UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:25-cv-3811-ECT-LIB

RAMON RUELAS CASTELLANO,

Petitioner,

v.

PAMELA BONDI et. al.,

Respondents.

CONSOLIDATED RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner Ramon Ruelas Castellano filed this petition for a writ of habeas corpus because he wants an immigration court to conduct a bond hearing in connection with his detention by the U.S. Immigration and Customs Enforcement ("ICE"). Petitioner also filed a motion for a temporary restraining order, asking the Court to block his transfer out of Minnesota and order an immediate bond hearing. ECF 10, 11. Respondents Samuel Olson, Field Office Director of ERO, St. Paul Field Office, Kristi Noem, Secretary of the Department of Homeland Security ("DHS"), and Todd M. Lyons, ICE, hereby respond to the petition and Motion for Temporary Restraining Order.

This Court should dismiss the petition for lack of jurisdiction, because Congress has not empowered federal district courts to address the issues that he raises. On the merits, Ruelas is not entitled to habeas relief because his detention is mandatory—he is not eligible for bond or a bond hearing.

BACKGROUND

Respondents draw the following background from Ruelas's petition, the Declaration of John D. Ligon ("Ligon Decl."), and the accompanying exhibits.

I. Factual and Procedural Background

Ruelas is a native and citizen of Mexico. Ligon Decl. ¶ 4; Amended Pet. ¶ 18. He entered the United States at somewhere near Nogales, Arizona on or about July 14, 2021 without admission or parole. Ligon Decl. ¶ 4, Ex. A.

On August 2, 2025, officers from ICE's Enforcement and Removal Operations in St. Paul ("ERO St Paul") encountered Ruelas during a traffic stop in Minneapolis. Ligon Decl. ¶ 5. Ruelas identified himself to the officers and admitted to illegal entry and that he had no legal status to reside in the United States. Ligon Decl. ¶ 5, Ex. A. Ruelas was arrested. *Id.*

Ruelas was issued a Notice to Appear the same day. Ligon Decl. ¶ 6, Ex. B. The Notice to Appear charged Ruelas with removability under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (which is codified at 8 U.S.C. § 1182(a)(6)(A)(i)). The charges were later amended to include a charge under 212(a)(7)(A)(i)(I) (codified at 8 U.S.C. § 1182(a)(7)(A)(i)(I)). Ligon Decl. ¶ 7, Ex. C.

On August 26, 2025, an immigration judge denied Ruelas's request for bond. Ligon Decl. ¶ 8, Ex. D. Ruelas appealed the bond decision to the Board of Immigration Appeals on September 11, 2025. Ligon Decl. ¶ 9.

On October 15, 2025, an Immigration Judge ordered Ruelas removed to Mexico. Ligon Decl. ¶ 10. Ruelas has a deadline of November 14, 2025 to appeal the removal decision to the BIA. *Id.*

II. Legal Background

For more than a century, this country's immigration laws have authorized immigration officials to charge noncitizens as removable from the country, arrest those subject to removal, and detain them during removal proceedings. *See Abel v. United States*, 362 U.S. 217, 232–37 (1960). "The rule has been clear for decades: '[d]etention during deportation proceedings [i]s . . . constitutionally valid.'" *Banyee v. Garland*, 115 F.4th 928 (8th Cir. 2024) (quoting *Demore v. Kim*, 538 U.S. 510, 523 (2003)), *rehearing by panel and en banc denied*, 2025 WL 837914 (8th Cir. Mar. 18, 2025); *see also Demore*, 538 U.S. at 523 n.7 ("In fact, prior to 1907 there was no provision permitting bail for any aliens during the pendency of their deportation proceedings."); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of this deportation procedure."). Indeed, removal proceedings "'would be [in] vain if those accused could not be held in custody pending the inquiry into their true character.'" *Demore*, 538 U.S. at 523 (quoting *Wong Wing v. United States*, 163 U.S. 228, 235 (1896)).

All of this explains why Congress enacted a multi-layered statutory framework for detaining noncitizens pending a decision on removal, during the administrative and judicial review of removal orders, and in preparation for removal. *See generally* 8 U.S.C. §§ 1225, 1226, 1231. Ruelas's petition in this case challenges which of two statutes governs his detention: § 1225 or § 1226.

A. Detention under § 1225

Section 1225 governs inspection, the initial step in deciding who can enter the country and who can stay after entering. The statute states that all noncitizen "who are

applicants for admission . . . shall be inspected by immigration officers." 8 U.S.C. § 1225(a)(3). And Congress specifically chose to deem any noncitizen "present in the United States who has not been admitted or who arrives in the United States" as an "applicant for admission" for purposes of 8 U.S.C. ch. 12. *Id.* § 1225(a)(1). Petitioner satisfies this definition and is therefore treated as an "applicant for admission" regardless of whether he wants to pursue legal status in the United States.

Section 1225 sets out the inspection procedures applicable to applicants for admission. Individuals "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Subsection (b)(1) applies to those "arriving in the United States" and "certain other"[1] noncitizens "initially determined to be inadmissible because of fraud, misrepresentation, or lack of valid documentation." Noncitizens falling under this provision are generally subject to expedited removal proceedings "without further hearing or review." *See* 8 U.S.C. § 1225(b)(1)(A)(i). But where the applicant "indicates an intention to apply for asylum . . . or a fear of persecution," then immigration officers will refer him or her for a credible fear interview. *Id.* § 1225(b)(1)(A)(ii). An applicant "with a credible fear of persecution" is "detained for further consideration of the application for asylum."

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[1] The "certain other" noncitizens referred to are addressed in § 1225(b)(1)(A)(iii), which gives the Attorney General sole discretion to apply (b)(1)'s expedited procedures to a noncitizen who "has not been admitted or paroled into the United States, and who has not affirmatively shown, to the satisfaction of an immigration officer, that [he or she] has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility," subject to an exception inapplicable here. The statute therefore explicitly confirms application of its inspection procedures for those already in the country, including for a period of years.

Id. § 1225(b)(1)(B)(ii). If he or she does not indicate an intent to apply for asylum, express a fear of persecution, or is "found not to have such a fear," he or she is detained until removal from the United States. *Id.* §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

Subsection (b)(2) is broader, serving as a catchall provision for applicants who are not covered by § 1225(b)(1). Petitioner falls into this category: he is an applicant for admission, but he is not covered under (b)(1) because he is not "arriving" in the United States—he has "resided in the United States since 2003." Amended Pet. ¶ 45. Subject to exceptions not applicable in this case, "if the examining immigration officer determines that [the noncitizen] seeking admission is not clearly and beyond a doubt entitled to be admitted, the [noncitizen] *shall* be detained for a removal proceeding." *Id.* § 1225(b)(2)(A) (emphasis added); *see also Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) ("[F]or [noncitizens] arriving in and seeking admission into the United States who are placed directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention 'until removal proceedings have concluded.'" (citing *Jennings*, 583 U.S. at 299)). DHS retains sole discretionary authority to temporarily release on parole "any alien applying for admission" on a "case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A); *see Biden v. Texas*, 597 U.S. 785, 806 (2022).

B. Detention under § 1226

Section 1226 covers a different immigration process: arrest and detention of noncitizens pending removal. The statute provides that a noncitizen "may be arrested and detained pending a decision on whether the alien is to be removed from the United States."

8 U.S.C. § 1226(a). For noncitizens arrested under § 1226(a), the Attorney General and DHS have broad discretionary authority to detain a noncitizen during removal proceedings.[2] *See* 8 U.S.C. § 1226(a)(1) (DHS "may continue to detain the arrested" noncitizen during the pendency of removal proceedings).

When a noncitizen is apprehended under 1226(a), a DHS officer makes an initial discretionary determination concerning release. 8 C.F.R. § 236.1(c)(8). DHS "may continue to detain the" noncitizen. 8 U.S.C. § 1226(a)(1). "To secure release, the [noncitizen] must show that he does not pose a danger to the community and that he is likely to appear for future proceedings." *Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021) (citing 8 C.F.R. §§ 236.1(c)(8), 1236.1(c)(8); *Matter of Adeniji*, 22 I. & N. Dec. 1102, 1113 (BIA 1999)). If DHS releases the noncitizen, then the agency may set a bond or condition for release. *See* 8 U.S.C. § 1226(a)(2); 8 C.F.R. § 236.1(c)(8). If DHS determines that a noncitizen should remain detained during the pendency of his removal proceedings, then the noncitizen can request a bond hearing before an immigration judge. *See* 8 C.F.R. §§ 236.1(d)(1), 1003.19, 1236.1(d). The immigration judge conducts a bond hearing and decides whether release is warranted, based on a variety of factors that account

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[2] Although the relevant statutory sections refer to the Attorney General, the Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), transferred all immigration enforcement and administration functions vested in the Attorney General, with few exceptions, to the Secretary of Homeland Security. The Attorney General's authority—delegated to immigration judges, *see* 8 C.F.R. § 1003.19(d)—to detain, or authorize bond for noncitizens under section 1226(a) is "one of the authorities he retains . . . although this authority is shared with [DHS] because officials of that department make the initial determination whether an alien will remain in custody during removal proceedings." *Matter of D-J-*, 23 I. & N. Dec. 572, 574 n.3 (A.G. 2003).

for his ties to the United States and the possible risks of flight or danger to the community. *See Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006) (identifying nine non-exhaustive factors); 8 C.F.R. § 1003.19(d) ("The determination . . . as to custody status or bond may be based upon any information that is available to the Immigration Judge or that is presented to him or her by the alien or [DHS].").

Tellingly, none of the § 1226 detention procedures occurred in Ruelas's case. No DHS officer made an initial discretionary decision, Petitioner requested bond, but no individuzlied bond hearing was conducted by an immigration judge. In other words, everyone—including Petitioner—understands that he is being detained pursuant to § 1225 rather than § 1226.

ARGUMENT

The parties' disagreement in this case comes down to whether Ruelas should be detained pursuant to § 1225 or § 1226. ICE says it's § 1225, which governs the detention of noncitizens who are "applicants for admission." 8 U.S.C. § 1225(a)(3). Congress says so as well, expressly directing that noncitizens like Ruelas who get into the United States without being inspected "shall be deemed for purposes of this chapter an applicant for admission" and then detained pursuant to § 1225(b)(1) or § 1225(b)(2) *Id.* § 1225(a)(1). Under a straightforward reading of the statute, Petitioner is subject to mandatory detention under § 1225(b)(2). He is not entitled to an individualized bond hearing, and the Court should deny his habeas petition.

I. Standard of Review

Injunctive relief is "an extraordinary remedy never awarded as a right." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 23 (2008). A court may grant interim relief only if a movant shows: (1) he is likely to succeed on the merits, (2) he will suffer imminent, irreparable harm absent interim relief, (3) that harm outweighs the harm an injunction would cause other parties, and (4) the public interest favors interim relief. *Dataphase Systems, Inc. v. C L Systems, Inc.*, 640 F.2d 109, 113-14 (8th Cir. 1981) (en banc). The movant bears the burden of proof for each factor, *Gelco v. Coniston Partners*, 811 F.2d 414, 418 (8th Cir. 1987), "a heavy burden" and a "difficult task." *Earth Island Inst. v. Carlton*, 626 F.3d 462, 469 (9th Cir. 2010). The exacting burden is further heightened when a party seeks a mandatory preliminary injunction—one which "alters the status quo by commanding some positive act, as opposed to a prohibitory injunction seeking only to maintain the status quo." *TruStone Fin. Fed. Credit Union v. Fiserv, Inc.*, No. 14-CV-424 (SRN/SER), 2014 WL 12603061, at *1 (D. Minn. Feb. 24, 2014). "Mandatory preliminary injunctions are to be cautiously viewed and sparingly used." *Id.*

II. Threshold Issues

This Court lacks jurisdiction over Ruelas's habeas petition. Under § 1252(g), federal courts cannot review challenges—whether raised directly or roundaboutly—to the government's decision to commence removal proceedings against a noncitizen. This Court should dismiss the Petition.

Congress has deprived courts of jurisdiction to review "any cause or claim by or on behalf of an alien arising from the decision or action by the Attorney General to

[1] *commence proceedings*, [2] adjudicate cases, or [3] execute removal orders against any alien under this chapter." 8 U.S.C. § 1252(g) (emphasis added). Section 1252(g) eliminates jurisdiction "[e]xcept as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title."[3] Thus, unless authorized in § 1252, courts "cannot entertain challenges to the enumerated executive branch decisions or actions." *E.F.L. v. Prim*, 986 F.3d 959, 964-65 (7th Cir. 2021). Section 1252(g) also bars district courts from hearing challenges to the *method* by which the government chooses to commence removal proceedings, including the decision to detain an alien pending removal. *See Alvarez v. ICE*, 818 F.3d 1194, 1203 (11th Cir. 2016) ("By its plain terms, [§ 1252(g)] bars us from questioning ICE's discretionary decisions to commence removal" and also to review "ICE's decision to take [plaintiff] into custody and to detain him during removal proceedings").

This habeas petition stems from Ruelas's detention following a notice to appear that initiated removal proceedings. More precisely, he challenges ICE's choice to detain him pursuant to § 1225(b)(2) rather than § 1226. That puts this petition in the crosshairs of § 1252(g). As other courts recognize, detention under these circumstances necessarily arises "from [the] decision to commence expedited removal proceedings." *Sissoko v. Rocha*, 509 F.3d 947, 949 (9th Cir. 2007); *see also Wang v. United States*, 2010 WL 11463156, at *6

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[3] In 2005, Congress amended § 1252(g) by adding "(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title" after "notwithstanding any other provision of law." REAL ID Act of 2005, Pub. L. 109-13, § 106(a), 119 Stat. 231, 311.

(C.D. Cal. Aug. 18, 2010); *Valencia-Mejia v. United States*, 2008 WL 4286979 (C.D. Cal. Sept. 15, 2008). Judge Magnuson recently acknowledged the rule as well, finding no jurisdiction to review a similar "1225/1226" habeas petition because the "[p]etitioner's removal proceedings commenced when he was issued a Notice to Appear in immigration court. By its plain terms, [§ 1252(g)] bars the Court from questioning ICE's discretionary decisions to commence removal and detain Petitioner during his removal proceedings." *S.Q.D.C. v. Bondi*, 2025 WL 2617973, at *2 (D. Minn. Sept. 9, 2025) (citations, alterations, and internal quotation marks omitted).

Petitioner asks the Court to ignore Congress's jurisdiction-stripping provisions. As explained above, Ruelas was served with a Notice to Appear that initiated removal proceedings against him. The notice and later charges explained that he was a noncitizen "present in the United States who has not been admitted or paroled." Ligon Decl. Exs. B-C. That is the exact category of noncitizen Congress deems to be an "applicant for admission" under § 1225.

Petitioner is being detained under § 1225(b)(2) while his removal proceedings are ongoing. Indeed, the express purpose of subsection (b)(2) is to detain applicants for admission "***for a proceeding under section 1229a of this title***." (emphasis added). There is no detention under § 1225 without removal proceedings. *See Ali v. Sessions*, 2017 WL 6205789, at *2 (D. Minn. Dec. 7, 2017) ("Ali's claim clearly falls within the ambit of § 1252(g), as Ali's claim clearly "arises from" the Secretary's decision to "execute the removal order" by detaining Ali so that he can be removed to Somalia." (alterations omitted)). Ruelas's detention arises out of the commencement of removal proceedings.

Nor does his petition present a pure question of law. The Court need look no further than Petitioner's filings in this case. Between his petition, memorandum, and supporting declaration, Petitioner has presented many facts for this Court to consider. While the facts are largely undisputed, that does not mean the question is purely legal. On balance, this case does not "present a habeas claim that raises a purely legal question of statutory construction," and § 1252(g)'s jurisdictional bar applies. *Silva v. United States*, 866 F.3d 938, 941 (8th Cir. 2017).

III. Petitioner's claims fail on the merits.

Turning to the merits, the Court should deny Ruelas's habeas petition because he is not entitled to a bond hearing. A plain reading of the statutes at issue confirms that Petitioner is subject to mandatory detention under § 1225(b)(2). That is the only reading that comports with the intent behind deeming noncitizens who arrive without admission or inspection as "applicants for admission. *See* 8 U.S.C. § 1225(a)(1).

A. Ruelas's Detention

The Court should reject Ruelas's request to convert his § 1225(b)(2) detention into § 1226(a) detention. Regardless of whether Ruelas argues, he is an "applicant for admission" and is therefore "seeking admission," *see* Amended Pet. ¶¶ 28, 38, 43. Congress deemed him to be an "applicant for admission" through § 1225(a)(1). Ruelas's own allegations confirm that he meets the definition, as he is a noncitizen "present in the United States who has not been admitted." *See generally* Amended Pet. (never indicating that he was admitting to the United States, but rather that Petitioner isa "citizen of Mexico" who "has resided in the United States since 2003"). Under § 1225(b)(2), a noncitizen who

is an applicant for admission and not subject to (b)(1) must be detained during removal proceedings.

Petitioner wants to short circuit this analysis by shifting the Court's focus to the phrase "seeking admission," in § 1225(b)(2):

> Subject to subparagraphs (B) and (C), in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

His argument is that a noncitizen who is an "applicant for admission" must ***also*** be seeking admission before the mandatory detention provisions of § 1225(b)(2) are triggered. *See* Amended Pet. ¶¶ 28, 38, 43. Part and parcel with this argument is Ruelas's assertion that ***all*** detention under § 1225(b)—whether pursuant to (b)(1) or (b)(2)—is appropriate only for noncitizens who arrive at the border or who recently arrived at the border. *See id.* Put differently, Ruelas argues there is no mandatory detention for a noncitizen who is an "applicant for admission" unless that person is arriving and seeking admission at the time he encounters an immigration officer. Basic canons of interpretation foreclose this reading of § 1225.

First, there is the plain text and meaning of the provisions at issue. Under § 1225(a)(1), an "applicant for admission" includes any noncitizen "present in the United States who has not been admitted or who arrives in the United States." Noncitizens who have been in the country for years fit within the first part of that definition, while noncitizens who appear at the border fit within the second part. Right away, that dooms Ruelas's suggestion that § 1225 governs only arriving noncitizens at the border.

His emphasis on "seeking admission" fares no better. Section 1225(b)(2) does not create two subclasses of applicants for admission—one comprised of noncitizens who are seeking admission, and one comprise of noncitizens who aren't seeking admission. The phrases are merely two ways to say the same thing. Indeed, Congress took a similar approach in § 1225(a)(3), requiring inspection for all noncitizens "who are applicants for admission or otherwise seeking admission." Congress understood that being an applicant for admission is a way of "otherwise seeking admission," and Congress required all noncitizens seeking admission (whether as applicants for admission or "otherwise") to be inspected under §1225(a)(5). To put this back into the context of § 1225(b)(2), Congress mandated detention for noncitizens who are applicants for admission (and thus, "seeking admission") if an immigration officer determines they are not clearly and beyond a doubt entitled to be admitted.

Ruelas obfuscates the issue by asserting that § 1225(b) applies only "to those arriving at or near the border." Amended Pet. ¶ 43. Detention under § 1225(b)(2) has nothing to do with whether a noncitizen is arriving; the trigger is "in the case of an [noncitizen] who is an ***applicant for admission***." 8 U.S.C. § 1225(b)(2) (emphasis added). And as explained above, Congress deemed noncitizens present in the United States without admission to be "applicants for admission," choosing not to limit the definition to only arriving noncitizens. *Id.* § 1225(a)(1).

Second, there is the overall statutory structure. According to the Supreme Court, applicants for admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings*, 583 U.S. at 287. The second category

"serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1) (with specific exceptions not relevant here)." *Id.* This structure makes sense in the context of § 1225(b)'s detention provisions—(b)(1) applies to "arriving" or recently arrived noncitizens who must be detained pending *expedited* removal proceedings, and (b)(2) applies to all applicants who must be detained for a *non-expedited* removal proceeding under § 1229a. There is no third category of applicants for admission as Petitioner suggests. Adopting his self-serving requirement that detention under (b)(2) is available only for arriving noncitizens who also seek admission would render the provision redundant to (b)(1).

Third, the mandatory detention provisions of § 1225 are more targeted than the discretionary detention provisions of § 1226. "A basic canon of statutory construction" is that "a specific provision applying with particularity to a matter should govern over a more general provision encompassing that same matter." *Hughes v. Canadian Nat'l Ry. Co.*, 105 F.4th 1060, 1067 (8th Cir. 2024). Section 1226(a) applies to noncitizens "arrested and detained pending a decision" on removal. The statute says nothing about detaining applicants for admission. That is the role § 1225(b) plays, by addressing detention for a narrower and specially defined category of noncitizens who are applicants for admission. that includes those "present in the United States who ha[ve] not be admitted." *See* 8 U.S.C. § 1225(a)(1); *Florida v. United States*, 660 F. Supp. 3d 1239, 1275 (N.D. Fla. 2023) ("§ 1225(a) treats a specific class of [noncitizens] as 'applicants for admission,' and § 1225(b) mandates detention of these [noncitizens] throughout their removal proceedings. Section 1226(a), by contrast, states in general terms that detention of [noncitizens] pending

removal is discretionary unless the [noncitizen] is a criminal [noncitizen]."). Because Ruelas falls within the specific detention authority of § 1225(b), the Court should not adopt a statutory construction that forces him over into the more general provisions of § 1226(a).[4]

Ruelas's reading of the statues at issue is not correct. And this Court would not be the first tribunal to reach that conclusion. On September 30, 2025, a federal district court in Nebraska, interpreting Eighth Circuit precedent, dismissed a similar habeas petition specifically finding that the petitioner in that case was properly detained under 8 U.S.C. § 1225(b)(2). the Court alternatively concludes that Vargas Lopez was subject to detention without the possibility of bond under § 1225(b)(2). *Lopez v. Trump, et al.*, No. 8:25CV526, 2025 WL 2780351, at *7 (D. Neb. Sept. 30, 2025). There, the court declined to find a conflict between section 1225 and 1226, finding that the fact that they may overlap does not mean 1226 must apply to the petitioner. The Court found that the petitioner was properly within the category of individuals to whom 1225(b)(2) applied, and thus, he was subject to mandatory detention. The same is true here.

A federal district court in Massachusetts also confirmed that a noncitizen, unlawfully present in the country for approximately 20 years, was nonetheless an "applicant for admission." *See Peña v. Hyde*, 2025 WL 2108913 (D. Mass. July 28, 2025). The *Peña* court explained that this resulted in the "continued detention" of a noncitizen

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[4] Ruelas points to the recently enacted mandatory detention provisions in § 1226(c), arguing that those recent changes would be superfluous under Respondents' interpretation of § 1225(b). Amended Pet. ¶ 31 (citing 8 U.S.C. § 1226(c)(1)(E)). But that provision requires mandatory detention for noncitizens who are charged with, arrested for, or convicted of particular crimes—circumstances not present here. This provision cannot shrink the scope of mandatory detention under an altogether different statute.

during removal proceedings as commanded by statute. *Id.* As set forward in *Peña*, the statutory language is clear:

> The authority of ICE to detain aliens who are present in the country unlawfully derives from 8 U.S.C. §1225. That statute authorizes the detention of any alien who 1) is "an applicant for admission" to the country and 2) is "not clearly and beyond doubt entitled to be admitted." An alien is an "applicant for admission" if he has arrived to or is present in the country but has not yet been lawfully granted admission.

Peña, 2025 WL 2108913, at *1 (citations omitted).

The BIA has likewise recognized for decades that "many people who are not *actually* requesting permission to enter the United States in the ordinary sense are nevertheless deemed to be 'seeking admission' under the immigration laws." *Matter of Lemus-Losa*, 25 I. & N. Dec. 734, 743 (BIA 2012). In fact, the BIA issued a decision just a few weeks ago directly addressing the issues that Ruelas raises in his petition. *See In re Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). That decision adopts the government's interpretation of § 1225(b)(2), which is persuasive authority to guide this Court's review given the BIA's expertise in immigration law.

B. Congressional Intent

When the plain text of a statute is clear, that meaning is controlling and courts "need not examine legislative history." *Doe v. Dep't of Veterans Affs. of U.S.*, 519 F.3d 456, 461 (8th Cir. 2008). Indeed, "in interpreting a statute a court should always turn first to one, cardinal canon before all others." *Conn. Nat'l Bank v. Germain*, 503 U.S. 249, 253-54 (1992). The Supreme Court has "stated time and again that courts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Id.*

(citations omitted). Thus, "[w]hen the words of a statute are unambiguous, then, this first canon is also the last: 'judicial inquiry is complete.'" *Id.* (citing *Rubin v. United States*, 449 U.S. 424 at 430 (1981)).

Even if legislative history is relevant, nothing within it "refutes the plain language" of § 1225. *Suzlon Energy Ltd. v. Microsoft Corp.*, 671 F.3d 726, 730 (9th Cir. 2011). Indeed, the legislative history and evidence regarding the purpose of § 1225(b)(2) show that Congress did not mean to treat noncitizens arriving at ports of entry worse than those who successfully enter the nation's interior without inspection. Congress passed IIRIRA to correct "an anomaly whereby immigrants who were attempting to lawfully enter the United States were in a worse position than persons who had crossed the border unlawfully." *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc), *declined to extend by*, *United States v. Gambino-Ruiz*, 91 F.4th 981 (9th Cir. 2024). It "intended to replace certain aspects of the [then-]current 'entry doctrine,' under which illegal [noncitizens] who have entered the United States without inspection gain equities and privileges in immigration proceedings that are not available to [noncitizens] who present themselves for inspection at a port of entry." *Id.* (quoting H.R. Rep. 104-469, pt. 1, at 225).

Ruelas asks this Court for a statutory interpretation that ignores Congress's goal. His construction means that noncitizens like him who "crossed the border unlawfully" are in a better position than those who follow the rules and "present themselves for inspection at a port of entry." *Id.* This cannot be the law. Accepting Ruelas's position means that noncitizens who present at ports of entry are subject to mandatory detention under § 1225,

while those who evade detection and cross without inspection are rewarded with eligibility for a bond under § 1226(a).

C. Prior Agency Practices

That leaves Ruelas's complaint that prior agency practices were different. *See, e.g.*, Amended Pet. ¶ 9. But prior practices carry little weight under *Loper Bright*. The weight given to agency interpretations "must always 'depend upon their thoroughness, the validity of their reasoning, the consistency with earlier and later pronouncements, and all those factors which give them power to persuade.'" *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 432-33 (2024) (quoting *Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944) (cleaned up)). And here, the agency provided no analysis to support its reasoning. *See* 62 Fed. Reg. at 10323; *see also Maldonado v. Bostock*, 2023 WL 5804021, at *3, 4 (W.D. Wash. Aug. 8, 2023) (noting the agency provided "no authority" to support its reading of the statute).

"[W]hen the best reading of the statute is that it delegates discretionary authority to an agency," the Court must "independently interpret the statute and effectuate the will of Congress." *Loper Bright*, 603 U.S. at 395 (cleaned up). Here, "read most naturally, §§ 1225(b)(1) and (b)(2) mandate detention for applicants for admission until certain proceedings have concluded." *Jennings*, 583 U.S. at 297 (cleaned up).

D. Petitioner's detention is for the purpose of conducting his removal proceedings.

Petitioner claims that his current temporary detention pending removal is unlawful and violates prior precedent. *E.g.*, Amended Pet. ¶¶ 62-66. Congress, the Eighth Circuit, and the Supreme Court disagree. *Demore*, 538 U.S. at 531 ("Detention during removal

proceedings is a constitutionally permissible part of that process."); *Banyee*, 115 F.4th at 928; *see also Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (even after foreign national is ordered removed and detention may be indefinite, detaining him for up to 180 days is presumptively valid).

As mentioned above, Congress broadly crafted "applicants for admission" to include undocumented aliens present within the United States like Petitioner. *See* 8 U.S.C. § 1225(a)(1). And, Congress directed aliens like the Petitioner to be detained during removal proceedings. 8 U.S.C. § 1225(b)(2)(A); *Jennings*, 583 U.S. at 297 ("Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded."). In so doing, Congress made a legislative judgment to detain undocumented aliens during removal proceedings, as they—by definition—have crossed borders and traveled in violation of United States law.[5] As explained above, that is

[5] The Supreme Court has long applied the so-called "entry fiction" that all "aliens who arrive at ports of entry . . . are treated for due process purposes as if stopped at the border." *DHS v. Thuraissigiam*, 591 U.S. 103, 139 (2020). Indeed, that is so "even [for] those paroled elsewhere in the country for years pending removal." *Id; see Kaplan v. Tod*, 267 U.S. 228, 230 (1925) (holding that, despite nine years of physical presence on parole, a foreign national "was still in theory of law at the boundary line and had gained no foothold in the United States"). Without a lawful entry or admission, Petitioner has no more due process rights than what processes Congress chooses to provide him. *See Thuraissigiam*, 591 U.S. at 114, 139–40 (2020); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) ("This Court has long held that an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative"); *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950) ("Whatever the procedure authorized by Congress is, it is due process[.]"); *cf. also Licea-Gomez v. Pilliod*, 193 F. Supp. 577, 580 (N.D. Ill. 1960) ("Nor does the fact that the excluded alien is paroled into the country . . . change his status or enlarge his rights. He is still subject to the statutes governing exclusion and has no greater claim to due process than if he was held at the border.").

the prerogative of the legislative branch serving the interest of the government and the United States.

The Supreme Court has recognized this profound interest. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) ("Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control."). With this power to remove aliens, the Supreme Court has recognized the United States' longtime Constitutional ability to detain those in removal proceedings. *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of this deportation procedure."); *Wong Wing v. United States*, 163 U.S. 228, 235 (1896) ("Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the inquiry into their true character, and while arrangements were being made for their deportation."); *Demore v. Kim*, 538 U.S. 510, 531 (2003) ("Detention during removal proceedings is a constitutionally permissible part of that process."); *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018) ("Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings. Detention during those proceedings gives immigration officials time to determine an alien's status without running the risk of the alien's either absconding or engaging in criminal activity before a final decision can be made.").

In light of Congress's interest in dealing with illegal immigration by keeping specified aliens in detention pending the removal period, the Supreme Court dispensed with any Due Process concerns without engaging in the *Mathews v. Eldridge* test. *See generally Zadvydas*, 533 U.S. at 690-91. Petitioner is being detained in order to effect his

removal to Mexico if he losses before the immigration judge. *Cf. Chaviano v. Bondi*, No. 25-cv-22451, 2025 WL 1744349, at *8 (S.D. Fla. June 23, 2025) (noting how hearings before an immigration court and opportunities for credible-fear interviews, together with a one-month detention, was not a sufficient basis for finding a due process violation, particularly where "detention, even for far longer periods, pending immigration proceedings" did not violate due process). The court should reject Petitioner's due process claim.

III. The remaining *Dataphase* factors do not support a temporary restraining order.

This Court should deny Petitioner's motion and petition because he has not established sufficient irreparable harm, and the public interest and balance of the equities favor the United States' position. As a threshold matter, the Court need not even reach these factors, given Petitioner's failure to show a likelihood of success on the merits of his claim. *See Devisme v. City of Duluth*, No. 21-CV-1195 (WMW/LIB), 2022 WL 507391, at *4 (D. Minn. Feb. 18, 2022) ("Because Devisme has not demonstrated a likelihood of success on the merits, the Court need not address the remaining *Dataphase* factors."). But even if the Court were to consider the other factors, Petitioner's claim fails.

A. Irreparable Harm

Regardless of the merits his or her claims, a plaintiff must show "that irreparable injury is likely in the absence of an injunction." *Singh v. Carter*, 185 F. Supp. 3d 11, 20 (D.D.C. 2016). To be considered "irreparable," a plaintiff must show that absent granting the preliminary relief, the injury will be "'both certain and great,' 'actual and not

theoretical,' 'beyond remediation,' and 'of such imminence that there is a clear and present need for equitable relief to prevent irreparable harm.'" *Mexichem Specialty Resins, Inc. v. EPA*, 787 F.3d 544, 555 (D.C. Cir. 2015) (quoting *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006)). The significance of the alleged harm is also relevant to a court's determination of whether to grant injunctive relief. *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 313 (1982) ("[A] federal judge sitting as chancellor is not mechanically obligated to grant an injunction for every violation of law."); *E.B. v. Dep't of State*, 422 F. Supp. 3d 81, 88 (D.D.C. 2019) ("While 'there is some appeal to the proposition that any damage, however slight, which cannot be made whole at a later time, should justify injunctive relief,' the Court cannot ignore that 'some concept of magnitude of injury is implicit in the [preliminary injunction] standards.'") (quoting *Gulf Oil Corp. v. Dep't of Energy*, 514 F. Supp. 1019, 1026 (D.D.C. 1981)).

Petitioner cites the potential negative consequences of being separated from his family and his work (ECF 11 at 21), which are, of course, real consequences that anyone in detention faces. To the extent Petitioner relies on the fact of detention in support of his argument regarding irreparable harm, Respondents note that it is mandatory under the statute for the duration of removal proceedings. Detention is not indefinite, particularly in this case where the IJ has already found Petitioner removable.

B. Public Interest, Balance of the Equities

The two remaining *Dataphase* factors—the public interest and the balance of harms—also weigh against injunctive relief. "For practical purposes, these factors 'merge'

when a plaintiff seeks injunctive relief against the government." *Let Them Play MN v. Walz*, 517 F. Supp. 3d 870, 888 (D. Minn. 2021).

Under the balance of harms factor, "[t]he goal is to assess the harm the movant would suffer absent an injunction, as well as the harm other interested parties and the public would experience if the injunction issued." *Katch, LLC v. Sweetser*, 143 F. Supp. 3d 854, 875 (D. Minn. 2015) (citing *Pottgen v. Missouri State High Sch. Activities Ass'n*, 40 F.3d 926, 928 (8th Cir. 1994)). When balancing the harms, courts will also consider whether a proposed injunction would alter the status quo, finding that such proposals weigh against injunctive relief. *See, e.g., Katch, LLC*, 143 F. Supp. 3d at 875; *Amigo Gift Ass'n v. Exec. Props., Ltd.*, 588 F. Supp. 654, 660 (W.D. Mo. 1984) ("[B]ecause Amigo is not seeking the mere preservation of the status quo but rather is asking the Court to drastically alter the status quo pending a resolution of the merits, the Court finds that the balance of the equities tips decidedly in favor of Executive Properties.").

Importantly, the Court must take into consideration the public consequences of injunctive relief against the government. *See Winter v. NRDC, Inc.*, 555 U.S. 7, 24 (2008) (cautioning that the Court "should pay particular regard for the public consequences" of injunctive relief). The government has a compelling interest in the steady enforcement of its immigration laws. *See Miranda v. Garland*, 34 F.4th 338, 365–66 (4th Cir. 2022) (vacating an injunction that required a "broad change" in immigration bond procedure); *Ubiquity Press Inc. v. Baran*, No 8:20-cv-01809-JLS-DFM, 2020 WL 8172983, at *4 (C.D. Cal. Dec. 20, 2020) ("the public interest in the United States' enforcement of its immigration laws is high"); *United States v. Arango*, CV 09-178 TUC DCB, 2015 WL

11120855, at 2 (D. Ariz. Jan. 7, 2015) ("the Government's interest in enforcing immigration laws is enormous.").

Judicial intervention would only disrupt the status quo. *See, e.g.*, *Slaughter v. White*, No. C16-1067-RSM-JPD, 2017 WL 7360411, at * 2 (W.D. Wash. Nov. 2, 2017) ("[T]he purpose of a preliminary injunction is to preserve the status quo pending a determination on the merits."). The Court should avoid a path that "inject[s] a degree of uncertainty" in the process. *USA Farm Labor, Inc. v. Su*, 694 F. Supp. 3d 693, 714 (W.D.N.C. 2023). The BIA exists to resolve disputes like the one regarding Petitioner's detention. *See* 8 C.F.R. § 1003.1(d)(1). By regulation it must "provide clear and uniform guidance" "through precedent decisions" to "DHS [and] immigration judges." *Id.* Respondents respectfully ask that the Court allow the established process to continue without disruption.

The Court should deny the motion and dismiss the Petition.

CONCLUSION

For the foregoing reasons, the Court should dismiss Ruelas's habeas for lack of jurisdiction or deny it on the merits and deny his motion for a temporary restraining order.

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