

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

KATI ANDREA FUENTES DeLUQUE ex  
rel. JHOAN MAZA HERRERA,

*Petitioner,*

v.

LaDEON FRANCIS, et al.,

*Respondents.*

Civil Action No. 1:25-cv-08602-JHR

Reply

**PETITIONER'S REPLY TO RESPONDENTS' MEMORANDUM OF LAW IN  
OPPOSITION TO THE PETITION FOR A WRIT OF HABEAS CORPUS**

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## INTRODUCTION

Petitioner Jhoan Maza Herrera appeared on October 16, 2025, for a routine immigration court hearing. The judge scheduled him for his next hearing on May 7, 2026. Despite this normal case progression, U.S. Department of Homeland Security agents detained Mr. Maza Herrera. They did not do so upon an assessment that Mr. Maza Herrera posed a flight or danger risk—the only two bases that justify civil immigration detention—but upon a decades-upending re-interpretation of the immigration detention statutes. Respondents’ new interpretation is wrong. And because they did not make a pre-detention assessment that Mr. Maza Herrera’s re-detention was warranted or afford him any process to contest re-detention, Mr. Maza Herrera merits release from Respondents’ custody.

## ARGUMENT

### MR. MAZA HERRERA IS DUE ADDITIONAL PROCESS.

#### A. Mr. Maza Herrera is Detained Under 8 U.S.C. § 1226(a).

Respondents assert that Mr. Maza Herrera is detained under 8 U.S.C. § 1225(b)(2)(A). *See* ECF No. 10 (“Resp’ts’ Opp’n”) at 11-18.<sup>1</sup> Their reading of the immigration detention statutes defies statutory text and Supreme Court guidance, and contradicts their previous interactions with Mr. Maza Herrera. Their new interpretation has been soundly rejected by judges from every circuit across the country,<sup>2</sup> including within this Circuit. *See, e.g., Lopez Benitez v. Francis*, --- F. Supp. 3d ---, 2025 WL 2371588, at \*2-9 (S.D.N.Y. Aug. 13, 2025); *Hyppolite v. Noem*, No. 25-cv-4304, 2025 WL 2829511, at 8-12 (E.D.N.Y. Oct. 6, 2025); *Alvarez Ortiz v. Freden*, --- F. Supp. 3d ---, 2025 WL 3085032, at \*4-10 (W.D.N.Y. Nov. 4, 2025).

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<sup>1</sup> ECF-labeled pagination is cited throughout this brief.

<sup>2</sup> *See* Addendum (listing cases which have rejected Respondents’ interpretation).

Section 1225(b)(2)(A) mandates detention of an “applicant for admission, if the examining immigration officer determines that [the noncitizen] seeking admission is not clearly and beyond a doubt entitled to be admitted.” The statute’s use of “seeking admission” is determinative. “Admission” is defined by the Immigration and Nationality Act as the “lawful entry” of a noncitizen “after inspection and authorization by an immigration officer.” 8 U.S.C. § 1101(a)(13)(A). And “seeking”—which is not defined in the INA—“means asking for or trying to acquire or gain.” *Alvarez Ortiz*, 2025 WL 3085032, at \*6 (citing Merriam-Webster Dictionary, *Seeking*, <https://perma.cc/Z924-GRQW>) (cleaned up). The conjunctive meaning of “seeking admission” is thus the act of “asking for or trying to acquire or gain” “lawful entry” into the United States. *Id.* (citing Merriam-Webster Dictionary, *Seeking*); 8 U.S.C. § 1101(a)(13)(A). The use of the present participle, “seeking,” “necessarily implies some sort of present-tense action,” *Alvarez Ortiz*, 2025 WL 3085032, at \*6 (internal citation omitted), meaning Section 1225(b)(1)(A) applies only to those noncitizens “actively ‘seeking admission’ to the country,” *Lopez Benitez*, 2025 WL 2371588, at \*6 (quoting *Martinez v. Hyde*, 792 F. Supp. 3d 211, 214 (D. Mass. 2025)).

Section 1225(b)(2)(A)’s present-facing application is supported by the rule against surplusage. *See United States v. Menasche*, 348 U.S. 528, 538-39 (1955) (courts should “give effect, if possible, to every clause and word of a statute”) (internal citation omitted). The statute’s inclusion of both “applicant[s] for admission” and “seeking admission” means that the two phrases are not one and the same. 8 U.S.C. § 1225(b)(2)(A). If applicants for admission are perpetually seeking admission, “then the words ‘seeking admission’ would be surplusage.” *Alvarez Ortiz*, 2025 WL 3085032, at \*7. While Mr. Maza Herrera, who entered the country in 2023 without completing a “lawful entry . . . after inspection and authorization,” 8 U.S.C. § 1101(a)(13)(A),

might still be an “applicant for admission,” he was not “seeking admission” when the government arrested and detained him on October 16, 2025, 8 U.S.C. § 1225(b)(2)(A); ECF No. 12-2 at 2.

By contrast, Section 1226(a) is directly applicable to Mr. Maza Herrera. It authorizes DHS’s detention of noncitizens “pending a decision on whether . . . [they are] to be removed from the United States.” Because Mr. Maza Herrera’s removal proceedings are ongoing, he plainly falls within Section 1226(a)’s ambit. *See* ECF Nos. 14, 16 (describing Mr. Maza Herrera’s immigration proceedings).

The Supreme Court’s discussion of Sections 1225(b) and 1226(a) in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), is instructive. The Court explained that Section 1225 applies to “certain [noncitizens] seeking admission into the country,” *id.* at 289, while Section 1226 is the “default rule” that “applies to [noncitizens] already present in the United States,” *id.* at 303. For someone like Mr. Maza Herrera who is “already in the country,” *id.* at 289, and “has been residing in this country for [nearly] two years,” *Lopez Benitez*, 2025 WL 2371588, at \*9, Section 1226(a) applies.

DHS’s past interactions with Mr. Maza Herrera further confirm that he is detained under Section 1226(a). When DHS first encountered Mr. Maza Herrera in 2023, it made an initial custody determination “[p]ursuant to the authority contained in [Section 1226].” ECF No. 24-1 at 2. Its corresponding Order of Release on Recognizance was made “[i]n accordance with [Section 1226].” ECF No. 24-2 at 2. And on the Notice to Appear DHS filed with the Executive Office of Immigration Review, the Department checked off the box conveying Mr. Maza Herrera is a noncitizen “present in the United States who has not been admitted or paroled” and not the box designating him “an arriving [noncitizen].” ECF No. 12-1 at 2. DHS’s use of the second box denoted its understanding that Mr. Maza Herrera was subject to Section 1226-detention. *See*

*Martinez*, 792 F. Supp. 3d at 218-19 (discussing Notice to Appear boxes and their connection with Sections 1225 and 1226).

**B. Mr. Maza Herrera Should Be Excused from Exhaustion.**

Respondents next contend that if Mr. Maza Herrera is detained under Section 1226(a), he should exhaust administrative remedies before this Court acts. *See* Resp'ts' Opp'n at 22-23. But Respondents' contention is self-contradictory. Their assertion that Mr. Maza Herrera should ask EOIR for a custody hearing conflicts with their simultaneous acknowledgment that EOIR would categorically deny such a request. *See Matter of Yajure Hurtado*, 26 I. & N. Dec. 216, 220 (B.I.A. 2025) (finding EOIR does not have authority to hold custody hearings for “[noncitizens] who are present in the United States without admission”); *see also* Resp'ts' Opp'n. at 14.

Respondents suggest this Court can first issue a “holding . . . that [Petitioner] [i]s detained under Section 1226(a)” before Mr. Maza Herrera “request[s] and receive[s] the bond hearing.” Resp'ts' Opp'n at 22 n.7. But that is not how exhaustion works. Exhaustion is a threshold requirement that dictates whether this Court can act at all on Mr. Maza Herrera's claim. *See Lopez Benitez*, 2025 WL 2371588, at \*13 (“Courts generally require administrative exhaustion before immigration detention may be challenged in federal courts by a writ of habeas corpus.”) (internal citation omitted). And this Court does not have a standalone basis for declaring which statute authorizes Mr. Maza Herrera's detention. *Cf. Godfrey v. Ball*, No. 23-7104, 2024 WL 4471571, at \*2 n.2 (2d Cir. Oct. 11, 2024) (mooting a habeas petition when the only remaining question was whether the petitioner was detained under 8 U.S.C. § 1226 or 1231, but not whether the detention itself was unlawful).

Moreover, Mr. Maza Herrera merits excusal of exhaustion. *See Lopez Benitez*, 2025 WL 2371588, at \*13 (exhaustion is non-mandatory and courts may excuse for a number of factors) (internal citation omitted). Mr. Maza Herrera should first be excused because the agency's

“available remedies provide no genuine opportunity for adequate relief. *See id.* (internal citation omitted). A request for a custody hearing to EOIR is inadequate because EOIR would find that it lacks jurisdiction to order release. *See Matter of Yajure Hurtado*, 26 I. & N. Dec. at 220. It would also be futile. *See, e.g., Alvarez Ortiz*, 2025 WL 3085032, at \*5 (an initial request for a custody hearing would be futile “because immigration judges are bound to follow *Hurtado* absent an order from th[e] [c]ourt”).

And a Section 1226(a)-prescribed custody hearing is inadequate because Mr. Maza Herrera’s petition does not challenge DHS’s initial detention decision, but rather its recent re-detention decision. *See* ECF No. 24-1 at 2 (DHS making an initial custody determination on December 30, 2023). The Department’s 2023 release was premised on its assessment that Mr. Maza Herrera did not pose a sufficient flight or danger risk. DHS’s re-detention of Mr. Maza Herrera takes his case outside the traditional Section 1226(a)-scheme. Section 1226(a)-custody hearings, as the “implementing regulations provide,” are “custody re-determination” hearings that examine DHS’s “initial decision to detain.” *Lopez Benitez*, 2025 WL 2371588, at \*13 (internal citation omitted) (emphasis in original). Because Mr. Maza Herrera’s petition challenges his re-detention, “there is no . . . [initial DHS detention] decision” for him to “appeal” and a Section 1226(a)-custody hearing “is no substitute for the requirement that [DHS] engage in a deliberative process prior to” his re-detention. *Id.* (internal citation omitted).

Mr. Maza Herrera should lastly be excused from exhaustion because his petition “raises a substantial constitutional question.” *Id.* at \*14. Mr. Maza Herrera’s claim for due process flows from DHS’s failure to first conduct “an individualized assessment” of his risks prior to re-detention. *Id.* EOIR, which generally “does not have jurisdiction to adjudicate constitutional

issues,” *United States v. Gonzalez-Roque*, 301 F.3d 39, 48 (2d Cir. 2002), is not “positioned properly to adjudicate [his] claim,” *Lopez Benitez*, 2025 WL 2371588, at \*14.

**C. Release is Appropriate.**

Given the impropriety of DHS’s re-detention of Mr. Maza Herrera, release is the appropriate, due-process-compelled habeas remedy. *See, e.g., id.* at \*15. As a starting point, release is warranted because DHS did not “afford[] [Mr. Maza Herrera] any sort of process before h[is] re-detention.” *Tumba Huamani v. Francis*, No. 25-cv-8110, 2025 WL 3079014, at \*9 (S.D.N.Y. Nov. 4, 2025). The Department did not conduct an individualized assessment of whether Mr. Maza Herrera’s re-detention satisfied the only two valid bases for civil immigration detention—“preventing flight” and “protecting the community.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Because “[Mr. Maza Herrera] received no notice before his arrest” and Respondents “proffer[] no argument that [Mr. Maza Herrera] was afforded any process in connection with his present detention,” “[t]his Court . . . need not consider . . . the full extent of what due process might require.” *Rojas v. Almodovar*, No. 25-cv-7189, 2025 WL 3034183, at \*8-9 (S.D.N.Y. Oct. 30, 2025). Mr. Maza Herrera’s “detention was [instead] invalid at its inception.” *Id.* at \*9. Under these circumstances, “the ‘typical remedy’ for ‘unlawful executive detention,’ which ‘is, of course, release’” is appropriate. *Id.* at \*8 (quoting *Munaf v. Green*, 553 U.S. 674, 693 (2008)).

Application of the *Mathews* test leads to the same result. *See Lopez Benitez*, 2025 WL 2371588, at \*9 (“[T]he *Mathews* . . . test applies when determining the adequacy of process” in the civil immigration confinement context) (internal citation omitted). First, “the private interest that will be affected by the official action,” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), is at the zenith because Mr. Maza Herrera’s “[f]reedom from [unwarranted] imprisonment . . . lies at the heart of the liberty [the Due Process] Clause protects,” *Zadvydas*, 533 U.S. at 690; *see also Velasco Lopez v. Decker*, 978 F.3d 842, 852 (2d Cir. 2020) (the private interest is “the most

significant liberty interest there is—the interest in being free from imprisonment”) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)).

Second, “the risk of an erroneous deprivation . . . through [DHS’s] procedures,” *Mathews*, 424 U.S. at 335, is “particularly high,” *Lopez Benitez*, 2025 WL 2371588, at \*12. The Department’s re-detention of Mr. Maza Herrera without any individualized assessment that he poses a flight or danger risk sharply elevates the risk of erroneous deprivation. *See Zadvydas*, 533 U.S. at 690. When DHS first released Mr. Maza Herrera under Section 1226(a), *see* ECF No. 24-1 at 2, “it could not have done so validly unless it did not consider him to be a flight risk or danger to the community at that time,” *Lopez Benitez*, 2025 WL 2371588, at \*12. Yet when it re-detained him, its determination was solely predicated upon “the pendency of [Mr. Maza Herrera’s] ongoing removal proceedings.” ECF No. 12-2 at 2. That DHS “failed to articulate any change in circumstances between the time of [Mr. Maza Herrera’s] initial release in 2023 and his re-detention in 2025” demonstrates the deficiencies of its procedures. *Lopez Benitez*, 2025 WL 2371588, at \*12 (cleaned up and modified).

Third, “the Government’s interest,” *Mathews*, 424 U.S. at 335, cannot lie in detaining someone, like Mr. Maza Herrera, that Respondents cannot show to be a flight or danger risk, *see, e.g., Lopez Benitez*, 2025 WL 2371588, at \*12. Because DHS premised its re-detention decision only on Mr. Maza Herrera’s “ongoing removal proceedings,” ECF No. 12-2 at 1, its actions were *ultra vires*, *see Zadvydas*, 533 U.S. at 690 (permitting DHS-detention only for “preventing flight” or “protecting the community”); *cf. Cao He Lin v. U.S. Dep’t of Justice*, 428 F.3d 391, 400 (2d Cir. 2005) (federal courts review agency actions only on the reasons the agency articulates) (citing *S.E.C. v. Chenery*, 318 U.S. 80, 88 (1943)).

Because “[i]n our society liberty is the norm, and detention . . . is the carefully limited exception,” *United States v. Salerno*, 481 U.S. 739, 755 (1987), DHS’s unjustified re-detention of Mr. Maza Herrera warrants this Court’s intervention. The Department’s treatment of “attendance in immigration court as a game of detention roulette is not consistent with the constitutional guarantee of due process.” *Lopez Benitez*, 2025 WL 2371588, at \*15. And Respondents’ position that “government agents may sweep up [Mr. Maza Herrera or] any person they wish, for no reason whatsoever so long as [he] will, at some unknown point in time, be allowed to ask some other official for his . . . release offends the ordered system of liberty that is the pillar of the Fifth Amendment.” *Id.* (internal citation omitted) (cleaned up and modified).<sup>3</sup>

**D. Alternatively, a Custody Hearing at Which Respondents Bear the Burden of Proof is Warranted.**

If this Court disagrees that release is the appropriate remedy, it should order Respondents to provide Mr. Maza Herrera with a custody hearing before a neutral arbiter at which Respondents bear a clear and convincing burden of establishing that Mr. Maza Herrera’s continued detention is justified. This burden allocation is warranted given the gravity of the liberty deprivation involved. *See Velasco Lopez*, 978 F.3d at 856 (“We believe that it is improper to allocate the risk of error evenly between the individual and the Government when the potential injury is as significant as the individual’s liberty. Accordingly, we conclude that a clear and convincing standard of proof provides the appropriate level of procedural protection.”).

Such an allocation is consistent with longstanding Supreme Court guidance across various civil detention settings. *See, e.g., Addington v. Texas*, 441 U.S. 418, 426 (1979); *Salerno*, 481 U.S. at 751; *Foucha v. Louisiana*, 504 U.S. 71, 75-76 (1992). Any lesser standard “creates the risk of increasing the number of individuals erroneously committed” and “it is at least unclear to what

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<sup>3</sup> *See, e.g., Addendum* (listing cases where judges granted noncitizens’ release).

extent, if any, the [government's] interests are furthered by using [it]." *Addington*, 441 U.S. at 426; *see also Velasco Lopez*, 978 F.3d at 854 ("[S]hifting the burden of proof to the Government to justify continued detention promotes the Government's interest—one we believe to be paramount—in minimizing the enormous impact of incarceration in cases where it serves no purpose.").

And it is supported by the *Mathews* test. *See* 424 U.S. at 335. The first factor continues to involve "the most significant liberty interest there is—the interest in being free from imprisonment." *Velasco Lopez*, 978 F.3d at 852.

The second factor—risk of erroneous deprivation—is mitigated by placing the burden on Respondents. Because DHS first released Mr. Maza Herrera from custody in 2023 and re-detained him in 2025, it is in the best position to supply evidence of Mr. Maza Herrera's changed risks. The procedures currently used for Section 1226(a)-custody hearings, which require noncitizens "to show to the satisfaction of the Immigration Judge that he . . . merits release" are inadequate. *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (B.I.A. 2006). Mr. Maza Herrera is in no position to demonstrate what, if anything, has changed in DHS's decision-making between 2023 and 2025.

And third, Respondents' interest, "including . . . the fiscal and administrative burdens that . . . would entail," *Mathews*, 424 U.S. at 335, is minimal. DHS can easily access records to demonstrate any changes in Mr. Maza Herrera's risks, and those records are inexpensive to procure. *See, e.g., Velasco Lopez*, 978 F.3d at 855 ("DHS can access the records of other federal agencies and local law enforcement and routinely do so for purposes of [removal] proceedings.").

Any evaluation of Mr. Maza Herrera's risks—were they to exist—should include proof that no amount of bond or conditions of release would secure his compliance with future immigration orders. *See, e.g., Black v. Decker*, 103 F.4th 133, 158 (2d Cir. 2024) (finding that

*Mathews* calls for consideration of alternatives to detention and ability to pay at a custody hearing); *Ranchinskiy v. Barr*, 422 F. Supp. 3d 789, 800 (W.D.N.Y. 2019) (“[B]oth due process and BIA precedent require the IJ to consider ability to pay and alternative conditions of release.”).

If this Court believes that Mr. Maza Herrera merits a custody hearing before a neutral arbiter, it should conduct the hearing itself. *See Zadvydas*, 533 U.S. at 700 (authorizing federal courts to “condition[]” a noncitizen’s release “on any of the various forms of supervised release that are appropriate in the circumstances”). Immigration judges, who serve at the pleasure of the U.S. Attorney General—a respondent in this matter—have increasingly been guided to assume noncitizens lack valid reasons to remain in this country. In a recent job advertisement, for example, the U.S. Department of Justice asked qualifying individuals to “[a]pply today to become a deportation judge.” U.S. Dep’t of Justice, *You Be the Judge*, <https://perma.cc/WSC8-3HPL>. That immigration judges are instructed to treat their roles as “deportation judge[s],” *id.*, demonstrates that they cannot be sufficiently neutral in a custody hearing, where a noncitizen’s flight risk is directly linked to his chances of obtaining immigration relief, *see Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 805 (B.I.A. 2020).

**E. Even If Mr. Maza Herrera Is Detained Under 8 U.S.C. § 1225(b)(2)(A), He Is Due Additional Process.**

Mr. Maza Herrera is due additional process even if he is detained under 8 U.S.C. § 1225(b)(2)(A). Mr. Maza Herrera’s prior release on his own recognizance “created a reasonable expectation that he would be entitled to retain his liberty so long as he was not a flight risk or danger.” *S. v. Chestnut*, No. 25-cv-1427, 2025 WL 3167826, at \*8 (E.D. Cal. Nov. 12, 2025). Even if Section 1225(b)(2)(A) applies to Mr. Maza Herrera now, he maintains “a protected liberty interest based on the government’s prior representation to him that his release was pursuant to

section 1226, combined with the [more than two years] he spent at liberty while relying on that representation.” *Id.*<sup>4</sup>

Respondents rely, *inter alia*, on *D.H.S. v. Thuraissigiam*, 591 U.S. 103 (2020), and *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953), to assert that if Mr. Maza Herrera is detained under Section 1225(b)(2)(A), he is due no process at all. *See* Resp’ts’ Opp’n at 11-21. But none of Respondents’ cases concerned a challenge, like Mr. Maza Herrera’s, against DHS’s re-detention of a noncitizen it once released pursuant to Section 1226. And they generally involved noncitizens claiming entitlement to some process in regard to their “attempt[] to enter the United States.” *S.*, 2025 WL 3167826, at \*8; *see also Thuraissigiam*, 591 U.S. at 140 (a noncitizen attempting to enter the country “has only those rights *regarding admission* that Congress has provided by statute”) (emphasis added); *Mezei*, 345 U.S. at 212 (noncitizens “on the threshold of initial entry” have only “the procedure authorized by Congress,” but noncitizens “who have once passed through our gates, even illegally,” are entitled “to traditional standards of fairness encompassed in due process of law”) (cleaned up). Because Mr. Maza Herrera’s access to process is fundamentally different from individuals on the threshold of entry and his 2023 release created a protected interest, he merits the above-discussed remedies even if he is detained under Section 1225(b)(2)(A). *See Zadvydas*, 533 U.S. at 693 (“[O]nce a[] [noncitizen] enters the country, the legal circumstances change, for the Due Process Clause applies to all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.”).

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<sup>4</sup> This Court may also draw support from the parole revocation context. *See, e.g.*, 18 U.S.C. § 3583(e) (requiring courts to consider specific factors prior to revoking a person’s conditions of supervised release); *Morrissey v. Brewer*, 408 U.S. 471, 487-88 (1972) (outlining a parolee’s entitlement to a revocation hearing).

**CONCLUSION**

Mr. Maza Herrera respectfully requests this Court grant his petition and order Respondents to release him from their custody.

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Respectfully submitted,

Dated: November 25, 2025  
Washington, D.C.

/s/ John H. Peng  
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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing Petitioner's Reply to Respondents' Memorandum of Law in Opposition to the Petition for a Writ of Habeas Corpus complies with this Court's type-volume rule because it contains 3,500 words, which is within the 3,500 words permitted for a memorandum of law in reply.

//

Dated: November 25, 2025  
Washington, D.C.

/s/ John H. Peng  
John H. Peng

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing Petitioner's Reply to Respondents' Memorandum of Law in Opposition to the Petition for a Writ of Habeas Corpus on November 25, 2025, via this Court's CM/ECF system and service will be completed on counsel for Respondents via the CM/ECF system.

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Dated: November 25, 2025  
Washington, D.C.

/s/ John H. Peng  
John H. Peng

**ADDENDUM**

Footnote 1: Cases Disagreeing with Respondents' Interpretation of the Detention Statutes

*Aguirre Villa v. Normand*,

No. 25-cv-89, 2025 WL 3095969, at \*4-10 (S.D. Ga. Nov. 4, 2025)

*Beltran Barrera v. Tindall*,

No. 25-cv-541, 2025 WL 2690565, at \*2-5 (W.D. Ky. Sept. 19, 2025)

*Delgado Avila v. Crowley*,

--- F. Supp. 3d ---, 2025 WL 3171175, at \*2-4 (S.D. Ind. Nov. 13, 2025)

*Estrada Elias v. Knight*,

No. 25-cv-594, 2025 WL 3228262, at \*5-7 (D. Idaho Nov. 19, 2025)

*Gomez v. Doe*,

No. 25-cv-3255, 2025 WL 3269886, at \*5-10 (D. Ariz. Nov. 3, 2025)

*Gonzales Lopez v. Trump*,

No. 25-cv-863, 2025 WL 3264151, at \*2-5 (D. Vt. Nov. 17, 2025)

*Guerrero Orellana v. Moniz*,

--- F. Supp. 3d ---, 2025 WL 2809996, at \*2-9 (D. Mass. Oct. 3, 2025)

*Hasan v. Crawford*,

--- F. Supp. 3d ---, 2025 WL 2682255, at \*5-9 (E.D. Va. Sept. 19, 2025)

*Hernandez Marcelo v. Trump*,

--- F. Supp. 3d ---, 2025 WL 2741230, at \*6-9 (S.D. Iowa Sept. 10, 2025)

*Jimenez v. FCI Berlin, Warden*,

--- F. Supp. 3d ---, 2025 WL 2639390, at \*7-10 (D.N.H. Sept. 9, 2025)

*Loa Caballero v. Baltazar*,

No. 25-cv-3120, 2025 WL 2977650, at \*4-8 (D. Co. Oct. 22, 2025)

*Lopez v. Hardin*,

No. 25-cv-830, 2025 WL 2732717, at \*2 (M.D. Fla. Sept. 25, 2025)

*Mairena-Munguia v. Arnott*,

--- F. Supp. 3d ---, 2025 WL 3229132, at \*3-4 (W.D. Mo. Nov. 19, 2025)

*Maldonado v. Baker*,

No. 25-cv-3084, 2025 WL 2968042, at \*5-8 (D. Md. Oct. 21, 2025)

*Maldonado v. Olson*,

--- F. Supp. 3d ---, 2025 WL 2374411, at \*10-13 (D. Minn. Aug. 15, 2025)

*Martinez v. Noem*,

No. 25-cv-430, 2025 WL 2965859, at \*2-3 (W.D. Tex. Oct. 21, 2025)

*Ndiaye v. Jamison*,

No. 25-cv-6007, 2025 WL 3229307, at \*2-8 (E.D. Pa. Nov. 19, 2025)

*Paredes Padilla v. Galovich*,

No. 25-cv-863, 2025 WL 3251446, at \*2-6 (W.D. Wis. Nov. 21, 2025)

*Patel v. Crowley,*

No. 25-cv-11180, 2025 WL 2996787, at \*4-9 (N.D. Ill. Oct. 24, 2025)

*Pizarro Reyes v. Raycraft,*

No. 25-cv-12546, 2025 WL 2609425, at \*4-8 (E.D. Mich. Sept. 9, 2025)

*Pu Sacvin v. Anda-Ybarra,*

No. 25-cv-1031, 2025 WL 3187432, at \*2-3 (D.N.M. Nov. 14, 2025)

*Rodriguez v. Bostock,*

--- F. Supp. 3d ---, 2025 WL 2782499, at \*16-18 (W.D. Wash. Sept. 30, 2025)

*Salcedo Aceros v. Kaiser,*

No. 25-cv-6924, 2025 WL 2637503, at \*8-12 (N.D. Cal. Sept. 12, 2025)

*Ventura Martinez v. Trump,*

No. 25-cv-1445, 2025 WL 3124847, at \*2 (W.D. La. Oct. 22, 2025)

Footnote 3: Cases Ordering Noncitizens' Release

*Bethancourt Soto v. Soto,*

--- F. Supp. 3d ---, 2025 WL 2976572, at \*9 (D.N.J. Oct. 30, 2025)

*Chipantiza-Sisalema v. Francis,*

No. 25-cv-5528, 2025 WL 1927931, at \*4 (S.D.N.Y. July 13, 2025)

*Gamez Lira v. Noem,*

--- F. Supp. 3d ---, 2025 WL 2941217, at \*5 (D.N.M. Oct. 15, 2025)

*Guzman Andujar v. Francis,*

No. 25-cv-9199, 2025 WL 3215597, at \*9 (S.D.N.Y. Nov. 18, 2025)

*Hyppolite v. Noem,*

No. 25-cv-4304, 2025 WL 2829511, at \*17 (E.D.N.Y. Oct. 6, 2025)

*Lepe v. Andrews,*

--- F. Supp. ---, 2025 WL 2716910, at \*10 (E.D. Cal. Sept. 23, 2025)

*Lopez Benitez v. Francis,*

--- F. Supp. 3d ---, 2025 WL 2371588, at \*15 (S.D.N.Y. Aug. 13, 2025)

*Martinez v. Hyde,*

No. 25-cv-11613, 2025 WL 1859273, at \*2 (D. Mass. June 17, 2025)

*Rojas v. Almodaovar,*

No. 25-cv-7189, 2025 WL 3034183, at \*9 (S.D.N.Y. Oct. 30, 2025)

*Tumba Huamani v. Francis,*

No. 25-cv-8110, 2025 WL 3079014, at \*9 (S.D.N.Y. Nov. 4, 2025)

*Valdez v. Joyce,*

--- F. Supp. 3d ---, 2025 WL 1707737, at \*5 (S.D.N.Y. June 18, 2025)