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12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 ACABAL RAMOS, MAURA MARIA

15 Petitioner,

16 v.

17 *Warden of* ADELANTO DETENTION
18 FACILITY, et al.,

19 Respondents.

Case No. 5:25-cv-02649-WLH-ADS

**RESPONDENTS' SUR-REPLY
PURSUANT TO COURT ORDER
(DKT. 9)**

1 Respondents submit this sur-reply in accordance with the Court's December 12,
2 2025 Order (Dkt. 9, "Order"). According to the Order, the Court seeks the following
3 information:

- 4 1. Whether Petitioner is detained pursuant to 8 U.S.C. § 1231(a)(6), 8 U.S.C.
5 § 1226(a), or another ground; and
- 6 2. An update on the scheduling of a bond hearing for Petitioner.

7 Respondents contend that Petitioner is detained pursuant to 8 U.S.C. § 1225.
8 Section 1225 applies to "applicants for admission," who are defined as "alien[s] present
9 in the United States who [have] not been admitted" or "who arrive[] in the United
10 States." 8 U.S.C. § 1225(a)(1). Applicants for admission "fall into one of two categories,
11 those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v.*
12 *Rodriguez*, 583 U.S. 281, 287 (2018).

13 Section 1225(b)(1) applies to arriving aliens and "certain other" aliens "initially
14 determined to be inadmissible due to fraud, misrepresentation, or lack of valid
15 documentation." *Id.*; 8 U.S.C. § 1225(b)(1)(A)(i), (iii). These aliens are generally subject
16 to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if the alien
17 "indicates an intention to apply for asylum . . . or a fear of persecution," immigration
18 officers will refer the alien for a credible fear interview. *Id.* § 1225(b)(1)(A)(ii). An alien
19 with "a credible fear of persecution" is "detained for further consideration of the
20 application for asylum." *Id.* § 1225(b)(1)(B)(ii). If the alien does not indicate an intent to
21 apply for asylum, express a fear of persecution, or is "found not to have such a fear," he
22 is detained until removed. *Id.* §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

23 Section 1225(b)(2) is "broader" and "serves as a catchall provision." *Jennings*,
24 583 U.S. at 287. It "applies to all applicants for admission not covered by § 1225(b)(1)."
25 *Id.* Under § 1225(b)(2), an alien "who is an applicant for admission" shall be detained
26 for a removal proceeding "if the examining immigration officer determines that [the]
27 alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8
28 U.S.C. § 1225(b)(2)(A); *see Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) ("for

1 aliens arriving in and seeking admission into the United States who are placed directly in
2 full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A),
3 mandates detention ‘until removal proceedings have concluded.’”) (citing *Jennings*, 583
4 U.S. at 299). Still, the Department of Homeland Security (“DHS”) has the sole
5 discretionary authority to temporarily release on parole “any alien applying for
6 admission to the United States” on a “case-by-case basis for urgent humanitarian reasons
7 or significant public benefit.” *Id.* § 1182(d)(5)(A); see *Biden v. Texas*, 597 U.S. 785, 806
8 (2022).

9 Petitioner is scheduled for a *Rodriguez* bond hearing on December 18, 2025. The
10 hearing notice is attached hereto as Exhibit 1.

11
12 Dated: December 15, 2025

Respectfully submitted,

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