

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JUAN JOSE VALDEZ VEGA,

Petitioner,

v.

RUSSELL HOLT et al.,

Respondents.

Case No. CIV-25-1184-JD

**PETITIONER'S REPLY TO RESPONDENTS' OBJECTION TO THE REPORT  
AND RECOMMENDATION**

## I. PRELIMINARY STATEMENT

Detention is not a requirement of deportation. To the contrary, detention is a deprivation of liberty that carries with it serious consequences independent of any decision to deport.<sup>1</sup> The Respondents ignores this distinction by focusing mainly on plain statutory language to dictate their argument that Petitioner should be considered an “arriving alien” under 8 U.S.C. § 1225 and thus is subject to the statute’s regulations. (Doc. 8). The Respondent vehemently disregards numerous decisions through the circuit courts that have immigrants such as Juan are not subjected to mandatory detention. The Respondents provide no independent – let alone constitutionally adequate – justification for Juan’s current detention. Juan’s current detention serves only to take away the liberty of a man who has a crystal clean criminal history, is planning his engagement with a United States citizen, and has been living in the United States for more than four years.

Because “[f]reedom from imprisonment...lies at the heart of the liberty [the Due Process] Clause protects,” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), this Court should reject the Respondents’ arguments and hold that Juan should be granted a Bond hearing, or in the alternative, that Juan should be immediately released from detention. Petitioner thus agrees with the Court’s Report and Recommendation in granting Petitioner’s Habeas petition, in part. (Doc. 10).

## II. LEGAL FRAMEWORK

Congress created two distinct detention regimes. Section 235(b) governs inspection and limited mandatory detention of arriving aliens or those apprehended shortly after entry; § 236(a)

---

<sup>1</sup> Immigrants in detention, including Juan, are currently being detained in ICE detention centers. They are held behind bars and put “in orange suits, they are shackled during visitation and court visits, they are subject to surveillance and strip searches, they are referred to by number, not by name.” Transcript of Oral Arguments at 8, *Jennings v. Rodriguez*, No-15-1204 (Nov. 30, 2016) (J. Sotomayor). Juan’s current unlawful detention is arbitrary, unnecessary, waste of resources, and double punishment.

governs interior arrests on warrant, authorizing detention pending a removal decision with discretionary release on bond. *See Jennings v. Rodriguez*, 583 U.S. 281, 297, 302–03 (2018) (describing § 235(b) as “primarily” for those seeking entry and § 236(a) as applying to aliens “already in the United States” and arrested “on warrant”).

The Laken Riley Act confirms Congress preserved § 236(a)’s discretionary bond regime for most inadmissible entrants arrested in the interior by adding a narrow new mandatory-detention category under § 236(c)(1)(E) (pairing inadmissibility under 8 U.S.C. § 1182(a)(6)(A), (6)(C), or (7) with specified crimes). If § 235(b) already mandated detention for all inadmissible entrants, § 236(c)(1)(E) would be redundant courts must avoid. *See Corley v. United States*, 556 U.S. 303, 314 (2009); *Van Buren v. United States*, 593 U.S. 374, 393 (2021). Congress legislated against decades of agency practice applying § 236(a) to interior arrests, and courts presume amendments harmonize with that practice. *Monsalvo v. Bondi*, 604 U.S., 145 S. Ct. 1232, 1242 (2025).

On September 5, 2025, the BIA in *Matter of Yajure-Hurtado* adopted DHS’s position that immigration judges lack bond jurisdiction for noncitizens present without admission because they are “applicants for admission” detained under § 235(b)(2)(A) for the duration of proceedings. 29 I. & N. Dec. at 220 (relying on *Jennings*, 583 U.S. at 300). But *Jennings* construed statutory text and explicitly left open constitutional challenges. *Id.* at 303. Moreover, the Supreme Court has since overruled *Chevron* deference; courts must independently interpret the INA rather than deferring to agency readings. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385–86 (2024).

Longstanding agency materials confirm that individuals encountered inside the country without admission were treated under § 236(a) and were “eligible for bond and bond redetermination.” *Inspection and Expedited Removal of Aliens*, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). DHS itself historically limited the “applicant for admission” designation to encounters

within a short time and distance from the border. See *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 121, 130 n.2 (2020) (describing DHS's 2004 14-day/100-mile policy for expedited removal).

Statutes must be read “with a view to their place in the overall statutory scheme,” giving effect to every clause and word. *Gundy v. United States*, 588 U.S. 128, 141 (2019) (quotation omitted); *United States ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023). DHS's view collapses §§ 235 and 236, nullifies § 236(c)(1)(E), and contradicts the INA's structure.

Federal courts addressing DHS's new theory have rejected it and ordered relief, concluding § 236(a) governs noncitizens “already in the country.”<sup>2</sup> Even under DHS's classification, constitutional avoidance and due process require meaningful review of whether mandatory detention actually applies (a *Joseph*-type inquiry), and courts must preserve habeas for unlawful detention. See *Jennings*, 583 U.S. at 303; *Clark v. Martinez*, 543 U.S. 371, 380–82 (2005); *INS v. St. Cyr*, 533 U.S. 289, 314 (2001).

The equities here underscore the *Mathews v. Eldridge* balance: (1) Petitioner's profound liberty and family interests; (2) the high risk of erroneous deprivation from DHS's categorical no-

---

<sup>2</sup> See, e.g., *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at \*2, \*6 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), 2025 WL 2267803, at \*4–7 (S.D.N.Y. Aug. 8, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at \*4–7 (D. Mass. July 7, 2025); *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 1193850, at \*11–16 (W.D. Wash. Apr. 24, 2025); *Pinchi v. Noem*, No. 25-cv-05632-RMI, 2025 WL 1853763, at \*3 (N.D. Cal. July 4, 2025); *Valdez v. Joyce*, No. 25-cv-4627, 2025 WL 1707737, at \*5 (S.D.N.Y. June 18, 2025); *Ercelik v. Hyde*, No. 1:25-cv-11007-AK, 2025 WL 1361543, at \*15–16 (D. Mass. May 8, 2025); *Günaydin v. Trump*, No. 25-cv-01151, 2025 WL 1459154, at \*10–11 (D. Minn. May 21, 2025); *Cuevas-Guzman v. Andrews*, No. 1:25-cv-00759, 2025 WL 2617256, at \*7 (E.D. Cal. Aug. 2025); *Alvarez-Martinez v. Noem*, No. 5:25-cv-00876, 2025 WL 2598379, at \*4–5 (W.D. Tex. Aug. 2025); *Pizarro Reyes v. Raycraft*, No. 2:25-cv-11641, 2025 WL 2609425, at \*3 (E.D. Mich. Aug. 2025); *Rosado v. Figueroa*, No. 2:25-cv-02157-DLR, 2025 WL 2337099, at \*5–7 (D. Ariz. Aug. 11, 2025); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988, at \*6–8 (D. Mass. Aug. 14, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411, at \*4–6 (D. Minn. Aug. 15, 2025); *Romero v. Hyde*, No. 1:25-cv-11631-BEM, 2025 WL 2403827, at \*3–5 (D. Mass. Aug. 19, 2025); *Benitez v. Noem*, No. 5:25-cv-02190-RGK-AS, slip op. at 3–5 (C.D. Cal. Aug. 26, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136, at \*8–10 (W.D. La. Aug. 27, 2025).

bond stance (and the value of individualized hearings); and (3) minimal governmental burden to provide the longstanding process Congress preserved. *See* 424 U.S. 319, 333, 335 (1976).

Because Juan was arrested in the interior and (on information and belief) under warrant authority, § 236(a) governs his detention. DHS's attempt to shoehorn him into § 235(b)(2) is contrary to the statutory text, structure, and constitutional principles. He is entitled to release or, at minimum, a prompt bond hearing before an IJ applying the correct legal standard.

### III. ARGUMENTS

#### A. THE WESTERN DISTRICT COURT OF OKLAHOMA HAS JURISDICTION OVER WRITS OF HABEAS CORPUS

The writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless government action.<sup>3</sup> There is a long-standing well established history in the American judicial system regarding their sole jurisdiction to adjudicate Writs of Habeas. The extensive history of Writs of Habeas Corpus, and the right of petitioners to the Writs of Habeas Corpus itself is rooted in the U.S. Constitution's Suspension Clause.<sup>4</sup> District Courts having jurisdiction over Writs of Habeas Corpus can be found in the federal habeas corpus statute, 28 U.S.C. § 2241, which states, in pertinent part:

(a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions...

Once 28 U.S.C. § 2241 was included in the Judiciary Act of 1789, the district courts were given jurisdiction to grant Writs of Habeas Corpus to people who are held in "custody" by the

---

<sup>3</sup> *Harris v. Nelson*, 394 U.S. 286, 290-91 (1969); *Boumediene v. Bush*, 128 S. Ct. 2229, 2244, 2008 WL 2369628 at \*12 (2008) ("The Framers viewed freedom from unlawful restraint as fundamental precept of liberty, and they understood the writ of habeas corpus as vital instrument to secure that freedom").

<sup>4</sup> U.S. Const. art. I § 9, cl. 2 states: "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it."

federal government in violation of the Constitution, laws, or treaties of the United States. Under this statute, federal courts have considered both *constitutional claims* and claims of *statutory interpretation*. Over the past several years, the Supreme Court has upheld the availability of Habeas Corpus in cases challenging detention.<sup>5</sup>

Here, Juan has filed a Petition for Writ of Habeas Corpus due to his unlawful detention in violation of the United States Constitution by the Respondents. The Western District Court unquestionably has jurisdiction to adjudicate Juan's Petition for Writ of Habeas Corpus. A district court having jurisdiction over a Petition for Writ of Habeas is a well-known and taught institution of criminal law that should have been clear but is now reiterated hopefully to the satisfaction and understanding of the Respondents.

**B. THE WRIT OF HABEAS CORPUS IS IN REGARD TO THE PRESENT UNLAWFUL DETENTION OF PETITIONER, NOT AN ADJUDICATION OF IMMIGRATION PROCEEDINGS.**

The Habeas Petition was filed because of the unlawful detention of Petitioner. (Doc. 1) The Habeas Petition's scope is for the District Court to adjudicate the unlawfulness of Petitioner's detainment. Thus, Respondents can not be limited, as argued by Respondents, by the provisions found in the Immigration Nationality Act because the court is not adjudicating immigration law. Respondents argue that under Section 1252(g), the courts lack jurisdiction to consider "any cause or claim by or on behalf of any alien arising from the decision or action by [DHS] to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter."<sup>6</sup>

---

<sup>5</sup> See e.g. *Zadvydas v. Davis*, 533 U.S. 678 (2001) (finding that habeas corpus may be used to bring statutory and constitutional challenges to post-removal order detention); see e.g. *Demore v. Kim*, 538 U.S. 510 (2003) (Court found that Habeas corpus may be used to bring a constitutional challenge to pre-removal order detention); See e.g. *Clark v. Martinez*, 543 U.S. 371 (2005) (Court held that its decision in *Zadvydas v. Davis* also applied to government detention of persons found to be inadmissible).

<sup>6</sup> 8 U.S.C. § 1252(g)

Respondents push this court to adopt a broad interpretation of Section 1252(g) when the Supreme Court has found that Section 1252(g) is much more narrow, only applying to three discrete actions by the Attorney General: 1. Commence proceedings, 2. Adjudicate Cases, 3. Execute Removal orders.<sup>7</sup> Respondents erroneously choose to equate removal proceedings as synonymous with unlawful detention to incorrectly strip this Court of proper jurisdiction.

Here, within the Habeas Petition, Petitioner never requests the Court to adjudicate on the merits of removal proceedings. Petitioner does not argue for the court to adjudicate on the removal proceedings or on the merits of his immigration relief. Instead, Petitioner asks this Court to find that his detention is unlawful because Respondents unlawfully denied Petitioner of a Bond hearing. The court has jurisdiction over the petition as Petitioner is only challenging the way Respondents are conducting his detention – the lack of bond hearing.<sup>8</sup>

### **C. PETITIONER IS NOT AN “APPLICANT FOR ADMISSION.”**

Respondents agree that the terms “applicant for admission” and “seeking admission” in § 1225(b)(2) do not clearly apply to noncitizens like Petitioner. (Doc. 11). As Respondents stated, The plain meaning of the phrase ‘seeking admission’ requires that the applicant must be presently and actively seeking lawful entry into the United States. (Doc. 11). Here, Petitioner has lived in the United States for four years, and he is not currently seeking lawful entry into the United States. Evidently, because of Petitioner’s time within the country, he couldn’t be “seeking lawful entry,” as he has already entered and retained some form of life and residence within the United States.

---

<sup>7</sup> See e.g. *Reno v. American – Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482-85 (1999)).

<sup>8</sup> See *Ferry v. Gonzales*, 457 F.3d 1117, 1131 (10th Cir. 2006). (holding that § 1252(a)(5) does “not eliminate a district court’s jurisdiction to review habeas petitions challenging an alien’s detention” and affirming district court’s finding that it had jurisdiction to review a habeas petition challenging “DHS’s continued detention [of petitioner] without bond or without providing a bond hearing”).

Respondents have even confirmed, through their own accord, that under a textual analysis of the immigration framework, Petitioner's circumstances align with §1226(a), not § 1225(b)(2)(a). (Doc. 11). Petitioner agrees, § 1226(a) is more applicable to his situation.<sup>9</sup>

**D. PETITIONER URGES THIS COURT TO CONSIDER THE MERITS OF HIS DUE PROCESS CLAIM**

Juan agrees with the Court's recommendation to grant him relief under §1226(a). However, in the alternative, Petitioner urges the Court to reconsider addressing the merits of his due process claim. (Doc. 11). The Due Process Clause asks whether the government's deprivation of a person's life, liberty, or property is justified by a sufficient purpose. Here, there is no question that the government has deprived Petitioner of his liberty. Petitioner has been detained for two months, approximately sixty days. Petitioner has been deprived of his liberty and freedom for sixty days. Juan's continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

The Due Process Clause of the Fifth Amendment to the U.S. Constitution provides that "[n]o person shall...be deprived of life, liberty, or property without due process of law." As a noncitizen who shows well over "two years" physical presence in the United States, indeed Juan has been in the United States for more than four years, Juan is entitled to Due Process Clause protections against deprivation of liberty and property. *See Zadvydas*, 533 U.S. at 693 ("[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent."). Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a

---

<sup>9</sup> See *Hernandez v. Baltazar*, 2025 WL 2996643, at \*5 (D. Colo. Oct. 24, 2025) ("Courts have found that '[n]oncitizens who are just 'present' in the country..., who have been here for years upon years and never proceeded to obtain any form of citizenship[...] ... are not 'seeking' admission" under § 1225(b)(2)(A)."(quoting *Lopez-Campos*, 2025 WL 2496379, at \*6).

“sufficiently strong special justification” to outweigh the significant deprivation of liberty. *Id.* at 690.

Respondents have deprived Juan of his liberty interest protected by the Fifth Amendment by detaining him since September 2, 2025. Juan’s detention is improper because he has been deprived of a bond hearing. A hearing is if anything a right to be heard, and here the immigration judge considered it a foregone conclusion that he was ineligible for bond, without considering the law or entertaining his counsel’s arguments. Like the accused in criminal cases, habeas is proper. *See Moore v. Dempsey*, 261 U.S. 86 (1923); *Johnson v. Zerbst*, 304 U.S. 458 (1938); *Burns v. Wilson*, 346 U.S. 137, 154 (1953).

Respondents’ action in detaining Juan without any legal justification violates the Fifth Amendment. The government’s detention of Petitioner is unjustified. Respondents have not demonstrated that Petitioner needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen’s appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument that Petitioner cannot be safely released back to his community and family. For these reasons, Juan’s detention violates the Due Process Clause of the Fifth Amendment.

#### IV. CONCLUSION

This Court should order Petitioner’s immediate release, or in the alternative, adopt the *Report and Recommendation* to find that Respondents must provide him with a bond hearing.

Respectfully submitted,  
/s/ Elissa Stiles  
Elissa Stiles  
Rivas & Associates  
PO Box 470348, Tulsa, OK 74147  
918-419-0166  
estiles@rivasassociates.com  
*Attorney for Petitioner*

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

I represent Petitioner, Juan Jose Valdez Vega, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petitioner's Reply to Respondents' Response In Opposition to The Petition For Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 13th day of November, 2025.

Respectfully submitted,

**/s/ Elissa Stiles**  
Elissa Stiles  
Rivas & Associates  
PO Box 470348, Tulsa, OK 74147  
918-419-0166  
estiles@rivasassociates.com  
*Attorney for Petitioner*