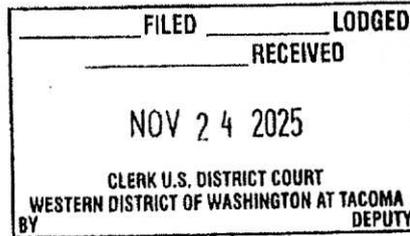


Adan Bojorge
c/o Northwestern Detention Center
1623 E. J Steet, Suite 2
Tacoma, WA 98421



**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

ADAN STEVEN BOJORGE SEQUEIRA
-Petitioner

-against-

Case No.2:25-cv-01807-KKE-GJL

GEO Group Inc;
Northwest Immigration and Customs
Enforcement Processing Center; and
United States Department of Homeland
Security -Respondents

**PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION TO
PETITION FOR HABEAS CORPUS**

1. Respondent's opposition entirely misses the point:
2. The Executive Office of Immigration Review has *divested* itself of its statutory duties to schedule and hear bond determination applications by ignoring 40+ years of precedent and now declaring that it has no jurisdiction.
3. Doing so, effectively denies petitioner his constitutional right.
4. Other Federal District courts have sided with petitioner. (attached)

Date: November 13, 2025

Respectfully submitted,


ADAN STEVEN BOJORGE SEQUEIRA

From: ECFnotice@mad.uscourts.gov <ECFnotice@mad.uscourts.gov>
Sent: Tuesday, September 30, 2025 3:37 PM
To: CourtCopy@mad.uscourts.gov
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United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 9/30/2025 at 3:36 PM EDT and filed on 9/30/2025

Case Name: Morales v. Plymouth County Correctional Facility et al

Case Number: 1:25-cv-12602-ADB

Filer:

Document Number: 15(No document attached)

Docket Text:

Judge Allison D. Burroughs:

ELECTRONIC ORDER entered. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, [ECF No. [1]], is GRANTED.

Petitioner is a noncitizen who has been living in the United States for more than 20 years. [ECF No. [1] at 2]. On July 18, 2023, he applied to the federal government for relief and protection from removal. [ECF No. [14] -1 ¶ 9]. On August 25, 2025, U.S. Immigrations and Customs Enforcement ("ICE") arrested Petitioner pursuant to a warrant. [Id. ¶ 11]. On September 11, 2025, an immigration judge denied Petitioner's request for a change in custody status finding that Petitioner was subject to mandatory detention under 8 U.S.C. § 1225. [Id. ¶ 15]; [ECF No. [1] -2 at 2]. Petitioner filed the instant petition on September 16, 2025, [ECF No. [1]], and the government responded on September 23, 2025, [ECF No. [14]].

As Respondents acknowledge in their opposition, [ECF No. [14] at 9 n.5], "[o]ther sessions of this court, as well as other courts across the country, have determined that 8 U.S.C. § 1226(a), and not 8 U.S.C. § 1225(b)(2), appl[ies] to aliens arrested and detained within the United States, even if such alien meets the definition of an applicant for admission as an alien present in the United States who has not been admitted."

The Court agrees with these courts that the detention of noncitizens such as Petitioner, who are arrested and detained within the United States, is governed by 8 U.S.C. § 1226(a) and that Petitioner is thus entitled to a bond hearing. Specifically, 8 U.S.C. § 1225(b)(2), which provides for mandatory detention (subject to exclusions not applicable here), by its own terms applies only to "applicant[s] for admission" who an "examining immigration officer" has determined are "not clearly and beyond a doubt entitled to be admitted," 8 U.S.C. § 1225(b)(2)(A), and thus "authorizes the Government to detain certain aliens seeking admission into the country," Jennings v. Rodriguez, 583 U.S. 281, 289 (2018). 8 U.S.C. § 1226, by contrast, which creates a discretionary detention framework (again subject to exclusions not applicable here), applies to noncitizens arrested "[o]n a warrant," 8 U.S.C. § 1226(a), and authorizes the government "to detain certain aliens already in the country," Jennings, 583 U.S. at 289; see also id. at 288 (noting that § 1226 applies also to "aliens who were inadmissible at the time of entry"). Noncitizens subject to 8 U.S.C. § 1226's discretionary detention framework are entitled to a bond hearing before an immigration judge. Id. at 306 (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)); Hernandez-Lara v. Lyons, 10 F.4th 19, 26 (1st Cir. 2021). Because Petitioner was already in the country when ICE arrested him on a warrant, [ECF No. [14] -1 ¶ 11], he is subject to 8 U.S.C. § 1226's discretionary detention framework and entitled to a bond hearing. He has not received such a hearing, so his detention is unlawful.

Accordingly, Petitioner's petition, [ECF No. [1]], is GRANTED. Respondents are ORDERED to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) within 10 days of this order. Respondents are ENJOINED from denying Petitioner bond on the basis that he is detained pursuant to 8 U.S.C. § 1225(b)(2). Respondents are ORDERED to file a status report within 14

days of this order stating whether Petitioner has been granted bond, and, if his request for bond was denied, the reasons for that denial.

(CAM)

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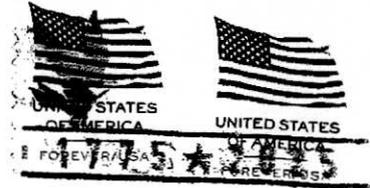
Mark Sauter mark.sauter@usdoj.gov, CaseView.ECF@usdoj.gov, USAMA.ECF@usdoj.gov,
andrew.bell2@usdoj.gov

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USDC Western Dist Washington
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