

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

JESUS HERNANDEZ ALONSO,

PETITIONER

v.

Case No: 3:25-cv-00652-DJH

JEFF TINDALL, Jailer, Oldham County Detention
Center; and RUSSELL HOLT, Field Office
Director, Chicago Field Office, Immigration and
Customs Enforcement; and PAMELA BONDI,
Attorney General.

RESPONDENTS

Petitioner's Response to Respondents' Supplemental Brief

The arguments raised in Respondents' supplemental briefing have already been briefed by Petitioner and addressed by numerous courts across the country, the vast majority of whom agree with Petitioner. Therefore, this response is submitted merely to provide additional authority in support of this court's jurisdiction, and to correct two additional points in Respondents' arguments.

First, numerous courts have already examined the jurisdiction claims raised by Respondents and have held that 1252(g) does not prohibit review of the lawfulness of detention. *See Carrera-Valdez v. Perryman*, 211 F.3d 1046, 1047 (7th Cir. 2000) ("nothing in 1252(g) precludes the decision to confine"); *Fornalik v. Perryman*, 223 F.3d 523, 532 (7th Cir. 2000); *Ozturk v. Hyde*, 136 F.4th 382, 397 (2d Cir. 2025); *Kong v. United States*, 62 F.4th 608, 609 (1st Cir. 2023); *see also Herrera Avila v. Bondi*, 2025 WL 2976539 (D. Minn. Oct. 21, 2025); *Patel v. Tindall*, 2025 WL 2823607 (W.D. Ky. Oct. 1, 2025); *Ochoa Ochoa v. Noem*, No. 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025).

Second, in their argument concerning the Laken Riley Act, Respondents assert that this Act addressed both deportable (pursuant to section 1227) and inadmissible (pursuant to section

1182) noncitizens. This is not correct. The Laken Riley Act added new subsection (E) to 1226(c), and that subsection address *only* inadmissible aliens. Pub.L. 119-1, 139 Stat. 3 (Jan. 29, 2025). Respondents' interpretation of 1225(b) would render the Laken Riley Act superfluous, as has been held by numerous courts (and as previously extensively listed by Petitioner in his Reply).

Third, Respondents point to 8 C.F.R. section 1.2 to support their argument that "arriving alien" doesn't mean arriving at all. However, this regulation actually supports Petitioner's argument. The regulation limits the definition of arriving alien to those "coming or attempting to come into the United States" at a port of entry, or "seeking transit" at a port of entry, or a noncitizen "interdicted in international or United States waters and brought into the U.S. by any means." There is clearly (1) present-tense action, and (2) a common-sense connection to the meaning of the word "arriving" involved in this regulatory definition.

For these reasons and those already stated in Petitioner's Petition and Reply, Petitioner requests that his Petition be granted, a writ be issued, and he be immediately released from detention.

Dated: October 23, 2025

Respectfully Submitted,

/s/ Erin C. Cobb

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Certificate of Service

I hereby certify that on October 23, 2025, I filed this document via CM/ECF, which will automatically provide service to all counsel of record.

/s/ Erin C. Cobb

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