

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

MELVIN JOVANNY MEJIA RAMOS,

Petitioner,

v.

J.L. JAMISON, Warden of the Federal
Detention Center; PAM BONDI, Attorney
General USA; TODD M. LYONS, Acting
Director ICE,

Respondents.

Case No. 25-cv-1586

**RESPONSE TO PETITION FOR AN
EMERGENCY WRIT OF HABEAS CORPUS**

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April 11, 2025

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INTRODUCTION

The Court should deny Melvin Jovanny Mejia Ramos's Petition for an Emergency Writ of Habeas Corpus (ECF No. 1). Mejia-Ramos cannot carry his burden here as he has failed to articulate any cognizable basis justifying habeas relief. He is subject to mandatory detention under 8 U.S.C. § 1231(a)(2)(A) and is not entitled to a bond hearing. Mejia-Ramos has only been in DHS custody for 17 days, there is no allegation that his removal proceedings are in any way delayed, and he has not articulated any exigent circumstance justifying immediate action. Consequently, the Court should deny the Petition.

FACTUAL HISTORY AND PROCEDURAL BACKGROUND

Mejia-Ramos is a citizen and national of Honduras. Record of Deportable/Inadmissible Alien dated March 25, 2025 (attached hereto as Ex. 1). On March 21, 2019, he was apprehended by the United States Border Patrol near Falfurrias, Texas, for unlawfully entering the United States from Mexico. Record of Deportable/Inadmissible Alien, dated March 21, 2019 (attached hereto as Ex. 2). During his subsequent interview with Border Patrol agents, Mejia-Ramos stated that he did not fear persecution or torture if returned to his home country. Ex. 2 at 3. He was served with a Notice and Order of Expedited Removal and removed from the United States on April 1, 2019. Ex. 1 at 2.

On September 14, 2021, Mejia-Ramos was again apprehended by the United States Border Patrol for unlawfully entering the United States from Mexico. Record of Deportable/Inadmissible Alien dated Sept. 19, 2019 (attached hereto as Ex. 3). He was again interviewed by Border Patrol agents and again stated that he did not fear persecution or torture if returned to Honduras. Ex. 3 at 4. Mejia-Ramos was then

released into the United States on his own recognizance on September 19, 2021. Ex. 3 at 5; Order of Release on Recognizance dated Sept. 19, 2021 (attached hereto as Ex. 4). He was instructed to appear for any hearing or interview as directed by the Department of Homeland Security or the Executive Office of Immigration Review. Ex. 4. His release documents further stated that he was required to surrender for removal from the United States if so ordered. *Id.*

On March 25, 2025, Mejia-Ramos was taken into custody at Philadelphia's ICE headquarters and served with Notice of Reinstatement of Prior Removal Order under 8 U.S.C. § 1231(a)(5). Ex. 1 at 2; Notice of Intent/Decision to Reinstate Prior Order dated March 25, 2025 (attached hereto as Ex. 5). Section 1231(a)(5) provides in relevant part that “[i]f the Attorney General finds that an alien has reentered the United States illegally after having been removed . . . under an order of removal,” then “the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, the alien is not eligible and may not apply for any relief under this chapter, and the alien shall be removed under the prior order at any time after the reentry.” Mejia-Ramos was thus detained under 8 U.S.C. § 1231(a), which generally mandates the detention of noncitizens subject to a final removal order.

Mejia-Ramos was detained at FDC Philadelphia until March 31 and was then transferred to Moshannon Valley Processing Center in the Western District of Pennsylvania for purposes of administrative proceedings on his request for withholding from removal. Notice to EOIR: Alien Address dated March 31, 2025 (attached hereto as Ex. 6). This transfer was necessary because DHS is not equipped to conduct such administrative proceedings at FDC Philadelphia.

On March 26, 2025, Mejia-Ramos filed a Petition for an Emergency Writ of Habeas Corpus under 28 U.S.C § 2241. ECF No. 1. In his Petition, Mejia-Ramos requests that he be provided a bond hearing. *Id.* Mejia-Ramos subsequently filed two separate motions, both titled Motion to List as an Emergency Writ of Habeas Corpus Under 28 U.S.C. § 2241 and Expedite. *See* ECF Nos. 7-8. The only relief requested in these motions is that the Court list the Petition as an “emergency.” *Id.* The Court entered a scheduling order on March 28, 2025, directing the Government to respond to the Petition on or before April 11, 2025. ECF No. 8.

LEGAL STANDARD

Section 2241 habeas proceedings are available as a forum for statutory and constitutional challenges to post-removal-period detention. *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001). It is well established, however, that the writ of habeas corpus is an “extraordinary remedy.” *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). And the burden is on the habeas petitioner to establish that he is entitled to relief. *See Hawk v. Olson*, 326 U.S. 271, 279 (1945); *accord Cullen v. Pinholster*, 563 U.S. 170, 181 (2011) (habeas petitioner “carries the burden of proof”). Mejia-Ramos is being held pursuant to 8 U.S.C. § 1231(a)(2) and must therefore make a strong showing to demonstrate that his continued detention violates the Constitution or the laws of the United States. *See United States v. Five Gambling Devices*, 346 U.S. 441, 449 (1953) (“This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power.”); *Zenith Radio Corp. v. Matsushita*

Elec. Indus. Co., 402 F. Supp. 251, 254 (E.D. Pa. 1975) (“[D]efendants here carry a heavy burden, for a strong presumption of validity attaches to an Act of Congress.”).

ARGUMENT

I. **Mejia-Ramos Is Subject to Mandatory Detention Under 8 U.S.C. § 1231(a)**

Mejia-Ramos is subject to a final removal order that was reinstated under 8 U.S.C. § 1231(a)(5), which means his detention is mandatory under 8 U.S.C. § 1231(a)(2). Further, noncitizens “subject to reinstated orders of removal . . . are not entitled to a bond hearing while they pursue withholding of removal.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 526 (2021); see also *Inestroza-Tosta v. Att’y Gen.*, 105 F.4th 499, 513 (3d Cir. 2024) (“[O]nce an alien’s order of removal is reinstated, he is subject to detention under 8 U.S.C. § 1231(a)(2) and may not obtain a bond hearing as authorized by 8 U.S.C. § 1226(a)(2).”). When a noncitizen is removed pursuant to an order of removal and illegally reenters the country, “the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed.” 8 U.S.C. § 1231(a)(5). And a noncitizen subject to a final removal order (including a reinstated final removal order) “shall” be detained. *Id.* § 1231(a)(2)(A).

The Supreme Court confirmed in *Guzman Chavez* that noncitizens with a reinstated order of removal are subject to mandatory detention and not entitled to a bond hearing. See 594 U.S. at 535. There, the petitioners had been removed from the United States under a final order of removal, reentered without authorization, and then had their removal orders reinstated under § 1231(a)(5). *Guzman Chavez*, 594 U.S. at 532. The Court rejected the argument that a noncitizen subject to a reinstated removal order was held pursuant to 8 U.S.C. § 1226(a) (rather than § 1231) “pending a decision

on whether the alien is to be removed” and therefore entitled to a bond hearing. *Id.* at 526. The Court reasoned that § 1226 “applies before an alien proceeds through the removal proceedings and obtains a decision; § 1231 applies after.” *Id.* at 544. And “[o]nce an alien has been ordered removed from the United States in a removal proceeding under § 1229a and that order has been reinstated under § 1231(a)(5), the alien cannot go back in time, so to speak, to § 1226.” *Id.*

Mejia-Ramos’s Petition does not address the fact that he was removed from the United States subject to a final removal order in 2019, nor that he is subject to a reinstated removal order dated March 25, 2025. *See* ECF No. 1; *see also* Ex. 5. Mejia-Ramos offers no evidence or argument disputing the fact that he is currently detained under the mandatory detention requirement of 8 U.S.C. § 1231(a).

II. Mejia-Ramos Has Not Established That He Is Entitled to Habeas Relief

Mejia-Ramos’s Petition also fails to articulate any reason why his continued detention pursuant to § 1231(a) violates the laws or Constitution of the United States.

The Supreme Court has long recognized that the detention of noncitizens pending their removal is constitutional. *See, e.g., Wong Wing v. United States*, 163 U.S. 228, 235 (1896) (“We think it clear that detention or temporary confinement, as part of the means necessary to give effect to the provisions for the exclusion or expulsion of aliens, would be valid.”); *see also Demore v. Kim*, 538 U.S. 510, 523 (2003) (“this Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process”); *Reno v. Flores*, 507 U.S. 292, 306 (1993) (“Congress has the authority to detain aliens suspected of entering the country illegally pending

their deportation hearings.”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of th[e] deportation procedure.”).

Section 1231(a) does not provide DHS with discretion to provide a detainee subject to a reinstated removal order with a bond hearing. The Supreme Court has held, however, that § 1231 also does not authorize indefinite detention. *See Zadvydas*, 533 U.S. at 689. Rather, detainees subject to a final removal order may challenge whether their continued detention is unreasonable. *See Jackson v. Att’y Gen. United States of Am.*, 663 F. App’x 245, 247 (3d Cir. 2016) (citing *Zadvydas*, 533 U.S. 678).

In formulating this “reasonable time” limitation, the Supreme Court has held that detention of an alien subject to a final order of removal for less than 6 months is presumptively reasonable. *Zadvydas*, 533 U.S. at 701; *Contant v. Holder*, 352 F. App’x 692, 694 (3d Cir. 2009). Only after this six-month period has passed, and only if the alien provides good reason to believe that there is no significant likelihood that the Government will effectuate his removal in the reasonably foreseeable future, does the Government need to respond with evidence sufficient to rebut that showing and justify the continued detention. *Zadvydas*, 533 U.S. at 701; *Contant*, 352 F. App’x at 694.¹

Mejia-Ramos has only been in custody since March 25, 2025—17 days. The length of his detention is nowhere close to exceeding the six-month presumptively reasonable

¹ Furthermore, even after the six-month period of presumptively reasonable detention, the Government is not required to provide a detainee with a bond hearing. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 576 (2022) (abrogating the Third Circuit’s holding in *Guerrero-Sanchez v. Warden York County Prison*, 905 F.3d 208, 223 (3d Cir. 2018), that § 1231(a)(6) presumptively “requires the Government to offer detained noncitizens bond hearings after six months of detention in which the Government bears the burden of proving by clear and convincing evidence that a noncitizen poses a flight risk or a danger to the community.”).

period articulated in *Zadvydas*. The Petition includes no allegation or argument articulating why Mejia-Ramos's detention is unreasonable under the circumstances or why his detention violates the laws or Constitution of the United States. Mejia-Ramos has thus failed to carry his burden.

CONCLUSION

The record establishes that Mejia-Ramos detention under 8 U.S.C. § 1231(a) remains reasonable, so he is not entitled to a bond hearing. His habeas petition should thus be denied.

Dated: April 11, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 11th day of April 2025, a true and correct copy of the foregoing Response to Petition for an Emergency Writ of Habeas Corpus was filed electronically via the Court's CM/ECF system and served via CM/ECF on all counsel of record.

/s/ John W. Scott
JOHN W. SCOTT