

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:25-cv-03811-ECT-LIB

Ramon Ruelas Castellano,

Petitioner,

v.

**OBJECTION TO REPORT
AND RECOMMENDATION**

Samuel J. Olson, Field Office Director of Enforcement and Removal Operations, St. Paul Field Office, Immigration and Customs Enforcement; Kristi Noem, 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; and Joel Brott, Sherburne County Jail Sheriff,

Respondents.

Federal Respondents submit this objection to the Report and Recommendation (R&R) issued yesterday in this immigration habeas matter. ECF No. 21. Respectfully, the R&R does not reflect significant developments in this fast-evolving area of the law, as presented to this Court in more recent briefing in another pending case. *See, e.g., Ahmed Sharif Mohamed v. Bondi*, Case No. 25-cv-4711 (ECT/SGE), ECF No. 5 (Federal Respondents' response filed Dec. 23, 2025). Just yesterday, in an immigration habeas ruling presenting the same legal question but based on more recent cases and filings from the parties, Chief Judge Schiltz observed the Government's argument for revisiting prior decisions in this district "has some force," although his ruling maintained the district's prior position without further analysis. *Hector G. v. Lyons*, Case No. 25-cv-4710 (PJS/EMB), ECF No. 9 (Dec. 30, 2025 Order).

In general, the principal arguments as to whether Section 1225(b)(2) or Section 1226(a) applies to those in Petitioner's position are familiar by now. The Government does not wish to belabor these issues, but submits this objection for the record and in light of the more recent developments not necessarily reflected in the R&R. As this Court knows, the United States has appealed a decision by Judge Tunheim on the same issue to the Eighth Circuit. *Avila v. Bondi*, No. 25-cv-3741 (JRT/SGE), 2025 WL 2976539, at *1 (D. Minn. Oct. 21, 2025). The United States filed its opening brief in that case on December 12, 2025, and the Eighth Circuit granted the United States' motion for expedited consideration. *Avila v. Bondi*, No. 25-3248 (8th Cir. Dec. 12, 2025). The case should be fully briefed by the end of January 2026.

As of our latest review, there is a rapidly growing minority of district courts to adopt the government's understanding of the INA's detention provisions. *See, e.g., Calderon Lopez v. Lyons*, No. 1:25-CV-226-H, 2025 WL 3683918 (N.D. Tex. Dec. 19, 2025); *Urbina Zapata v. Chestnut*, No. 1:25-cv-01922-WBS-CKD, 2025 WL 3687643 (E.D. Cal. Dec. 19, 2025); *E.R.J.B. v. Wofford*, No. 1:25-cv-01843-WBS-SCR, 2025 WL 3683118 (E.D. Cal. Dec. 18, 2025); *Romero Rebolledo v. Chestnut*, No. 1:25-cv-01904-WS-CKD, 2025 WL 3683122 (E.D. Cal. Dec. 18, 2025); *Liang v. Almodovar*, No. 1:25-cv-09322-MKV, 2025 WL 3641512 (S.D.N.Y. Dec. 15, 2025); *Pablo Coronado v. Secretary, DHS*, No. 1:25-cv-831, 2025 WL 3628229 (S.D. Ohio Dec. 15, 2025); *P.B. v. Bergami*, No. 3:25-cv-02978-O, 2025 WL 3632752 (N.D. Tex. Dec. 13, 2025); *Yanyun Mo v. Chestnut*, No. 1:25-cv-01789 WBS CSK, 2025 WL 3539063 (E.D. Cal. Dec. 10, 2025); *Ugarte-Arenas v. Olson*, No. 25-C-1721, 2025 WL 3514451 (E.D. Wis. Dec. 8, 2025); *Melgar v. Bondi*,

et al., No. 8:25CV555, 2025 WL 3496721 (D. Neb. Dec. 5, 2025); *Chen v. Almodovar*, No. 1:25-cv-8350, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025); *Candido v. Bondi*, No. 25-CV-867 (JLS), 2025 WL 7484932, (W.D.N.Y. Dec. 4, 2025); *Topal v. Bondi*, No. 1:25-CV-01612 (SEC P), 2025 WL 3486894 (W.D. La. Dec. 3, 2025); *Hernandez Cruz v. Noem*, No. 8:2-cv-02566-SB-MAA, 2025 WL 3482630 (C.D. Cal. Dec. 2, 2025); *Suarez v. Noem*, No. 1:25-cv-202-JMD, 2025 WL 3312168 (E.D. Mo. Nov. 28, 2025); *Maceda Jimenez v. Thompson*, No. 4:25-cv-05025, 2025 WL 3265493 (S.D. Tex. Nov. 24, 2025); *Alves De Andrade v. Patterson*, No. 6:25-cv-01695, 2025 WL 3252707 (W.D. La. Nov. 21, 2025); *Valencia v. Chestnut*, No. 1:25-CV-01550 WBS JDP, 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025); *Alonzo v. Noem*, No. 1:25-cv-01519 WBS SCR, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025); *Cabanas v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Ramos v. Lyons*, No. 2:25-cv-09785-SVW-AJR, 2025 LX 568700 (C.D. Cal. Nov. 12, 2025); *Mejia Olalde v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Oliveira v. Patterson*, No. 6:25-CV-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Rojas v. Olson*, No. 25-cv-1437, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025); *Garibay-Robledo v. Noem*, No. 1:25-CV-177, 2025 WL 3264478 (N.D. Tex. Oct. 24, 2025); *Vargas Lopez v. Trump*, --- F.Supp.3d ---, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, No. 3:25-CV-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Pipa-Aquise v. Bondi*, No. 1:25-cv-01094-MSN-WBP, 2025 WL 2490657 (E.D. Va. Aug. 5, 2025). Though admittedly a minority position, that minority has grown since the BIA reached its conclusion in *Matter of Yajure Hurtado*, 29

I&N Dec. 216 (BIA Sept. 5, 2025). *See Sandoval*, 2025 WL 3048926, at *6 (noting “many of the[] cases” taking the majority position did so “before—or soon after—the BIA issued its opinion in” *Hurtado*).¹

Many of these decisions include considerable in-depth legal analysis, and the government particularly commends the well-reasoned *Sandoval* opinion as containing a clear explanation of the statutory scheme. One of the decisions observed that many of the cases rejecting the government’s interpretation “defer largely to each other.” *Mejia Olalde v. Noem*, 2025 WL 3131942, *1 (E.D. Mo. Nov. 10, 2025). Another judge, having initially rejected the government’s position, adopted it in a later ruling “after additional research and analysis.” *Ramos*, 2025 WL 3199872, at *4.

In the end, of course, “[w]hat governs this case is the text of the statute, not what other district courts have concluded.” *Mejia Olalde*, 2025 WL 3131942, at *1 (denying habeas petition in this context; noting majorities “sometimes get the law very wrong.”) (citation omitted). *Id.*

The remainder of this objection sets forth a shortened summary of the government’s understanding of the applicable statutes, highlighting persuasive language and reasoning from those district courts nationwide that have increasingly chosen to adopt this approach.

¹ The R&R in this case cited *Fuentes v. Olson*, No. 25-cv-4456 (LMP/ECW), 2025 WL 3524455, at *1, 3 (D. Minn. Dec. 9, 2025), in which the Court relied on a decision from another district collecting cases, which reflected only six decisions nationwide agreeing with the government’s position. *See* ECF No. 21 at 7. As indicated in the text above, that number has grown considerably.

Petitioner does not dispute that he entered the United States without inspection. He is therefore a noncitizen “present in the United States who has not been admitted,” and he is “deemed” an “applicant for admission” under § 1225(a)(1). Under § 1225’s “catchall provision”— paragraph (b)(2)—a noncitizen such as Petitioner, who is deemed an applicant for admission and who is not subject to paragraph (b)(1), must be detained during removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Those who have concluded otherwise rely on an interpretation of the phrase “seeking admission” in the text of § 1225(b)(2)(A). That provision, in its entirety, states:

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.

8 U.S.C. § 1225(b)(2)(A) (emphasis added). This phrase, according to the view of the R&R and this Court in *Avila*, *Roberto M.F.*, and other cases, supposedly limits § 1225(b)(2)’s scope to only those “actively ‘seeking admission’ or ‘coming into the United States.’”

Respectfully, the Court should revisit this interpretation, and decline to adopt the R&R, for multiple reasons evident from the statute’s text, context, and structure.

First, Petitioner’s argument is contrary to § 1225’s plain text, which “deem[s]” people, like Petitioner, who are already “present in the United States” without admission to be applicants for admission. *See* 8 U.S.C. § 1225(a)(1). While paragraph (b)(1) applies to those “arriving” in the United States and other more recent arrivals, paragraph (b)(2) is not so limited and applies instead to any “other” noncitizen “who is an applicant for

admission.” Compare *id.* § 1225(b)(1)(A)(i) with *id.* § 1225(b)(2)(A); accord *Jennings*, 583 U.S. at 287. The term “seeking admission” does not implicitly narrow this provision to just those applicants for admission who are “arriving” at the border. Such an interpretation would render paragraph (b)(2) essentially redundant of (b)(1). Rather, (b)(2) includes all people who Congress deemed to be applicants for admission who are not already covered by paragraph (b)(1).

Thus, as the growing minority of courts recognizes, “[t]here is no support in statutory text, precedent, or legislative history for the conclusion that Section 1225(b)(2) does not apply to aliens who are ‘already here’ after having illegally entered the country.” *Chen*, 2025 WL 3484855, at *5. Indeed, “as a matter of text and logic, the proposition that someone who is physically present in the country cannot also be ‘seeking admission’ to the United States does not hold water.” *Id.* at *6. Such an approach effectively amounts to a judicially-created “extra-statutory status.” *Candido*, 2025 WL 3484932, at *4 (by arguing “he is not also ‘seeking admission’” despite admitting having never been “‘admitted’ into the United States,” Petitioner “creates his own extra-statutory status. Under such status, after *some undetermined period of time* of merely residing unlawfully in the United States, he no longer is ‘seeking admission’ and, thereby, converts himself to bond-eligible under Section 1226(a) by nothing more than remaining in the country unlawfully.”) (emphasis in original).

These courts have seen that trying to read “seeking admission” as a separate or additional requirement “would pack a lot of meaning into what appears to be an alternate phrasing.” *Rojas*, 2025 WL 3033967 at *8. Ultimately, they have concluded, “it makes

no sense to describe an active applicant for admission as somebody who is not ‘seeking’ admission.” *Valencia*, 2025 WL 3205133, at *3. This is so because, of course, “[a]n alien can have physically entered the country many years before and still be an applicant for *lawful* entry, seeking legal ‘admission.’” *Id.*; *see also Ramos*, 2025 WL 3199872, at *5 (“Petitioner is ‘seeking admission’ because the statute treats an alien who is ‘an applicant for admission’ as someone who is, legally speaking ‘seeking admission.’”); *Cabanas*, 2025 WL 3171331, at *5 (“Congress could have said that 1225(b) applied only to *arriving* aliens if that’s what was meant. But it didn’t.”); *Garibay-Robledo*, 2025 WL 3264478, at *4 (trying to distinguish between “applicant for admission” and “seeking admission . . . appears to place form over substance”).

Second, the context of § 1225’s passage in a 1996 reform package shows Congress intended to place noncitizens who are present without admission on equal footing with those who are apprehended upon arrival. Before the current version of § 1225 was enacted, under the so-called entry doctrine, inadmissible noncitizens who successfully evaded apprehension and gained entry enjoyed greater rights than those who were found inadmissible after appearing for inspection. *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc) (explaining history of § 1225), *declined to extend by*, *United States v. Gambino-Ruiz*, 91 F.4th 981 (9th Cir. 2024). But Congress did away with the distinction by, among other changes, deeming both categories to be treated as applicants for admission in § 1225(a) and treating them similarly in § 1225(b). Interpreting § 1225(b) to turn on physical entry rather than lawful admission after inspection would reinvigorate the entry doctrine, contrary to Congress’s legislative efforts.

Relatedly, the government's reading of Section 1225 "is consistent with the longstanding 'entry fiction' doctrine . . . [under which] an alien who is physically present but has not been lawfully admitted into the country is 'legally considered to be detained at the border and hence as never having effected entry into this country.'" *Ramos*, 2025 WL 3199872, at *7 (emphasis added) (quoting *Alvarez-Garcia v. Ashcroft*, 378 F.3d 1094, 1097 (9th Cir. 2004)); see also *Valencia*, 2025 WL 3205133, at *3 ("The suggestion that petitioner may evade the designation of 'applicant for admission' merely because he has already entered the United States elides the fact that he was never lawfully admitted, regardless of what steps he may have taken to acquire that status.").

In taking this approach to Section 1225, these courts join the *en banc* Ninth Circuit's understanding of the statute's structure and purpose. "Before IIRIRA, there was 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." *Sandoval*, 2025 WL 3048926, at *6 (quoting *Torres*, 976 F.3d at 928); *id.* n.7 (accepting petitioner's interpretation would "seemingly undermine the intent of Congress in enacting the IIRIRA. This Court thus refuses to interpret the INA in a way that would in effect repeal Congress's statutory fix.") (quoting *United States v. Gambino-Ruiz*, 91 F.4th 981, 990 (9th Cir. 2024)) (cleaned up).²

² *Torres* is exceptionally strong persuasive authority. While superficially distinguishable (the case arose on different facts and involved a different ultimate legal question), the *en banc* Ninth Circuit's extended analysis of how Section 1225 operates was in fact central to its holding in the case. Not a single judge dissented.

Third, Petitioner’s argument, and the view reflected in the R&R, contradicts the structure of the statute, both within § 1225 itself and between §§ 1225 and 1226. Section 1225(b) divides applicants for admission between two subparagraphs: (b)(1) for those applicants for admission who are arriving, and (b)(2) for “other” applicants for admission. Section 1225(b) treats all “applicants for admission”—whether arriving or already present—as mandatory detainees under either (b)(1) or (b)(2), unlike *admitted* noncitizens who subject to discretionary detention and allowed bond under § 1226.

Fourth, “[h]eeding the plain language of [section 1225] does not contradict or render superfluous 1226.” *Chavez*, 2025 WL 2730228, at *5. It is “simply not true” that the “broader, more natural reading of Section 1225(b)(2)” would “all but read Section 1226 off the books,” since 1226 (unlike 1225) would still apply to noncitizens who had legal status but overstayed its expiration or committed certain crimes even during the legal status. *Chen*, 2025 WL 3484855, at *7. An irony of the R&R’s majority view is that, “while purporting to guard against one word of ‘surplusage’ in the statute, [majority-view] judges [. . .] would virtually nullify Section 1225(b)(2).” *Id.* at *5.

Likewise, these courts observe, the Laken Riley Act does not undercut the government’s understanding of Section 1225. That is partly because “nothing in the Laken Riley Act suggests any Congressional thoughts concerning the issues presented in this case [relating to the interplay between 1225 and 1226].” *Rojas*, 2025 WL 3033967 at *9.

Rather, as one court noted earlier this month, “many members of Congress thought it necessary to enact [the Laken Riley Act] because of their perception that the Executive Branch had failed to enforce the detention options that were already available to it.” *Chen*,

2025 WL 3484855, at *6 (citing *Tumba v. Francis*, 2025 WL 3079014, at *4 (S.D.N.Y. Nov. 4, 2025)). That court thus “declin[ed] to participate in [the] alchemy” of “transmut[ing]” a “law that clearly was enacted to strengthen immigration enforcement . . . into a reason to defang the law on the books.” *Id.*

Even if broadly-applicable mandatory detention under Section 1225 did create some redundancy, “the Supreme Court holds, ‘Redundancy in one portion of a statute is not a license to rewrite or eviscerate another portion of the statute contrary to its text.’” *Cabanas*, 2025 WL 3171331, at *6 (quoting *Barton v. Barr*, 590 U.S. 222, 239 (2020)). Otherwise stated, “[a]s the Supreme Court has explained when confronted with a choice between an interpretation that honors a statute’s plain meaning but produces surplusage, and an interpretation that ignores the plain meaning but avoids surplusage, there is no choice at all—the plain meaning must control.” *Artola v. Garland*, 996 F.3d 840, 844 (8th Cir. 2021) (quoted by *Valencia*, 2025 WL 3205133, at *4); *see also Valencia*, at *4 (“[I]t is perfectly possible to interpret [sections 1225 and 1226] as overlapping, and Congress often takes a ‘belt and suspenders approach’ to legislation.”) (quoting *Atl. Richfield Co. v. Christian*, 590 U.S. 1, 14 n.5 (2020)); *Garibay-Robledo*, 2025 WL 3264478, at *4 (“The Supreme Court has often recognized that sometimes the better overall reading of a statute contains some redundancy.”) (quoting *Barton*, 590 U.S. at 239) (cleaned up).

Finally, concerning the history of agency practice, there is no question the government is currently applying Section 1225 in a way not done previously. However, especially after *Loper Bright*, courts are to afford such administrative history minimal weight. Indeed, “[a] failure by the Executive Branch to enforce a statutory provision, or

its conclusion that the law does not apply, does not nullify a duly-enacted law.” *Chen*, 2025 WL 3484855, at *7.

The Court should give administrative history particularly little weight here, because those emphasizing longstanding prior practice “nowhere cite[] a thorough, reasoned analysis from administrators explaining why aliens covered by 1225(b)(2) are eligible to receive bond hearings.” *Valencia*, 2025 WL 3205133, at *5; *id.* (noting the 1997 interim rulemaking supporting past practice “offered no interpretation of the statute to justify that nontextual policy, so the Court accords it little to no weight. The plain meaning prevails.”); *see also Rojas*, 2025 WL 3033967 at *9 (“If there was a documented prior rationale, the Court has not seen it”; therefore, “[t]he Court must apply the statute as written.”).

CONCLUSION

For the reasons summarized above, and those more fully set forth in their briefing in the above-referenced *Mohamed* case pending before Judge Tostrud, Federal Respondents respectfully request that the Court reconsider prior decisions from this district concerning the applicability of 8 U.S.C. § 1225(b)(2), decline to adopt the R&R, and dismiss the habeas petition.

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