UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ABRAHAM ENEMIAS ALFARO-RAMIREZ, *Petitioner,*	§	
v.	§	**No. 1:25-cv-01595-ADA-DH**
PAMELA JO BONDI, ET AL., *Respondents*	§	

REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

TO: THE HONORABLE ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE

Before the Court is Petitioner Abraham Enemias Alfaro-Ramirez's 28 U.S.C. § 2241 Petition for Writ of Habeas Corpus. Dkt. 1. The District Judge referred Alfaro-Ramirez's petition to the undersigned for report and recommendation pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, and Rule 1, Appendix C of the Local Rules of the U.S. District Court for the Western District of Texas. The undersigned recommends that the District Judge grant the petition.

I. BACKGROUND

Alfaro-Ramirez is a citizen of Guatemala who has been detained in Taylor, Texas. Dkt. 1, at 3. Alfaro-Ramirez entered the United States without inspection in 2005. *Id.* at 4. Alfaro-Ramirez is married and has two young, U.S.-citizen children. *Id.* Following an arrest for a misdemeanor offense,[1] Alfaro-Ramirez was detained by Immigration and Customs Enforcement ("ICE"). *Id.* at 3-5. After holding a bond

[1] Alfaro-Ramirez's misdemeanor charge was ultimately dismissed. Dkt. 1-1, at 3.

hearing, the Immigration Judge ("IJ") ordered Alfaro-Ramirez to be released from detention upon posting bond. Dkts. 1, at 5; 1-1, at 11-18. On appeal, the Board of Immigration Appeals ("BIA") found that the IJ lacked authority to hear or grant bond requests from individuals, like Alfaro-Ramirez, who are in the United States without having been admitted or paroled because they are subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Dkt. 1, at 5. Alfaro-Ramirez remains detained. *Id.* at 6.

Alfaro-Ramirez alleges that the application of § 1225(b)(2) to him violates the Immigration and Nationality Act ("INA"), the Administrative Procedures Act ("APA"), as well as his procedural due process rights under the Fourteenth Amendment. *Id.* at 10-18. Alfaro-Ramirez also filed a motion for a preliminary injunction. Dkt. 10. Respondents Vincent Marmolejo, Miguel Vergara, Todd Lyons, Kristi Noem, Pamela Bondi (the "Federal Respondents"), and Charlotte Collins argue that their invocation of § 1225(b)(2) to detain Alfaro-Ramirez without bond is both statutorily and constitutionally permissible. Dkt. 11, at 2-3.[2]

II. DISCUSSION

A. This Court has jurisdiction to decide Alfaro-Ramirez's case.

Respondents argue that this Court lacks jurisdiction over Alfaro-Ramirez's petition under 8 U.S.C §§ 1252(b)(9), (g), and (e)(3). Dkt. 11, at 10-11. None of these provisions bar this Court from reviewing Alfaro-Ramirez's petition.

First, Respondents argue that this Court may not consider Alfaro-Ramirez's petition because section 1252(e)(3), which governs "[c]hallenges on validity of the

[2] Respondent Collins, Warden of the T. Don Hutto Detention Center, joined the response filed by the Federal Respondents. Dkt. 12.

system," bars review of Alfaro-Ramirez's "challenge[s] [to] the determination, set forth in writing by both the Department of Justice and DHS, that aliens who entered the United States without inspection are subject to mandatory detention under § 1225(b)(2)." Dkt. 11, at 10; 8 U.S.C. § 1252(e)(3). Section 1252(e)(3) calls for "[j]udicial review of determinations under section 1225(b) of this title and its implementation" to be brought in District Court for the District of Columbia. 8 U.S.C. § 1252(e)(3)(A). It further limits such review to the questions of "whether [§ 1225], or any regulation issued to implement [§ 1225], is constitutional" or whether "a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Attorney General to implement [§ 1225], is not consistent with applicable provisions of this subchapter or is otherwise in violation of law." 8 U.S.C. § 1252(e)(3)(A)(i)-(ii).

Alfaro-Ramirez does not bring a "systemic" challenge to "the validity of the system." *See* Dkt. 1; 8 U.S.C. § 1252(e)(3); *see also Shunaula v. Holder*, 732 F.3d 143, 147 (2d Cir. 2013) (describing "the exception created by § 1252(e)(3) as applying to "'systemic' challenges to the expedited removal process."). Instead, Alfaro-Ramirez objects to the specific application of section 1225 to him, which courts have found to lie outside of section 1252(e)(3)'s regulation of challenges to the overall "validity of the system." *See* Dkt. 1; 8 U.S.C. § 1252(e)(3); *Cardona-Lozano v. Noem et al.*, No. 1:25-cv-01784-RP, ECF 7, at 4-5 (W.D. Tex. Nov. 14, 2025) (concluding that petitioner's challenge to the government's invocation of section 1225 as against petitioner was not barred by section 1252(e)(3)); *Hernandez Hervert v. Bondi et al.*,

No. 1:25-cv-01763-RP, ECF 7, at 4-5 (W. D. Tex. Nov. 14, 2025) (same); *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493, 2025 WL 1953796, at *7 (W.D.N.Y. July 16, 2025) (finding that § 1252(e)(3) does not bar jurisdiction when the petitioner challenged the government's authority to initiate the expedited removal process against him rather than the constitutionality of expedited removal generally).[3]

Next, Respondents argue that section 1252(g)'s bar on judicial review of claims "arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders" applies here because Alfaro-Ramirez challenges "the decision to detain him in the first place, which arises directly from the decision to commence and/or adjudicate removal proceedings against him." Dkt. 11, at 11. Yet section 1252(g) applies "only to three discrete actions that the Attorney General may take: her 'decision or action' to '*commence* proceedings, *adjudicate* cases, or *execute* removal orders." *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (emphasis in original). Here, Alfaro-Ramirez's petition does not implicate any of the "three discrete events along the road to deportation" identified by the Supreme Court as falling within 1252(g)'s purview; rather, he challenges the lawfulness of his continued detention during the pendency of his removal proceedings. *See* Dkt. 1; *Reno*, 525 U.S. at 482; *Cardona-Lozano*, No.

[3] Courts have also found that section 1252(e)(3) only applies to "the expedited removal process," which is not at issue here. *See* Dkts. 1; 11; *Shunaula*, 732 F.3d at 147; *Rodrigues v. McAleenan*, 435 F. Supp. 3d 731, 737 (N.D. Tex. 2020) (holding that § 1252(e)(3) applies to "any regulation implementing the expedited removal procedures of § 1225(b)"); *see also Thuraissigiam v. U.S. Dep't of Homeland Sec.*, 917 F.3d 1097, 1101 (9th Cir. 2019), *rev'd on other grounds and remanded sub nom. Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020).

1:25-cv-01784-RP, ECF 7, at 3-4 (concluding that petitioner's claims were not barred by 1252(g)); *Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 3-4 (same). Respondents argue that Alfaro-Ramirez's challenge to his continued detention after being granted release on bond is "exactly the type of challenge *Jennings* referenced as unreviewable" under section 1252(g). Dkt, 11, at 11 (citing *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018)). Yet the Supreme Court did no such thing in *Jennings*, but rather clarified that section 1252(g) applies "to just those three specific actions" referenced in the statute and "did not interpret this language to sweep in any claim that can technically be said to 'arise from' the three listed actions of the Attorney General." *Jennings*, 582 U.S. at 294.[4] Section 1252(g) does not strip this Court of jurisdiction to review Alfaro-Ramirez's petition.

Finally, Respondents argue that section 1252(b)(9)'s channeling provision, which states that "[j]udicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final order under this section," bars review of Alfaro-Ramirez's petition. Dkt. 11, at 11; 8 U.S.C. § 1252(b)(9). The Supreme Court has stated that where a petitioner is not "asking for

[4] Respondents rely on *Jennings* to support jurisdiction-stripping under section 1252(g) because they view Alfaro-Ramirez's petition as a challenge to "the decision to detain him in the first place." Dkt. 11, at 11; *Jennings*, 582 U.S. at 294. Yet there, the Supreme Court found that such a challenge would fall within the scope of 1252(b)(9), not 1252(g). *Jennings*, 582 U.S. at 294 (noting that section 1252(b)(9) did not bar plaintiffs' claims because "they are not challenging the decision to detain them in the first place" while making no mention of a such a basis for jurisdiction-stripping under 1252(g), which it limited to the three actions explicitly listed in the statute).

review of an order of removal," "challenging the decision to detain them in the first place or seek removal," or "challenging any part of the process by which their removability will be determined," § 1252(b)(9) does not bar judicial review. *Nielsen v. Preap*, 586 U.S. 392, 402 (2019). Here, Alfaro-Ramirez's challenge to his continued detention as constitutionally and statutorily unlawful does not fall into any of those categories. *See Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 19 (2020) ("[Section] 1252(b)(9) does not present a jurisdictional bar where those bringing suit are not asking for review of an order of removal, the decision to seek removal, or the process by which removability will be determined."); *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 2-3 (concluding that petitioner's claims were not barred by § 1252(b)(9)); *Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 2-3 (same).[5]

B. Alfaro-Ramirez's detention under section 1225(b)(2) violates the INA.

Alfaro-Ramirez brings six claims for relief, one of which is that the Federal Respondents' application of section 1225(b)(2) to mandatorily detain him when he had been granted release on bond under 1226(a) violates the INA and its

[5] Respondents cite *QDC v. Bondi*, No. 25–3348 (PAM/DLM), 2025 WL2617973 (D. Minn. Sept. 9, 2025), for the proposition that section 1252(b)(9) bars Alfaro-Ramirez's claims, but the district court in *QDC* offered no reasoning in support of its conclusion that "[a]lthough [petitioner] contends that § 1252(b)(9) does not bar his claims because he is challenging his ongoing detention, not the initial decision to detain him, this difference does not alter the Court's conclusion," and Respondents do not explain why that finding should govern here. Dkt. 11, at 11. Moreover, at least one court in this Circuit has concluded that section "1252(b)(9) poses no bar" to the types of claims raised in Alfaro-Ramirez's petition. *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 2-3; *Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 2-3.

implementing regulations. Dkt. 1, at 13-15. Respondents, in turn, advance a new interpretation of 1225(b)(2) as applying to individuals long present in the United States, rather than those who are seeking admission at or are detained near the border. Dkt. 11, at 4-10. The crux of this case thus revolves around whether the Federal Respondents properly applied section 1225(b)(2) to detain Alfaro-Ramirez without the availability of release on bond.

Under section 1225(b), an "applicant for admission," which includes any individual "present in the United States who has not been admitted or who arrives in the United States" must be mandatorily detained pending their removal proceeding. 8 U.S.C. §§ 1225(b)(1), (2). An individual who is detained under section 1225(b)(2) is not entitled to a bond hearing and can only be released from detention on humanitarian parole at the arresting agency's discretion. *See Jennings*, 583 U.S. at 288; 8 U.S.C. § 1192(d)(5). Section 1226(a), in contrast, provides for the discretionary detention of individuals arrested on "a warrant," who are eligible to seek release on bond during their removal proceedings. 8 U.S.C. § 1226(a); *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 6 ("Section 1226 allows for release on bond and provides 'procedural protections that are not afforded under the mandatory detention statute, such as the right to a bond re-determination hearing in front of an immigration judge and a right to appeal any custody determination.'" (quoting *Chiliquinga Yumbillo v. Stamper*, No. 2:25-CV-00479-SDN, 2025 WL 2783642, at *2 (D. Me. Sept. 30, 2025))).

Respondents argue that section 1225(b)'s mandatory-detention provision applies to Alfaro-Ramirez because he is an "applicant for admission" as an individual "present in the United States who has not been admitted or who arrives in the United States." 8 U.S.C. § 1225(a)(1). Yet section 1225(b)(2) explicitly applies to "applicant[s] for admission" who are "seeking admission," which courts have determined does not apply to those who have been residing in the United States even if they were never lawfully admitted into the country. 8 U.S.C. § 1225(b)(2); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588, at *5 (S.D.N.Y. Aug. 13, 2025) (finding that "in light of a proper understanding of the statutory provisions at issue," petitioner who had been present in the country for more than two years was not "seeking admission" and "therefore not subject to" section 1225(b)); *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 6-12 (holding that petitioner who has been present in United States for ten years was not subject to mandatory detention under section 1225(b)); *Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 6-11 (same). Respondents' proposed reading of section 1225(b) would "eliminate much of the meaning of § 1226: nearly every individual would be subject to mandatory detention, making it unclear why the INA also contains a broadly worded discretionary-detention provision." *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 7 (citing *Lopez Benitez*, 2025 WL 2371588, at *8).

Respondents counter that their novel interpretation of section 1225(b) would not render section 1226(a) superfluous because the latter would still apply to the narrow subsection of individuals who have overstayed a visa or committed a crime

after being lawfully admitted. Dkt. 11, at 4-10. Yet Respondents do not substantively grapple with the case law, legislative history, recent amendments, and longstanding agency practice counseling against their understanding of the statute. *See id.* Instead, Respondents rely on *Martinez v. Mukasey*, 519 F. 3d 532 (5th Cir. 2008), for the proposition that Alfaro-Ramirez must be "seeking admission" to the United States since he does not seek his release from detention so that he may be removed from the country. *Id.* at 5-7. Yet in *Martinez*, the Fifth Circuit addressed the meaning of the words "admission" and "admitted" in a different INA provision governing waivers of inadmissibility. 519 F.3d at 543 (citing 8 U.S.C. § 1182(h)).

Although the Court in *Martinez* found that the words "admission" and "admitted," as used in section 1182(h), refer to lawful entry after inspection, it offered no analysis relevant to whether the addition of the term "seeking admission" in section 1225(b)(2) modifies the term "applicant for admission." *See id.*; *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 8 ("The question is not, then, whether the INA defines 'admission' or 'admitted' in reference to lawful inspection and entry: it is whether the idea of 'seeking admission' adds anything to § 1225(b)(2)."); *Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 8. The longstanding interpretation of section 1225(b)(2) as applying only to those who have recently entered the country avoids both reading the inclusion of "seeking admission" as surplusage and applying section 1225(b)(2) in such a way that would render section 1226(a) "extremely limited" in application. *Lopez Benitez*, 2025 WL 2371588, at *8[6]; *Cardona-Lozano*, No.

[6] While Respondents' interpretation of section 1226(a) would narrow the statute "such that it would have extremely limited (if any) application," their reading of 1225(b)(2) would

1:25-cv-01784-RP, ECF 7, at 8; *Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 8.

Moreover, "there is nothing in the history or application of § 1226 to even remotely suggest that it was intended to have such a narrow reach." *Lopez Benitez*, 2025 WL 2371588, at *8; *see also Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 8-10; *Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 8-10. Sections 1225(b)(2) and 1226 were enacted through the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. In passing the IIRIRA, "Congress specified that § 1226(a) simply restated the discretionary detention authority applicable to all individuals *present* in the U.S. pending deportability proceedings" given "longstanding precedent" recognizing "'[t]he distinction between an alien who has effected an entry into the United States and one who has never entered" which "'runs throughout immigration law;' a distinction that recognizes arriving individuals have less due process protections than those present and residing within the country's borders." *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at *15 (D. Nev. Sept. 17, 2025) (citing H.R. Rep. No. 104-469, pt. 1, at 229; H.R. Rep. No. 104-828, at 210; *Zadvydas v. Davis*, 533 U.S. 678, 693-94 (2001)). In *Jennings*, the Supreme Court further clarified that section 1226 applies to individuals "already

"potentially subject[] millions more undocumented immigrants to mandatory detention[.]" *Lopez Benitez*, 2025 WL 2371588, at *8.

present in the United States" while section 1225 applies to individuals "seeking admission into the country." *Jennings*, 583 U.S. at 289, 302.[7]

Congress's recent amendment of section 1226 to allow for mandatory detention of certain individuals who entered the country without inspection further demonstrates that section 1226 generally applies to those who are already present in the country, even if they originally entered without inspection. Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025) (amending section 1226 to require mandatory detention for individuals who (1) are charged as being inadmissible for entry without inspection or lacking valid documentation to enter the United States and (2) have been arrested, charged with, or convicted of certain crimes); 8 U.S.C. § 1226(c)(1)(E). "[I]t would make no sense for Congress to have amended the statute to require mandatory detention for specific subcategories of those individuals" if those individuals were already subject to mandatory detention under section 1225. *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 9 (citing *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *19 (W.D. Wash. Sept. 30, 2025)); *see also Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 9 (same).

Respondents urge the Court to brush aside this incongruity because "'[s]ometimes drafters do repeat themselves and do include words that add nothing of substance,'" yet their reading of the Laken Riley Act does not implicate a mere

[7] Respondents' citation to an out-of-circuit district court case holding the opposite does not change this result. Dkt. 11, at 8 (citing *Chavez v. Noem*, No. 25-CV-23250CAB-SBC, 2025 WL 2730228, at *4-5 (S.D. Cal. Sept. 24, 2025)). In *Chavez*, the district court did not consider any legislative history or Supreme Court precedent in determining that Congress passed the IIRIRA with the intention of applying section 1225 to individuals already present in the United States. *See Chavez*, 2025 WL 2730228, at *4-5.

redundancy but rather would render the Act "effectively meaningless" since there would be no need to pass the Laken Riley Act if individuals like Alfaro-Ramirez were already subject to mandatory detention under section 1225. *See* Dkt. 11, at 9-10 (quoting Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 176-77 (2012)); *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 9. Moreover, the Laken Riley Act amendments "fit logically into the statute" if sections 1225 and 1226 are read as they have been by courts and the Federal Defendants up until DHS introduced its novel reading of these statutes in July 2025. *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 9-10; *Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 9-10.

Before DHS changed its internal guidance on the applicability of sections 1225 and 1226, which was adopted by the BIA in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), the U.S. Department of Justice's Executive Office for Immigration Review drafted regulations implementing the IIRIRA reflecting that section 1225 only applies to recently arrived individuals detained near the border, and the BIA had endorsed that view. *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *7 (W.D. Tex. Sept. 22, 2025); *Vasquez*, 2025 WL 2676082, at *15; *Matter of Akhmedov*, 29 I. & N. Dec. 166 (BIA 2025) (applying section 1226 to individuals who had entered the country without inspection three years before detention). Of course, the BIA's interpretation of the INA receives no deference from this Court under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024), though the undersigned notes that *Matter of Yajure Hurtado*'s inconsistency with prior

pronouncements diminishes its "power to persuade." *Loper Bright*, 603 U.S. at 402 (quoting *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944)); *see also Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346, at *3 n.3 (S.D. Tex. Oct. 7, 2025) (collecting cases declining to follow *Matter of Yajure Hurtado* under *Loper Bright*).

Because "almost every district court to consider this issue has concluded" that "'the statutory text, the statute's history, Congressional intent, and § 1226(a)'s application for the past three decades'" support a finding that section 1226 applies to individuals like Alfaro-Ramirez who have long resided in the United States before being apprehended by immigration authorities, the undersigned finds that Respondents do not have the authority to detain Alfaro-Ramirez under section 1225. *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346, at *3 (S.D. Tex. Oct. 7, 2025); *see also Lopez-Arevelo*, 2025 WL 2691828, at *7 ("In recent weeks, courts across the country have held that this new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect."); *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947, at *5 (D. Minn. Oct. 1, 2025) ("Overwhelmingly, courts have rejected the interpretation offered by Respondents that § 1225(b)(2) requires the detention of all individuals living in the country who are 'inadmissible' because they entered the United States without inspection."); *Cardona-Lozano*, No. 1:25-cv-01784-RP, ECF 7, at 11 (finding "detention under § 1225(b)(2) [to be] in violation of the INA" based on "the statute's text, the statute's history, Congressional intent, and the consistent past application of the statute[.]"); *Hernandez Hervert*, No. 1:25-cv-01763-RP, ECF 7, at 11 (same).

The undersigned recommends that the District Judge grant Alfaro-Ramirez's petition and order his release from detention pending his removal proceedings.[8]

* * *

Because the undersigned concludes that Alfaro-Ramirez's detention under section 1225(b)(2) violates the INA and recommends that the District Judge grant the petition on that basis, the undersigned does not reach Alfaro-Ramirez's other bases for relief.

III. RECOMMENDATION

In accordance with the foregoing discussion, the undersigned **RECOMMENDS** that the District Judge **GRANT** Alfaro-Ramirez's petition for writ of habeas corpus, Dkt. 1. Specifically, the District Judge should: (1) order Respondents to release Alfaro-Ramirez from custody; (2) enjoin Respondents from detaining Alfaro-Ramirez under 8 U.S.C. § 1225; and (3) order Respondents to provide a status report within seven days of any order adopting this report detailing their compliance with the Court's order.

The undersigned **FURTHER RECOMMENDS** that the District Judge **DISMISS AS MOOT** Alfaro-Ramirez's motion for a preliminary injunction, Dkt. 10.

The referral of this case to the Magistrate Judge should now be canceled.

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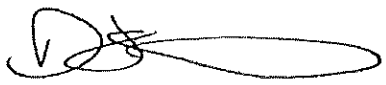
[8] Given that an IJ has already determined that Alfaro-Ramirez is entitled to release on bond, Dkt. 1-1, at 11-18, the undersigned recommends that the District Judge order Respondents to release Alfaro-Ramirez from detention rather than provide him with a second bond hearing. Respondents argue that Alfaro-Ramirez's release from custody would "produce him no net gain" since it will not provide him with any lawful status in the United States, Dkt. 11, at 2, but "the right to freedom from arbitrary detention" is "fundamental to any democratic society." *Lozano-Castaneda v. Garcia*, 238 F. Supp. 2d 853, 865 (W.D. Tex. 2002).

IV. WARNINGS

The parties may file objections to this report and recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Judge need not consider frivolous, conclusive, or general objections. *See Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). A party's failure to file written objections to the proposed findings and recommendations contained in this report within fourteen days after the party is served with a copy of the report shall bar that party from *de novo* review by the District Judge of the proposed findings and recommendations in the report and, except upon grounds of plain error, shall bar the party from appellate review of unobjected-to proposed factual findings and legal conclusions accepted by the District Judge. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985); *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

SIGNED November 21, 2025.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE