UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GANSHYAMKUMAR
SHAMBHUBHAI PATEL,

Petitioner,

v.

Case No. 2:25-cv-870-JES-NPM

DAVID HARDIN, Warden of Glades County Detention Center; UNITED STATES DEPARTMENT OF HOMELAND SECURITY ("DHS"); UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT ("ICE"); and PAMELA BONDI, Attorney General of the United States, (all official capacity),

Respondents.
_____/

Response to Habeas Petition

Respondents respond to Petitioner Ganshyamkumar Shambhubhai Patel's Amended Petition for Writ of Habeas Corpus (Doc. 9).[1] *See* (Doc. 11). The Court lacks jurisdiction. Apart from that, Patel's detention is lawful. So the Court should deny the writ and dismiss this action.

Background

Patel is a native of India who unlawfully entered the United States around July

[1] The US Attorney's Office may appear on behalf of the Sheriff (in his official capacity) under the terms of a 2007 Intergovernmental Service Agreement between ICE and Glades County. Respondents are collectively called "ICE" here for ease of reference.

2011. (Doc. 9 at 3). Roughly a month later, DHS arrested Patel in Texas as part of an alien smuggling operation. (Ex. 1 at 2). DHS served him with a Form I-862, Notice to Appear ("NTA"), and Form I-200, Warrant of Arrest ("WA"). (Docs. 9-1; 9-2). Patel signed the NTA—acknowledging receipt in August 2011. (Doc. 9-2 at 2).

ICE placed Patel in removal proceedings and released him on bond in December 2011. *See* (Doc. 9 at 3). Almost a year later, in October 2012, he failed to appear for his own immigration proceedings. (Doc. 9 at 3). As a result, the immigration judge ("IJ") ordered Patel removed in absentia. (Ex. 1 at 4-6).

For the next seven years, it does not appear Patel made any effort to remedy his lack of status or even contact the immigration court. Instead, he chose to remain in the United States illegally.

Then, in July 2019, Patel submitted a Form I-918, Petition for U Nonimmigrant Status. (Doc. 9 at 3-4). An I-918 provides temporary immigration benefits to aliens victimized by certain crimes. Four years later, in November 2023, U.S. Citizenship and Immigration Services ("USCIS") issued a bona fide determination—but it did not grant Patel's petition. (Doc. 9-3 at 1-2). The notice did "not constitute valid U nonimmigrant status or employment authorization, and may not be used to demonstrate legal immigration or employment status." (Doc. 9-3 at 2).

On July 31, 2025, ICE issued another WA. (Ex. 1 at 7). Shortly after, ICE took Patel into custody for removal. In August, Patel moved to reopen his removal proceedings. (Doc. 9 at 4). The IJ granted that request and rescinded his removal order. (Doc. 9 at 4; Ex. 1 at 8-11). So Patel is now in full removal proceedings.

Then in September, Patel requested a bond hearing. (Doc. 9 at 4-5). The IJ held a bond hearing and denied bond due to lack of jurisdiction along with Patel's failure to appear for his removal proceedings and decision to remain in the United States illegally for thirteen years. (Doc. 9-4 at 1). On October 21, Patel appealed the IJ's bond determination to the Board of Immigration Appeals ("BIA"). (Ex. 1 at12-14).

Currently, Patel is set for a master calendar hearing before an IJ on December 10 in Houston.[2] That date may change if the IJ transfers venue of the removal proceedings to Florida—where Patel is currently detained.

Legal Standard

Federal courts may grant writs of habeas corpus for a petitioner "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Petitioner bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec'y of State*, 853 F. App'x 327, 329 (11th Cir. 2021); *Martin v. Beto*, 397 F.2d 741, 749 (5th Cir. 1968).

Discussion

As explained, the Court lacks jurisdiction. Even if it disagrees, however, Patel's claims fail on the merits. Before getting to those matters, ICE must clarify its basis of detention. 28 U.S.C. § 2243.

A. Habeas Return on Detention

In a habeas case, the respondent "shall make a return certifying the true cause

[2] https://acis.eoir.justice.gov/en/caseInformation/ (last accessed Oct. 22, 2025).

of the detention." *Id.* ICE is detaining Patel under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2). Patel is free to contend his detention under § 1225 is unlawful or argue he should instead be detained under § 1226. But § 1225(b)(2)—not § 1226—is the certified basis on which ICE is detaining Patel.

B. Jurisdiction

There is no need to get into the nuances of § 1225 and § 1226 since the Court lacks subject-matter jurisdiction over Patel's claims. There are three reasons why.

1. Jurisdiction Stripping

Federal courts have limited jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). They "possess only that power authorized by Constitution and statute." *Id.* (citations omitted).

In immigration habeas cases related to removal proceedings—as here—the Immigration and Nationality Act ("INA") divests this Court's jurisdiction to consider Patel's claims challenging his detention pending a removal determination. 8 U.S.C. § 1252(g). "APA review does not apply when '(1) statutes preclude judicial review; or (2) agency action is committed to agency discretion by law.'" *Kanapuram v. USCIS*, 131 F.4th 1302, 1306 (11th Cir. 2025) (quoting 5 U.S.C. § 701(a)).

There is no jurisdiction to review "any cause or claim . . . arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders." 8 U.S.C. § 1252(g); *Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013). This provision bars habeas review in federal courts when the claim arises from "discrete acts of commencing proceedings, adjudicating cases,

and executing removal orders." *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 483 (1999) (cleaned up). These activities "represent the initiation or prosecution of various stages in the deportation process" that Congress had "good reason" to withhold from judicial review. *Id.*

When construing § 1252(g), one must limit the application "to just those three specific actions" listed. *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018). In doing so, "courts must focus on the action being challenged." *Canal A Media Holding, LLC v. USCIS*, 964 F.3d 1250, 1258 (11th Cir. 2020). At bottom, § 1252(g) bars review if the conduct "to commence proceedings, adjudicate cases, or execute removal orders is the basis of the claim." *Gupta*, 709 F.3d at 1065.

The law is clear:

> Securing an alien while awaiting a removal determination constitutes an action taken to commence proceedings.

Id.; *see also Alvarez v. ICE*, 818 F.3d 1194, 1203 (11th Cir. 2016) ("Because [the alien] challenges the methods that ICE used to detain him prior to his removal hearing, these claims are foreclosed by § 1252(g) and our decision in *Gupta*."); *Johnson v. U.S. Attorney General*, 847 F. App'x 801, 802 (11th Cir. 2021). "By its plain terms, [§ 1252(g)] bars us from questioning ICE's discretionary decisions to commence removal—and thus necessarily prevents us from considering whether the agency should have used a different statutory procedure to initiate the removal process." *Alvarez*, 818 F.3d at 1203. So § 1252(g) strips the Court's jurisdiction over habeas petitions challenging detention pending removal proceedings.

ICE detained Patel to execute a removal order. After, the IJ vacated that removal order at Patel's request. So now, ICE is detaining Patel "while awaiting a removal determination." *Gupta*, 709 F.3d at 1065. Under *Gupta*'s binding interpretation of § 1252(g), the Court plainly has no jurisdiction. *Id.* ICE decided to remove then to again pursue removal proceedings against Patel. And Congress specifically stripped the Court's jurisdiction to review those discretionary decisions.

ICE recognizes the Court's previous ruling not to apply *Gupta* where petitioner's NTA was served after petitioner was detained. *Brito Matom v. ICE*, No. 2:25-cv-648-JES-NPM, 2025 WL 2577424, at *2 (M.D. Fla. Sept. 5, 2025). This case is different.

Patel received his NTA in 2011 (well before the current detention). Removal proceedings concluded in 2012. Then, they reopened on August 29—which was after Patel was already in detention. (Ex. 1 at 8-11; Doc. 9 at 4). Removal proceedings only reopened because Patel requested that relief. Now, removal proceedings that are formally underway, and ICE is actively pursuing that Patel's removal.

As the Eleventh Circuit made clear, what matters is whether the challenged conduct arose from decisions or actions to commence removal proceedings. *Gupta*, 709 F.3d at 1065 ("Each of these claims, then, challenges the actions the agents took to commence removal proceedings—exactly the claims that § 1252(g) bars from the subject-matter jurisdiction of federal courts."). The Eleventh expressly reaffirmed this in several other decisions (both published and unpublished):

> Because [plaintiff] challenges the methods that ICE used to detain him prior to his removal hearing, these claims are foreclosed by § 1252(g) and our decision in *Gupta*.

Alvarez, 818 F.3d at 1204; *see also Johnson*, 847 F. App'x at 802. The decisions and actions to detain Patel (under either § 1225 or § 1226) arise from the commencement of removal proceedings. The INA strips jurisdiction over that review. *Gupta*, 709 F.3d at 1065; 8 U.S.C. § 1252(g).

What's more, "the sole function of habeas corpus is to provide relief from Unlawful imprisonment or custody, and it cannot be used for any other purpose." *Cook v. Hanberry*, 592 F.2d 248, 249 (5th Cir. 1979). So the only relief a habeas petitioner may receive is release. *DHS v. Thuraissigiam*, 591 U.S. 103, 119 (2020). Patel decided to pursue habeas seeking only declarations and orders related to his release from confinement. (Doc. 9 at 16). Put different, this case is only about whether ICE can detain Patel pending removal proceedings. *Gupta* and its progeny hold the Court has no jurisdiction over such actions.

The Court also lacks jurisdiction on separate grounds.

2. Zipper Clause

The INA precludes review of "all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien from the United States" except judicial review of a final order of removal. 8 U.S.C. § 1252(b)(9). This is known as the "zipper clause" and applies where a petitioner seeks "review of an order of removal [or] the decision to seek removal." *Canal A*, 964 F.3d at 1257; *DHS v. Regents of Univ. of Cal.*, 591 U.S. 1, 19 (2020). In reading this subsection alongside 8 U.S.C. § 1252(a)(5)—which limits review—courts conclude petitioners must funnel all aspects

of challenges to removal proceedings through the avenue set out in § 1252(a)(5). *Nasrallah v. Barr*, 590 U.S. 573, 580 (2020) ("The REAL ID Act clarified that final orders of removal may not be reviewed in district courts, even via habeas corpus, and may be reviewed only in the courts of appeals."); *see also Bonhometre v. Gonzales*, 414 F.3d 442, 446 (3d Cir. 2005) (There is "clear intent to have all challenges to removal orders heard in a single forum (the courts of appeals).").

The zipper clause restrictions are broad but not unlimited. *Canal A*, 964 F.3d at 1257. Still, a claim arising from actions or proceedings brought to remove an alien clearly falls within the clause. *See Regents of Cal.*, 591 U.S. at 19.

Here, Patel challenges ICE's detention determination. This was an action arising from ICE's choice to carry out proceedings to remove him from the United States. The zipper clause is in full force; judicial review by this Court is inappropriate and contrary to the INA. 8 U.S.C. § 1252(b)(9).

There is one final jurisdictional issue.

3. Failure to Exhaust

Patel has yet to exhaust his administrative remedies. In fact, he is actively pursuing them before the BIA. (Ex. 1 at 12-14). The Court should not engage in concurrent appellate review on an IJ bond determination.

DHS makes initial decisions about custody and bond—which an IJ may review. 8 C.F.R. § 1003.19(a). But to get a bond hearing, the alien (or his lawyer) must make an application to the IJ for bond redetermination. *Id.* § 1003.19(b)-(c). The IJ's bond redetermination is "separate and apart from" the removal proceedings. *Id.*

§ 1003.19(d). If the alien disagrees with the IJ's decision, he may appeal to the Board of Immigration Appeals ("BIA"). *Id.* § 1003.1(b)(7).

Patel sought a bond hearing—which the IJ held. This mooted Patel's assertions related to receiving a bond hearing. *See Juarez Alfredo v. Warden, Glades Cnty. Detention Ctr.*, No. 2:25-cv-00610-SPC-KCD (Doc. 5) (M.D. Fla. Oct. 17, 2025). While the IJ ruled against him, Patel just appealed to the BIA. As shown, administrative remedies are still potentially available and under consideration.

To the extent that Patel implies futility in finishing his BIA appeal, he is mistaken. *See McGee v. Warden, FDC Miami*, 487 F. App'x 516, 518 (11th Cir. 2012) (finding no jurisdiction on habeas petition where petitioner failed to exhaust remedies despite argument doing so would be futile). Futility is not a blank check to relieve petitioner's duty to exhaust his remedies. Under exceptional circumstances, courts may excuse an exhaustion requirement. *See Sanchez v. Warden, FCC Coleman - Low*, No. 5:23-CV-79-WFJ-PRL, 2023 WL 4489472, at *2 (M.D. Fla. July 12, 2023); *Faison v. Warden, FCC Coleman,* No. 5:23-CV-67-WFJ-PRL, 2023 WL 4489471 (M.D. Fla. July 12, 2023); *Vasquez v. Warden, FCC Coleman Low*, No. 5:22-CV-517-WFJ-PRL, 2023 WL 4157364, at *2 (M.D. Fla. June 23, 2023). Yet there are no facts alleged to support that relief in this case.

What's more, the IJ denied bond on a ground independent of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). There is no showing denial on that separate basis was somehow insufficient.

4. Conclusion

As explained, the Court lacks jurisdiction over this habeas action. Yet even if it disagrees, detention is still lawful.

C. Merits

At bottom, Patel alleges ICE's decision to detain him under § 1225 rather than § 1226 was inappropriate, deprived his due process, and withheld a bond hearing. These claims fail as a matter of law because he is lawfully detained.

To interpret the relevant parts of the INA, courts first turn to the "plain meaning of the statute." *Esquivel-Quintana v. Sessions*, 581 U.S. 385, 391 (2017). If the statutory text is clear, the analysis ends. *Bostock v. Clayton County, Ga.*, 590 U.S. 644, 674 (2020).

The statutory scheme in § 1225(a) provides: "An alien present in the United States who has not been admitted . . . shall be deemed for purposes of this chapter an applicant for admission." 8 U.S.C. § 1225(a); *Thuraissigiam*, 591 U.S. at 140. Applicants for admission under this section fall into one of two categories. First, those initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation fall under § 1225(b)(1). Second, everyone else not encompassed by § 1225(b)(1) fall under the § 1225(b)(2) catchall. *Jennings*, 583 U.S. at 287.

Under § 1225(b)(1), aliens are detained for the purpose of expedited removal. Under § 1225(b)(2), the "alien shall be detained for a proceeding under section 1229a"—i.e., full removal proceedings—after "the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). Read plainly, these subsections "mandate

detention of applicants for admission until certain proceedings have concluded." *Jennings*, 583 U.S. at 297.

Given its statutory obligation, ICE detained Patel under § 1225(b)(2). The parties do not dispute he entered the United States illegally and without any authorization. Patel's detention pending his removal proceedings is not unlawful; rather, it is statutorily required. 8 U.S.C. § 1225(b)(2)(A); *see Chaviano v. Bondi*, 2025 WL 1744349, at *6-8 (S.D. Fla. June 23, 2025).

Patel argues § 1225(b)(2) does not apply to aliens not detained near the border or who resided in the United States for more than two years. But nothing in the statutory language supports this conclusion. He seeks contends an "applicant for admission" means an "arriving alien." (Doc. 9 at 9). Yet that only addresses half of the aliens expressly contemplated by § 1225(a)(1)—defining applicants as a present alien "who has not been admitted or who arrives in the United States." Where the statutory text is otherwise clear, courts cannot add words or make up exceptions. *King v. Burwell*, 576 U.S. 473, 486 (2015).

Sections 1225(a)(1) and (b)(2) are unambiguous. There are no geographic qualifiers; nor are any time limitations imposed. 8 U.S.C. § 1225(b)(2). Notably, Congress included such time limitations in other parts of the same statute. For instance, 8 U.S.C. § 1225(b)(1)(A)(iii)(II)—enacted contemporaneously with § 1225(b)(2)—applies a two-year continuous physical presence requirement. When Congress includes language in one part of a statue but omits it in another, it does so intentionally. *E.g.*, *Shotz v. City of Plantation, Fla.*, 344 F.3d 1161, 1168 (11th Cir. 2003).

Under these principles, the Court cannot read an additional "place of detention" or "period of residence" requirement into § 1225(b)(2) when it simply isn't there. Short of legislating, the Court cannot impose limitations on § 1225(b)(2) that Congress did not include. *See Germain v. U.S. Att'y Gen.*, 9 F.4th 1319, 1325 (11th Cir. 2021).

As discussed, an alien's place of detention or period of residence is irrelevant under the plain language. What is relevant, however, is an alien's manner of entry. 8 U.S.C. § 1225(a)-(b). Congress members said as much when amending the INA. *See Sturgeon v. Frost*, 587 U.S. 28, 54 (2019) ("The legislative history (for those who consider it) confirms, with unusual clarity, all we have said so far."). The statutory scheme that § 1225 and § 1226 replaced was structured so aliens who entered the United States undetected retained certain benefits—such as the availability of bond—where those who presented themselves at the border did not:

> This subsection is intended to replace certain aspects of the current "entry doctrine," under which illegal aliens who have entered the United States without inspection gain equities and privileges in immigration proceedings that are not available to aliens who present themselves for inspection at a port of entry. Hence, the pivotal factor in determining an alien's status will be whether or not the alien has been lawfully admitted.

H.R. Rep. No. 104-469, pt. 1, at 225 (1996). Recognizing that such a scheme incentivized evasion over presenting oneself at a port of entry, Congress set out to restructure the law to distinguish between deportability—applicable to admitted aliens—and inadmissibility—applicable to those present without admission. *Id.* at 226. So aliens who enter surreptitiously "will not be considered to have been admitted." *Id.* Patel's reading seeks to retroactively nullify this legislative fix and once again restore

incentives to circumvent rather than comply with the INA.

To be fair, there are many recent decisions adverse to ICE's § 1225 position here. *E.g.*, *Guerrero Orellana v. Moniz*, No. 25-cv-12664, 2025 WL 2809996, at *6 (D. Mass. Oct. 3, 2025). There are, however, decisions in support of ICE's text-based argument. *Vargas Lopez v. Trump* thoroughly addressed this issue and agreed with ICE's reasoning. No. 8:25CV526, 2025 WL 2780351, at *7-10 (D. Neb. Sept. 30, 2025). At least one other court came to the same conclusion. *Chavez v. Noem*, No. 3:25-cv-02325-CAB-SBC, 2025 WL 2730228, at *4-5 (S.D. Cal. Sept. 24, 2025). And the BIA specifically explained this rationale in *Hurtado*, 29 I&N Dec. 216.

Patel contends his detention under § 1225 is improper and his detention should be under § 1226. But Patel did not meet his burden to establish detention under § 1226 should apply to him. Section 1226 is far broader than § 1225. Specifically, § 1226 applies to any "alien." 8 U.S.C. § 1226(a). An "alien" is "any person not a citizen or national of the United States." *Id.* § 1101(a)(3). Meanwhile, the phrase "applicant for admission" in § 1225(b)(2) has distinct meaning, and not every single alien entering without inspection falls under this provision. Rather, the facts and circumstances concerning Patel demonstrate he is an applicant for admission under § 1225(b)(2).

Patel illegally entered the United States in July 2011. (Doc. 9 at 3). He admittedly has no permission or status to remain in this country. So it's undisputed Patel has not been admitted to the United States.

Due to Patel's unlawful immigration status, ICE now again pursues removal proceedings. Patel has not stipulated that he is removable; nor has he indicated he will

not contest removal. In fact, the opposite is true—he reopened removal proceedings and vacated his final order. At any point, Patel can seek release from detention to depart the United States voluntarily. 8 U.S.C. § 1229c(a). But again, there is no indication he has any intention of doing so. Patel's filing of an I-918 petition also supports intent to remain. Everything suggests Patel will not agree to leave.

Yet he has no status and was never admitted to the United States. Put different, Patel must be an applicant for admission if he wants to stay here. *Vargas Lopez*, 2025 WL 2780351, at *9 (Petitioner "wishes to stay in this country. This makes [him] an 'applicant for admission,' consistent with the conclusion of the BIA in *Hurtado* and *Jennings*."). The alternative would be seeking an Order to somehow remain unlawfully in the United States. *Id.* (That petitioner "illegally remained in this country for years does not mean that he is suddenly not an 'applicant for admission' under § 1225(b)(2)."); *Hurtado*, 29 I&N at 221 ("If he is not admitted to the United States (as he admits) but he is not "seeking admission" (as he contends), then what is his legal status?"). At bottom, unless Patel wants to leave, he is either an applicant for admission or seeking to remain here illegally.

To be clear, any alien intending to stay in the United States on any permanent basis must be admitted even if that's twenty years after arriving. In the context of immigration law, "admission" is not like sneaking into a second showing at the movie theater where entry is de facto admission. Rather, this is a legal term of art. *Matter of Lemus Losa*, 25 I. & N. Dec. 734, 743 n.6 (BIA 2012) (noting "seeks admission" used by Congress "as a term of art"). The terms "admission" or "admitted" here mean "the

lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A).

Congress knows how to use a term of art. *E.g.*, *FAA v. Cooper*, 566 U.S. 284, 292 (2012) ("[I]t is a cardinal rule of statutory construction that, when Congress employs a term of art, it presumably knows and adopts the cluster of ideas that were attached to each borrowed word in the body of learning from which it was taken." (cleaned up)). Patel may have been living in the United States illegally for years; but he was never admitted—which is what makes his presence unlawful in the first instance. 8 U.S.C. § 1182(a)(6)(A)(i) (inadmissibility for presence "without being admitted"). The INA treats aliens as seeking admission even if they entered illegally and never formally applied. 8 U.S.C. § 1225(a)(1); *Lemus Losa*, 25 I. & N. Dec. at 743 n.6 (Unlawful entrants "deemed *constructive* applicants for admission by operation of" § 1225(a)(1).). Legislative word choices—especially terms of art—must have meaning. Congress chose to define "applicants for admission" as "[a]n alien present in the United States who has not been admitted." 8 U.S.C. § 1225(a)(1).

The recent enactment of the Laken Riley Act bolsters this conclusion. *See* Pub. L. No. 119-1, 139 Stat. 3 (2025). There, the categories of individuals subject to mandatory detention expanded to include those who entered the United States and were charged as inadmissible under § 1182(a)(6)(A)(i) or (a)(7) and have committed—or been charged or convicted of—certain specified crimes. *See* 8 U.S.C. § 1226(c)(1)(E). Were "applicant for admission" under § 1225 interpreted as narrow as Patel argues, then there would be no need to pass Laken Riley. Those aliens now covered by

§ 1226(c)(1)(E) would have already been subject to mandatory detention. Even if there are redundancies, those "are common in statutory drafting" and provide no "license to rewrite or eviscerate another portion of the statute contrary to its text." *Barton v. Barr*, 590 U.S. 222, 229 (2020) ("The Court has often recognized: Sometimes the better overall reading of the statute contains some redundancy." (cleaned up)).

Likewise, ICE's position has been consistent since detaining Patel. He asks how ICE can "both continue removal proceedings from 2011 under INA section 236(a)/1226(a) but also argue that section 1225(b) applies." (Doc. 9 at 8). ICE doesn't make that argument because full removal proceedings are under § 1229a—not § 1225 or § 1226. Rather, when ICE detained Patel this year, it did so under the narrower provision tailored to his circumstances (i.e., § 1225(b)(2)).

Finally, the fact that longstanding practice may have differed is not dispositive. The Constitution empowers the Judiciary to exercise judgment regarding the interpretation of laws independent from the political branches. U.S. Const. art. 3, § 2, cl. 1; *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024). The question for this Court is not ICE's historical practice; instead, the inquiry is the correct statutory interpretation. As discussed, the best reading of the INA is what its words say—confirming ICE may detain Patel under § 1225(b)(2).

As explained, Patel's detention under § 1225(b)(2) is lawful. The INA mandates his detention.

Conclusion

For those reasons, the Court must deny the Petition and dismiss this action.

Date: October 22, 2025

Respectfully submitted,

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U.S. Department of Homeland Security Subject ID : [redacted]

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
PATEL, Ghanshyam		

Sex	Hair	Eyes	Complxn
M	BLK	BRO	MED

Country of Citizenship	Passport Number and Country of Issue	Height	Weight	Occupation
INDIA	[redacted]	68	160	LABOR

U.S. Address: [redacted] HOUSTON, TEXAS, 77032,

Scars and Marks: None Visible

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at	F.B.I. Number
Unknown Date, Unknown Time, UNK, EWI		[redacted]

☒ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Number, Street, City, Province (State) and Country of Permanent Residence

Method of Location/Apprehension: CPD 518.1

Date of Birth	Date of Action	Location Code	At/Near	Date/Hour
[redacted] Age: 33	11/16/2011	HOU/HPC	ARANSAS, TEXAS	11/16/2011

City, Province (State) and Country of Birth	AR ☒	Form : (Type and No.) Lifted ☐ Not Lifted ☐	By
GUJRAT,OTR,INDIA			NELSON CINTRON

NIV Issuing Post and NIV Number	Social Security Account Name	Status at Entry	Status When Found
		PWA Mexico	IN INSTITUTION

Date Visa Issued	Social Security Number	Length of Time Illegally in U.S.
		1 MONTH TO 1 YEAR

Immigration Record	Criminal Record
POSITIVE - See Narrative	See Narrative

Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)	Number and Nationality of Minor Children
	NONE

Father's Name, Nationality, and Address, if Known	Mother's Present and Maiden Names, Nationality, and Address, if Known
PATEL, Shambhubhai NATIONALITY: INDIA	PATEL, Shardaben NATIONALITY: INDIA

Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? ☒ Yes ☐ No	Systems Checks	Charge Code Words(s)
None Claimed		See Narrative	I6A

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
		Hr	

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FINS: [redacted]

Left Index fingerprint

Right Index fingerprint

NCIC Level 2

RECORDS CHECKED

CIS Pos
IAFIS Neg
TECS Neg

...(CONTINUED ON I-831)

Alien has been advised of communication privileges 11/16/11 (Date/Initials)

NELSON CINTRON
Immigration Enforcement Agent
(Signature and Title of Immigration Officer)

Distribution:

FILE

STATS

DRO/LEGAL

Received: (Subject and Documents) (Report of Interview)

Officer: NELSON CINTRON

on: November 16, 2011 at 1935 (time)

Disposition: Warrant of Arrest/Notice to Appear

Examining Officer: TRACY BATTEN