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14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 Andres Barrera Lopez,
17
18 Petitioner,
19
20 v.
21 John Cantu, *et al.*,
22
23 Respondents.

No. CV-25-03834-SMB-ASB

**RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
and
MOTION FOR TEMPORARY
RESTRAINING ORDER**


24 Respondents respond to the Petition for Writ of Habeas Corpus and Motion for
25 Temporary Restraining Order (TRO) as directed by this Court's Order dated October 16,
26 2025. Dkt. 7.

27 Petitioner is currently in removal proceedings under INA § 240, 8 U.S.C. § 1229, as
28 an inadmissible arriving alien subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
Petitioner seeks to circumvent the detention statute under which he is rightfully detained by
erroneously claiming that an automatic stay under 8 C.F.R. § 1003.19(i)(2) should be
declared unconstitutional and/or lifted. This stay was imposed when the government
stated its intention to file a Notice of Intent Appeal the IJ's custody redetermination, which

1 automatically stayed the bond order to determine the propriety of the Immigration Judge's
2 grant of a release bond to Petitioner during his removal proceedings. The government
3 subsequently filed an appeal, which is still pending. Both Petitioner's request for habeas
4 relief and motion for TRO should be denied

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. Factual and procedural background.**

7 Andres Barrera Lopez (Petitioner) is a native and citizen of Mexico, and was born on
8  Ex. A, Declaration of Jorge Hernandez, Deportation Officer, U.S.
9 Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE)
10 and Enforcement and Removal Operations (ERO), ¶ 4.

11 On an unknown date, Petitioner entered the United States at an unknown location
12 without being admitted or paroled after inspection by an immigration officer. Ex. A, at ¶ 5.
13 He alleges that he entered the United States in October 2000, left in 2009, and returned on or
14 about May 10, 2013. Petition, Dkt. 1, at 2.

15 On July 10, 2025, Petitioner was arrested by ICE/ERO in Ventura County, California,
16 and was booked into ICE custody. Ex. A, at ¶ 5.

17 On July 11, 2025, Petitioner was issued a Notice to Appear (NTA), Form I-862, in
18 general removal proceedings under INA § 240, 8 U.S.C. § 1229a. He was charged with
19 inadmissibility under § 212(a)(6)(A) (i) of the Immigration and Nationality Act (INA) as an
20 alien present in the United States without being admitted or paroled. *Id.* at ¶ 7.

21 On July 12, 2025, Petitioner was transferred to the Imperial Regional Detention Facility.
22 On July 13, 2025, he was transferred to the San Luis Regional Detention Center where he
23 currently remains. *Id.* at ¶ 8.

24 On July 16, 2025, the Notice to Appear was filed with the Executive Officer for
25 Immigration Review, Imperial Immigration Court, placing Petitioner in removal proceedings.
26 *Id.* at ¶ 9.

27 On August 12, 2025, an Immigration Judge (IJ) granted a bond for Petitioner in the
28 amount of \$1500.00. That same day, ICE filed a Form EOIR-43, Notice of ICE Intent to

1 Appeal Custody Redetermination which stayed the IJ’s bond order. *Id.* at ¶ 10.

2 On August 21, 2025, ICE filed a Notice of Appeal of the Immigration Bond order with
3 the Board of Immigration Appeals (BIA). As of today the BIA has not yet issued a decision
4 on this appeal. *Id.* at ¶ 11. Petitioner’s removal proceedings remain pending with Imperial
5 Immigration Court. His last court hearing was October 28, 2025. *Id.* at ¶ 12.

6 Petitioner filed his Petition and motion for TRO on October 16, 2025. Dkt. 1.

7 Respondents respond to the merits of the Petition and TRO. Petitioner challenges his
8 detention under 8 U.S.C. § 1225(b)(2)(A) and argues that the automatic stay of the Order that
9 granted him bond is improper.¹

10 **II. Standard of review.**

11 Petitioner bears the burden of demonstrating that his detention is unlawful.
12 *Maldonado v. Olson*, 2025 WL 2374411, at *4 (D.Minn. Aug. 15, 2025). In a petition for a
13 writ of habeas corpus, the petitioner is challenging the legality the restraint or imprisonment.
14 *See* 28 U.S.C. § 2241. The burden is on the petitioner to show the confinement is unlawful.
15 *Walker v. Johnston*, 312 U.S. 275, 286 (1941). Specifically, here, Petitioner challenges his
16 temporary civil immigration detention pending his removal proceedings. Judicial review of
17 immigration matters, including of detention issues, is limited. *I.N.S. v. Aguirre-Aguirre*, 526
18 U.S. 415, 425 (1999); *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471,
19 489-492 (1999); *Miller v. Albright*, 523 U.S. 420, 434 n.11 (1998); *Fiallo v. Bell*, 430 U.S.
20 787, 792 (1977); *Reno v. Flores*, 507 U.S. 292, 305 (1993); *Hampton v. Mow Sun Wong*, 426
21 U.S. 88, 101 n.21 (1976) (“the power over aliens is of a political character and therefore
22 subject only to narrow judicial review”). The Supreme Court has thus “underscore[d] the
23 limited scope of inquiry into immigration legislation,” and “has repeatedly emphasized that
24 over no conceivable subject is the legislative power of Congress more complete than it is over
25 the admission of aliens.” *Fiallo*, 430 U.S. at 792 (internal quotation omitted); *Matthews v.*
26 *Diaz*, 426 U.S. 67, 79-82 (1976); *Galvan v. Press*, 347 U.S. 522, 531 (1954).

27
28

¹ The 90 days on the automatic stay ends on November 19, 2025.

1 The plenary power of Congress and the Executive Branch over immigration
2 necessarily encompasses immigration detention, because the authority to detain is elemental
3 to the authority to deport, and because public safety is at stake. *See Shaughnessy v. United*
4 *States ex rel Mezei*, 345 U.S. 206, 210 (1953) (“Courts have long recognized the power to
5 expel or exclude aliens as a fundamental sovereign attribute exercised by the Government’s
6 political departments largely immune from judicial control.”); *Carlson v. Landon*, 342 U.S.
7 524, 538 (1952) (“Detention is necessarily a part of this deportation procedure.”); *Wong Wing*
8 *v. United States*, 163 U.S. 228, 235 (1896) (“Proceedings to exclude or expel would be vain
9 if those accused could not be held in custody pending the inquiry into their true character, and
10 while arrangements were being made for their deportation.”); *Demore v. Kim*, 538 U.S. 510,
11 531 (2003) (“Detention during removal proceedings is a constitutionally permissible part of
12 that process.”)

13 **III. Petitioner is subject to mandatory detention which comports with his due**
14 **process rights.**

15 Section 1225 applies to “applicants for admission,” who are defined as “alien[s]
16 present in the United States who [have] not been admitted” or “who arrive[] in the United
17 States.” 8 U.S.C. § 1225(a)(1). Applicants for admission “fall into one of two categories, those
18 covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*, 583 U.S.
19 281, 287 (2018); *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 218 (BIA 2025).

20 Section 1225(b)(1) applies to arriving aliens and “certain other” aliens “initially
21 determined to be inadmissible due to fraud, misrepresentation, or lack of valid
22 documentation.” *Jennings*, 583 U.S. at 287; 8 U.S.C. § 1225(b)(1)(A)(i), (iii). These aliens
23 are generally subject to expedited removal proceedings. 8 U.S.C. § 1225(b)(1)(A)(i). But if
24 the alien “indicates an intention to apply for asylum...or a fear of persecution,” immigration
25 officers will refer the alien for a credible fear interview. *Id.* § 1225(b)(1)(A)(ii). An alien
26 “with a credible fear of persecution” is “detained for further consideration of the application
27 for asylum.” *Id.* § 1225(b)(1)(B)(ii). If the alien does not indicate an intent to apply for
28 asylum, express a fear of persecution, or is “found not to have such a fear,” they are detained
until removed from the United States. *Id.* §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

1 Section 1225(b)(2) is “broader” and “serves as a catchall provision.” *Jennings*, 583
2 U.S. at 287. It “applies to all applicants for admission not covered by § 1225(b)(1).” *Id.*
3 Under § 1225(b)(2), an alien “who is an applicant for admission” shall be detained for a
4 removal proceeding “if the examining immigration officer determines that [the] alien seeking
5 admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. §
6 1225(b)(2)(A); *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220 (BIA 2025) (“[A]liens who
7 are present in the United States without admission are applicants for admission as defined
8 under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for
9 the duration of their removal proceedings.”); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA
10 2025) (“for aliens arriving in and seeking admission into the United States who are placed
11 directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. §
12 1225(b)(2)(A), mandates detention ‘until removal proceedings have concluded.’”) (citing
13 *Jennings*, 583 U.S. at 299). However, DHS has the sole discretionary authority to temporarily
14 release on parole “any alien applying for admission to the United States” on a “case-by-case
15 basis for urgent humanitarian reasons or significant public benefit.” *Id.* § 1182(d)(5)(A); *see*
16 *Biden v. Texas*, 597 U.S. 785, 806 (2022).

17 A. *Petitioner is an “applicant for admission.”*

18 Petitioner falls within the ambit of § 1225(b)(2)(A)’s mandatory detention as Petitioner
19 is an “applicant for admission” to the United States, which includes undocumented aliens
20 present in the United States. Petitioner is seeking admission into the United States and is
21 therefore subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A); detention
22 throughout the remainder of those proceedings are lawful. Noncitizens in pre-final-removal-
23 order civil immigration detention generally fall within two categories: 8 U.S.C. § 1225, which
24 consists of noncitizens seeking an initial entry, and 8 U.S.C. § 1226, which consists of
25 noncitizens who entered the United States. Petitioner falls under 8 U.S.C. § 1225 because he
26 was found to be an inadmissible applicant for admission. *Francisco Cerritos Echevarria v.*
27 *Pam Bondi* (D.Ariz.).

28 Respondents are aware of a prior ruling in this District rejecting these arguments. *See*

1 *Francisco Cerritos Echevarria v. Pam Bondi, et al.* (D.Ariz. Oct. 3, 2025), but Respondents
2 respectfully maintain that Petitioner has not been deprived of due process and falls within the
3 definition of an “an applicant for admission” warranting mandatory detention as the removal
4 process unfolds. Respondents also respectfully maintain that a person is an “applicant for
5 admission” until an immigration official has inspected that person and determined that he or
6 she is determined to be admissible into the United States.

7 In *Echevarria*, the Court determined that the phrase “alien seeking admission” in 8
8 U.S.C. § 1225(b)(2)(A) implies a present-tense nature to the desire for admission, such that
9 an alien who is already present in the United States cannot be “seeking admission”:

10 The word “seeking” is the present participle of the verb “seek.” It thus has a temporal
11 element—Petitioner must have been in the process of seeking admission at the time of
12 the inspection.

13 It is hard to see how Petitioner could be deemed to have been “seeking” admission at
14 the time of the encounter on July 2, 2025. By that point, Petitioner had already been
15 present in the United States for 24 years, having arrived and entered in 2001. Moreover,
16 under Respondents’ interpretation of § 1225(a)(1), Petitioner became an “applicant for
17 admission” in 2001, upon his arrival and entry. Implicit in Respondents’ position,
18 then, is that Petitioner somehow existed in a perpetual state of “seeking” admission
19 during the 24-year period between when he first became an “applicant for admission”
20 in 2001, by virtue of his entry into the country, and when he was encountered and
21 inspected by an immigration officer in 2025. *Echevarria*, 2025 U.S. Dist. LEXIS
196174, at *16-17 (internal citations omitted).

22 However, this analysis fails to consider other pieces of statutory context. Respondents
23 respectfully argue that the phrase “applicants for admission” carves out a subset of those who
24 are “seeking admission.”

25 For example, elsewhere in section 1225, the statute says that “[a]ll aliens who are
26 applicants for admission *or otherwise seeking admission* or readmission to or transit through
27 the United States shall be inspected by immigration officers.” 8 U.S.C. § 1225(a)(3) (emphasis
28 added). In other words, 8 U.S.C. § 1225(a)(3) shows that an alien may be “seeking admission”
either by being an “applicant for admission,” or in some different way. As discussed earlier,
the phrase “applicant for admission” unambiguously includes aliens who have already entered
the United States. “In all but the most unusual situations, a single use of a statutory phrase

1 must have a fixed meaning.” *Cochise Consultancy, Inc. v. United States ex rel. Hunt*, 587 U.S.
2 262, 268 (2019) (referring to *Ratzlaf v. United States*, 510 U. S. 135, 143 (1994)). “We
3 therefore avoid interpretations that would “attribute different meanings to the same phrase,”
4 quoting *Reno v. Bossier Parish School Bd.*, 528 U. S. 320, 329 (2000). Thus, the *Echevarria*
5 court’s holding is not supported by the overall text of the statute, and Respondents respectfully
6 request this Court reach a different result.

7 Further, Respondents direct this Court’s attention to a decision issued on September
8 30, 2025, in the United States District Court for the District of Nebraska. See *Luciano Vargas*
9 *Lopez v. Trump, et al.*, 2025 WL 2780351 (D.Neb. Sept. 30, 2025). The court denied a similar
10 Petition for Writ of Habeas Corpus filed by a petitioner, who entered the United States in
11 2013, and was detained under § 1225(b)(2) without bond, holding that Petitioner was properly
12 detained under § 1225(b)(2) as an alien within the “catchall” scope of § 1225(b)(2) subject to
13 detention without possibility of release on bond through § 1229a removal proceedings. *Id.* at
14 *6-9. The court noted that illegally remaining in the country for years did not mean the
15 Petitioner, who “wish[ed] to stay in this country,” was suddenly *not* an “applicant for
16 admission.” *Id.* at *9. Additionally, “even if [Petitioner] might fall within the scope of §
17 1226(a), he “certainly” fits within the language of § 1225(b)(2) as well. *Id.*

18 The court also noted the “overlapping relationship between § 1225(b) and § 1226(a) is
19 not only consistent with the plain language of the two provisions but consistent with the
20 interpretation of the two provisions under *Jennings*.” *Id.* The court determined that §
21 1226 does not contain language limiting its application ““to aliens already present in the
22 United States.”” *Id.* (referring to *Jennings*, 583 U.S. at 289) (“stating that United States
23 immigration law ‘authorizes the Government to detain certain aliens already in the country
24 pending the outcome of removal proceedings under §§ 1226(a) and (c).’”). (“As noted, §
25 1226 applies to aliens already present in the United States.’), with 8 U.S.C. §
26 1226(a) (containing no reference to aliens ‘present’ or ‘already present’ in the United
27 States); 8 U.S.C. § 1226(c) (containing no reference to ‘criminal aliens’ ‘present’ or ‘already
28 present’ in the United States”). The court determined that “references to ‘aliens’ in §

1 1226 must be read to mean ‘alien[s] present in the United States who ha[ve] not been
2 admitted’ within the meaning of § 1225(a)(1) and within at least the ‘catchall provision that
3 applies to all applicants for admission not covered by § 1225(b)(1) in § 1225(b)(2).’” (Citing
4 *Jennings*, 583 U.S. at 287).

5 The Southern District of California also issued a favorable ruling denying a request for
6 a TRO by an alien similarly detained under § 1225(b)(2) despite already being in the United
7 States. *See Jose Guadalupe Sixtos Chavez, et al. v. Noem, et al.*, 2025 WL 2730228 (S.D. Cal.
8 Sept. 24, 2025). The court noted, among other arguments, that “Section 1225(a)(1) expressly
9 defines that ‘[a]n alien present in the United States who has not been admitted...shall be
10 deemed for purposes of this Act *an applicant for admission.*’ *Id.* § 1225(a)(1) (emphasis
11 added).” *Id.* at *4. The court reasoned that, “Petitioners do not contest that they are “alien[s]
12 present in the United States who ha[ve] not been admitted. By the plain language of §
13 1225(a)(1), then, Petitioners are ‘applicants for admission’ and thus subject to the mandatory
14 detention provisions of ‘applicants for admission’ under § 1225(b)(2).” *Id.* Respondents
15 respectfully request this Court consider *Luciano Vargas Lopez v. Trump, et al.* and *Jose*
16 *Guadalupe Sixtos Chavez, et al. v. Noem, et al.* persuasive for the reasons mentioned above.

17 **IV. Petitioner brings improper habeas claims.**

18 An individual may seek habeas relief under 28 U.S.C. § 2241 if he is “in custody”
19 under federal authority “in violation of the Constitution or laws or treaties of the United
20 States.” 28 U.S.C. § 2241(c). But habeas relief is available to challenge *only* the legality or
21 duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir.2023); *Crawford*
22 *v. Bell*, 599 F.2d 890, 891 (9th Cir 1979); *Dep’t of Homeland Security v. Thuraissigiam*, 591
23 U.S. at 117 (The writ of habeas corpus historically “provide[s] a means of contesting the
24 lawfulness of restraint and securing release.”). The Ninth Circuit squarely explained how to
25 decide whether a claim sounds in habeas jurisdiction: “[O]ur review of the history and purpose
26 of habeas leads us to conclude the relevant question is whether, based on the allegations in
27 the petition, release is legally required irrespective of the relief requested.” *Pinson*, 69 F.4th
28 at 1072; *Nettles v. Grounds*, 830 F.3d 922, 934 (9th Cir. 2016) (The key inquiry is whether

1 success on the petitioner’s claim would “necessarily lead to immediate or speedier release.”).

2 Seeking judicial review under the Administrative Procedure Act (APA) is not properly
3 sought through a habeas petition. *Flores-Miramontes v. INS.*, 212 F.3d 1133, 1140 (9th Cir.
4 2000) (“For purposes of immigration law, at least, “judicial review” refers to petitions for
5 review of agency actions, which are governed by the Administrative Procedure Act, while
6 habeas corpus refers to habeas petitions brought directly in district court to challenge illegal
7 confinement.”); *see also Giron Rodas v. Lyons*, 2025 WL 2300781, at *3 (S.D.Cal. Aug. 1,
8 2025) (“Like in *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241 habeas petition
9 since it cannot be fairly read as attacking ‘the legality or duration of confinement’”), *quoting*
10 *Pinson*, 69 F.4th at 1065. These arguments exceed the purpose of habeas and are ultimately
11 subsumed within Petitioner’s § 1225(b)(2) challenge. Petitioner is ultimately challenging his
12 detention authority under § 1225(b)(2), which is appropriately challenged in a habeas petition,
13 not through an additional attack under the APA.

14 Finally, to the extent Petitioner is also challenging the “auto-stay” provision of 8 C.F.R.
15 § 1003.19(i)(2), his confinement is statutorily authorized by 8 U.S.C. § 1225(b)(2), which
16 requires detention throughout the entire removal proceedings.

17 **V. A TRO is not warranted.**

18 The substantive standard for issuing a TRO is identical to the standard for issuing a
19 preliminary injunction. *Stuhlberg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839
20 n.7 (9th Cir.2001). An injunction is a matter of equitable discretion and is “an extraordinary
21 remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such
22 relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008) Preliminary injunctions
23 are “never awarded as of right.” *Id.* at 24.

24 Preliminary injunctions are intended to preserve the relative positions of the parties
25 until a trial on the merits can be held, “preventing the irreparable loss of a right or judgment.”
26 *Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir.1984).
27 Preliminary injunctions are “not a preliminary adjudication on the merits.” *Id.* A court should
28 not grant a preliminary injunction unless the applicant shows: (1) a strong likelihood of his

1 success on the merits; (2) the applicant is likely to suffer an irreparable injury absent
2 preliminary relief; (3) the balance of hardships favors the applicant; and (4) the public interest
3 favors a preliminary injunction. *Winter*, 555 U.S. at 20. To show harm, a movant must allege
4 that concrete, imminent harm is likely with particularized facts. *Id.* at 22.

5 As will be discussed, where the government is a party, courts merge the analysis of the
6 final two *Winter* factors, the balance of equities and the public interest. *Drakes Bay Oyster*
7 *Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir.2014), citing *Nken v. Holder*, 556 U.S. 418, 435
8 (2009). Alternatively, a plaintiff can show that there are “serious questions going to the
9 merits’ and the ‘balance of hardships tips sharply towards’ [plaintiff], as long as the second
10 and third *Winter* factors are [also] satisfied.” *Disney Enterps., Inc. v. VidAngel, Inc.*, 869 F.3d
11 848, 856 (9th Cir.2017), citing *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-
12 35 (9th Cir.2011). “[P]laintiffs seeking a preliminary injunction face a difficult task in proving
13 that they are entitled to this ‘extraordinary remedy.’” *Earth Island Inst. v. Carlton*, 626 F.3d
14 462, 469 (9th Cir.2010). Petitioner’s burden is a “heavy” one. *Id.*

15 A preliminary injunction can take two forms. A “prohibitory injunction prohibits a
16 party from taking action and preserves the status quo pending a determination of the action
17 on the merits.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873,
18 878-79 (9th Cir.2009). A “mandatory injunction orders a responsible party to take action...
19 A mandatory injunction goes well beyond simply maintaining the status quo pendente lite and
20 is particularly disfavored.” *Id.* at 879. A mandatory injunction is “subject to a higher degree
21 of scrutiny because such relief is particularly disfavored under the law of this circuit.” *Stanley*
22 *v. Univ. of S. California*, 13 F.3d 1313, 1320 (9th Cir.1994). The Ninth Circuit has warned
23 courts to be “extremely cautious” when issuing this type of relief, *Martin v. Int’l Olympic*
24 *Comm.*, 740 F.2d 670, 675 (9th Cir.1984), and requests for such relief are generally denied
25 “unless extreme or very serious damage will result,” and even then, not in “doubtful cases.”
26 *Marlyn Nutraceuticals, Inc.*, 571 F.3d at 879; *LGS Architects, Inc. v. Concordia Homes of*
27 *Nevada*, 434 F.3d 1150, 1158 (9th Cir 2006); *Garcia v. Google, Inc.* 786 F.3d 733, 740 (9th
28 Cir.2015).

1 *A. Petitioner cannot show a strongly likelihood of success on the merits.*

2 Respondents have already shown why Petitioner cannot establish a strong likelihood
3 of success on the merits in Sections III and IV. As an applicant for admission, Petitioner is
4 subject to mandatory detention. He also brings improper habeas claims.

5 *B. Petitioner cannot establish irreparable harm.*

6 Nor can Petitioner show that denying the TRO would “irreparably harm” the likely
7 outcome. *Winter*, 555 U.S. at 22 (“[P]laintiffs...[must] demonstrate that irreparable injury is
8 likely in the absence of an injunction.”). “[A] preliminary injunction will not be issued simply
9 to prevent the possibility of some remote future injury.” *Id.* “Speculative injury does not
10 constitute irreparable injury.” *Goldie’s Bookstore, Inc. v. Superior Court of State of Cal.*, 739
11 F.2d 466, 472 (9th Cir.1984). Petitioner has not established that he will suffer irreparable
12 harm if he is not released from detention or provided a pre-detention hearing, given that he is
13 lawfully detained under 8 U.S.C. § 1225(b)(2), and subject to mandatory detention.

14 *C. The equities and public interest do not favor Petitioner.*

15 The third and fourth factors, “harm to the opposing party” and the “public interest,”
16 “merge when the Government is the opposing party.” *Nken*, 556 U.S. at 435. “In exercising
17 their sound discretion, courts of equity should pay particular regard for the public
18 consequences in employing the extraordinary remedy of injunction.” *Weinberger v. Romero-*
19 *Barcelo*, 456 U.S. 305, 312 (1982).

20 An adverse decision here would negatively impact the public interest by jeopardizing
21 “the orderly and efficient administration of this country’s immigration laws.” *Sasso v.*
22 *Milhollan*, 735 F.Supp. 1045, 1049 (S.D.Fla.1990); *see also Coal. for Econ. Equity v. Wilson*,
23 122 F.3d 718, 719 (9th Cir.1997) (“[I]t is clear that a state suffers irreparable injury whenever
24 an enactment of its people or their representatives is enjoined.”). The public has a legitimate
25 interest in the government’s enforcement of its laws. *See, e.g., Stormans, Inc. v. Selecky*, 586
26 F.3d 1109, 1140 (9th Cir.2009) (“[T]he district court should give due weight to the serious
27 consideration of the public interest in this case that has already been undertaken by the
28 responsible state officials in Washington, who unanimously passed the rules that are the

1 subject of this appeal”).

2 **VI. Conclusion.**

3 Respondents respectfully request the Court deny the Petition for Writ of Habeas
4 Corpus and Motion for TRO.

5 Respectfully submitted on October 30, 2025.

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