

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

OSMANI RAMIREZ-MORALES,	§	
	§	
<i>Petitioner,</i>	§	
v.	§	
	§	EP-25-CV-00476-DCG-RFC
TODD M. LYONS, et al.,	§	
	§	
<i>Respondents.</i>	§	

REPORT AND RECOMMENDATION

On this day, the Court considered Petitioner Osmani Ramirez-Morales' Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 [hereinafter "Pet."], ECF No. 1.

I. BACKGROUND

A. Factual Background

Ramirez-Morales, a lawful permanent resident of the United States, was arrested and detained by Immigrations and Customs Enforcement ("ICE") on June 27, 2025, while present in the interior of the United States. *See* Pet. 8; Fed. Resp'ts Resp. Pet. Writ Habeas Corpus 3 [hereinafter "Resp."], ECF No. 6. He was then determined to have entered the United States without inspection, charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), and placed in removal proceedings. *See* Pet. 8; Resp. 1–2; Resp. Ex. A, at 1, ECF No. 6–1.

On September 4, 2025, following Ramirez-Morales' request for a custody redetermination, Immigration Judge Stephen Ruhle ordered that Ramirez-Morales be "released from custody under bond of \$3,000.00." Pet., Ex. A, Order Immigr. Judge [hereinafter "Sept. 4 Order"], ECF No. 1–2. The next day, the Board of Immigration Appeals ("BIA") issued a decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025). In its decision, the BIA withdrew its longstanding policy affording judges discretion to grant bonds to certain detainees determined to be inadmissible under

Section 1182(a)(6)(A)(i). *Id.* at 225 n.6. In its place, the BIA introduced a novel interpretation of 8 U.S.C. § 1225(b)(2)(A), which stripped the immigration courts of authority to grant bond to Section 1182(a)(6)(A)(i) detainees. *Id.* at 229. On September 9, 2025, Judge Ruhle issued an “Amended Order” in which he “[d]enied” the previously granted request for a custody redetermination and revoked Ramirez-Morales’ bond. Pet., Ex. B, Amend. Order Immigr. Judge [hereinafter “Amend. Order”], ECF No. 1–3. In support of his decision, Judge Ruhle provided only that the immigration court had “[n]o jurisdiction, per Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025).” *Id.* at 1. Ramirez-Morales had not yet posted bond or been released when the Amended Order was issued, and consequently, has remained in ICE custody since June 27, 2025. *See* Pet. 8.

B. Procedural Background

Ramirez-Morales initiated this habeas action on October 16, 2025. Pet. In his Petition, Ramirez-Morales asked the Court, *inter alia*, to (1) assume jurisdiction over his habeas action; (2) order Respondents to show cause as to why the Petition should not be granted; (3) find that his detention is unlawful; (4) issue a writ of habeas corpus requiring his release; and (5) grant “further relief that this Court deems just and proper.” Pet. 9.¹ The Court assumed jurisdiction over Ramirez-Morales’ claims in its Order to Show Cause, and ordered Respondents address the merits of his petition. Order to Show Cause 2–3 [hereinafter “O.S.C.”], ECF No. 4. In accordance with the order, Respondents filed their Response on November 3, 2025. Resp.

¹ Ramirez-Morales further requested that the Court “[o]rder that [he] should not be transferred outside of the Western District of Texas . . . while this habeas is pending.” Pet. 9. Pursuant to the Court’s directive, *see* Order, ECF No. 5, Ramirez-Morales filed his request for injunctive relief in a separate Emergency Motion for Temporary Restraining Order and Preliminary Injunction, ECF No. 11. After reviewing the Motion, the undersigned magistrate recommended that the district court “enjoin[] the transfer or removal of Ramirez-Morales while this action is pending” on November 19, 2025. R. & R. 3–4, ECF No. 14.

II. DISCUSSION

Ramirez-Morales seeks a writ of habeas corpus under 28 U.S.C. § 2241, claiming that his detention is unlawful under (1) Section 706(2)(A) of the Administrative Procedure Act (“APA”), (2) the Due Process Clause of the Fifth Amendment, and (3) his proffered interpretation of 8 U.S.C. § 1225 and § 1226. Pet. 7–8.² Habeas relief is available for persons held “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). “It is the petitioner’s burden to demonstrate entitlement to relief.” *Berryman v. Huffman*, 157 F.4th 399, 405 (5th Cir. 2025) (citing *Cullen v. Pinholster*, 563 U.S. 170, 181 (2011)).

A. The Court has jurisdiction to grant habeas relief.

As with any matter brought before it, the Court must first determine whether it has jurisdiction before ruling on the merits of a habeas petition. While the Court already assumed jurisdiction for the purposes of ordering Respondents to show cause, O.S.C. 2–3, the Court must still resolve the jurisdictional challenges subsequently raised by Respondents in their Response – namely, their argument that Sections 1252(g) and 1225(b)(9) strip the Court of its authority to review Ramirez-Morales’ claims. Resp. 8–9.

Section 1252(g) provides that “no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien *arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders* against any alien under [the INA].” § 1252(g) (emphasis added). Respondents argue that the Court is precluded from reviewing Ramirez-Morales’ claims under Section 1252(g), because he “is challenging the

² As set forth below, the Court recommends holding that Ramirez-Morales is entitled to habeas relief based on his APA claims. In light of this recommendation, the Court need not reach the merits of the remaining grounds for relief asserted by Ramirez-Morales.

decision to detain him in the first place, which arises directly from the decision to commence and/or adjudicate removal proceedings against him.” Resp. 8.

Respondents also contend that Section 1252(b)(9) bars the Court from asserting jurisdiction over the action because “any claim challenging his continued detention . . . is inextricably intertwined with the removal proceedings themselves.” Resp. 9. Section 1252(b)(9) precludes judicial review of questions “*arising from any action taken or proceeding brought to remove an alien*” unless a final order of removal has been issued. § 1252(b)(9) (emphasis added). Thus, running somewhat parallel to Section 1252(g), the applicability of Section 1252(b)(9) “turns on” whether Ramirez-Morales’ claims can be fairly construed to “‘aris[e] from’ the actions taken to remove [him].” *Jennings v. Rodriguez*, 583 U.S. 281, 293 (2018).

Despite Respondents’ arguments, Ramirez-Morales does not directly challenge the administrative actions described in Sections 1252(g) or 1252(b)(9). Instead, he contests the validity of the immigration court’s final custody redetermination and lawfulness of his resultant detention without bond. *See* Pet. 8. Thus, the extent to which either statute precludes review hinges on the Court’s construction of the phrase “arising from.” Respondents advocate for an expansive reading of the phrase – one which would effectively strip federal courts of jurisdiction over any habeas actions initiated by detainees held in removal proceedings. However, the Supreme Court has expressly, and repeatedly, rejected such an interpretation as overbroad. *See, e.g., Jennings*, 583 U.S. at 293 (“It may be argued that . . . if [removal] actions had never been taken, the aliens would not be in custody at all. But this expansive interpretation of Section 1252(b)(9) would lead to staggering results.”); *Reno v. Am.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 482 (1999) (“It is implausible that [Section 1252(g)’s] mention of three discrete events along the road

to deportation was a shorthand way of referring to all claims arising from deportation proceedings.”).

As the Supreme Court has reiterated, and as Respondents have been advised in numerous cases heard within this district, the phrase cannot be read to “sweep in any claim that can technically be said to ‘arise from’” the actions specified in the statute. *Jennings*, 583 U.S. at 292; *Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 WL 2792588, at *3 (W.D. Tex. Oct. 2, 2025); *Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880, at *3 (W.D. Tex. Oct. 16, 2025). Section 1252(g) limits the court’s jurisdiction only as it applies to challenges to “three discrete actions that the Attorney General may take”: (1) commencement of proceedings, (2) adjudication of cases, and (3) execution of removal orders. *See Reno*, 525 U.S. at 482. Similarly, Section 1252(b)(9) presents a jurisdictional bar only where a petitioner seeks “review of an order of removal, the decision to seek removal, or the process by which removability will be determined.” *Texas v. United States*, 126 F.4th 392, 417 (5th Cir. 2025).

Ramirez-Morales’ challenges to the immigration court’s bond redeterminations simply do not fall within the scope of either jurisdiction-stripping statute. Accordingly, the Court has jurisdiction over his claims.

B. The immigration decision to revoke Ramirez-Morales’ bond is unlawful under the APA.³

³ Respondents contend that Ramirez-Morales’ assertion that he is being held in violation of the APA constitutes a “non-habeas claim.” Resp. 1 n.2. However, they have failed to sufficiently support their argument that Ramirez-Morales’ APA claim, which challenges the validity of the immigration court’s decision to require his continued confinement, is not “the province of habeas corpus.” *Muhammad v. Close*, 540 U.S. 749, 750 (2004) (“Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus.”) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973)); *see also Grier v. Hood*, 46 F. App’x 433, 438–39 (9th Cir. 2002) (holding habeas petitioners who “asserted that they were eligible for early release because the procedure by which the Bureau of Prisons . . . rules were enacted was flawed” should have been permitted to amend habeas pleadings to include claim based on APA); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *2 (D. Or. July 9, 2025) (granting habeas relief where “termination of [the petitioner’s] parole was unlawful under [the APA] thereby making his arrest and detention also unlawful”). Accordingly, the Court finds that the APA provides cognizable grounds for habeas relief.

Section 706(2)(A) of the APA provides that a district court may “hold unlawful” agency actions and decisions “found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” However, before a court can consider the merits of a petition brought under the APA, it must first find that the challenged decision constitutes a “final agency action for which there is no other adequate remedy in a court.” *See* 5 U.S.C. § 704; *see Louisiana State v. United States Army Corps of Eng'rs*, 834 F.3d 574, 584 (5th Cir. 2016) (citing *Am. Airlines, Inc. v. Herman*, 176 F.3d 283, 287 (5th Cir. 1999)) (“Final agency action . . . is a jurisdictional prerequisite of judicial review.”).

I. The APA's jurisdictional pre-requisites are satisfied.

Finality is achieved where an action (1) “mark[s] the consummation of the agency's decisionmaking process,” and (2) is “one by which rights or obligations have been determined, or from which legal consequences will flow.” *U.S. Army Corps of Eng'rs v. Hawkes Co.*, 578 U.S. 590, 597 (2016) (quoting *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997)). The Court is satisfied that both requirements have been met. *See Jimenez v. Bostock*, No. 3:25-CV-00570-MTK, 2025 WL 2430381, at *4 (D. Or. Aug. 22, 2025) (“revocation of [a petitioner's] release from custody is final agency action for purposes of his APA claims”); *Castaneda v. Garland*, 562 F. Supp. 3d 545, 558 (C.D. Cal. 2021) (“Because the decision to reject [petitioner's] bond motion represented the consummation of an agency decision-making process and determined [petitioner's] rights and obligations from which legal consequences will flow, the Court finds that the decision was final with respect to the APA”).

While courts may decline to find finality where a petitioner fails to avail himself of the BIA's appellate process, “[e]xceptions to the exhaustion requirement are appropriate . . . where the attempt to exhaust such remedies would itself be a patently futile course of action.” *Hinojosa v. Horn*, 896 F.3d 305, 314 (5th Cir. 2018) (citing *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994)

(per curiam)). Given the agency's clear position that immigration courts lack authority to redetermine the custody of individuals found to be inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), see *Matter of Yajure-Hurtado*, 29 I&N Dec. 216, 229 (BIA 2025); Amend. Order 1, Ramirez-Morales' attempts to obtain release on bond would necessarily prove futile. *Jimenez*, No. 3:25-CV-00570-MTK, at *4 ("It is hard to imagine a situation more futile than the complete unavailability of further review."). The Court thus finds the immigration court's decision to amend the September 4 Order and revoke Ramirez-Morales' bond constitutes a final agency action. Accordingly, the APA's jurisdictional pre-requisites are satisfied.

2. *The immigration court's decision to retroactively apply its new interpretation and revoke bond was arbitrary and capricious.*

In determining whether it should hold an agency's decision to be arbitrary and capricious, a court may not "substitute its judgment for that of the agency," but instead must "assess only whether the decision was 'based on a consideration of the relevant factors and whether there has been a clear error of judgment.'" *DHS v. Regents of the Univ. of California*, 591 U.S. 1, 16 (2020) (quoting *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 513 (2009); then quoting *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971)).

In *Regents of the Univ. of California*, the Supreme Court held that the Acting Secretary of DHS violated the APA by "failing to adequately address important factors bearing on her decision" to rescind the Deferred Action for Childhood Arrivals ("DACA") program. 591 U.S. at 9. The Court determined that, where an agency seeks to take a position inconsistent with established practice and prior rulings, it must be cognizant that it is "not writing on a blank slate." *Id.* at 33 (internal citation omitted). Before changing course, the agency must "assess whether there were reliance interests, determine whether they were significant, and weigh any such interests against competing policy concerns." *Id.* (internal citation omitted). Thus, whether an agency dismantles

a benefits system or reneges on a longstanding adjudicative policy, its actions may be deemed unlawful if it disregards the interests of those who fairly relied on its earlier determination. *See id.*

While the immigration court was not required to find the balance favored Ramirez-Morales, the agency was, at minimum, required to acknowledge Ramirez-Morales' fair reliance on the its previous policy before extending the BIA's new interpretation to his case.⁴ Nonetheless, neither the Amended Order nor the underlying BIA decision can be said to have articulated any consideration of the effect retroactively extending the interpretation might have on immigration detainees who have already been granted bond. *See* Amend. Order; *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025). Without evidence that the immigration court evaluated the effect the new policy could have on individuals, who, like Ramirez-Morales, fairly relied on the immigration court's prior custody determinations, the Court cannot assume their reliance interests were taken into account. *See Motor Vehicle Mfrs. Ass'n of the United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 50, (1983) (“[A]n agency's action must be upheld, if at all, on the basis articulated by the agency itself.”); *Am. Textile Mfrs. Inst., Inc. v. Donovan*, 452 U.S. 490, 539 (1981) (“[T]he post hoc rationalizations of the agency or the parties to this litigation cannot serve as a sufficient predicate for agency action.”).

Given the immigration court's failure to assess Ramirez-Morales' reliance on the previous policy, as well as his particular reliance on the immigration court's September 4 custody

⁴ Although the initial order could be unilaterally revoked and Ramirez-Morales had not yet posted bond, the conditional nature of bond grants did not eliminate the immigration court's duty to identify and weigh Ramirez-Morales' reliance interests in his September 4 custody redetermination. *See Regents of the Univ. of California*, 591 U.S. at 4 (the fact that the DACA program “conferred no substantive rights” on the plaintiffs, such that it could be revoked by the government at any time, did not absolve the agency of its duty to consider the interests in the first place, but was instead pertinent to determining “the strength of [the] reliance interests”).

redetermination, the immigration court's decision to revoke bond was arbitrary and capricious. *Regents of the Univ. of California*, 591 U.S. at 16 (quoting *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971)). The Court thus **RECOMMENDS** finding Ramirez-Morales' detention is unlawful under § 706(2)(A).

C. Ramirez-Morales should be immediately released.

In recent months, many district courts have ordered that immediate release is a proper remedy for immigration habeas petitioners. *Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 WL 2792588, at *13 (W.D. Tex. Oct. 2, 2025) (collecting cases). "In the majority of these cases, the Court found that the government had no or an insignificant interest in detaining the petitioner." *Id.* (citing *J.U. v. Maldonado*, No. 25-cv-4836, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29, 2025)). Here, the Court finds the immigration judge's initial determination that Respondent was eligible for release indicates that Ramirez-Morales has not been found to be a flight risk or a danger to the community. *See* Sept. 4 Order. Respondents have not squarely addressed the government's interest in detaining Ramirez-Morales, nor have they otherwise argued that the Court should withhold release if his detention was found to be unlawful. *See* Resp. Thus, the Court does not find that either fact or law counsels against immediate release.

Accordingly, the Court **RECOMMENDS** that the Court order Ramirez-Morales be allowed to secure immediate release upon payment of \$3,000.00 bond. To the extent that Respondents still seek to amend the September 4 Order, revoke bond, or otherwise re-detain Ramirez-Morales, they must do so in accordance with the law.

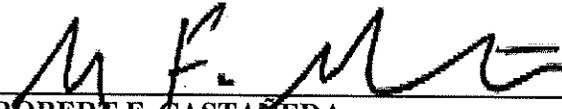
III. CONCLUSION

For the foregoing reasons, the Court **RECOMMENDS** that Petitioner Osmani Ramirez-Morales' Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241, ECF No. 1, be **GRANTED**.

In the event the District Court adopts the foregoing recommendations, it is further **RECOMMENDED** that the Court:

- 1) **ORDER** Respondents to **ALLOW RAMIREZ-MORALES TO POST BOND** of \$3,000.00;
- 2) **ORDER** Respondents to **IMMEDIATELY RELEASE** Ramirez-Morales from custody upon his payment of bond of \$3,000.00; and
- 3) **ORDER** Respondents to **FILE** written notice informing the Court that Ramirez-Morales has been released from custody and stating the date and time of his release by 5:00 P.M. on the day of his release.

SIGNED this 21st day of November, 2025.



ROBERT F. CASTANEDA
UNITED STATES MAGISTRATE JUDGE

NOTICE

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THE FOREGOING REPORT, WITHIN FOURTEEN DAYS OF SERVICE OF SAME, MAY BAR DE NOVO DETERMINATION BY THE DISTRICT JUDGE OF AN ISSUE COVERED HEREIN AND SHALL BAR APPELLATE REVIEW, EXCEPT UPON GROUNDS OF PLAIN ERROR, OF ANY UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS AS MAY BE ACCEPTED OR ADOPTED BY THE DISTRICT COURT.