

United States District Court
Western District of Texas
El Paso Division

Ellis Gilbert Meighan,
Petitioner,

v.

John Veloz, DHS Ice Agent,
Respondent.

No. 3:25-CV-00168-LS

Response to Show Cause Order

Respondents submit this response per the Court's Order to Show Cause dated May 12, 2025. *See* ECF No. 2. Petitioner Ellis Meighan is a native and citizen of Belize who last entered the United States without inspection on or about May 6, 2024. *See* Exhibit A (Notice to Appear ("NTA")). Petitioner is currently in removal proceedings, and his final hearing is scheduled on June 16, 2025.¹

The Executive Branch has broad constitutional and statutory power over the administration and enforcement of the nation's immigration laws. *Knauff v. Shaughnessy*, 338 U.S. 537, 543 (1950); *see e.g.* 6 U.S.C. § 202(5), 8 U.S.C. § 1103(a)(3). For decades, the Executive has exercised its discretionary authority to determine who to prioritize for removal and through what type of proceedings. Congress provided the Department of Homeland Security ("DHS") with various overlapping tools, including authority in 8 U.S.C. § 1225(b)(1) to initiate expedited removal proceedings against certain applicants for admission. The Secretary may also place an alien seeking admission into full removal proceedings held before an immigration judge under 8 U.S.C. § 1229a if the noncitizen is not "clearly and beyond a doubt entitled to be admitted," *id.* §

¹ Information related to Petitioner's removal proceedings can be accessed publicly with Petitioner's alien number at the following address: <https://acis.eoir.justice.gov/en/>.

1225(b)(2)(A), by filing an NTA, the charging document that initiates removal proceedings under section 1229a. The statute leaves to DHS's discretion whether to use expedited or full removal proceedings for noncitizens amenable to both. *See Matter of E-R-M- & L-R-M-*, 25 I. & N. Dec. 520, 523 (BIA 2011).

If an alien is ordered removed on an expedited basis under § 1225(b), but subsequently claims fear of returning to his country, he receives an interview by an asylum officer. 8 U.S.C. § 1225(b). If the officer determines that the alien has established a credible fear, the alien is then placed into full removal proceedings before an immigration judge to pursue relief from removal. *Id.* In such circumstances, however, the detention authority continues under § 1225(b), such that the alien is not entitled to release on bond. *See Matter of M-S-*, 27 I&N Dec. 509 (AG 2019) (an alien transferred from expedited removal proceedings to full removal proceedings after establishing a credible fear is ineligible for release on bond and, absent parole, must remain detained until removal proceedings conclude); *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) (same). DHS may at its "discretion parole noncitizens into the United States temporarily" ... "on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States." *Id.* § 1182(d)(5).

Petitioner is mandatorily detained in the custody of U.S. Immigration and Customs Enforcement ("ICE") under section 235 of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1225(b)(1)(B)(ii). *See* Exhibit B (Order Denying Bond). After being ordered removed on an expedited basis, receiving a credible fear finding by an asylum officer, and being placed into full removal proceedings, Petitioner must remain in ICE custody until his removal proceedings have concluded. In other words, as an alien whose expedited removal proceedings were converted to full removal proceedings, Petitioner is not constitutionally entitled to a bond hearing. *Id.*; *see also*

Dept. of Homeland Sec. v. Thuraissigiam, 591 U.S. 103, 139–140 (2020); *Tahtiyork v. U.S. Dept. of Homeland Sec.*, No. 20-1196, 2021 WL 389092 at *7 (W.D. La. Jan. 12, 2021); *Ford v. Ducote*, No. 20-1170, 2020 WL 8642257 at *3 (W.D. La. Nov. 2, 2020); *Petgrave v. Aleman*, 592 F.Supp.3d 665, 677–679 (S.D. Tex. 2021).

Petitioner is lawfully detained on a mandatory basis until his removal is executed or until he is granted relief from removal that results in his release from ICE custody. This pre-removal-order detention is not indefinite or unconstitutional. The habeas petition should be denied.

Respectfully submitted,

Margaret F. Leachman
Acting United States Attorney

By: /s/ Lacy L. McAndrew

Lacy L. McAndrew
Assistant United States Attorney
Florida Bar No. 45507
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
(210) 384-7325 (phone)
(210) 384-7312 (fax)
lacy.mcandrew@usdoj.gov

Attorneys for Respondents

Certificate of Service

I affirm that I caused a copy of this filing to be placed in outgoing mail to Petitioner, who is *pro se*, at the following address:

Ellis Gilbert Meighan
A# XXX-X 
ICE Processing Center
8915 Montana Ave
El Paso, TX 79925

/s/ Lacy L. McAndrew
Lacy L. McAndrew
Assistant U.S. Attorney