

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

RAMON RUELAS CASTELLANO

Petitioner,

v.

Samuel J. Olson, Field Office Director of Enforcement and Removal Operations, St. Paul Field Office, Immigration and Customs Enforcement; Kristi Noem, in her official capacity as Secretary of the U.S. Department of Homeland Security; Todd Lyons, in his official capacity as acting director of U.S. Immigration and Customs Enforcement; Joel Brott, in his official capacity as Sherburne County Sheriff.

Respondents.

Case No. 0:25-cv-3811

**PETITIONER'S REPLY TO
RESPONDENT'S
CONSOLIDATED RESPONSE
TO PETITION FOR HABEAS
CORPUS AND MOTION FOR
TEMPORARY RESTRAINING
ORDER**

I. INTRODUCTION

Pursuant to the Court's Orders, *see* ECF No. 15, Petitioner respectfully submits this memorandum in reply to Respondent's Consolidated Response to Petition For Writ of Habeas Corpus And Motion For Temporary Restraining Order, *see* ECF 17. The Court properly has jurisdiction to hear the instant habeas petition. The Petitioner's instant response principally concerns errors of fact in the Respondent's Consolidated Response.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. Petitioner was detained under INA 212(a)(6)(A)(i) and has no order for removal.

On July 8, 2025, DHS issued an Interim Guidance "in coordination" with DOJ to systematically misclassify § 1226 detainees as mandatory detainees under § 1225(b). On August 2, 2025, Petitioner received a Notice to Appear ("NTA") from DHS and was arrested and taken into Immigration and Customs Enforcement ("ICE") custody. ECF 16-2. The NTA lists his charge as INA 212(a)(6)(A)(i) – being present in the United States without being admitted or paroled. *Id.* The I-213 also lists INA 212(a)(6)(A)(i) as his charge. ECF 16-1. On August 25, 2025, DHS amended the charges to allege Petitioner was removable under INA 212(a)(7)(A)(i)(I) – being an immigrant who, at time of application for admission, was not in possession of a valid entry document. ECF 16-3. No new facts were cited in this amendment

document to provide grounds for the new charge. On September 5, 2025, the misclassification policy described in the Interim Guidance was formalized in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025).

On October 15, 2025, Immigration Judge Brian Sardelli (“IJ Sardelli”) issued an oral decision denying Petitioner Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1). IJ Decision, 2. IJ Sardelli ordered the Petitioner removed to Mexico. *Id.*, 2. The Petitioner reserved the right to appeal the IJ’s decision. *Id.*, 3. On October 21, 2025, the Petitioner timely notified the Board of Immigration Appeals of his intent to file an appeal of the IJ’s decision. E-26.

The Petitioner has married his USC wife since the inception of this case. Petitioner married Rosa Nivea Rodriguez Rivera on October 8, 2025. Exhibit Q – Marriage Certificate. Rosa has been disabled since her motor vehicle accident in November of 2020. Exhibit G. She suffers from daily chronic migraines and relies on regular injection-based therapy to reduce her pain. Exhibit F.

B. Petitioner has lived in the United States since 2001.

The Respondent’s reply brief contains a typographical error. They state the Petitioner entered the used in 2021. ECF 17, 2. The documents the Respondents filed show the Respondent entered in 2001. ECF 16 at ¶ 4; *see*

also ECF 16-2. Counsel for Petitioner does admit a scrivener's error in the original petition, listing 2023. Amended Pet. ¶ 45. The record should reflect the Petitioner has resided in the U.S. since he was 16-years-old.

III. ARGUMENT

A. The Court has jurisdiction over Petitioner's claims.

The Court properly has jurisdiction as this claim does not “arise from” the “commencement” of proceedings. Petitioner is not challenging: an order for removal, the commencement of removal proceedings, the adjudication of the merits of his case before EOIR, or the ability of the government to execute a removal order. Petitioner brought this habeas action to challenge the constitutionality of the statutory frameworks by which Respondents contend his detention without bond is mandatory. This challenge is properly within this Court's habeas jurisdiction. *See Jennings v. Rodriguez*, 583 U.S. 281, 291–96 (2018) (analyzing habeas jurisdiction to challenge detention without an individualized bond hearing).

Respondents' jurisdiction argument heavily relies on an outlier decision that misreads *Jennings's* § 1252(b)(9) and 1252(g) analyses. ECF 17, 10; *See S.Q.D.C. v. Bondi*, No. CV 25-3348 (PAM/DLM), 2025 WL 2617973 (D. Minn. Sept. 9, 2025). *Jennings* is clear “[t]he question is not whether *detention* is an action taken to remove an alien but whether *the legal questions* in this case

arise from such an action. And for the reasons explained above, those legal questions are too remote from the actions taken to fall within the scope of § 1252(b)(9).” *Jennings*, 583 U.S. at 295 Fn.3. *S.Q.D.C.* misapplies jurisdiction stripping provisions under § 1252(b)(9) to a “remote” detention question.

The *S.Q.D.C.* Court erred by flipping 1252(g) on its head when it proclaimed that the petitioner had to identify a “narrow exception to § 1252(g)” for the court to exercise jurisdiction. *S.Q.D.C. v. Bondi*, No. CV 25-3348 (PAM/DLM), 2025 WL 2617973, at *2 (D. Minn. Sept. 9, 2025). However, the Supreme Court cautioned that that the jurisdictional restrictions of 1252(g) *itself* are “narrow” and are limited to cases which arise from the commencement of proceedings, adjudication of cases, or the execution of removal orders. *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1907, 207 L. Ed. 2d 353 (2020). As noted below, the Petitioner has no final order of removal to execute. *See* Section III.B. The outlier decision is out of step with precedent and other decisions that did consider the precedential § 1252(g) analysis. This Court should conform to precedent.

B. The Petitioner’s is currently in § 1226 Removal Proceedings.

Respondents misstate key facts underlying the instant case. Respondent’s aver that “none of the § 1226 detention procedures” occurred in

the instant case. ECF 17, 7. The Respondent's assert that "everyone—including Petitioner—understands that he is being detained pursuant to § 1225 rather than § 1226." *Id.* Respondents filed charging documents that indicate that Petitioner was originally and properly placed in § 1226 removal proceedings. ECF 16-1; *see also* ECF 16-2. Contrary to the Respondent's characterization, Petitioner was discretionarily detained and requested a custody redetermination hearing. In a decision post-*Yajure Hurtado*, IJ Zaske determined that the Petitioner was detained under § 1225(b)(2)(A) and she did not have jurisdiction to reconsider his bond. *See* Exhibit K. The instant case regards the error in DHS's misclassification of the Petitioner, the illegality of that Board decision and the Petitioner's legal entitlement to a bond determination hearing. As Petitioner noted in the original brief, the Respondents miscategorized the Petitioner as removable under § 1225 without any factual evidence to support their recategorization. ECF 16-3. This remains a purely legal question the Court can resolve based on the undisputed facts.

Courts throughout the country have rejected government arguments that non-citizens properly subject to § 1226 removal proceedings can be lawfully categorized as subject to § 1225 instead. *See, e.g., Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Ferrera Bejarano v. Bondi*, 25-cv-03236 (D. Minn. Aug 18, 2025); *Aguilar Vazquez v.*

Bondi, 25-cv-03162 (D. Minn. Aug 19, 2025); *Tiburcio Garcia v. Bondi*, 25-CV-03219 (D. Minn. Aug. 29, 2025); *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, No. 8:25CV506, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566 (D. Neb. Sept. 3, 2025); *Jacinto v. Trump*, No. 4:25CV3161, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); *Garcia Jimenez v. Kramer*, No. 4:25CV3162, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Anicasio v. Kramer*, No. 4:25CV3158, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); *Arce v. Trump*, No. 8:25CV520, 2025 WL 2675934 (D. Neb. Sept. 18, 2025); *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Jimenez v. FCI Berlin*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Doe v. Moniz*, No. 1:25-CV-12094-IT, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Romero v. Hyde*, No. CV 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *dos Santos v. Noem*, No. 1:25-CV-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Choglio Chafla v. Scott*, 2025 WL 2688541 (D. Me. Sept. 21, 2025); *Chiliquinga Yumbillo v. Stamper*, No. 2:25-CV-00479-SDN, 2025 WL 2688160 (D. Me. Sept. 19, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. CV 3:25-

1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Beltran Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Cuevas Guzman v. Andrews*, No. 1:25-CV-01015-KES-SKO (HC), 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Caicedo Hinestroza v. Kaiser*, No. 25-CV-07559-JD, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Hernandez Nieves v. Kaiser*, No. 25-CV-06921-LB, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Garcia v. Noem*, No. 25-CV-02180-DMS-MMP, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-CV-01789-ODW (DFMX), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Lepe v. Andrews*, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Jabara Oliveros v. Kaiser*, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Castellanos v. Kaiser*, No. 25-CV-07962, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025); *Leon Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and

recommendation adopted sub nom. Rocha Rosado v. Figueroa, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025).

The Petitioner is currently appealing his Cancellation of Removal case to the BIA. This appeal stays IJ Sardelli's order of removal. 8 C.F.R. § 1003.6(a). The order of removal is not a final order while pending appeal. 8 C.F.R. § 1241.1. *Zadvydas* and other post-removal order cases are thus inapt to these cases. *Zadvydas v. Davis*, 533 U.S. 678, 688–89, 121 S. Ct. 2491, 2498, 150 L. Ed. 2d 653 (2001) (noting the case concerns the “post-removal-period detention statute” for non-citizens in that narrow category). Should the Petitioner be released, he will continue to prosecute this appeal with unencumbered access to counsel and ability to support his family. The Petitioner has established prima facie eligibility for this relief through his disabled USC wife and harm to his USC daughter. Redlined EOIR 42B at 1, 4.

Respondents cannot elide the plain language of § 1225(b)(2) – concerning those “seeking admission” — to fit the Petitioner within its ambit. *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025). *Jennings* clearly indicated that § 1225 and § 1226 concern non-overlapping classes of non-citizens, with § 1225 focusing on those outside the United States “seeking” lawful entry and § 1226 focusing on those “already in” the country. *Jennings*, 583 U.S. at 289. The Petitioner fits within the plain text of § 1226(a). *Belsai D.S.*, 2025 WL 2802947, at *6. The Respondent's radical

reinterpretation of § 1225 does not comport with the context and structure of the rest of the legislative scheme, as analyzed in *Jennings*. *Id.* Recent legislative history and longstanding agency practice confirm the Petitioner is properly subject to § 1226 discretionary detention as a non-citizen who has resided in the United States for decades. *Id.*, at *6-7. Longstanding Supreme Court jurisprudence confirms the distinction between rights and procedures appropriate for non-citizens within the United States and those “on the threshold” of entry. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107, 140 S. Ct. 1959, 1963–64, 207 L. Ed. 2d 427 (2020); *see also Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212, 73 S. Ct. 625, 629, 97 L. Ed. 956 (1953); *see also Leng May Ma v. Barber*, 357 U.S. 185, 187, 78 S. Ct. 1072, 1073, 2 L. Ed. 2d 1246 (1958) (“It is important to note at the outset that our immigration laws have long made a distinction between those aliens who have come to our shores seeking admission, such as petitioner, and those who are within the United States after an entry, irrespective of its legality.”). Even the procedural history of the Petitioner’s proceedings supports finding he is properly in § 1226(a) proceedings. *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *6 (D. Ariz. Aug. 11, 2025), report and recommendation adopted sub nom. *Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025). Statutory

text, court precedent, and the history of agency practice all demonstrate that the Petitioner is properly categorized as subject to § 1226(a) proceedings.

IV. CONCLUSION

For all of the foregoing reasons, Petitioner asks this Court to grant his Motion for a Temporary Restraining Order and Preliminary Injunction to:

1. Declare that the actions of Respondents as set forth in Mr. Ruelas Castellano's Petition, Motion, and Memorandum of Law violated the Fifth Amendment of the United States Constitution, 28 U.S.C. § 2241, and the APA.
2. Enjoin Respondents from continuing to detain Mr. Ruelas Castellano in their custody during the pendency of his petition for writ of habeas corpus before this Court.
3. If Mr. Ruelas Castellano is not immediately released from Respondents' custody, enjoin Respondents from transferring him to a detention facility out of this District where he would lose access to his counsel and support network.
4. If Mr. Ruelas Castellano is not immediately released from Respondents' custody, order Respondents to grant him a bond redetermination hearing on the merits of his release.
5. Grant Mr. Ruelas Castellano such other relief as the Court deems appropriate and just.

DATED: October 31, 2025

Respectfully submitted,

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