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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JASON CHRISTOPHER JIMENEZ MOLINA

PETITIONER,

VS.

SERGIO ALBARRAN, ACTING FIELD OFFICE DIRECTOR OF THE SAN FRANCISCO IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE; TODD LYONS, ACTING DIRECTOR OF UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; KRISTI NOEM, SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, PAMELA BONDI, ATTORNEY GENERAL OF THE UNITED STATES, ACTING IN THEIR OFFICIAL CAPACITIES,

RESPONDENTS.

CASE NO.: 3:25-CV-08427-TLT

HONORABLE TRINA L. THOMPSON
UNITED STATES MAGISTRATE JUDGE

SUPPLEMENTAL ARGUMENT IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

INTRODUCTION

All parties attended a preliminary injunction hearing in this matter on December 16, 2025 before the Honorable Trina L. Thompson. The motion for preliminary injunction has been argued and submitted, and the Court takes it under submission. The Court has given counsel leave to file supplemental arguments in this matter. Below is Petitioner's brief supplemental argument.

MANDATORY DETENTION UNDER 1225(b)

Respondents make the argument that Petitioner is subject to mandatory detention under their interpretation of 8 U.S.C. § 1225(b) because Petitioner is an "applicant for admission" due to his presence in the U.S. without having been either "admitted or paroled." However, this argument ignores a recent Congressional amendment to the mandatory detention provision. *See* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025). "This category includes noncitizens who are (1) inadmissible under 1182(6)(A) [present without admission or parole], (6)(C) [misrepresentation], or (7)(A) [lack of proper documentation] *and* (2) have been charged with one of certain enumerated crimes." *Salcedo Aceros*, 2025 WL 2637503, at *10. Under Respondents' view, however, this class of individuals was *already* subject to mandatory detention under section 1225(b)(2)(A) because they satisfy the statutory definition of "applicants for admission." *Id.*

This very Court recently addressed Respondent's argument, "adopting Respondents' theory would be to presume Congress intended its amendment to have "[no] real and substantial effect"—a presumption the Supreme Court has admonished is appropriate. *Stone v. I.N.S.*, 514 U.S. 386, 397 (1995)." *Bernal v. Albarran*, 2025 WL 3281422, at *1 (N.D.Cal., 2025).

The Laken Riley Act was introduced to expand mandatory immigration detention and to give "local law enforcement and ICE more tools to fight illegal immigrants who commit crime in the United States."[1]

If Congress wanted to prevent the release of immigrants who ought to be mandatorily detained, Congress could simply have made more precise the language of 8 U.S.C. § 1225(b) to show that ALL aliens present without having been admitted are subject to mandatory detention. Instead of a statutory amendment, Congress passed an entirely new act to give "local law enforcement and ICE more tools to fight illegal immigrants".

CONCLUSION

Respondents statutory interpretation of 8 U.S.C. § 1225(b) would leave Petitioner with no due process which is inconsistent with federal law. For these reasons, Petitioner renews his motion for a preliminary injunction, enjoining Respondents from re-arresting Petitioner unless and until he is afforded a hearing before a neutral adjudicator on whether a change in custody is justified by clear and convincing evidence that he is a danger to the community or a flight risk.

Date: December 17, 2025

Respectfully Submitted,

/s/ Nicole Alicia Gorney

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[1] https://collins.house.gov/media/press-releases/laken-riley-act-passes-house-bipartisan-support, last visited December 17, 2025