

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

HERBERTH ROMERO-TORRES

Petitioner,

v.

Case No: 1:25-cv-1726

PAUL PERRY, Warden,
Caroline Detention Facility;
RUSSEL HOTT, Field Office Director,
Enforcement and Removal Operations,
U.S. Immigration and Customs
Enforcement;
KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security; and
PAMELA BONDI, Attorney General of
the United States, in their official
capacities,

Respondents.

PETITIONER'S REPLY

Petitioner challenges the present legal basis for his civil detention and seeks the custody relief that flows from application of the correct statute. The Petition already established § 2241 custody jurisdiction, proper venue over the immediate custodian, and the inapplicability of the REAL ID Act's review channel because no removal order is being reviewed. With those threshold matters established, only the governing detention statute remains in dispute.

Respondents ground their position in the statutory text, arguing § 1225(b)(2) mandates detention for an 'applicant for admission,' and then point to EOIR's automatic-stay regulation as a consequence of that choice.

The resulting question for the Court is purely legal: for a long-resident, interior-arrest respondent in ongoing § 1229a proceedings, does custody arise under § 1226(a)—which provides for Immigration Judge bond procedures—or under § 1225(b)(2)—a border-inspection provision the Respondents invoke to claim mandatory, no-bond detention?

Answering that single question resolves the case. If § 1226(a) governs, Petitioner is entitled to a prompt, neutral IJ bond hearing under the ordinary framework. If, as the Respondents contends, § 1225(b)(2) governs, detention is treated as mandatory through the pendency of proceedings with parole as the only outlet—and, in some cases such as the Petitioner, DHS further asserts an automatic-stay power against any IJ release pending appeal. The statute that authorizes custody is an antecedent legal question; neither parole nor internal appeal procedures can cure a statutory misclassification.

The Respondents advance a broad, and legally mistaken, theory that because Petitioner “has not been admitted,” he remains a perpetual “applicant for admission” who therefore “shall be detained” under 8 U.S.C. § 1225(b)(2)(A) rather than § 1226(a). *Opp’n to Pet.* at 2, 4, 10-11. From that premise they argue due process requires no procedures beyond the INA (so no right to a bond hearing), *Opp’n to Pet.* at 2, 26, 27; dismiss the Eighth Amendment claim as categorically inapplicable because civil detention is not “punishment,” *Opp’n to Pet.* at 28-29; and, if any hearing is ordered, insist it proceed under “customary” burdens that keep the onus on the noncitizen. *Opp’n to Pet.* at 27. They further contend that parole suffices as the release valve, *Opp’n to Pet.* at 5-6, and urge the Court to order at most a standard IJ bond hearing while preserving the Respondents’ ability to rearrest in the § 1231 removal period, *Opp’n to Pet.* at 26-27,

31; they also resist any fee award. *Opp'n to Pet.* at 29-31. Finally, they criticize recent E.D.Va. decisions recognizing § 1226(a) as the interior-custody default, *Opp'n to Pet.* at n. 9; and, in [Romero], attempt to block effective relief by invoking the EOIR automatic-stay regulation, 8 C.F.R. § 1003.19(i)(2). *Opp'n to Pet.* at 6.

The Respondents acknowledges the recent wave of district court decisions rejecting the Department of Homeland Security's (DHS) novel interpretation of INA § 1225(b)(2). The Respondents, however, continue to misread the text and structure of the INA and overlooks how this Court has just resolved materially indistinguishable cases. Multiple E.D.Va. decisions hold that long-resident, interior-arrest detainees in § 1229a proceedings are detained under § 1226(a), not § 1225(b); those orders grant habeas relief and require prompt IJ bond hearings, and several enjoin reliance on § 1225(b)(2) to deny bond.¹

Herberth Romero Torres entered the United States without inspection in 2016. He is single, has no children, works full-time as a mechanic's assistant Monday through Saturday, and spends Sundays with family. He has no criminal record and is described by those who know him as reliable, helpful, and sober. On Friday, August 1, 2025, around lunchtime in Richmond, Virginia, he sat in the back seat of his parked car outside work with his sister driving and his brother-in-law, Neri Godínez, in front. Several vehicles surrounded them; officers yelled to open the doors and said they had a detainer for Mr. Godínez. After his sister was handcuffed, an officer unlocked the car,

¹ Luna Quispe v. Crawford, No. 1:25-cv-1471 (E.D. Va. Sept. 29, 2025) (Mem. Op.); Quispe-Ardiles v. Noem, No. 1:25-cv-01382-MSN-WEF (E.D. Va. Sept. 30, 2025) (Mem. Op.); Santos Gomez Alonzo v. Simon, Crawford & EOIR, No. 1:25-cv-1587 (E.D. Va. Oct. 1, 2025) — Order; Saul Diaz Gonzalez v. Lyons, et al., No. 1:25-cv-1583 (E.D. Va. Oct. 1, 2025) — Order; Omar Perez Bibiano v. Lyons, et al., No. 1:25-cv-1590 (E.D. Va. Oct. 1, 2025) (Mem. Op.)

opened the rear door, ordered Mr. Romero Torres out, and handcuffed him without explanation. All occupants were detained, and he could not notify his employer.

Following the August 1 arrest, Mr. Romero Torres could not contact family until Sunday, August 3, leaving them unaware of his location or status. Since August 4, he has been held at the Caroline Detention Facility in Bowling Green, Virginia. He appeared in immigration court on August 19, 2025, and was granted bond, but two days later the government appealed, which stopped his release.

Mr. Romero seeks an order from this Court granting his petition, declaring his detention unlawful, and ordering either immediate release or, in the alternative, a prompt bond hearing before a neutral Immigration Judge under INA § 1226(a)

I. § 1226(A), NOT § 1225(B)(2)(A), GOVERNS INTERIOR CUSTODY IN § 1229A PROCEEDINGS

A. The Respondents’ “perpetual applicant for admission” theory ignores the INA’s structure.

The Respondents argues that because Mr. Romero is “an alien present in the United States who has not been admitted” he is an “applicant for admission” and “shall be detained” under § 1225(b)(2)(A). That syllogism conflates definitions in § 1225(a)(1) with detention consequences in § 1225(b)(2)(A), and it disregards Congress’s two-track design: § 1225 governs inspection-stage custody at or analogous to the threshold; § 1226 is the default authority for people already in the United States who are placed into § 1229a proceedings.

The statutes do different jobs, and Petitioner’s facts fit § 1226(a). § 1225 regulates inspection and processing at or near entry—when a person is seeking admission and is

being screened by an immigration officer. *See, e.g., Jennings v. Rodriguez*, 138 S. Ct. 830, 842–47 (2018) (describing § 1225’s inspection framework). By contrast § 1226 provides the default rule for custody inside the country during § 1229 removal proceedings. *See Demore v. Hyung Joon Kim*, 538 U.S. 510, 517–31 (2003) (discussing § 1226 detention). Because Mr. Romero was arrested in the interior and placed in standard § 1229a proceedings, his situation matches § 1226(a)’s paradigm: the agency decides whether to detain or release on bond or recognizance while the case proceeds.²

Making this fit explicit helps: DHS initiated removal under § 1229a, not expedited removal at the border.

B. Reading § 1225(b)(2)(A) to swallow § 1226(a) creates surplusage and contradicts recent EDVA rulings.

The Respondents asserts that any non-admitted person “seeking admission” must be detained under § 1225(b)(2)(A) and leans on language calling § 1225(b)(2) a “catchall.” But in the interior-arrest, § 1229a setting, this Court has refused to collapse § 1226’s default rule into § 1225’s inspection provisions, confirming the distinct domains Congress maintained.

The Respondents argues that anyone present without admission is always an “applicant for admission,” which would place nearly all such people under § 1225(b)(2)(A). Reading “applicant for admission” to swallow the interior-arrest would break the statute’s structure and collapse the careful division between §§ 1225, 1226.

² *See Hasan v. Crawford*, No. 1:25-cv-1408(LMB/IDD), 2025 U.S. Dist. LEXIS 184734, 2025 WL 2682255 (E.D. Va. Sep. 19, 2025); *Quispe-Ardiles v. Noem*, No. 1:25-cv-01382-MSN-WEF (E.D. Va. Sept. 30, 2025) (Mem. Op. & Order); *Luna Quispe v. Crawford*, No. 1:25-cv-01471-AJT-LRV (E.D. Va. Sept. 29, 2025) (Mem. Op.)

Congress wrote § 1226 because many noncitizens are arrested long after entering the country; those people are not in the active inspection posture that § 1225 describes.

If § 1225 is construed to cover all noncitizens present without admission in the interior, it renders the discretionary authority granted by § 1226(a) entirely superfluous. Moreover, this interpretation would nullify Congress's recent, deliberate amendments to § 1226(c)(1)(E) in the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025). If mandatory detention under § 1225 already applied to every non-admitted person, there would have been no need for Congress to specifically create a *new* category for mandatory detention under § 1226(c) for certain individuals present without admission. The courts must give effect, if possible, to every clause and word of a statute.

C. Jennings and the statute's lanes

1. Text & grammar: § 235(b)(2) is an entry/inspection statute, not an interior-custody rule.

Congress wrote § 235(b)(2) in the present and present-progressive—“is arriving,” “seeking admission”—signaling an ongoing inspection at the moment of encounter, not a legal status that trails a person indefinitely after entry. The provision repeatedly invokes “inspection,” a concept rooted in admission processing at borders and ports of entry, and the regulations mirror that focus by addressing noncitizens “coming or attempting to come into the United States.” 8 C.F.R. § 1.2. *Jennings* frames § 1225 as concerned “primarily [with those] seeking entry” at “borders and ports of entry,” reinforcing the statute’s temporal and geographic limits. Reading § 1225(b)(2) to sweep in long-resident, interior arrestees erases those limits and violates basic interpretive rules that give weight to verb tense. *See United States v. Wilson*, 503 U.S. 329, 333

(1992); *Carr v. United States*, 560 U.S. 438, 447–48 (2010); *Baer v. United States (In re Restivo Auto Body, Inc.)*, 722 F.3d 168, 174 (3d Cir. 2013); *United States v. Waste Indus.*, 556 F. Supp. 1301, 1307 (E.D.N.C. 1982). Properly construed, § 235(b)(2) covers individuals in the act of entering or just after arrival; interior § 1229a respondents fall within § 1226(a)’s default bond framework.

2. Lane choice: interior § 1229a custody is governed by § 1226(a); “until proceedings end” is § 1225-specific, not a universal rule.

Jennings is a map, not a mandate to treat everyone as a § 1225(b) detainee. Congress drew two lanes: § 1225(b) for applicants in the inspection/entry posture, and § 1226 for noncitizens already in the United States in § 1229a removal. That distinction matters because the release mechanisms differ by lane—parole in § 1225; bond (by regulation) in § 1226(a). Petitioner is a long-resident, interior arrest in § 1229a; on the *Jennings* map, that is the § 1226(a) lane. The Respondents’ refrain that detention continues “until proceedings end” accurately describes § 1225—but only if § 1225 applies. The antecedent question is which statute governs this detainee. And the core holding of *Jennings* is separation-of-powers: courts may not add six-month clocks or recurring bond hearings Congress did not enact. We do not ask the Court to invent anything; we ask it to apply what already exists in the correct lane. For interior § 1229a custody, that means § 1226(a) and the familiar IJ custody redetermination focused on flight risk and danger.³

³ During oral argument in *Jennings*, the Solicitor General confirmed that noncitizens who previously entered the country without inspection and had been living in the United States are subject to detention under section 236, not section 235, of the *Jennings v. Rodriguez*, 583 U.S. 281 (2018), Transcript of Oral Argument (No. 15-1204), p.25, available at https://www.supremecourt.gov/oral_arguments/argument_transcripts/2016/15-1204_k536.pdf.

3. Parole is the release valve for §1225(b); bond is the release valve for §1226(a).

The Respondents points to parole provisions and concludes “no bond.” That conclusion only holds if §1225(b) governs. In the entry/inspection lane, Congress deliberately made parole the narrow outlet. But in the interior lane—§1226(a)—Congress authorized detention subject to a regulatory bond process; that’s the familiar IJ hearing the Respondents itself describes in other contexts. *Jennings* acknowledges this architecture while rejecting only the Ninth Circuit’s periodic six-month overlay. The Respondents’ syllogism rests on a lane-error: assume §1225(b), then use §1225(b)’s parole clause to proclaim, “no bond.” Fix the lane, and the release mechanism fixes itself: bond in §1226(a), not parole.

4. “Specific over general” doesn’t decide who belongs in which statute.

Invoking the canon that a specific provision controls a general one does not resolve a misclassification. That canon operates within the correct statute; it does not allocate people between statutes. *Jennings* treats §1225(b) and §1226 as complementary, category-specific tracks. If §1225(b) were allowed to swallow §1226(a) for interior arrests, §1226(a)’s default bond framework would become surplusage—an interpretive result courts avoid. The proper sequence is simple and faithful to *Jennings*: classify first (interior §1229a respondent, thus, §1226(a)), then apply the rules that belong to that lane (the ordinary IJ bond process). No canon flips that order.

5. Entry-fiction doctrine doesn’t short-circuit detention-lane choice.

Labeling someone an “applicant for admission” for certain status purposes does not automatically drag their detention into §1225(b). Entry-fiction cases presuppose the

category; they do not answer it. *Jennings* itself maintains the two categories and places “aliens already in the country” in §1226. Petitioner’s facts—years of residence, interior arrest, §1229a proceedings—match the §1226 description, not the border-inspection lane. The Respondents’ reliance on entry fiction tries to evade the classification step and, in the process, collapses Congress’s two-track scheme. Once the Court recognizes the correct lane, the correct process follows: the standard IJ bond hearing under §1226(a).

6. *Jennings* resolved a statutory question; it didn’t foreclose due process—and our remedy doesn’t ask it to.

The Supreme Court in *Jennings* decided what the text does not contain: a judge-made six-month rule and a cycle of recurring bond hearings. It expressly did not bless the Respondents’ practice of misclassifying interior detainees into §1225(b), and it did not shut the door on constitutional arguments; it left those for another day. In any event, our request is modest and lane-correct: apply §1226(a) to this interior §1229a detainee and restore the IJ bond process that already exists by regulation. That is the opposite of the judicial inventiveness *Jennings* rejected. And if the Respondents’ misclassification persists, Mathews balancing underscores the point: the private interest in freedom is immense; the risk of erroneous detention skyrockets when the wrong statutory lane is used; and the incremental burden of a routine IJ bond hearing is minimal. The Constitution, like the statute, favors getting the lane right.

Jennings is about not rewriting Congress’s scheme. It did not turn interior arrests into §1225(b) cases. Classify first—this is §1226(a). Then apply what already exists: a standard IJ bond hearing.

D. Agency Practice & Post–*Loper Bright*: § 1226(a) Governs Interior Custody

Decades of DHS/EOIR practice placed interior custody in § 1226(a); post–*Loper Bright*, courts read the INA de novo. On that independent reading, *Matter of Yajure Hurtado* cannot expand § 1225(b)(2)(A) beyond the entry/inspection lane without collapsing Congress’s two-track scheme. Yajure’s pivot treats interior arrests as if they were border-inspection cases, even though Yajure itself recognizes that § 1225(b)(2)(A) speaks to “aliens arriving”—not to everyone later deemed an applicant for admission under § 1225(a)(1). That move contradicts decades of agency application of § 1226(a) to interior § 1229 custody and misreads the statute’s design.

The anti-surplusage canon underscores the error: if § 1225(b)(2) were allowed to swallow interior arrests, § 1226(a) would be rendered largely pointless, an outcome courts avoid—especially now that *Loper Bright* confirms judges must construe the INA themselves and eschew surplusage. See 144 S. Ct. 2244, 2260–62. The durable, text-anchored understanding remains: § 1225 governs at or near entry; § 1226 governs interior custody in § 1229a proceedings. For the text and grammar confirming that allocation—present/progressive verbs, the statute’s repeated focus on “inspection,” and 8 C.F.R. § 1.2’s “coming or attempting to come” formulation—see Section I.C.

II. DUE PROCESS REQUIRES AN INDIVIDUALIZED BOND HEARING IN THIS POSTURE

As explained in Section I.C (Jennings), Respondents’ § 1225(b) theory—and their INA-only view of “applicants for admission”—rests on a lane error: this interior § 1229a detention is governed by § 1226(a), not § 1225(b). With § 1226(a) as the authority, the

ordinary Mathews framework applies and the existing IJ bond process supplies the safeguard.

A. Due process analysis attaches once the correct statute—§ 1226(a)—governs this interior § 1229a case.

Respondents’ “no process beyond the INA for ‘applicants’” premise collapses once the threshold error is corrected. Petitioner is an interior-arrest respondent in § 1229a proceedings; the governing detention authority is § 1226(a). In that lane, courts in this District have required access to an IJ bond hearing to prevent erroneous, prolonged confinement of long-resident community members with no disqualifying criminal history—the posture here. With § 1226(a) recognized, due process analysis proceeds in the ordinary way.

B. Prolonged detention requires a neutral hearing under Mathews; Demore and Zadvydas confirm the limits.

Even crediting Respondents’ alternative framing, once detention becomes prolonged, due process requires a neutral decisionmaker to assess flight risk and danger at a meaningful time and in a meaningful manner. *See Mathews v. Eldridge*, 424 U.S. 319, 319 (1976). With § 1226(a) as the governing authority, the Mathews factors control: (1) the private interest; (2) the risk of erroneous deprivation and the value of additional safeguards; and (3) the government’s interests and burdens.

1. Private interest. Mr. Romero—here since 2016, single, employed six days a week as a mechanic’s assistant, Sunday with family, no criminal record, known as reliable, helpful, and sober—has the most basic interest at stake: freedom from physical restraint.

2. Risk of error and value of safeguards. Error risk is acute where custody rests on a categorical lane error and is compounded by the automatic-stay mechanism, which allows ICE to nullify an IJ's individualized bond ruling by filing a short notice—extending jail for months without new evidence or a fresh merits determination. A routine IJ bond hearing is a proven, low-cost safeguard that sharply reduces error; courts in this District have ordered precisely that for § 1226(a) detainees.

3. Government's interests. Ensuring appearance and protecting the community are fully served by case-specific conditions when warranted. Those interests do not justify a blanket veto of an IJ's tailored bond decision or an open-ended bar to accessing the IJ forum.

Respondents' reliance on *Demore* and *Miranda* is misplaced. *Demore* addressed brief, mandatory detention tied to criminal custody under § 1226(c), not prolonged civil detention under § 1226(a) in a noncriminal case; *Miranda* confirms the constitutionality of § 1226(a) procedures—the very lane Petitioner invokes—without converting interior § 1229a cases into § 1225(b)(2) matters. And while *Zadvydas* involved post-order custody, its core teaching is relevant here: when civil detention lacks a definite end point, heightened procedural safeguards are required. Detention is already prolonged and may extend further as Petitioner pursues lawful relief—necessitating a neutral hearing now.

The Government's claim that detention is not “indefinite” because proceedings will eventually end—and that parole suffices as a safety valve—does not satisfy due process. Discretionary parole is no substitute for a neutral custody determination with standards, a record, and prompt review; nor does the mere prospect of eventual case completion supply the “date certain” courts look for when assessing prolonged civil

detention. *See, e.g., Castaneda v. Perry*, 95 F.4th 750, 750 (4th Cir. 2024) (absence of a definite end point does not render prolonged civil detention constitutional; adequate procedural safeguards are required). *Castaneda* confirms that the absence of a date certain doesn't preclude habeas relief where detention is already prolonged; the remedy is procedural safeguards now—a neutral bond hearing.

The balance favors a neutral IJ bond hearing now: the liberty interest is weighty; the risk of erroneous, months-long confinement is substantial—especially given the automatic stay; and the incremental burden of providing a hearing is minimal relative to the benefit of accurate, individualized decisions.

III. Effective Relief Requires Release or an Order that Any § 1226(a) Bond Is Not Automatically Stayed

A. No automatic Stay of Release

Respondents invoke the EOIR automatic-stay regulation, 8 C.F.R. § 1003.19(i)(2), to maintain custody whenever DHS appeals an IJ's release. That administrative device cannot supply detention authority and cannot nullify habeas relief. It merely preserves the status quo if detention is otherwise lawful; it does not decide which statute authorizes custody. Once this Court holds that Petitioner's detention is governed by § 1226(a)—the interior-custody lane—effective relief must follow that lane's rules. A bare remand for an IJ bond hearing that is automatically stayed the moment DHS files an appeal would be illusory and would perpetuate the very prolonged detention this case challenges.

The problem is practical and immediate. Under Respondents' announced litigation posture, any IJ order releasing Petitioner under § 1226(a) would be frozen by

DHS appeal, extending confinement for weeks or months while the BIA reviews custody—without any new evidence of danger or flight risk and notwithstanding the IJ’s individualized findings. Due process does not tolerate a remedy that exists only on paper. A ministerial stay cannot be used to override a federal court’s determination of the correct statutory lane or to frustrate a habeas order aimed at ending unlawful custody.

Accordingly, the Court should either (1) order Petitioner’s immediate release on appropriate conditions, or (2) direct a prompt § 1226(a) bond hearing with a clear instruction that no automatic stay may block an IJ’s release order absent a specific, on-the-record showing tied to the IJ’s danger/flight findings. The Court may also retain jurisdiction to ensure timely compliance and effective implementation. Anything less invites indefinite detention by administrative inertia—the very outcome Respondents preview in their Opposition.

B. Exhaustion

Respondents urge to send it back to the immigration court, but *Matter of Yajure Hurtado* directs IJs that they lack bond jurisdiction over individuals “present without admission”—the label DHS uses for Mr. Romero. An IJ cannot hear what the agency has already said it cannot hear; that makes administrative “relief” illusory.

Courts do not require exhaustion where the agency has foreclosed the remedy or where resort would be futile. See *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992); *Shalala v. Ill. Council on Long Term Care*, 529 U.S. 1, 13 (2000). Because IJ bond is

categorically unavailable under *Yajure*, exhaustion would only prolong custody without a path to relief.

C. Habeas Is the Proper Vehicle to Challenge Detention

As shown *supra* at 1–2, habeas is the correct vehicle to challenge custody: Petitioner seeks release from allegedly unlawful detention, not review of a removal order, and thus this case falls within the core of habeas. *DHS v. Thuraissigiam*, 591 U.S. 103, is inapposite because it addressed a challenge to an expedited removal order where the noncitizen did not seek release and did not dispute the lawfulness of his confinement (*id.* at 118). Here, by contrast, Petitioner squarely contests the legality of his ongoing detention and seeks release—exactly the sort of claim habeas has always reached.

IV. THE EIGHTH AMENDMENT CLAIM NEED NOT BE REACHED

Because the Court can grant relief under § 1226(a) and the Fifth Amendment’s due process guarantees, it need not reach the Eighth Amendment. If it does, Petitioner preserves the alternative claim: the same facts driving due-process relief—prolonged civil detention sustained by a blanket, post-hearing veto with no individualized reassessment—render the confinement excessive in relation to any non-punitive aim.

V. IF A BOND HEARING IS ORDERED, THE BURDENS SHOULD REST ON THE RESPONDENTS

The Respondents contends any bond hearing should adhere to customary burdens on the noncitizen and urging that E.D.Va. decisions have “declined to adjust the usual burden-of-proof scheme.” This Court’s most recent § 1226(a) orders take a different, better-reasoned approach; not only ordering a § 1226(a) bond hearing, but

also enjoining reliance on § 1225(b)(2). That allocation is correct as a matter of first principles and local practice: the party seeking to continue physical confinement should carry the evidentiary burden, and the Court's recent E.D.Va decisions have implemented that rule in this exact context.

VI. EAJA

The Respondents is correct that EAJA fees are not available in habeas. *See Obando-Segura v. Garland*, 999 F.3d 190, 195 (4th Cir. 2021). Petitioner does not oppose dismissal of EAJA without prejudice to a later fee application, if appropriate, in a qualifying civil action. Accordingly, any bond order under § 1226(a) should be expressly non-stayable absent a case-specific showing that satisfies the IJ's danger-or-flight standards.

VII. APPLICATION TO ROMERO AND REQUESTED RELIEF

Mr. Romero's case is on all fours with the E.D.Va. matters granting relief. He was interior arrested, issued an NTA, and placed into § 1229a proceedings. Under § 1226(a), he was entitled to a fair IJ bond hearing. He should be released, or in the alternative, entitled to a prompt IJ bond hearing and respondents enjoined from invoking § 1225(b)(2) to deny bond authority.

PRAYER FOR RELIEF

WHEREFORE, Mr. Romero respectfully requests that this Court:

A. Grant the Petition.

B. Order immediate release on appropriate conditions.

or, in the alternative,

- C. Declare that § 1226(a) governs Petitioner's detention and order a prompt § 1226(a) bond hearing within 14 days.
- D. Enjoin reliance on § 1225(b)(2) to foreclose bond or otherwise justify continued no-bond detention.
- E. Provide effective relief notwithstanding the EOIR automatic-stay regulation: clarify that any IJ release order entered under § 1226(a) is not automatically stayed by a DHS appeal under 8 C.F.R. § 1003.19(i)(2); DHS may obtain a stay only upon a particularized showing, tied to the IJ's individualized findings, of (i) danger by clear and convincing evidence or (ii) flight risk by a preponderance of the evidence.
- F. Set compliance: if the bond hearing is not held within 14 days (absent good cause shown), order Petitioner's release on appropriate conditions.
- G. Retain jurisdiction to enforce this Order and to enter any further relief necessary to ensure timely and effective implementation.
- H. Grant such other and further relief as the Court deems just and proper.

DATED: October 21, 2025

Respectfully submitted,
Petitioner

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242I

represent Petitioner and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: October 21, 2025

/s/
Jorge E. Artieda

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2025, I served a true and correct copy of the foregoing Reply on Respondents by USPS Certified Mail, Return Receipt to:

1. Caroline Detention Facility
Attn: **Warden, Paul Perry**
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3. **The Honorable Kristi Noem**
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4. **The Honorable Pamela Bondi**
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_____/s/_____

Jorge E. Artieda