

1 Nera Shefer, Esq.  
2 Shefer Law Firm, P.A.  
3 Florida Bar# 0814121  
4 Admitted pro hac vice  
5 800 SE 4th. Ave #803  
6 Hallandale Beach, Florida 33009  
7 Telephone: (786) 295-9077  
8 Attorney for Respondent  
9 Admitted *Pro Hac Vice*

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

**Juan Daniel Luna-Gonzalez,**  
**Petitioner,**

**v.**

**Kristi Noem, Secretary of the United States  
Department of Homeland Security, in her official  
capacity; Todd Lyons, Acting Director of U.S.  
Immigration and Customs Enforcement, in his official  
capacity; John Cantu, Field Office Director for ICE's  
Enforcement and Removal Operation's ("ERO")  
Phoenix, Arizona, in his official capacity;  
Sirce Owen, Acting Director of EOIR, in her official  
capacity; Fred Figueroa, Warden, Eloy Detention  
Center,**

**Respondents.**

Case No. CV-25-03794-PHX-MTL

Agency No. 

**PETITIONER'S REPLY TO  
RESPONDENTS' RESPONSE  
TO HABEAS PETITION**

**INTRODUCTION**

Petitioner rejects Respondents' claim that Congress intended the mandatory detention of every noncitizen until the end of their removal proceedings. The statutes cannot be read in isolation; they must be harmonized with § 1226's bond authority and § 1182(d)(5)'s parole provisions, each of which show that Congress intended for noncitizens to be allowed release in appropriate cases. And, as the Supreme Court made clear in *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001), and in *Demore v. Kim*, 538 U.S. 510, 517 (2003), civil immigration detention is constitutionally limited in scope and purpose.

1 The government's reading would convert a targeted detention scheme into blanket, indefinite  
2 incarceration—something Congress never enacted, and the Constitution does not permit. Moreover,  
3 the Ninth Circuit has clearly and consistently held that 8 U.S.C. § 1226(a) is the “default” detention  
4 statute for aliens in removal proceedings. *Avilez v. Garland*, 69 F. 4th 525, 529-530 (9th Cir. 2022).  
5 *Accord, Rodriguez Diaz v. Garland*, 83 F. 4th 1177, 1179 (9th Cir. 2023); *Sarr v. Scott*, 765 F. Supp.  
6 3d 1091, 1095 (WD Wash. 2025); *Prieto-Romero v. Clark*, 534 F.3d 1053, 1057 (9th Cir. 2008).  
7 *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008).

9 Respondents are clearly promoting the Department of Homeland Security's (DHS) newly  
10 adopted and erroneous position<sup>1</sup> that all noncitizens who enter without inspection are “applicants  
11 for admission” under 8 U.S.C. § 1225(a) and therefore subject to mandatory detention under §  
12 1225(b)(2), without regard for the length of time they have lived in the United States.<sup>2</sup> Here,  
13 Petitioner has been living in the United States for 25 years and has been granted deferred action  
14 through the Deferred Action for Childhood Arrivals (“DACA”) program, which is valid through  
15 October 15, 2026.<sup>3</sup> He is not an “applicant for admission” just arriving at the border but a long-  
16 term resident, properly detained under § 1226(a) which authorizes bond hearings.

19 The length of time that a petitioner has been living in the United States is a constitutionally  
20 relevant consideration, because “once an alien enters the country, the legal circumstance changes,  
21 for the Due Process Clause applies to all ‘persons’ within the United States, including aliens,  
22 whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533  
23

24  
25  
26 <sup>1</sup> See, ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission (last  
visited September 8, 2025), filed with the Petition for Writ of Habeas Corpus as Exhibit 9.

27 <sup>2</sup> Respondents also ignore 8 U.S.C. § 1225(b)(1)(A)(iii)(II), which limits inspection of applicants for  
admission to those who have “not affirmatively shown, to the satisfaction of an immigration officer,  
28 that the alien has been *physically present in the United States continuously for the 2-year period  
immediately prior* to the date of the determination of inadmissibility under this subparagraph.”  
(emphasis added)

<sup>3</sup> See, USCIS Form I-797C, DACA Approval Notice, filed with the Petition for Writ of Habeas Corpus as  
Exhibit 1.

1 U.S. 678, 693 (2001). It is therefore reasonable to read these statutes “against [that] backdrop.” See  
2 *Hewitt v. United States*, 605 U.S. —, 145 S. Ct. 2165, 2173 (2025).

3 **I. DACA IS PIVOTAL TO PETITIONER’S REMOVAL PROCEEDINGS.**

4 As a general statement, Petitioner does not disagree that DACA Status alone will not prevent  
5 removal proceedings when they are appropriate. However, Respondents appear to have  
6 misapprehended the meaning and intent of the preliminary injunction entered in *Inland Empire-*  
7 *Immigrant Youth Collective v. Nielsen*, No. EDCV172048PSGSHKX, 2018 WL 1061408 (C.D. Cal.  
8 Feb. 26, 2018).

9  
10 As set forth in the body of that preliminary injunction, filed as Exhibit 2 to Respondents’  
11 Response to Motion for Temporary Restraining Order [docket no. 11-1, page 5-41], Inland Empire-  
12 Immigrant Youth Collective was challenging the government’s decision to unilaterally revoke DACA  
13 status – without notice or an opportunity to be heard – as soon as a notice to appear was issued. After  
14 holding that neither §1252(g) or § 1252(b)(9) barred the case, the Court certified a nationwide class  
15 and issued a preliminary injunction:

- 16  
17
- 18 (1) enjoining the government from terminating grants of DACA and related  
19 employment authorization documents (EADs) of class members absent a fair  
20 procedure;
  - 21 (2) enjoining the government terminating grants of DACA and related EADs based  
22 solely on the issuance of a Notice to Appear (“NTA”) that charges the DACA  
23 recipient as removable due to his or her presence in the United States without  
24 admission or having overstayed a visa;
  - 25 (3) Defendants’ decisions after January 19, 2017 to terminate the DACA grants and  
26 EADs of class members, without notice, a reasoned explanation, or an  
27 opportunity to respond prior to termination, are preliminarily enjoined.  
28 Defendants immediately will restore those individuals’ DACA and EADs,  
subject to their original date of expiration; and
  - (4) Defendants accept and adjudicate any applications to renew DACA by individuals  
whose DACA grant and EAD would have expired on or before March 5, 2018,  
but were unable to apply for or obtain a renewal as a result of Defendants’  
unlawful revocation decision, consistent with the terms of this Order.

See, Order Granting Plaintiffs’ motion for class certification and Granting Plaintiffs’ motion for a  
classwide preliminary injunction, filed as Exhibit 11-1, page 37.

1 It is unclear where in this document Respondents derive the conclusion that “[t]he decision in  
2 *Inland Empire* contemplates and allows respondents to prosecute removal proceedings against DACA  
3 recipients without termination of their DACA grants.” See, Response at page 2, lines 26-27. Nowhere  
4 is such a statement present in the order or elsewhere in the court’s subsequent orders.<sup>4</sup>

5  
6 Rather, as clearly set forth in the cases which Petitioner cited in his Motion for a Preliminary  
7 Injunction, in order to comply with relevant statutory and constitutional law, DHS must properly  
8 terminate a noncitizen’s DACA status before commencing removal proceedings.

9 For similar reasons, the Petition supports that Gamez Lira is also likely  
10 to succeed on his assertion that Respondents have violated the *Accardi*  
11 doctrine with respect to 8 C.F.R. § 236.23(d). Under the *Accardi*  
12 doctrine, the government and its agencies are required to follow their  
13 own rules and regulations. See *Jagers v. Fed. Crop Ins. Corp.*, 758 F.3d  
14 1179, 1186-87 (10th Cir. 2014). The Petition shows that Respondents  
15 did not observe the procedures for termination of DACA set forth in §  
16 236.23(d). Therefore, Gamez Lira has shown a likelihood for success  
17 on his claim that his DACA status was effectively terminated in  
18 violation of the *Accardi* doctrine.

19 *Gamez Lira v. Noem*, No. 25-cv-00855-WJ-KK, 2025 WL 2581710 \*7 (D.N.M. Sept. 5, 2025);<sup>5</sup>

20 Similarly, in *Catalina Santiago Santiago v. Noem, et al.*, Case No. 25-cv-00361-KC [docket  
21 no. 25] (W.D. Texas), the Court stated “[b]ecause she spent roughly twenty years at liberty in the  
22 United States—and thirteen of those years with the Government’s permission under DACA—  
23 Santiago possesses a cognizable interest in her continued freedom from detention... [the government  
24 can] follow the procedures already available to Respondents as set out in 8 C.F.R. § 236.23(d) to  
25 terminate Santiago’s DACA grant and *subsequently* seek her removal.”(emphasis added)<sup>6</sup>

26 <sup>4</sup> The proceedings in the case were stayed for several years, pending the Supreme Court’s decision in  
27 *Department of Homeland Security v. Regents of Univ. of California*, 591 U.S. 1, 27 (2020), which held  
28 that the government’s attempt to rescind DACA were invalid under the Administrative Procedures Act  
as “arbitrary and capricious”. *Inland Empire-Immigrant Youth Collective* is currently stayed, for a  
second time, pending resolution of *Texas v. United States*, (5th Cir. Jan. 17, 2025).

<sup>5</sup> See, Order granting TRO, *Gamez Lira v. Noem*, No. 25-cv-00855-WJ-KK, 2025 WL 2581710, at \*2-3  
(D.N.M. Sept. 5, 2025) filed as Exhibit 13 to the Petition for Habeas Corpus.

<sup>6</sup> See, 10/01/25 Order granting in part petition for writ of habeas corpus in *Catalina Santiago Santiago v.  
Noem, et al.*, Case No. 25-cv-00361-KC (W.D. Texas) filed with the Habeas Petition as Exhibit 12.

1 Respondents admit that they failed to terminate Petitioner's deferred status under DACA  
2 before his arrest and detention. It is also worth noting that Respondents failed to respond to the  
3 allegations that they violated the *Accardi* doctrine, which requires the government and its agencies to  
4 follow their own binding rules. See, *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260  
5 (1954). Where a regulation governing agency behavior has been promulgated, citizens and  
6 noncitizens alike are entitled to "that due process required by the regulations." *Id.* at 268. See also,  
7 *Jagers v. Fed. Crop Ins. Corp.*, 758 F.3d 1179, 1186-87 (10<sup>th</sup> Cir. 2014); *Gamez Lira v. Noem*, 2025  
8 WL 2581710 at \*6 (D.N.M. Sept. 5, 2025).<sup>7</sup>

9  
10 Because Respondents admit that Petitioner is currently in an approved deferred status and  
11 cannot be removed, he is not subject to removal proceedings. Respondents wrongfully arrested and  
12 detained him and he is entitled to immediate habeas relief.

## 14 II. PETITIONER IS NOT AN ARRIVING ALIEN.

### 15 A. Caselaw Holds That An Alien Present In The U.S. For 30 Years Is Not An 16 "Arriving Alien".

17 Both Supreme Court and Ninth Circuit precedent hold that 8 U.S.C. § 1226(a) is the "default"  
18 provision for aliens already present in the United States. In *Jennings v. Rodriguez*, 583 U.S. 281,  
19 297 (2018), the Supreme Court reversed a Ninth Circuit holding that there was a statutory right to  
20 periodic bond hearings. It held that "U. S. immigration law authorizes the Government to detain  
21 certain aliens seeking admission into the country under §§ 1225(b)(1) and (b)(2). It also held that  
22 "§ 1226 applies to aliens *already present* in the United States. Section 1226(a) creates a *default rule*  
23 for those aliens by permitting—but not requiring—the Attorney General to issue warrants for their  
24 arrest and detention pending removal proceedings." *Jennings*, 583 U.S. at 303 (emphasis added).  
25 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court stated that "[w]hile removal  
26  
27  
28

<sup>7</sup> See, Order granting TRO, *Gamez Lira v. Noem*, No. 25-cv-00855-WJ-KK, 2025 WL 2581710, at \*2-3 (D.N.M. Sept. 5, 2025) filed with the Petition for Writ of Habeas Corpus as Exhibit 13.

1 proceedings are in progress, *most aliens may be released on bond or paroled*. 8 U. S. C. §§ 1226(a)  
2 (1994 ed., Supp. V)." *Id.* at 683 (emphasis added).

3 The Ninth Circuit has held that § 1226(a) is the "default" detention statute for aliens in  
4 removal proceedings "[8 U.S.C. §1226(a) ("Subsection A")] is the default detention statute for  
5 noncitizens in removal proceedings and applies to noncitizens "[e]xcept as provided in [Subsection  
6 C]." 8 U.S.C. § 1226(a)." *Avilez v. Garland*, 69 F. 4th 525, 529-530 (9th Cir. 2022). *Accord*,  
7 *Rodriguez Diaz v. Garland*, 83 F. 4th 1177, 1179 (9th Cir. 2023); *Sarr v. Scott*, 765 F. Supp. 3d 1091,  
8 1095 (WD Wash. 2025); *Prieto-Romero v. Clark*, 534 F.3d 1053, 1057 (9th Cir. 2008). *Casas-*  
9 *Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008).

10  
11 Respondents acknowledge the existence of *Echevarria v. Bondi, et al.*, No. 2:25-cv-03252-  
12 PHX-DWL, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025).<sup>8</sup> However at least seven additional cases  
13 in the Arizona District Court have recently found against the government's position:  
14

15 (1) Order granting habeas in *Abrego-Zarate v. Noem, et al.*, Case No. 25-cv-03564-  
16 KML (D. Ariz. 11-6-25)("in accord with numerous other courts addressing the  
17 same issue—'Respondents' narrow focus on the language of § 1225(a)(1) fails to  
18 take account of the entirety of the statutory scheme..." *citing to Echevarria v.*  
*Bondi, et al.*, CV-25-03252-PHX-DWL (ESW), 2025 WL 2821282, at \*9 (D. Ariz.  
19 October 3, 2025));<sup>9</sup>

20 (2) Order granting habeas in *Garcia-Rosales v. Noem, et al.*, No. 2:25-cv-03391-SHD-  
21 DMF at page 2 (D. Ariz. Oct. 22, 2025)("while Respondents point to two district  
22 court opinions adopting their interpretation of § 1225(b)(2)(A), myriad other  
23 district courts have reached the same conclusion as *Echevarria* and held  
24 individuals like Petitioner are not subject to mandatory detention under  
25 1225(b)(2)(A)");<sup>10</sup>

26 (3) Order granting habeas corpus in *Benitez-Cornejo v. Cantu, et al.*, No. 2:25-cv-  
27 03672 (D. Arizona Oct. 17, 2025)("individuals like Petitioner are not "arriving

28 <sup>8</sup> See, 10/3/2025 Order entered in *Francisco Echevarria v. Pam Bondi, et al.*, CV-25-03252-PHX-DWL  
(ESW), (D. Ariz. 10/3/2025), filed with the Habeas Petition as Exhibit 23.

<sup>9</sup> See, 11/6/2025 Order granting habeas in *Abrego-Zarate v. Noem, et al.*, Case No. 25-cv-03564-KML  
(D. Ariz. 11-6-25), filed herewith as Exhibit 25.

<sup>10</sup> See, 10/22/2025 Order entered in *Garcia-Rosales v. Noem, et al.*, No. 2:25-cv-03391-SHD—DMF (D. Ariz.  
Oct. 22, 2025), previously filed as Exhibit 24.

1 aliens” subject to mandatory detention but, rather, are subject to the general  
2 removal statute, 8 U.S.C. § 1226(a)”).<sup>11</sup>

3 (4) Order granting habeas entered in *Hector Lopez-Melo v. Bondi, et al.*, Case No.  
4 Case 2:25-cv-03394-DJH--JZB (D. Ariz. 10/9/2025)(“petitioner, who had been  
5 present in the United States for years, was not an applicant for admission under  
6 1225(b)(2)(A) or subject to mandatory detention”);<sup>12</sup>

7 (5) 10/07/2025 Order granting habeas corpus in *Bo Li v. Cantu, et al.*, No. CV-25-  
8 02989-PHX-SPL (D Arizona 10/07/2025)(“Respondents maintain he is subject to  
9 mandatory detention under 1225(b)(2). Again, Respondents are mistaken.”);<sup>13</sup>

10 (6) August 11, 2025 Magistrate’s Report and Recommendation in *Rocha Rosado v.*  
11 *Figueroa*, No. CV-25-02157-PHX-DLR 2025 WL 2349133 at \*10 (D. Ariz. Aug.  
12 13, 2025)(Magistrate’s Report and Recommendation Adopted at 2025 WL  
13 2349133)([t]he text of § 1226, the canons of statutory interpretation, this section’s  
14 legislative history, and longstanding agency practice indicate that Rosado is  
15 subject to § 1226(a)’s ‘default’ rule for discretionary detention rather than § 1225’s  
16 mandatory detention requirement, and that the IJ erred by finding they did not have  
17 jurisdiction to consider Rosado’s detention.”) *report and recommendation adopted*  
18 *sub nom.* 2025 WL 2349133 (D. Ariz. Aug. 13, 2025);<sup>14</sup>

19 (7) 08/04/25 Order Granting Mot. for Temporary Restraining Order, *Co Tupul v. Noem*, No.  
20 25-AT-99908 (D. Ariz. August 4, 2025)(“Petitioner alleges she has been present in the  
21 United States for 30 years and, as a result, is statutorily ineligible for expedited removal  
22 proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(iii)(II) (conditioning the Attorney General’s  
23 ability to apply expedited removal procedures to non-arriving noncitizens on those  
24 noncitizens ‘having been present in the United States for under two years’”).<sup>15</sup>

25 Respondents also cite to two cases from other states, *Chavez v. Noem*, -- F. Supp. 3d --, 2025  
26 WL 2730228 (S.D. Cal. Sept. 24, 2025) and *Vargas Lopez v. Trump*, -- F. Supp. 3d --, 2025 WL  
27 2780351 (D. Neb. Sept. 30, 2025), which they believe support their arguments. However, in *Vargas*  
28 *Lopez*, the court held that Vargas Lopez failed to meet his burden to show that he falls under §

25 <sup>11</sup> *See*, 10/17/2025 Order granting habeas corpus in *Benitez-Cornejo v. Cantu, et al.*, No. 2:25-cv-03672 (D.  
26 Arizona Oct. 17, 2025), previously filed as Exhibit 25.

26 <sup>12</sup> *See*, Order entered 10/9/2025 in *Hector Lopez-Melo v. Bondi, et al.*, Case No. Case 2:25-cv-03394-DJH--  
27 JZB [docket no. 11] (D.C. Ariz.) filed with the Habeas Petition as Exhibit 22.

27 <sup>13</sup> *See*, 10/07/2025 Order granting habeas corpus in *Bo Li v. Cantu, et al.*, No. CV-25-02989-PHX-SPL (D  
28 Arizona 0/07/2025), previously filed as Exhibit 26.

28 <sup>14</sup> *See*, 8/13/2025 Magistrate’s Report and Recommendation in *Rocha Rosado v. Figueroa*, No. CV-25-02157-  
PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025), previously filed as Exhibit 27.

<sup>15</sup> *See*, 08/04/25 Order Granting *Ex Parte* Motion for Temporary Restraining Order, *Mirta Amarilis Co*  
*Tupul v. Noem, et al.*, (D. Az. Case 2:25-cv-02748-DJH) filed with the Habeas Petition as Exhibit 14.

1 1226(a), so “his Petition fails *regardless of the parties’ arguments about the scope of § 1225(b)*  
2 *and § 1226(a).*” *Vargas Lopez v. Trump*, 2025 WL 2780351 at \*7 (emphasis added).

3 In *Chavez v. Noem*, the court denied a temporary restraining order on the grounds that the  
4 petitioners had “not demonstrated serious questions about the application of Section 1225 to aliens  
5 present in the United States.” *Chavez v. Noem*, 2025 WL 2730228 at \*4. However, the court spent  
6 less than 2 pages analyzing the statutory language and caselaw before concluding that “Petitioners  
7 have not shown either a likelihood of success or serious questions going to the merits [therefore] we  
8 do not address the remaining *Winter* factors.” *Chavez v. Noem*, 2025 WL 2730228 at \*5.

9  
10 Thus, neither *Vargas Lopez* nor *Chavez v. Noem* is particularly instructive. Of course,  
11 neither case is binding precedent on this Court.

### 12 **B. Statutory Interpretation Supports Petitioner’s Interpretation.**

13  
14 As the Honorable Brian E. Murphy stated in *Diaz Martinez v. Hyde*, — F. Supp. 3d —, 2025  
15 WL 2084238 (D. Mass. July 24, 2025)<sup>16</sup> “for section 1225(b)(2)(A) to apply, several conditions must  
16 be met—in particular, an “examining immigration officer” must determine that the individual is: (1)  
17 an “applicant for admission”; (2) “seeking admission”; and (3) “not clearly and beyond a doubt  
18 entitled to be admitted.” Here, there is no evidence that these three elements were met.

19  
20 As shown on the Petitioner’s Notice to Appear, DHS itself identified him as an “alien *present*  
21 *in the United States* who has not been admitted or paroled” – despite “arriving alien being an option.”<sup>17</sup>  
22 Thus, DHS itself determined he was not detained under the “default” provision of § 1226.

23  
24 Respondents are clearly promoting the Department of Homeland Security’s (DHS) newly  
25 adopted and erroneous position<sup>18</sup> that all noncitizens who enter without inspection are “applicants  
26 for admission” under § 1225(a) and therefore subject to mandatory detention under § 1225(b)(2),

27  
28 <sup>16</sup> See, *Diaz Martinez v. Hyde*, — F. Supp. 3d —, 2025 WL 2084238 (D. Mass. July 24, 2025), filed as  
Exhibit 16 with the Petition for Habeas Corpus.

<sup>17</sup> See, Petitioner’s Notice to Appear, filed as Exhibit 7 with the Petition for Habeas Corpus.

<sup>18</sup> See, ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission (last  
visited September 8, 2025), filed with the Petition for Writ of Habeas Corpus as Exhibit 9.

1 without regard for the length of time they have lived in the United States. Respondents also ignore  
2 8 U.S.C. § 1225(b)(1)(A)(iii)(II), which limits inspection of applicants for admission to those who  
3 have "not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been  
4 *physically present in the United States continuously for the 2-year period immediately prior* to the  
5 date of the determination of inadmissibility under this subparagraph." (emphasis added).  
6

7 Here, Petitioner Juan Daniel Luna-Gonzalez was born on September 25, 1997, in Guanajuato  
8 Mexico<sup>19</sup> and crossed into the United States when he was 2 years old in 1999.<sup>20</sup> He is not an "applicant  
9 for admission" just arriving at the border.  
10

#### 11 CONCLUSION

12 For all the foregoing reasons, Petitioner Juan Daniel Luna-Gonzalez respectfully requests  
13 the Court grant this motion for a Temporary Restraining Order and order him released immediately.  
14

15 DATED this 8th day of November, 2025.

16 By: /s/ Nera Shefer

17 Nera Shefer, Esq.

18 Shefer Law Firm, P.A.

19 800 SE 4<sup>th</sup>. Ave #803

20 Hallandale Beach, Florida 33009

21 Florida Bar# 0814121  
22  
23  
24  
25  
26  
27  
28

<sup>19</sup> See, DHS Bond Hearing Exhibits, filed as Exhibit 2 with the Petition for Habeas Corpus.

<sup>20</sup> See, Petitioner's Bond Hearing Exhibits, filed as Exhibit 10 with the Petition for Habeas Corpus.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**LIST OF NEW EXHIBITS**

**Exhibit 25**

**11/6/2025 Order granting habeas in *Abrego-Zarate v. Noem, et al.*, Case No. 25-cv-03564-KML (D. Ariz. 11-6-25)**