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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Sandra Milena Arateco Munoz,  
Petitioner,  
v.  
Pamela Bondi, et al.,  
Respondents.

No. CV-25-02951-PHX-MTL (ESW)  
**REPORT AND  
RECOMMENDATION**

**TO THE HONORABLE MICHAEL T. LIBURDI, UNITED STATES DISTRICT  
JUDGE:**

Sandra Milena Arateco Munoz (“Petitioner”), a native and citizen of Colombia who is confined at the Eloy Detention Center, brings this habeas corpus action pursuant to 28 U.S.C. § 2241. (Doc. 1). For the reasons set forth below, the undersigned recommends that relief be denied.

**I. BACKGROUND**

As detailed in the Court’s September 3, 2025 Order:

Petitioner states she is a native and citizen of Colombia and is subject to a 2023 final order of removal. In 2022, the United States reinstated prior removal orders against her but placed her in withholding-only removal proceedings after asylum officers determined she had a reasonable fear of persecution or torture in Colombia.

Petitioner states that on December 24, 2024, she presented herself at the Nogales, Arizona, port of entry for a

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“CBP-one” appointment and was taken into the custody of Immigration and Customs Enforcement. Petitioner asserts that she applied for humanitarian parole in February and May 2025, but both petitions were denied “without a reason or explanation.” Petitioner states that an Immigration Judge (IJ) denied her application for withholding of removal and deferral of removal on August 5, 2025, and that she filed a timely on appeal on August 20, 2025.

Petitioner states that she requested a bond hearing before an IJ after 180 days in detention, but the IJ denied her requests. Petitioner further states that on January 6, 2025, her mother, who is a lawful permanent resident, filed an I-130 petition on Petitioner’s behalf, which is currently pending.

(Doc. 3 at 2-3.) On August 15, 2025, Petitioner filed the pending Petition for Writ of Habeas Corpus (the “Petition”) (Doc. 1). The Court’s Screening Order recounts Petitioner’s claims for relief as follows:

Petitioner contends her continued detention violates her Fifth Amendment rights. Petitioner asserts that because she has “signaled that [s]he will continue to appeal [her] case should the BIA sustain the IJ’s decision,” the likelihood that her detention will be “extensive” is increased. Petitioner asks the Court to direct Respondents to immediately release her from custody on her own recognizance or under reasonable conditions of supervision, or, in the alternative, order that she receive an individualized hearing before an impartial adjudicator at which Respondents bear the burden of proving, by clear and convincing evidence, that her continued detention is justified.

(Doc. 3 at 3.) Respondents filed their Answer (Doc. 12) on September 29, 2025. Petitioner did not file a Reply and the time to do has passed.

**II. DISCUSSION**

A federal court may grant a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 if a petitioner can demonstrate that he “is in custody in violation of the Constitution or laws or treaties of the United States.”

1 Here, Petitioner is being detained pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii), which  
2 provides that if an asylum officer determines that an alien seeking asylum has a credible  
3 fear of persecution, “the alien *shall be detained* for further consideration of the application  
4 for asylum.” (emphasis added.) “Once those proceedings end, detention under § 1225(b)  
5 must end as well.” *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018). The Supreme Court  
6 has held that an alien seeking admission to the United States “has only those rights  
7 regarding admission that Congress has provided by statute.” *Dep’t of Homeland Sec. v.*  
8 *Thuraissigiam*, 140 S. Ct. 1959, 1983 (2020). The Ninth Circuit, applying the Supreme  
9 Court’s holding in *Thuraissigiam*, has explicitly stated that, “[a]ccordingly, any rights [an  
10 inadmissible alien] may have in regard to removal or admission are purely statutory in  
11 nature and are not derived from, or protected by, the Constitution’s Due Process Clause.”  
12 *Mendoza-Linares v. Garland*, 51 F.4th 1146, 1167 (9th Cir. 2022). Ultimately, “[t]he  
13 recognized liberty interests of U.S. citizens and aliens are not coextensive: the Supreme  
14 Court has ‘firmly and repeatedly endorsed the proposition that Congress may make rules  
15 as to aliens that would be unacceptable if applied to citizens.’” *Rodriguez Diaz v. Garland*,  
16 53 F.4th 1189, 1206 (9th Cir. 2022) (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)).

17 Petitioner has not alleged that proceedings concerning her asylum application have  
18 ended. The record establishes that Petitioner’s appeal to the Board of Immigration Appeals  
19 remains pending, with a briefing schedule issued on September 26, 2025. (Doc. 12-1 at 4,  
20 ¶¶ 20-21.) The undersigned finds that Respondents correctly assert that Petitioner’s  
21 detention is mandatory under § 1225(b)(1)(B)(ii). (Doc. 12 at 3); *see, e.g., Zelaya-Gonzalez*  
22 *v. Matuszewski*, No. 23-CV-151 JLS (KSC), 2023 WL 3103811, at \*3 (S.D. Cal. Apr. 25,  
23 2023) (“Petitioner does not contest . . . and the Court agrees, that Petitioner is being  
24 detained under § 1225(b)(1)(B)(ii). Accordingly, the Court finds that Petitioner has no  
25 Fifth Amendment right to a bond hearing or to parole pending his removal proceedings.”).

26 It is noted that the Petition recounts that Petitioner has been detained since  
27 December 2024. (Doc. 1 at 3.) However, the Supreme Court has explained that “nothing  
28 in the statutory text [of 8 U.S.C. § 1225(b)] imposes any limit on the length of detention.”

1 *Jennings*, 583 U.S. at 297. In addition, the Supreme Court noted that “neither § 1225(b)(1)  
2 nor § 1225(b)(2) says anything whatsoever about bond hearings.” *Id.* Unlike aliens  
3 detained pursuant to 8 U.S.C. § 1231(a)(6), the detention of aliens detained pursuant to §  
4 1225(b)(1) is not limited to six months. *Id.* at 300-01 (distinguishing *Zadvydas v. Davis*,  
5 533 U.S. 678 (2001)).

6 The only exception to mandatory detention is discretionary parole. The Secretary of  
7 the Department of Homeland Security may release individual aliens temporarily on  
8 “parole,” but “only on a case-by-case basis for urgent humanitarian reasons or significant  
9 public benefit.” 8 U.S.C. § 1182(d)(5)(A). “That express exception to detention implies  
10 that there are no *other* circumstances under which aliens detained under § 1225(b) may be  
11 released.” *Jennings*, 583 U.S. at 300 (emphasis in original). Whether to temporarily release  
12 an alien for these reasons “is a discretionary decision of the Attorney General that is not  
13 reviewable by this Court.” *Andrade v. Cantu*, No. CV-23-01462-PHX-DLR (CDB), 2023  
14 WL 5934578, at \*2 (D. Ariz. Aug. 8, 2023) (quoting *Lopez v. U.S. Dep’t of Homeland Sec.*,  
15 No. CV-20-01063-PHX-JJT (MTM), 2021 WL 2079840, at \*3 (D. Ariz. Jan. 28, 2021)).  
16 The Court therefore cannot review the denial of Petitioner’s request for humanitarian  
17 parole.

18 For the above reasons,

19 **IT IS RECOMMENDED** that the Court deny the Petition (Doc. 1).

20 This Report and Recommendation is not an order that is immediately appealable to  
21 the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed. R. App. P.  
22 4(a)(1) should not be filed until entry of the District Court’s judgment. The parties shall  
23 have fourteen days from the date of service of a copy of this Report and Recommendation  
24 within which to file specific written objections with the Court. *See* 28 U.S.C. § 636(b)(1);  
25 Fed. R. Civ. P. 6, 72. Thereafter, the parties have fourteen days within which to file a  
26 response to the objections. Failure to file timely objections to the Magistrate Judge’s Report  
27 and Recommendation may result in the acceptance of the Report and Recommendation by  
28 the District Court without further review. Failure to file timely objections to any factual

1 determinations of the Magistrate Judge may be considered a waiver of a party's right to  
2 appellate review of the findings of fact in an order or judgment entered pursuant to the  
3 Magistrate Judge's recommendation. See *United States v. Reyna-Tapia*, 328 F.3d 1114,  
4 1121 (9th Cir. 2003); *Robbins v. Carey*, 481 F.3d 1143, 1146-47 (9th Cir. 2007).

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6 Dated this 10th day of November, 2025.

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Honorable Eileen S. Willett  
United States Magistrate Judge