IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION COVINGTON

RICARDO PEREZ RAMIREZ, Petitioner, v. RUSSEL HOLT, *et al.*, Respondents.	Case No. 2:25-CV-00156-DCR

PETITIONER'S REPLY IN SUPPORT OF HIS PETITION FOR WRIT OF HABEAS CORPUS

Petitioner has lived in the United States for over 20 years. He was arrested by the Department of Homeland Security as he was driving for his job making deliveries for Amazon Fresh. Because he was already present within the United States at the time of his arrest, his detention falls squarely under 8 U.S.C. § 1226, not § 1225. Respondents' arguments to the contrary rely on an incorrect reading of the statute. Although Petitioner may be considered an "applicant for admission" as someone present without being admitted or paroled, § 1225 also requires that the noncitizen be "seeking admission." As numerous federal courts have found, the term "seeking admission" applies to noncitizens at the border, not someone like Petitioner who has been present in the United States for over 20 years. Even the arrest warrant issued by Respondents cites 8 U.S.C. § 1226 as the detention authority under which Petitioner is being detained. Because Petitioner is detained unlawfully, the Court should order his immediate release, or in the alternative, require Respondents to provide him a prompt bond hearing pursuant to § 1226.

ARGUMENT

I. Petitioner is not subject to mandatory detention.

Federal courts, including the Supreme Court, have long held that detention under 8 U.S.C. § 1225 applies to those at the border while Section 1226 applies to those already present in the United States. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Supreme Court held that Section 1225 authorizes the Government "to detain certain [noncitizens] seeking admission into the country," while Section 1226 "authorizes the Government to detain certain [noncitizens] already in the country." *Id.*, 583 U.S. at 289. *Jennings* therefore forecloses Respondents' position. *See, e.g.*, *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025) at *8 ("[T]he line historically drawn between sections 1225 and 1226, which makes sense of their text and the overall statutory scheme, is that section 1225 governs detention of non-citizens 'seeking admission into the country,' whereas section 1226 governs detention of non-citizens 'already in the country.'") (cleaned up) (citing *Jennings*, 583 U.S. at 288-89); *Martinez v. Hyde*, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) ("The idea that a different detention scheme would apply to non-citizens 'already in the country,' as compared to those 'seeking admission into the country,' is consonant with the core logic of our immigration system ") (cleaned up) (citing *Jennings*, 583 U.S. at 289).

Respondents do not dispute the facts of Petitioner's entry. They do not dispute that Petitioner entered the United States without inspection in 2005. Nor do Respondents dispute the fact that Petitioner has been present and has resided in the United States for over 20 years. Respondents also do not contest that Petitioner was arrested by the Department of Homeland Security (DHS) hundreds of miles from any border or port of entry. In fact, DHS charged Petitioner as being "*present* in the United States without being admitted or paroled." *See* Dkt. 1, Ex. C, Notice to Appear (emphasis added). In other words, Petitioner was not "arriving" at a border when he was

arrested. But for recent illegal and counterfactual policy choices, these facts render Petitioner eligible for release on bond. Indeed, legacy Immigration and Naturalization Service (now DHS) explicitly stated that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) *will be eligible for bond and bond redetermination.*" 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (emphasis added).

In the face of this settled law, Respondents repeat the novel interpretation, rejected by numerous federal courts, that Section 1225 governs "applicants for admission" while Section 1226 governs those "who have been admitted." Dkt. 3, 11-12. But as discussed in Petitioner's habeas petition, Dkt. 1, 7-9, Section 1226 applies to noncitizens inside the country, including those who entered without inspection, while Section 1225 is limited to noncitizens seeking admission at a border or port of entry. Respondents' reading is contrary to the plain language of the INA and nullifies various provisions of Section 1226—including amendments made earlier this year—that allow individuals who entered the United States outside of a port of entry to be considered for release on bond. *See id.* at 10-13. Respondents' reading is also impermissible in that it ignores congressional intent and decades of agency practice. *See id.* at 13-15. The result is that the reading that Respondents advance violates the INA.

Although Petitioner may be considered an "applicant for admission" under Section 1225(a)(1) because he is present without being admitted or paroled, he is not "seeking admission" as required to be subject to mandatory detention under Section 1225(b)(2). Respondents attempt to circumvent the "seeking admission" requirement by claiming that it is "synonymous" with "applicant for admission." Dkt. 3, 9, 13 n.8. This position, however, "completely ignore[s] or even read[s] out the term 'seeking' from 'seeking admission.'" *Beltran Barrera v. Tindall,* 2025 WL

2690565, at *4 (W.D. Ky. Sept. 19, 2025). The court in *Beltran Barrera* noted that "'seeking' implies action and that those who have been present in the country for years are not actively 'seeking admission.'" *Id.* (cleaned up). If, as Respondents contend, *see* Dkt. 3, 2 n.2, admission means a lawful entry, then those who already entered the United States unlawfully cannot be said to be seeking a lawful entry. *See id.; see also Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *7 (E.D. Mich. Aug. 29, 2025) ("There is nothing in the record to suggest that he ever attempted to gain lawful entry (e.g. lawful status in this country) until he was apprehended and detained. Therefore, the Court finds that 1225(b)(2)(A) applies when people are being inspected, which usually occurs at the border, when they are seeking lawful entry into this country. ... There is no logical interpretation that would find that [Petitioner] was actively "seeking admission" after having resided here, albeit unlawfully, for twenty-six years."). Because Petitioner entered without inspection and lived in the country for 20 years before being apprehended far from any border or port of entry, he was not "seeking admission" and is not subject to mandatory detention under Section 1225. Instead, as someone arrested inside the United States, Petitioner is detained under Section 1226.

Further, contrary to Respondents' argument, Dkt. 3, 13, there is no conflict with "seeking admission" and "applicant for admission" being separately defined and distinct requirements of Section 1225(b)(2). To be an "applicant for admission," one must be "present in the United States," or otherwise "arriv[ing] in the United States." 8 U.S.C. § 1225(a)(1); Dkt. 3, 2. In other words, "applicant for admission" is a presence requirement, meaning the person must be "in the United States or at its door." *Romero v. Hyde*, No. CV 25-11631-BEM, 2025 WL 2403827, at *9 (D. Mass. Aug. 19, 2025). By contrast, "seeking admission" is a present-tense action requirement that, in the context of Section 1225(b)(2), "would most logically occur at the border upon inspection." *Romero*,

2025 WL 2403827, at *9; *Lopez-Campos*, 2025 WL 2496379, at *6 (E.D. Mich. Aug. 29, 2025). Thus, "giving separate meaning to the phrase 'seeking admission' does not 'read[] 'applicant for admission' out of [section] 1225(b)(2)(A)." *Romero*, 2025 WL 2403827, at *9.

Respondents' reliance on *Matter of Lemus* is misplaced. Dkt. 3, 9. The statutes discussed in *Lemus* were 8 U.S.C. § 1182(a)(9)(B) and 8 U.S.C. § 1182(a)(9)(C), which contain the phrase "seeks admission" and "seeking admission," respectively. 25 I&N Dec. 734, 742-745 (BIA 2012). Those statutes make clear that noncitizens who seek admission or who are seeking admission have departed the United States and are attempting to return. *See* 8 U.S.C. § 1182(a)(9)(B)(i)(I) (applying to those who were unlawfully present in the United States for more than 180 days but less than a year, departed and again "seeks admission" within 3 years of the date of departure); 8 U.S.C. § 1182(a)(9)(B)(i)(II) (applying to those who were unlawfully present for one year or more, who again "seeks admission" within 10 years of the date of departure or removal); 8 U.S.C. § 1182(a)(9)(C)(ii) (applying to those "seeking admission" more than 10 years after the date of the noncitizen's last departure from the United States). Congress's use of "seeking admission" in the context of those who have departed the United States in these other provisions of the INA reinforces Respondent's position that those "seeking admission" under Section 1225 are those who are at the border, not those who are already present in the United States. *See Martinez-Elvir v. Olson*, No. 3:25-CV-589-CHB, 2025 WL 3006772, at *10 (W.D. Ky. Oct. 27, 2025) ("the BIA understood the phrase 'seeking admission' to mean a discrete temporal act, not as an ongoing status describing noncitizens residing within the United States for an extended period.").

Respondents' citation to 8 U.S.C. § 1225(a)(4) and 8 U.S.C. § 1229c(a)(1) as examples of "foreign nationals who are not 'seeking admission'" is of no help to their position, either. Dkt. 3, 9 n.6. First, Section 1225(a)(4), as part of Section 1225, applies at the border or ports of entry.

Jennings, 583 U.S. at 287. Further, Section 1225(a)(4) applies to noncitizens "*applying* for admission." (emphasis added). Just as with "seeking" in "seeking admission," *Beltran Barrera*, 2025 WL 2690565, at *4, the use of the term "applying" implies action which, in this instance, would most logically occur at a border or port of entry.[1] For example, in *Matushkina v. Nielsen*, 877 F.3d 289 (7th Cir. 2017), cited by Respondents, Dkt. 3, 9 n.6, the noncitizen attempted to enter the country with a visitor visa by flying into O'Hare International Airport in Chicago, where she was inspected by a CBP officer and found to be inadmissible, before being allowed to withdraw her application. *Id.* at 291. This is distinct from Petitioner, who never sought entry at a border or port of entry. Meanwhile, Section 1229c does not deal with individuals "seeking admission." Titled "Voluntary departure," it pertains to a noncitizens' ability to voluntarily depart instead of undergoing removal proceedings. As such, it has no bearing on the definition of "seeking admission" or Petitioner's challenge to unlawful detention.

Respondents also attempt to invoke agency precedent to bolster their arguments by citing *Matter of Jean*, 23 I. & N. Dec. 373 (A.G. 2002), a single incongruous case. Dkt. 1, 13. However, *Matter of Jean* did not involve a noncitizen who had not been admitted. Nor did it involve a question about detention authority. Instead, it considered and denied the adjustment of status application of a noncitizen admitted as a refugee because of an intervening criminal conviction. *Id.* at 373-74. It contains a single line about detention, where the Attorney General assumed without analysis that Section 1225 would apply to the noncitizen. *Id.* at 381. However, because the noncitizen in *Matter of Jean* had already been admitted, detention would have been proper only under Section 1226, not 1225. In fact, application of Section 1225 to the noncitizen in *Matter of*

[1] As with Section 1225(b)(2), the Section 1225(a) subsection contains mention of "*arriving* [noncitizens]," "stowaway[s]," and "crewmen," reinforcing its application at the border and ports of entry. (emphasis added).

Jean would cut against Respondents' position that admission is the dividing line between Section 1225 and 1226. Respondents' reliance on *Matter of Jean* as exemplifying long standing Agency precedent also ignores the reality that, for more than three decades, the Agency treated noncitizens who entered without inspection as detained under Section 1226 and eligible for bond, unless their criminal history rendered them ineligible. Dkt. 1, 13.

Respondents' arguments as to the Laken Riley Act do nothing to dispel the redundancy that would result if the groups of inadmissible noncitizens covered by Section 1226(c) were already meant to be subject to mandatory detention under Section 1225(b)(2). First, Respondents claim that Section 1226(c) and the Laken Riley amendments do not alter the application of Section 1225(b)(2). Dkt. 3, 14. But this makes sense only if Section 1225 was never meant to govern individuals who entered without inspection and were arrested inside the country. Indeed, Respondents do not cite a single source that disputes Section 1226(c)'s application to inadmissible noncitizens, including those "present in the United States without being admitted or paroled." *See* § 1226(c)(1)(E); § 1182(a)(6)(A). In the alternative, Respondents argue that "even if there is some overlap between § 1226 and § 1225, that does not mean that § 1225 cannot apply to Petitioner." Dkt. 3, 14. But that argument is inconsistent and contradictory with their earlier argument that "[a]pplicants for admission 'fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).'" Dkt. 3, 5 (citing *Jennings*, 583 U.S. at 287). In fact, such an argument would only confirm that Section 1226 applies to noncitizens present in the country "who were inadmissible at the time of entry." *Jennings*, 583 U.S. at 288. Further, the Laken Riley Act is but one of many factors which all point to Section 1225's application being limited to noncitizens seeking admission at a border or port of entry. The court in *Beltran Barrera*, for example, did not grant habeas solely based on the Laken Riley Act, but considered it in addition to Section 1225's

title, the statutory text, the statutory scheme as set out in *Jennings*, the "seeking admission" requirement, the BIA's holding in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (2025)[2], and the decisions of courts across the country which have rejected Respondents' same theory.[3] *Beltran Barrera* 2025 WL 2690565, at *4-5.

Indeed, over a hundred courts across the country, including courts from a majority of the geographic Circuits, have overwhelmingly rejected the government's novel interpretation of Section 1225 as incompatible with the statutory text, statutory framework, congressional intent, longstanding agency practice, the Constitution, and controlling precedent. *See, e.g., Martinez-Elvir*, 2025 WL 3006772, at *6, 11 ("Taken together, the Court concludes that the statutory text, context, and legislative history of Sections 1225 and 1226, considered alongside longstanding federal immigration practice, renders § 1225(b)(2)(A) inapplicable to Petitioner," who entered without inspection and was arrested after years living inside the country); *Beltran Barrera,* 2025 WL

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[2] Respondents argue, Dkt. 3, 8 n.5, that Petitioner "asks this Court to ignore BIA expertise" in *Yajure Hurtado*. Petitioner does not do this. It is the "responsibility of the court to decide whether the law means what the agency says." *Beltran Barrera*, 2025 WL 2690565, at *5 (citation omitted). This Court should properly consider *Yajure Hurtado*, as dozens of other courts have done before declining to follow it. *See, e.g., Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219, at *3 (W.D. Ky. Sept. 22, 2025); (disagreeing with BIA's analysis and according no deference under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 413 (2024)); *Beltran Barrera*, 2025 WL 2690565, at *5 (same); *Martinez-Elvir*, 2025 WL 3006772, at *10 (same).

[3] Federal courts around the country have also considered the government's longstanding agency practice of providing bond hearings to noncitizens like Petitioner who were detained inside the country. *See, e.g., Martinez-Elvir*, 2025 WL 3006772, at *11; *Alejandro v. Olson*, 1:25-cv-2027, 2025 WL 2896348, at *8 (S.D. Ind. Oct. 11, 2025); *Romero v. Hyde*, 2025 WL 2403827, at *9. Respondents argue, Dkt. 3, 8 n.5, that prior agency practice "is unavailing because the plain language of the statute controls." However, while interpreting the meaning of a statute belongs to the "independent judgment" of the courts, "'the longstanding practice of the government'—like any other interpretive aid—'can inform [a court's] determination of what the law is.'" *Loper Bright*, 603 U.S. at 385–86 (quoting *NLRB v. Noel Canning*, 573 U.S. 513, 525 (2014)). Here, the government's longstanding agency practice, under which Section 1225(b)(2) does not apply to Petitioner, is consistent with the multiple other factors, including the statutory text, that lead to the same conclusion.

2690565 (holding that the title of § 1225 which references "arriving" noncitizens, Supreme Court precedent in *Jennings* that § 1226 is the default rule and applies to noncitizens already present in the United States, and the recent amendments to § 1226 in the Laken Riley Act, all support petitioner's argument that he is detained under § 1226); *Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025) (following *Beltran Barrera*); *Lopez Benitez*, 2025 WL 2371588 at *5–8 (analyzing "the plain text of the statute" and holding that it applied at the borders of America, not within); *Samb v. Joyce*, 2025 WL 2398831, at *3 (S.D.N.Y. Aug. 19, 2025) (following *Lopez*); *Doe v. Moniz*, 2025 WL 2576819 at *4-5 (D. Mass. Sept. 5, 2025) ("Respondents' argument that Section 1225's detention provisions apply is a nonstarter[.]"); *Romero v. Hyde*, 2025 WL 2403827, at *1 (D. Mass. Aug. 19, 2025) ("the interpretation [of § 1225] being advanced by the Government, which would require the mandatory detention of hundreds of thousands, if not millions, of individuals currently residing within the United States, is contrary to the plain text of the statute") (gathering 13 cases from District Courts in Washington, Massachusetts, Arizona, New York, Minnesota, California, Nebraska, and Maine); *Leal-Hernandez v. Noem,* No. 1:25-CV-02428-JRR, 2025 WL 2430025, at *2 (D. Md. Aug. 24, 2025) ("The Government appears willfully blind to the operation of 8 U.S.C. § 1226(a)"); *Kostak v. Trump*, 2025 WL 2472136, at *3 (W.D. La. Aug. 27, 2025) ("Respondents' interpretation of Section 1225 would render Section 1226 unnecessary"); *Lopez-Campos*, 2025 WL 2496379, at *5 ("The plain language of the statutes, the overall structure, the intent of Congress, and over 30 years of agency action make clear that Section 1226(a) is the appropriate statutory framework for determining bond for noncitizens who are already in the country[.]"); *Anicasio v. Kramer*, 2025 WL 2374224, at *2 (D. Neb. Aug. 14, 2025) ("Courts have repeatedly held that § 1225 applies to arriving aliens, while § 1226 governs detention of 'aliens already in the country.'"); *Mosqueda v.*

Noem, 2025 WL 2591530, at *4-5 (C.D. Cal. Sept. 8, 2025) ("The Court agrees with petitioners that the plain text of section 1226(a) applies to them . . . The Court disagrees with respondents' contention that Congress intended to create a conflict between juxtaposing sections of the same statute."); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425, at *7 (E.D. Mich. Sept. 9, 2025) (collecting 15 cases); *Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779, at *5 (N.D. Ill. Oct. 16, 2025) (rejecting the government's interpretation of Section 1225(b)(2) because it "(1) disregards the plain meaning of § 1225(b)(2)(A); (2) disregards the relationship between §§ 1225 and 1226; (3) would render a recent amendment to § 1226(c) superfluous; and (4) is inconsistent with decades of prior statutory interpretation and practice.").

Respondents attempt to justify their position by pointing to the few court decisions that seemingly support their novel interpretation of Section 1225. Dkt. 7, 5. However, these cases are inapposite. In *Pena v. Hyde*, No. 25-cv-11983-NMG, 2025 WL 2108913 (D. Mass. July 28, 2025), the court assumed without analysis that Section 1225 applied, sidestepping any analysis into the proper interpretation of that statute and Section 1226. *Id.*, at *1 (finding that "[t]he authority of ICE to detain [noncitizens] who are present in the country unlawfully derives from 8 U.S.C. § 1225" without acknowledging the application of Section 1226). In *Lopez v. Trump*, 2025 WL 2780351 (D. Neb. Sept. 30, 2025), also cited by Respondents, the Court denied relief based, in part, on a finding that the Petitioner failed to "meet his burden to show that he was detained under § 1226(a)." *Id.* at *2, 6 (finding that "mistakes in the Petition, including the failure of Vargas Lopez to attach certain referenced exhibits, prevent Vargas Lopez from meeting his burden to show he is entitled to habeas relief."). That is not the case here. Petitioner has submitted evidence, including documents issued by Respondents, demonstrating that he was arrested within the United States and detained pursuant to Section 1226. As such, the cases cited by Respondents are either factually

distinguishable or fail to meaningfully consider the statutory text, statutory framework, congressional intent, and longstanding agency practice that dozens of federal courts around the country have considered in rejecting Respondents' position.

II. Respondents' own documents support that Petitioner is detained under Section 1226, not Section 1225.

Respondent's own documentation cites to Section 1226 as the detention authority under which Petitioner is detained. *See* Dkt. 1, Ex. A, Form I-200, Warrant for Arrest of Alien. Indeed, Respondents do not dispute that the arrest warrant ICE chose to issue Petitioner is specifically used to arrest noncitizens "pursuant to section [1226]." *Id.* This court should take Form I-200 "at face value." *See Pizarro Reyes v. Raycraft*, 2025 WL 2609425, at *6. As multiple courts have recognized, post-hoc justifications purporting to change the basis for an individual's detention deserve no credit. *Beltran Barrera*, 2025 WL 2690565, at *4; *Singh v. Lewis*, 2025 WL 2699219, at *5; *Lopez-Campos*, 2025 WL 2496379, at *7.

III. Petitioner has established that his unlawful detention without bond violates Due Process.

The Fifth Amendment's Due Process Clause applies to "*all 'persons' within* the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (emphasis added).

In the instant matter, Respondents assert that noncitizens "who have not been admitted to the United States are only entitled to whatever process Congress has authorized." Dkt. 3, 11 (citing *DHS v. Thuraissigiam*, 591 U.S. 103 (2020)). But *Thuraissigiam* concerned the due process rights of a noncitizen detained under Section 1225(b)(2) to defend against removal, not due process as it

relates to detention. *Id.* at 105 (2020).[4] As such, Respondents' position conflates the due process afforded to noncitizens during removal proceedings with the due process protections afforded to noncitizens subject to detention. These are two very different things. *See A.A. v. Olson*, No. 25-cv-03381-JWB-DJF, 2025 WL 2886729, at *6 (D. Minn. Oct. 8, 2025) ("A petition for review with the BIA and then the court of appeals cannot substitute for habeas review of ongoing detention."); *Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL 2977650, at *3 n.2 (D. Colo. Oct. 22, 2025) ("'While challenges to *removal* can be heard in a petition for review after an order of removal has been entered by an immigration judge and affirmed by the Board of Immigration Appeals, the same is not true of constitutional challenges to *detention* like the ones raised by' Petitioner here.") (citation omitted).

By incorrectly and unlawfully detaining Petitioner under the mandatory detention provisions of Section 1225(b)(2), Respondents have deprived him of the due process required to ensure that the government's asserted justification for physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Petitioner has the right to be free from unlawful restraint. *See Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531, 124 S. Ct. 2633, 159 L. Ed. 2d 578 (2004) ("the interest in being free from physical detention" is "the most elemental of liberty interests."). And he has established that he is not

[4] Even if this matter did concern due process rights during removal proceedings, *Thuraissigiam* would be inapplicable. In *Thuraissigiam*, the Court held that an "applicant for admission" under Section 1225 who is "seeking initial entry" into the country "has only those rights regarding admission that Congress has provided by statute." *Id.* at 139-40. But as noted, Petitioner is not seeking initial entry into the country. Further, *Thuraissigiam* was specifically addressing the due process rights of noncitizens "who arrive at ports of entry —even those paroled elsewhere in the country for years pending removal," whom it found are "'treated' for due process 'as if stopped at the border.'" *Id.* at 139. Therefore, because Petitioner was not arriving at a port of entry when he was arrested, and has never been paroled into the country, *Thuraissigiam* is "inapt as applied to Petitioner." *Martinez-Elvir*, 2025 WL 3006772, at *9.

subject to mandatory detention under Section 1225(b)(2). Therefore, as Respondents do not assert any other basis, including Section 1226, for Petitioner's detention, and do not argue that he presents a flight risk or danger, the appropriate remedy is his immediate release. *See Alejandro v. Olson*, 1:25-cv-2027, 2025 WL 2896348, at *9 (S.D. Ind. Oct. 11, 2025).[5]

CONCLUSION

Petitioner's continued detention violates the INA and his right to due process. Because he is being unlawfully detained, Petitioner respectfully requests that this Court grant his petition for writ of habeas corpus and order his immediate release.

DATED this 4th of November, 2025

Respectfully submitted,
/s/ Aileen S. Rose

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[5] In the alternative, Petitioner is entitled, at a minimum, to a bond hearing where an immigration judge considers his individualized facts and circumstances to determine whether he is a danger to the community or a flight risk. *See* 8 U.S.C. § 1226(a)(2); 8 C.F.R. §§ 1003.19(a), 1236.1(d); *Lopez-Campos*, 2025 WL 2496379 at *9-10 (explaining that discretion to detain under Section 1226(a) "requires a bond hearing to make an individualized custody determination" and that "without first evaluating [Petitioner's] risk of flight or dangerousness, his detention is a violation of his due process rights."); *accord Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1244 (W.D. Wash. 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025).

CERTIFICATE OF SERVICE

I, Aileen S. Rose, hereby certify that on November 4, 2025, I filed the foregoing with the Clerk of Court using the CM/ECF system, which sent notice of filing to all parties receiving electronic notice.

s/ Aileen S. Rose
Attorney for Petitioner