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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEW MEXICO

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10	ERNESTO GONZALEZ RAMOS,)	Case No. 1:25-cv-00975-MLG-KRS
11	<i>Petitioner,</i>)	REPLY TO ANSWER TO
12)	PETITION FOR WRIT
13	v.)	OF HABEAS CORPUS
14	GEORGE DEDOS, in his official capacity)	
15	as Warden of Cibola County Correctional)	
16	Center;)	
17	MARY DE ANDA-YBARRA, in her)	
18	official capacity as Field Office Director)	
19	of the ICE ERO;)	
20	KRISTI NOEM, in her official capacity as)	
21	Secretary of the U.S. DHS; and)	
22	PAM BONDI, in her official capacity as)	
	Attorney General of the United States,)	
	<i>Respondents.</i>)	Honorable Matthew L. Garcia
)	United States District Judge

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1 **I. INTRODUCTION**

2 Petitioner Ernesto Gonzalez Ramos (“Petitioner”) respectfully submits this
3 Reply in response to the Respondent’s Answer filed on November 24, 2025.

4 Respondents’ opposition rests on the premise that Petitioner’s detention arises
5 under 8 U.S.C. § 1225(b), and that *Jennings v. Rodriguez*, 583 U.S. 281 (2018),
6 therefore forecloses any entitlement to a bond hearing. That premise is wrong as a
7 matter of statutory structure and precedent.

8 Petitioner is a long-term resident of the United States who was arrested in the
9 interior and placed directly into removal proceedings under 8 U.S.C. § 1229a. As
10 numerous courts have held in similar circumstances, detention in that posture is
11 governed by 8 U.S.C. § 1226(a), not § 1225(b). Under § 1226(a) and its implementing
12 regulations, Petitioner is entitled to an individualized custody determination before an
13 Immigration Judge.

14 **II. Petitioner’s Detention Is Governed by 8 U.S.C. § 1226(a), Not § 1225(b)**

15 Respondents’ central argument is that Petitioner, because he once entered the United
16 States without inspection and has not been formally “admitted,” must be treated as an
17 “applicant for admission” detained under 8 U.S.C. § 1225(b).

18 Section 1225 begins with a definitional provision: “An alien present in the United
19 States who has not been admitted or who arrives in the United States (whether or not
20 at a designated port of arrival and including an alien who is brought to the United
21 States after having been interdicted in international or United States waters) **shall be**
22 **deemed for purposes of this chapter an applicant for admission.**” 8 U.S.C. §
23 1225(a)(1) (emphasis added). This clause is limited to the use within this chapter. This
24 definition does not confer detention authority, nor does it collapse the carefully
25 separated detention schemes that Congress established in §§ 1225(b) and 1226. The
26 fact that a noncitizen is deemed an applicant for admission “for purposes of this
27 chapter” does not mean he is subject to the mandatory detention provisions of §
28 1225(b). Those provisions apply only to the specific categories of applicants described

1 in § 1225(b)(1) and (b)(2), which consist primarily of “arriving aliens” inspected at
2 the border or individuals whom DHS affirmatively places into expedited removal.
3 Petitioner does not fall into either category. He was arrested in the interior, placed
4 directly into § 240 proceedings, and was never processed through the inspection or
5 expedited-removal tracks that trigger § 1225(b)’s mandatory-detention scheme.

6 By contrast, § 1226 “generally governs the process of arresting and detaining”
7 noncitizens “present in the country” who are placed into full removal proceedings
8 under 8 U.S.C. § 1229a. *Jennings*, 583 U.S. at 288. The Supreme Court has been
9 explicit: “§ 1225(b) applies primarily to aliens seeking entry into the United States
10 (‘applicants for admission’ in the language of the statute).” *Id.* at 297. “Section 1226
11 applies to aliens already present in the United States.” *Id.* at 303. Section 1226(a) then
12 “sets out the default rule,” permitting, but not requiring, the Attorney General to detain
13 such individuals and expressly authorizing their release on bond. *Id.* at 288.

14 District courts considering nearly identical fact patterns—including in this
15 District—have consistently held that long-term residents arrested in the interior and
16 placed directly into § 240 proceedings are detained under § 1226(a), not §
17 1225(b)(2)(A). *Mosqueda*, 2025 WL 2591530, at *6 (holding that § 1226(a), not §
18 1225(b)(2), applies “to individuals who, like petitioners, have been residing in the
19 United States and did not apply for admission or a change of status”); *Salazar v.*
20 *Noem*, 2025 WL 2676729, at *4 (D.N.M. 2025) (finding that petitioner who had lived
21 in the United States since the 1980s was not “seeking admission” and was detained
22 under § 1226(a)); *Garcia Domingo v. Noem*, 2025 WL 2941217, at *4 (D.N.M. 2025);
23 *Pastrana-Saigado v. Noem*, No. 2:25-cv-00950-MLG-LF, Doc. 17, Doc. 24; *Cortez-*
24 *Gonzalez v. Noem*, No. 2:25-cv-00985-MLG-KK, Doc. 2, Doc. 16; *Buenrostro-*
25 *Mendez v. Bondi*, 2025 WL 2886346, at *3 (S.D. Tex. 2025); *Sampiao v. Hyde*, 2025
26 WL 2607924, at *8 (D. Mass. 2025); *Kostak v. Trump*, 2025 WL 2472136, at *3 (W.D.
27 La. 2025); *Martinez-Elvir v. Bondi*, 2025 WL 3006772, at *8 (D. Minn. 2025);

1 *Caballero v. Baltazar*, 2025 WL 2977650, at *7 (D. Colo. 2025). Respondents offer no
2 persuasive basis to distinguish these decisions.

3 Petitioner is squarely within that § 1226 category. Respondents acknowledge that
4 he is a Mexican national who has lived in the United States for roughly twenty-eight
5 years, that he was detained in California, that DHS served him with a Notice to
6 Appear, and that he is in extensive removal proceedings under § 1229a. He was not
7 arrested at a port of entry, was not processed as an “arriving alien” at the border, and
8 was not ordered removed under § 1225(b)(1). DHS deliberately chose to place him in
9 the regular § 240 track.

10 Respondents repeatedly quote *Jennings* for the proposition that § 1225(b)
11 mandates detention. But *Jennings* expressly distinguished the statute at issue here: It
12 explained that § 1225(b) “**applies primarily to aliens seeking entry.**” It discussed §
13 1226 as the statute governing “**aliens already present in the United States.**”
14 *Jennings* did **not** hold that: everyone deemed an applicant for admission under §
15 1225(a)(1) is detained under § 1225(b); § 1225(b) applies to interior arrests; § 1226
16 does not apply to long-term residents; or that DHS can unilaterally transform a § 240
17 case into mandatory detention under § 1225. Respondents’ reading is broader than
18 anything the Supreme Court endorsed.

19 **III. The Government’s Asylum-Based Detention Argument Is Legally Incorrect**

20 Section 1225(b)(1)’s credible fear detention mandate only applies to noncitizens
21 arriving at the border, or noncitizens who are placed into expedited removal under §
22 1225(b)(1)(A)(iii). As explained above, Petitioner was arrested inside the United
23 States. He was not charged under § 1225(b)(1), instead he was put directly into § 240
24 removal proceedings. Petitioner was never subjected to expedited removal or credible-
25 fear processing.

26 Petitioner was not processed as an “arriving alien.” He was not placed into
27 expedited removal, was not ordered removed under § 1225(b)(1), and did not undergo
28 a credible-fear interview under that provision. Instead, he was placed directly into §

1 240 proceedings, and he filed his asylum application with EOIR in those proceedings.
2 Accordingly, § 1225(b)(1)'s credible-fear detention mandate has no application here.

3 **IV. CONCLUSION**

4 For all of the foregoing reasons, Petitioner respectfully requests that the Court
5 reject Respondents' contention that § 1225(b) bars relief and hold that Petitioner's
6 detention arises under 8 U.S.C. § 1226(a), and grant the writ.

7 Petitioner respectfully requests that the Court order Respondents to provide
8 Petitioner, within a short, specified period, with an individualized bond hearing before
9 an Immigration Judge at which the IJ recognizes and exercises the discretionary
10 authority conferred by § 1226(a) and issues a reasoned custody determination. If
11 Respondents fail to provide such a hearing within the time set by the Court, the Court
12 should order Petitioner's immediate release from custody.

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14 Dated: November 24, 2025

Respectfully submitted,

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17 /s/ Alfonso Morales

18 Alfonso Morales, Esq.
19 *Attorney for Ernesto Gonzalez Ramos*
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CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which constitutes service on all parties or counsel by electronic means as reflected on the Notice of Electronic Filing.

/s/Alfonso Morales

Alfonso Morales

Attorney for Ernesto Gonzalez Ramos

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