

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS**

Ever Alexander Sanabria Aguilar v. Antone Moniz, et al.

Civil Action No. 1:25-cv-13449-IT (D. Mass. Nov. 25, 2025) · No. 1:25-cv-13449-IT · Decided November 25,
2025

OPINION

Moniz

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

EVER ALEXANDER SANABRIA AGUILAR, *

* Petitioner, * * v. * * ANTONE MONIZ, Superintendent of Plymouth * County Correctional Facility; PATRICIA HYDE, * Boston Field Office Director, U.S. Immigrations * Civil Action No. 1:25-cv-13449- and Customs Enforcement; MICHAEL KROL, * IT HIS New England Special Agent in Charge; * TODD LYONS, Acting Director, U.S. * Immigrations and Customs Enforcement; KRISTI * NOEM, U.S. Secretary of Homeland Security; and * PAMELA BONDI, Attorney General of the * United States, * * Respondents. * *

MEMORANDUM & ORDER

November 25, 2025 TALWANI, D.J. Petitioner Ever Alexander Sanabria Aguilar is an Ecuadorian national who lives in Everett, Massachusetts, and has resided in the United States for over twenty years. Pet. ¶¶ 16, 46 [Doc. No. 1]. Petitioner alleges, and Respondents do not contest, that on November 17, 2025, federal immigration officials arrested Petitioner and placed him in the custody of U.S. Immigration and Customs Enforcement (“ICE”). Id. ¶ 16. Petitioner is currently detained at the Plymouth County Correctional Facility in Plymouth, Massachusetts. Id. ¶ 1. On November 19, 2025, Petitioner filed a Petition for Writ of Habeas Corpus [Doc. No. 1] with this court. Petitioner contends that, because he “previously entered the country and ha[s] been residing residence in the United States,” Petitioner is subject to detention pursuant to “8 U.S.C. § 1226(a)” which requires a prompt, individualized bond hearing. Id. ¶ 55. Respondents concede that “the legal issues presented in this Petition are similar to those recently addressed by this Court in Doe v. Moniz, ___ F. Supp. 3d ___, 2025 WL 2576819 (D. Mass. Sept. 5, 2025), Elias Escobar v. Hyde, 2025 WL 2823324 (D. Mass. Oct. 3, 2025), Da Silva v. Hyde No. 25-cv-12638-IT (D. Mass. Oct. 7, 2025); Venancio v. Hyde, No. 25-cv-12616- IT (D. Mass. Oct. 9, 2025); and Caguana-Caguana v. Moniz; ___ F. Supp. 3d ___, 2025 WL 3171043 (D. Mass. Nov. 13, 2025).” Resp. 1 [Doc. No. 6] (cleaned up). Though Respondents note their disagreement with these decisions, Respondents acknowledge that, “[s]hould the Court follow its reasoning in Doe, [Elias] Escobar, and Da Silva, Venancio, and Caguana-Caguana, it would likely reach the same result here.” Id. Nothing in the

record indicates that Petitioner, who has resided in the United States for over twenty years, was detained under 8 U.S.C. § 1225 rather than 8 U.S.C. § 1226. Pet. ¶ 46 [Doc. 1]. The court finds the reasoning in Doe remains correct and that Petitioner's detention is governed by 8 U.S.C. § 1226. The Board of Immigration Appeals' decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), is unpersuasive and does not change the analysis. See Elias Escobar, 2025 WL 2823324, at *3 (D. Mass. Oct. 20, 2025) (citing cases reaching the same conclusion). Accordingly, the Petition for Writ of Habeas Corpus [Doc. No. 1] is GRANTED as follows. No later than December 2, 2025, Sanabria Aguilar must be provided a bond hearing pursuant to 8 U.S.C. § 1226 or, if the immigration judge declines to conduct a bond hearing based on Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), Respondents shall so advise the court by that date so that this court may conduct the bond hearing. Any decision by the immigration judge to retain Sanabria Aguilar in custody following a bond hearing pursuant to 8 U.S.C. § 1226 shall set forth the reasons for the continued detention. IT IS SO ORDERED. November 25, 2025 /s/ Indira Talwani United States District Judge