with all the exigencies and requirements set by USCIS to legalize her status thus trusting in the US Government's representation to legalize her status.
9. A person detained under 8 U.S.C. § 1226(a), must, upon her request, receive a custody redetermination hearing ('bond hearing') with strong procedural protections.
10. Petitioner respectfully states that the BIA's decision in *Matter of Yajure Hurtado*, 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). 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 present immaterial of whatever class action related to the interpretation of the agency states.

11. 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).
12. Multiple district courts within the First Circuit have recently noted 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); *Chogollo Chafla 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).
13. Mrs. Inocencia Rodriguez 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. 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 Mrs. Inocencia Rodriguez 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 July 13, 2026.

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

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Dated: July 13th, 2026

CERTIFICATE OF SERVICE : I hereby certify that, on July 13th, 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 13th day of July, 2026.

s/ Fermín L. Arraiza-Navas
Attorney Name