UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

JOSE GOMEZ MARTINEZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	**Case No. CIV-25-1235-PRW**
	)	
DON JONES, et al.,	)	
	)	
Respondents.	)	

REPORT AND RECOMMENDATION

Petitioner Jose Gomez Martinez, a noncitizen[1] and Mexican national, filed a Petition for Writ of Habeas Corpus ("Petition"), Doc. 1, challenging under 28 U.S.C. § 2241 his detention by U.S. Immigration and Customs Enforcement ("ICE"). United States District Judge Patrick R. Wyrick referred this matter to the undersigned Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1)(B)-(C). The Court set an expedited briefing schedule. Respondents timely filed a Response, Doc. 16, and Petitioner timely filed a Reply, Doc. 20. For the reasons set forth below, the undersigned recommends that the Court grant the Petition in part and order Respondents to provide Petitioner a bond hearing pursuant to 8 U.S.C. § 1226(a) within five business days or otherwise to release him if there is no hearing within that time.

[1] Unless quoted, this Report and Recommendation "uses the term 'noncitizen' as equivalent to the statutory term 'alien.'" *Nasrallah v. Barr*, 590 U.S. 573, 578 n.2 (2020) (citing 8 U.S.C. § 1101(a)(3)).

I. Background

Petitioner entered the United States in 2001 without being inspected or admitted. Pet. at 1, 8. He has resided in the United States continuously for almost 25 years. *Id.* On December 13, 2018, Petitioner filed two affirmative applications for asylum and refugee status. *Id.* at 2, 10. On February 1, 2019, ICE initiated removal proceedings and served Petitioner a Notice to Appear for immigration proceedings "as an alien present in the United States without being admitted or paroled" under 8 U.S.C. § 1182. Pet. at 10; Doc. 16-2 at ¶ 4. On October 11, 2019, Petitioner filed an application for cancellation of removal pursuant to 8 U.S.C. § 1229b(b)(1) and withdrew his prior applications for asylum. Pet. at 3; Resp. at 15; Doc. 16-1 at 1. Since 2019, Petitioner has been waiting for a final individual merits hearing on his application for cancellation of removal. Pet. at 3.

On approximately September 10, 2025, United States Customs and Border Patrol officials detained Petitioner in a warrantless stop at the O'Hare Airport in Chicago, Illinois. *Id.* at 1-2. According to Petitioner, he "was mistaken for a person named Jose Gomez Hernandez, whose name was similar to Petitioner and had the same mistaken and previously issued alien registration number." *Id.* at 2.[2] After his arrest at O'Hare, ICE detained Petitioner pursuant to 8 U.S.C. § 1225(b)(2)(A). Resp. at 7, 15; Doc. 16-2 at ¶ 6. He could not request a bond hearing before an Immigration Judge ("IJ") because all IJs are

[2] Petitioner alleges that Mr. Gomez Hernandez was deported in 1996. Pet. at 2. Respondents do not dispute that Petitioner was mistaken for someone else, but assert that Petitioner disclosed to ICE officers that he was not a citizen of the United States and, as a result, he was detained pursuant to § 1225(b)(2)(A). Resp. at 15; Doc. 16-2 at ¶ 5.

subject to the binding precedent of *Matter of Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025), which holds that those who entered the country without admission or parole are ineligible for a bond hearing. Pet. at 3-4, 11. Accordingly, ICE held Petitioner as subject to mandatory detention under § 1225(b)(2)(A). Resp. at 7.

Petitioner was initially detained at the Broadview, Illinois processing facility, later transferred to Clay County Justice Center in Clay County, Indiana, and transferred on September 18, 2025, to Kay County Justice Center in Kay County, Oklahoma. Pet. at 2, 8. He filed his Petition while detained at Kay County Justice Center in Newkirk, Oklahoma, and he remains detained there. *Id.* at 8; *see* ICE Online Detainee Locator System, *at* https://locator.ice.gov/odls/#/results (last visited Dec. 15, 2025).

II. Petitioner's Claims

Petitioner asserts two counts in his Petition.

- **Count I: Violation of Due Process.** Petitioner alleges that his unlawful detention without a bond hearing violates his right to due process. Pet. at 18.
- **Count II: Violation of the Immigration and Nationality Act ("INA").** Petitioner alleges that his detention under § 1225(b)(2)(A) is unlawful and violates the INA because § 1226(a) applies to those, like Petitioner, who are already present in the United States, while §1225(b)(2)(A) applies to noncitizens seeking entry into the United States who are detained at the border. Pet. at 19.[3]

[3] The Petition also included Count Three, alleging a violation of a consent decree in *Castanon Nava v. Department of Homeland Security*, No. 18-cv-3757 (N.D. Ill.) ("*Nava*"). Pet. at 19-20. On November 18, 2025, the undersigned held a status conference with counsel to discuss the impact of *Nava* on Petitioner. Doc. 25. The undersigned then ordered supplemental briefing on whether this Court has jurisdiction to effectuate relief pursuant to the *Nava* consent decree. Doc. 26. Petitioner filed his supplemental brief and

Petitioner asks the Court to "issue a Writ of Habeas Corpus requiring that Respondents release Petitioner" or "schedule a bond hearing before an Immigration Judge and, at such hearing, affording Petitioner to be released from custody." *Id.* at 21 (citation modified). He also seeks (1) a declaration that his detention violates the Fourth Amendment, (2) an award of attorney's fees and costs under the Equal Access to Justice Act, and (3) a preliminary injunction releasing him or staying his removal or transfer. *Id.* at 21; Doc. 7.

III. Standard of Review

To obtain habeas corpus relief, Petitioner must show that he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). "Challenges to immigration detention are properly brought directly through habeas." *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).

"When called on to resolve a dispute over a statute's meaning," the Court must "exhaust all the textual and structural clues bearing on that meaning." *Niz-Chavez v. Garland*, 593 U.S. 155, 160 (2021) (citation modified). "When an issue or claim is properly before the court, the court is not limited to the particular legal theories advanced by the parties, but rather retains the independent power to identify and apply the proper

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notices of additional authority relating to *Nava* and a similar Central District of California case, *Maldonado Bautista v. Santacruz*, No. 25-cv-1873 (C.D. Cal.) ("*Bautista*"). Docs. 28, 29, 30. On December 10, 2025, the parties filed a Joint Notice Regarding Potential Application of Class Actions, informing the Court that Petitioner no longer asserts any claims arising out of the *Nava* or *Bautista* cases. *See* Doc. 33 ("Accordingly, the parties hereby provide notice that Petitioner no longer asserts that the [*Nava*] and/or *Bautista* cases are a basis for relief in this case and Respondents do not oppose that change in position."). Accordingly, Petitioner no longer pursues Count Three of the Petition.

construction of governing law." *Kamen v. Kemper Fin. Servs., Inc.*, 500 U.S. 90, 99 (1991); *see also United States v. Spradley*, 146 F.4th 949, 958 (10th Cir. 2025) (noting a court must "independently interpret the applicable statutory phrase irrespective of the parties' positions" (citation modified)).

IV. Analysis

A. The Court has jurisdiction to consider the Petition.

Based on specific provisions of the INA at issue, Respondents argue this Court lacks jurisdiction to consider Petitioner's claims. Resp. at 16-19. Judge Bernard M. Jones of this Court, though, recently concluded the INA "does not jurisdictionally bar" a habeas claim like Petitioner's because such a claim "does not challenge Respondents' decision to commence or adjudicate proceedings or execute removal orders." *Escarcega v. Olson*, No. CIV-25-1129-J, 2025 WL 3243438, at *1 (W.D. Okla. Nov. 20, 2025); *see also Urbina Garcia v. Holt*, No. CIV-25-1225-J, 2025 WL 3516071, at *2 (W.D. Okla. Dec. 8, 2025) (same); *Medina-Herrera v. Noem*, No. CIV-25-1203-J, 2025 WL 3460946, at *2 (W.D. Okla. Dec. 2, 2025) (same); *Martinez Diaz v. Holt*, No. CIV-25-1179-J, 2025 WL 3296310, at *1 (W.D. Okla. Nov. 26, 2025) (same). Similar jurisdictional arguments by Respondents have also been rejected by multiple district courts throughout the country. *See, e.g., Hasan v. Crawford*, No. 25-CV-1408, --- F. Supp. 3d ---, 2025 WL 2682255, at *3 n.7 (E.D. Va. Sep. 19, 2025) ("Federal courts throughout the country have similarly found that these jurisdiction-stripping provisions do not deprive the federal courts of jurisdiction to review a noncitizen's challenge to the legality of his detention." (collecting cases)). The

undersigned agrees with Judge Jones and those courts that have found jurisdiction exists to consider arguments challenging detention in circumstances like Petitioner's.

1. Sections 1252(a)(5) and 1252(b)(9)

Respondents first argue the Court lacks jurisdiction to consider the Petition because (1) the INA channels "claims related to removal orders" to a court of appeals rather than a district court, and (2) such claims include "review of 'all questions of law and fact, *including interpretation and application of constitutional and statutory provisions*, arising from any action taken or proceeding brought to remove an alien from the United States'" Resp. at 16-17 (citing 8 U.S.C. § 1252(a)(5) and quoting § 1252(b)(9) (citation modified) (emphasis added by Respondents)). Accordingly, Respondents argue that under § 1252(a)(5) and § 1252(b)(9), a "decision to effectively begin those proceedings" against Petitioner under § 1225(b)(2)(A) "can be reviewed by the appropriate court of appeals as part of an appeal of a final order of removal—but not this Court." Resp. at 17.

Consistent with several district courts, the undersigned interprets Petitioner's habeas claim to be a challenge to his *detention*—not to ICE's decision to "effectively begin those proceedings" against him, as asserted by Respondents. *Id.* Courts have rejected Respondents' jurisdictional argument because detention orders "are separate and apart from orders of removal." *Hasan*, 2025 WL 2682255, at *4 (citation modified). Challenges to detention orders "are legal in nature and challenge specific conduct unrelated to removal proceedings." *Garcia Cortes v. Noem*, No. 25-CV-02677, 2025 WL 2652880, at *2 (D. Colo. Sep. 16, 2025) (citing *Mukantagara v. U.S. Dep't of Homeland Sec.*, 67 F.4th 1113, 1116 (10th Cir. 2023) ("Congress did not intend the zipper clause to cut off claims that

have a tangential relationship with pending removal proceedings. A claim only arises from a removal proceeding when the parties in fact are challenging removal proceedings." (citation modified))); *Gutierrez v. Baltasar*, No. 25-CV-2720, 2025 WL 2962908, at *2-3 (D. Colo. Oct. 17, 2025) (rejecting similar jurisdictional arguments).

The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281, 294-95 (2018), recognized the limited circumstances where § 1252(b)(9) would bar a district court's jurisdiction. The Court in *Jennings* noted the noncitizens in that case "are not asking for review of an order of removal; they are not challenging the decision to detain them in the first place or to seek removal; and they are not even challenging any part of the process by which their removability will be determined. Under these circumstances, § 1252(b)(9) does not present a jurisdictional bar." *Id.*

Here, like many recent habeas cases by noncitizens challenging mandatory detention under § 1225(b)(2)(A), Petitioner does not challenge any removal order. "Rather, he challenges the constitutionality and legality of his detention during the period before his removal hearing." *S.D.B.B. v. Johnson*, No. 25-CV-882, 2025 WL 2845170, at *3 (M.D.N.C. Oct. 7, 2025). As such, "§ 1252(b)(9) does not deprive the court of jurisdiction." *Id.* This interpretation tracks the same recent analysis of several district courts. *See, e.g.*, *Caballero v. Baltazar*, No. 25-CV-03120, 2025 WL 2977650, at *4 (D. Colo. Oct. 22, 2025) (ruling § 1252(b)(9) does not present a jurisdictional bar to a noncitizen challenging "the legality of his continued detention without a bond hearing"); *Jose J.O.E. v. Bondi*, No. 25-CV-3051, --- F. Supp. 3d ----, 2025 WL 2466670, at *7 (D. Minn. Aug. 27, 2025) (same) (collecting cases)).

The undersigned agrees with the prevailing analysis from other district courts and concludes that § 1252(a)(5) and § 1252(b)(9) do not deprive the Court of jurisdiction.

2. Section 1252(g)

Respondents also argue the INA limits a district court's jurisdiction to consider "any cause or claim by or on behalf of any alien arising from the decision or action by the [Department of Homeland Security ("DHS")] to *commence* proceedings, *adjudicate* cases, or *execute* removal orders against any alien under this chapter." Resp. at 17 (quoting 8 U.S.C. § 1252(g) (citation modified; emphasis added by Respondents)). Respondents assert that "the bar on considering the commencement of proceedings includes a bar on considering challenges to the *basis on which* DHS chooses to commence removal proceedings." *Id.* at 17 (citation modified). Judge Jones recently rejected the same jurisdictional argument. *Escarcega*, 2025 WL 3243438, at *1; *see also Urbina Garcia*, 2025 WL 3516071, at *2 (finding that "§ 1252g does not jurisdictionally bar" a substantially similar petition); *Medina-Herrera*, 2025 WL 3460946, at *2 (same); *Martinez Diaz*, 2025 WL 3296310, at *1 (same).

In *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999), the Supreme Court explained that § 1252(g)'s jurisdictional bar applies only to "three discrete actions"—the commencement of removal proceedings, adjudication of removal proceedings, and execution of removal orders. The Supreme Court found it "implausible that the mention of three discrete events along the road to deportation was a shorthand way of referring to all claims arising from deportation proceedings." *Id.* More recently, in *Jennings*, the Court reaffirmed this narrow reading, explaining that *Reno* "did not interpret

[§ 1252(g)] to sweep in any claim that can technically be said to 'arise from' the three listed actions of the Attorney General." 583 U.S. at 294. Instead, the statutory language refers "to just those three specific actions themselves." *Id.*

Though § 1252(g) indeed imposes a jurisdictional bar on a court's ability to review certain habeas petitions, the restrictions are to be read narrowly. *See, e.g., Reno*, 525 U.S. at 487 (referencing the Court's "narrow reading of § 1252(g)"); *Gutierrez*, 2025 WL 2962908, at *3 ("Section 1252(g) imposes a narrow judicial bar to a federal court's review of '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 this chapter.'" (quoting 8 U.S.C. § 1252(g)); *Hasan*, 2025 WL 2682255, at *4 ("Section 1252(g) has a narrow reach.").

Here, Petitioner does not challenge the commencement of removal proceedings, the adjudication of removal proceedings, or the execution of a removal order. Instead, he challenges "the narrow legal questions of whether [his] detention under 8 U.S.C. § 1225 violates the INA and whether he is entitled to a bond hearing under § 1226's discretionary detention framework." *Gutierrez*, 2025 WL 2962908, at *3. As such, Petitioner's claims fall outside the narrow jurisdictional limitations of § 1252(g) and, accordingly, § 1252(g) does not deprive the Court of jurisdiction. Further, any decision to file charges against Petitioner after he was detained does not change the analysis because the immigration

officer's subsequent decision to pursue removal is unrelated to Respondents' detention of Petitioner under § 1225(b)(2)(A), which is the basis for his habeas challenge.[4]

This conclusion is consistent with Judge Jones' approach in *Escarcega*, *Martinez Diaz*, *Medina-Herrera*, and *Urbina Garcia*, as well as numerous other district courts that have recently addressed Respondents' jurisdictional challenge. *See Urbina Garcia*, 2025 WL 3516071, at *2; *Medina-Herrera*, 2025 WL 3460946, at *2; *Martinez Diaz*, 2025 WL 3296310, at *1; *Escarcega*, 2025 WL 3243438, at *1; *see also, e.g., Gutierrez*, 2025 WL 2962908, at *3 (finding § 1252(g) did not strip the court of jurisdiction to consider petitioner's challenge to his detention under § 1225 rather than § 1226); *S.D.B.B.*, 2025 WL 2845170, at *3 (same); *Hasan*, 2025 WL 2682255, at *4 (same); *Garcia Cortes*, 2025 WL 2652880, at *1 (same); *Grigorian*, 2025 WL 2604573, at *4 (same).

Respondents cite only one decision, from the District of Minnesota, that has squarely ruled that § 1252(g) bars a district court's jurisdiction to consider a petitioner's challenge to detention. *See S.Q.D.C. v. Bondi*, No. CV 25-3348, 2025 WL 2617973, at *3

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[4] Respondents' citation to *Tsering v. U.S. Immigr. & Customs Enf't*, 403 F. App'x 339, 343 (10th Cir. 2010) is inapposite because that petitioner had been ordered removed and was challenging his removal based on false information provided to ICE leading to his removal. *See Alonso v. Tindall*, No. 25-CV-652, 2025 WL 3083920, at *2 (W.D. Ky. Nov. 4, 2025) (finding *Tsering* inapposite and concluding the court had jurisdiction to review petitioner's habeas challenge to detention under § 1225 rather than § 1226). Judge Jones has similarly rejected Respondents' arguments that *Tsering* precludes jurisdiction over this type of habeas petition. *See Urbina Garcia*, 2025 WL 3516071, at *2 ("Here, Petitioner is simply alleging that his continued detention without a bond hearing is in violation of federal law (the INA). Hence, his claims do not 'arise from' and are not directly and immediately connected to the Attorney General's decision to commence proceedings, proceed with the adjudication of Petitioner's case, or any removal order. As such, § 1252(g) does not strip this Court of jurisdiction."); *Medina-Herrera*, 2025 WL 3460946, at *2 (same).

(D. Minn. Sep. 9, 2025). That decision "appears to represent an extreme minority position, both in its own district and nationally." *Gonzalez Martinez v. Noem*, No. EP-25-CV-430, 2025 WL 2965859, at *2 (W.D. Tex. Oct. 21, 2025); *see also Medina-Herrera*, 2025 WL 3460946, at *2 n.2 ("But the Court disagrees [with *S.Q.D.C.*] and reiterates that Petitioner's challenge focuses solely on his continued detention without bond and not Respondents' decision to commence proceedings, adjudicate his case, or execute a removal order.").[5]

3. Conclusion

Judge Jones of this Court recently rejected Respondents' jurisdictional argument in multiple cases. The undersigned similarly concludes that neither § 1252(a)(5), § 1252(b)(9), nor § 1252(g) bars this Court from jurisdiction to consider Petitioner's challenge to his detention.

B. Section 1226(a) applies to Petitioner's detention.

The two sections of the INA at issue are 8 U.S.C. §§ 1225 and 1226. Section 1225(a)(1) describes an "applicant for admission" as "an alien present in the United States who has not been admitted or who arrives in the United States." *Id.* § 1225(a)(1) (citation modified). The statute defines "admission" and "admitted" as "the lawful entry of the alien

[5] The district court in *S.Q.D.C.* relied on *Alvarez v. U.S. Immigr. & Customs Enf't*, 818 F.3d 1194, 1203 (11th Cir. 2016). *S.Q.D.C.*, 2025 WL 2617973, at *3. Respondents likewise rely on *Alvarez* to argue that "the bar on considering the commencement of proceedings includes a bar on considering challenges to the *basis on which* DHS chooses to commence removal proceedings." Resp. at 17 (citation modified). Not only is *Alvarez* distinguishable on its facts from those here, but district courts considering detention orders have also recently disagreed with jurisdictional arguments relying on *Alvarez*. *E.g., Avila v. Bondi*, No. CV 25-3741, 2025 WL 2976539, at *4 (D. Minn. Oct. 21, 2025); *Belsai D.S.*, 2025 WL 2802947, at *5 n.3; *Grigorian v. Bondi*, No. 25-CV-22914, 2025 WL 1895479, at *4-5 (S.D. Fla. July 8, 2025).

into the United States after inspection and authorization by an immigration officer." *Id.* § 1101(a)(13). Under § 1225(b)(2)(A), "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a."

On the other hand, Section 1226(a) authorizes detention of a noncitizen "on a warrant issued by the Attorney General" pending removal proceedings. *Id.* § 1226(a) (citation modified). A noncitizen detained under § 1226(a) is entitled to a bond hearing. *See Jennings*, 583 U.S. at 306 ("Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.") (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1))).

If Petitioner is an "applicant for admission" and "seeking admission" under § 1225(b)(2)(A), he is not entitled to a bond hearing. *See* Pet. at 13; Resp. at 7. If he is not an "applicant for admission" and "seeking admission" under § 1225, then Petitioner falls within the confines of § 1226(a), which would entitle him to a bond hearing. *See* Pet. at 13; Resp. at 7. Petitioner argues that § 1226(a) applies to noncitizens, like him, because he "entered the U.S. in 2001, and has been present in the U.S. for over 24 years and was detained in the interior." Pet. at 19. According to Petitioner, he should be afforded a bond hearing under § 1226(a)—as a noncitizen who previously entered the country and has been residing in the United States before being apprehended and placed in removal proceedings by ICE. Pet. at 13.

Respondents contend that Petitioner is an "applicant for admission" and "seeking admission" under § 1225(b)(2)(A) because he "has been seeking—and continues to seek—admission into the United States," via applications for asylum and for cancellation of removal. Resp. at 15, 20. Further, Respondents claim (1) § 1225(b)(2)(A) is not limited to noncitizens "arriving" in the United States, (2) § 1226(a) is reserved for those who do not fall within the confines of § 1225(b)(2)(A), and (3) any overlap between the two provisions does not undermine ICE's interpretation of the two statutes. *Id.* at 20-28.

The undersigned has reviewed the statutory text, Congressional intent, legislative history, and § 1226(a)'s application for the past three decades, as well as numerous recent cases addressing this exact issue. The undersigned agrees with the great weight of authority and finds that Petitioner falls within the confines of § 1226(a), and not § 1225(b)(2)(A). Notably, Judge Jones, the only District Judge of this Court to rule on this issue, recently applied § 1226(a) to four separate habeas petitioners similarly situated to Petitioner. *See Urbina Garcia*, 2025 WL 3516071, at *4; *Medina-Herrera*, 2025 WL 3460946, at *4; *Martinez Diaz*, 2025 WL 3296310, at *3; *Escarcega*, 2025 WL 3243438, at *3. The undersigned recommends that the Court conclude Petitioner is entitled to a bond redetermination hearing under § 1226(a).

1. Statutory interpretation of § 1225(b)(2)(A) and § 1226(a)

When interpreting a statute, the "inquiry begins with the statutory text, and ends there as well if the text is unambiguous." *BedRoc Ltd., LLC v. United States*, 541 U.S. 176, 183 (2004). "If the statutory language is plain, [the Court] must enforce it according to its terms." *King v. Burwell*, 576 U.S. 473, 486 (2015). "But oftentimes the meaning—or

ambiguity—of certain words or phrases may only become evident when placed in context." *Id.* (citation modified). "So when deciding whether the language is plain, the Court must read the words in their context and with a view to their place in the overall statutory scheme." *Id.* (citation modified).

At issue is whether "an applicant for admission" who is "seeking admission" includes a noncitizen like Petitioner, who intentionally avoided lawful entry. 8 U.S.C. § 1225(a)(1). The statutory text does not provide a definitive answer as to what it means to be present without admittance where, as here, the noncitizen has already entered and spent many years residing in the United States. Even when statutory terms are unambiguous, context still matters. *See United States v. Bishop,* 412 U.S. 346, 356 (1973) ("Context is important in the quest for [a] word's meaning." (citation modified)); *United States v. Ceballos-Martinez,* 387 F.3d 1140, 1144 (10th Cir. 2004) (noting that statutory interpretation "requires [courts] to interpret Congress's choice of words in the context that it chose to use them"). Further, "it is a cardinal principle of statutory construction that a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant." *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (citation modified). When considering the INA's overall context, the undersigned concludes the statute limits the scope of the terms "applicant for admission" and "seeking admission" in § 1225(b)(2)(A).

Giving effect to each clause and word of a statute includes an analysis of the statute's title. "A title is especially valuable where it reinforces what the text's nouns and verbs independently suggest." *Dubin v. United States*, 599 U.S. 110, 121 (2023) (citation

modified). Section 1225 is titled: "Inspection by immigration officers; expedited removal of inadmissible *arriving* aliens; referral for hearing." (emphasis added). Use of the term "arriving" to describe noncitizens indicates the section governs entrance of noncitizens to the United States. Section 1225 is also located between two other sections dealing with arrivals of noncitizens: § 1224 is titled "Designation of ports of entry for aliens arriving by aircraft," and § 1225a is titled "Preinspection at foreign airports." The undersigned is not persuaded by Respondents' arguments to the contrary. *See* Resp. at 21-22.

The undersigned's reading is bolstered by the fact that § 1225 establishes an inspection scheme for when to let noncitizens into the country. In fact, the subheading for § 1225(b)(2) reads "Inspection of Other Aliens," reinforcing the idea that the subsection applies to those coming in, not already present. Section 1225(d) is labeled "Authority Relating to Inspections" and describes the powers of immigration officers to search and detain vessels and "arriving aliens." *See* 8 U.S.C. § 1225(d)(1) (authorizing immigration officers to "board and search any vessel, aircraft, railway car, or other conveyance or vehicle in which they believe aliens are being brought into the United States"); *id.* § 1225(d)(2) (authorizing immigration officers to detain an "arriving" noncitizen and incoming vessel or aircraft and to deliver the "arriving" noncitizen for inspection). Section 1225 also explicitly addresses "stowaways" and "crewmen," words that likewise suggest arrival at a border or port of entry. *See id.* § 1225(a)(2) ("An arriving alien who is a stowaway is not eligible to apply for admission or to be admitted shall be ordered removed upon inspection by an immigration officer."); *id.* § 1225(a)(3) ("All aliens (including alien

crewmen) who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers.").

As relevant here, § 1225(b)(2)(A) provides that "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title." *Id.* § 1225(b)(2)(A). Judge Jones recently held that "based on § 1225(b)(2)(A)'s plain language, the Court concludes that the section only applies when a noncitizen 'applicant for admission' is actively 'seeking admission' into the United States." *Escarcega*, 2025 WL 3243438, at *2; *see also Martinez Diaz*, 2025 WL 3296310, at *3 (same). He further ruled that "if all 'applicants for admission' are also 'seeking admission,' then § 1225(b)(2)(A)'s inclusion of the phrase 'seeking admission' would be redundant and courts should avoid statutory interpretations that make any part of the statute superfluous." *Martinez Diaz*, 2025 WL 3296310, at *2 (citation modified).

The undersigned similarly interprets the term "seeking admission" to narrow the category of "applicants for admission" subject to mandatory detention under the provision. "'Seeking' means 'asking for' or 'trying to acquire or gain.' Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/seeking." *Lepe v. Andrews*, No. 25-CV-01163, 2025 WL 2716910, at *5 (E.D. Cal. Sep. 23, 2025). "The plain meaning of the phrase 'seeking admission' requires that the applicant must be presently and actively seeking lawful entry into the United States. The use of the present participle in § 1225(b)(2)(A) implies action—something that is currently occurring, and in this instance,

would most logically occur at the border upon inspection." *Caballero*, 2025 WL 2977650, at *6 (citation modified); *accord Lopez-Campos v. Raycraft*, No. 25-CV-12486, 2025 WL 2496379, at *6 (E.D. Mich. Aug. 29, 2025). As such, the undersigned best understands mandatory detention under § 1225(b)(2)(A) to apply to arriving noncitizens actively seeking admission at or near the border or port of entry.

This analysis is not impacted by Petitioner's applications for asylum or for cancellation of removal. *See, e.g.*, *Medina-Herrera*, 2025 WL 3460946, at *4 (holding "that Petitioner's application to cancel his 2024 removal does not transform him into a person 'seeking admission' within § 1225(b)(2)'s context"); *Martinez Diaz*, 2025 WL 3296310, at *2 & *2 n.3 (rejecting respondents' argument that a petitioner was "seeking admission" because "he is engaged to marry a United States citizen" after his arrest because "the phrase 'seeking admission' only applies to noncitizens who are presently and actively seeking lawful entry into the United States at the border"); *see also Chingo v. Stamper*, No. 25-CV-00590, 2025 WL 3513833, at *4 (D. Me. Dec. 8, 2025) ("Rather, a noncitizen 'already in the country pending the outcome of removal proceedings' is subject to discretionary detention under §1226(a)." (quoting *Jennings*, 83 U.S. at 289)); *Cruz Valera v. Baltazar*, No. 25-CV-03744, 2025 WL 3496174, at *3 (D. Colo. Dec. 5, 2025) (applying § 1226(a) to petitioner even though he had previously filed applications seeking cancellation of removal and other relief).

Finally, § 1225's place in the overall statutory scheme supports the undersigned's reading. *See King*, 576 U.S. at 486 (holding that courts are meant to "construe statutes, not isolated provisions" (citation modified)). That Congress separated removal of "arriving

aliens" from its more general section for "Apprehension and detention of aliens" in § 1226, implies that Congress enacted § 1225 for a specific, limited purpose. This interpretation is also consistent with the Supreme Court's guidance in *Jennings* that § 1225(b)(1) and (b)(2) "authorizes the Government to detain certain aliens seeking admission into the country" and § 1226(a) and (c) "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings." 583 U.S. at 289. That delineation by Congress aligns with the Supreme Court's recognition that "the distinction between an alien who has effected entry into the United States and one who has never entered runs throughout immigration law." *Zadvydas*, 533 U.S. at 693 (citation modified).

After considering the text and statutory framework, the undersigned concludes the terms "applicant for admission" and "seeking admission" in § 1225(b)(2)(A) do not cleanly apply to noncitizens like Petitioner. He has resided in the United States continuously for 24 years and was not arrested when attempting to cross the border or enter the country through a port. Pet. at 19. "Simply put, noncitizens who are just 'present' in the country, who have been here for years upon years and never proceeded to obtain any form of citizenship, are not 'seeking' admission under § 1225(b)(2)(A)." *Caballero*, 2025 WL 2977650, at *6 (citation modified). Ultimately, a textual analysis of the immigration framework suggests Petitioner's circumstances align with § 1226(a), not § 1225(b)(2)(A).

2. Legislative history and recent amendment of § 1226

The legislative history and recent amendment of § 1226 also indicate the statute applies to noncitizens who reside in the United States but previously entered without inspection. First, § 1226(a)'s predecessor statute, 8 U.S.C. § 1252(a)(1),

> governed deportation proceedings for all noncitizens arrested within the United States. *See* 8 U.S.C. § 1252(a)(1) (1994) ("Pending a determination of deportability any noncitizen may, upon warrant of the Attorney General, be arrested and taken into custody."); *Hose v. I.N.S.*, 180 F.3d 992, 994 (9th Cir. 1999) ("A deportation hearing was the 'usual means of proceeding against a noncitizen already physically in the United States.'"). This predecessor statute, like Section 1226(a), included discretionary release on bond. *See* § 1252(a)(1) (1994) ("Any such noncitizen taken into custody may, in the discretion of the Attorney General be continued in custody or be released under bond."). Upon passing [the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA")], Congress declared that the new Section 1226(a) "restates the current provisions in the predecessor statute regarding the authority of the Attorney General to arrest, detain, and release on bond a noncitizen who is not lawfully in the United States." H.R. Rep. No. 104-469, pt. 1, at 229; *see also* H.R. Rep. No. 104-828, at 210 (same).

Rodriguez v. Bostock, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025) (citation modified); *see also Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at *7 (E.D. Mich. Sep. 9, 2025) ("If § 1226(a) adopted the predecessor[] [statute]'s authority to release noncitizens unlawfully present in the United States on bond, then [petitioner] is entitled to discretionary release on bond as well.").

Respondents assert this interpretation undermines the purpose of IIRIRA and "effectively repeals" certain provisions of the law. Resp. at 22-24. The undersigned, though, agrees with Judge Jones' recent ruling in *Urbina Garcia*, rejecting Respondents' identical assertions and holding that "when Congress enacted the IIRIRA, it did not fully disrupt the old system, including the system of detention and release on bond." 2025 WL 3516071, at *4 (quoting *Hernandez v. Baltazar*, No. 25-CV-3094, 2025 WL 2996643, at *7 (D. Colo. Oct. 24, 2025)).

Further, contrary to Respondents' assertions, *see* Resp. at 24-28, Congress' recent amendment to § 1226 renders the government's interpretation of § 1225(b)(2)(A) superfluous. Earlier this year, Congress amended § 1226 via the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025). The Laken Riley Act added § 1226(c)(1)(E), which mandates detention for noncitizens who

- are inadmissible under § 1182(a)(6)(A) (noncitizens present in the United States without being admitted or paroled, like Petitioner), § 1182(a)(6)(C) (misrepresentation), or § 1182(a)(7) (lacking valid documentation) and
- have been arrested for, charged with, or convicted of certain crimes.

8 U.S.C. § 1226(c)(1)(E)(i)-(ii).

Considering that § 1182(a)(6)(A)(i) specifically refers to "alien[s] present in the United States without being admitted or paroled," and that § 1226(c)(1)(E) requires detention without bond of these individuals if they have also committed a felony, the new statutory exception would be superfluous if § 1225(b)(2) already authorized their mandatory detention. That is, because an "alien present in the United States" without admittance would be unlikely to prove that they are "clearly and beyond a doubt entitled to be admitted," ICE would never need to rely on § 1226(c)(1)(E) to detain them. *See Marx v. Gen. Rev. Corp.*, 568 U.S. 371, 386 (2013) ("The canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme." (citation modified)). District courts have noted that adoption of Respondents' interpretation "would largely nullify a statute Congress enacted this very year and must be

rejected." *Pizarro Reyes*, 2025 WL 2609425, at *5 (quoting *Gomes v. Hyde*, No. 25-cv-11571, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025) (citation modified)).

The undersigned's recommended interpretation is consistent with numerous district courts that have ruled on this issue. *See, e.g., Menjivar Sanchez v. Wofford*, No. 25-cv-01187, 2025 WL 2959274, at *5 (E.D. Cal. Oct. 17, 2025) (noting "application of section 1225(b)(2)(A) to noncitizens already in the country would render superfluous a recent amendment to section 1226(c)."); *Alvarez Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369, at *5 (S.D. Fla. Oct. 15, 2025) ("If Respondents' interpretation of section 1225 is correct—that the mandatory detention provision in section 1225(b)(2)(A) applies to all noncitizens present in the United States who have not been admitted—then Congress would have had no reason to enact section 1226(c)(1)(E)."); *Quispe v. Crawford*, No. 25-cv-1471, 2025 WL 2783799, at *5 (E.D. Va. Sep. 29, 2025) (same); *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411, *12 (D. Minn. Aug. 15, 2025) (same).

3. The BIA's current and historical interpretations of § 1225(b)(2)(A) and § 1226(a)

On September 5, 2025, the Board of Immigration Appeals ("BIA") ruled that an immigration judge lacks authority to consider a bond request for any person who is present in the United States without admission, treating such person as an applicant for admission who is seeking admission and subject to mandatory detention under § 1225(b)(2)(A). *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 220, 229 (BIA 2025). The BIA in *Hurtado*

concluded that § 1225(b)(2)(A) covers inadmissible noncitizens who lived unlawfully in the United States for longer than two years without apprehension. *Id.* at 229.

The undersigned reaches a different conclusion from the BIA's statutory analysis in *Hurtado*. Notably, this Court is not bound by the BIA's interpretation of § 1225(b)(2)(A). *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 413 (2024) ("Courts need not and under the APA may not defer to an agency interpretation of the law simply because a statute is ambiguous." (citation modified)). In *Hurtado*, the BIA characterized as a "legal conundrum" the idea that a noncitizen's continued unlawful presence means they are not "seeking admission." 29 I. & N. Dec. at 221. However, a noncitizen's continued presence cannot constitute "seeking admission" when that noncitizen *never attempted* to obtain lawful status. The BIA also found that § 1225(b)(2)(A) does not render superfluous the Laken Riley Act. *Hurtado*, 29 I. & N. Dec. at 222. Considering, however, that both § 1225(b)(2)(A) and § 1226(c)(1)(E) mandate detention for inadmissible noncitizens, whether one includes additional conditions for such detention does not alter the redundant impact.

The BIA's decision in *Hurtado* reflects a sharp pivot from longstanding immigration practice and policies. For almost three decades, most noncitizens who entered without inspection were placed in standard removal proceedings and received bond hearings, unless subject to an exception. Months after passage in 1996 of the current immigration statutory scheme, the Department of Justice issued implementing regulations about the IIRIRA and explained that "despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without

inspection) will be eligible for bond and bond redetermination." *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (citation modified). Decades of ICE practices lend support to Petitioner's entitlement to a bond redetermination hearing under § 1226(a) "because the longstanding practice of the government—like any other interpretive aid—can inform a court's determination of what the law is." *Loper Bright Enters.*, 603 U.S. at 386 (citation modified). Respect for Executive Branch interpretations of statutes may be "especially warranted" when the interpretation "was issued roughly contemporaneously with enactment of the statute and remained consistent over time." *Id.*

Accordingly, the government's historical application of immigration laws also supports the undersigned's conclusion that § 1226(a) applies to Petitioner. Again, this analysis aligns with other courts that have recently addressed this issue. *See, e.g., Jiménez García v. Raybon*, No. 25-cv-13086, 2025 WL 2976950, at *4 (E.D. Mich. Oct. 21, 2025) (finding that "ICE's decision to upend 30 years of reasoned statutory interpretation is not persuasive"); *Sabi Polo v. Chestnut*, No. 25-CV-01342, 2025 WL 2959346, at *11 (E.D. Cal. Oct. 17, 2025) ("Accordingly, the Court finds the well-reasoned decisions of the many district courts that have rejected the Government's expansive view of 1225(b)(2) far more persuasive than the new BIA ruling, a ruling at odds with its prior decisions and DHS's actions over the past thirty years." (quoting *Salcedo Aceros v. Kaiser*, No. 25-cv-06924, 2025 WL 2637503, at *12 (N.D. Cal. Sep. 12, 2025)).

4. Conclusion

In sum, the undersigned is not persuaded by the BIA's current statutory interpretation or Respondents' arguments and instead agrees with the myriad district courts that have recently applied § 1226(a) to govern detention of noncitizens like Petitioner. Respondents' arguments and the BIA's decision to pivot from decades of consistent statutory interpretation and to mandate Petitioner's detention under § 1225(b)(2)(A) are contrary to many courts that have recently addressed this question of statutory interpretation. In the Western District of Oklahoma, only Judge Jones has ruled in habeas challenges related to application of § 1225(b)(2)(A) or § 1226(a).[6] In several recent cases, Judge Jones concluded § 1225(b)(2)(A) was "unambiguous" in support of the petitioner's interpretation, and therefore he did not need to address the statute's legislative purpose, historical interpretation, or the Laken Riley Act. *Escarcega*, 2025 WL 3243438, at *3; *Martinez Diaz*, 2025 WL 3296310, at *3. Judge Jones noted, though, that "even if the Court did find § 1225(b)(2)(A) ambiguous, the section's legislative purpose and historical interpretations do not support Respondents' position." *Escarcega*, 2025 WL 3243438, at *3 n.5 (citation modified).

[6] In addition to Judge Jones' orders applying § 1226(a) to similarly situated petitioners, numerous Reports and Recommendations from the undersigned and other Magistrate Judges in this district have recommended the same relief with similar analysis. *See, e.g., Alvarado Montoya v. Holt*, No. CIV-25-1231-JD, Doc. 11 (W.D. Okla Nov. 4, 2025); *Cortes v. Holt*, No. CIV-25-1176-SLP, Doc. 11 (W.D. Okla. Nov. 5, 2025); *Colin v. Holt*, No. 25-1189-D, Doc. 10 (W.D. Okla. Nov. 6, 2025); *Munoz v. Holt*, No. CIV-25-1190-G, Doc. 10 (W.D. Okla. Nov. 10, 2025); *Gutierrez Sosa v. Holt*, No. CIV-25-1257-PRW, Doc. 10 (W.D. Okla. Nov. 13, 2025); *Valdez v. Holt*, No. CIV-25-1250-R, Doc. 11 (W.D. Okla. Nov. 20, 2025). Judge Jones is the only District Judge of this Court who has ruled.

Outside of this district, many district courts have uniformly applied § 1226(a) in recent habeas challenges akin to Petitioner's, including within the Tenth Circuit. *See Pu Sacvin v. De Anda-Ybarra*, No. 25-cv-1031, 2025 WL 3187432, at *3 (D.N.M. Nov. 14, 2025) ("Consistent with the majority of district courts to address the issue, this Court finds that § 1226 governs here."); *see also, e.g., Cruz Valera*, 2025 WL 3496174, at *3 (same); *Cortez-Gonzalez v. Noem*, No. 25-CV-00985, 2025 WL 3485771, at *5 (D.N.M. Dec. 4, 2025) (same); *Espinoza Ruiz v. Baltazar*, No. 25-CV-03642, 2025 WL 3294762, at *2 (D. Colo. Nov. 26, 2025) (same); *Morales Lopez v. Baltazar*, No. 25-CV-3078, 2025 WL 3251145, at *1 (D. Colo. Nov. 21, 2025) (same); *Barreno v. Baltasar*, No. 025-CV-03017, 2025 WL 3190936, at *1-2 (D. Colo. Nov. 14, 2025) (same); *Arauz v. Baltazar*, No. 25-CV-03260, 2025 WL 3041840, at *3 (D. Colo. Oct. 31, 2025) (same); *Hernandez v. Baltazar*, No. 25-CV-3094, 2025 WL 2996643, at *7 (D. Colo. Oct. 24, 2025) (same); *Caballero v. Baltazar*, No. 25-CV-03120, 2025 WL 2977650, at *8 (D. Colo. Oct. 22, 2025) (same); *Gutierrez v. Baltasar*, No. 25-CV-2720, 2025 WL 2962908, at *4-5 (D. Colo. Oct. 17, 2025) (same); *Salazar v. Dedos*, No. 25-cv-00835, 2025 WL 2676729, at *4 (D.N.M. Sep. 17, 2025) (same).

Further, numerous district courts outside the Tenth Circuit have applied § 1226(a) to govern detention proceedings for noncitizens like Petitioner. *See, e.g., Sabi Polo*, 2025 WL 2959346, at *11 ("This Court . . . joins the numerous other district courts that have rejected the government's recent interpretation of the relationship between § 1225 and § 1226."); *Ochoa Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779, at *6 (N.D. Ill. Oct. 16, 2025) ("In agreement with other district courts, this court rejects Respondents'

expanded reading of § 1225(b)(2) and the term 'seeking admission.'"); *Buenrostro-Mendez v. Bondi*, No. H-25-3726, 2025 WL 2886346, at *3 (S.D. Tex. Oct. 7, 2025) ("As almost every district court to consider this issue has concluded, the statutory text, the statute's history, Congressional intent, and § 1226(a)'s application for the past three decades support finding that § 1226 applies to these circumstances." (citation modified)).

Finally, the undersigned has considered Respondents' citations to recent cases adopting their position that noncitizens like Petitioner are "applicants for admission" despite years residing in the United States. *See, e.g.*, Resp. at 2 n. 2, 23 (citing *Sandoval v. Acuna*, No. 25-CV-1467, 2025 WL 3048926, at *5 (W.D. La. Oct. 31, 2025) and *Chavez v. Noem*, No. 5-CV-02325, --- F. Supp. 3d ---, 2025 WL 2730228, at *4 (S.D. Cal. Sep. 24, 2025)). For the reasons previously discussed, the undersigned respectfully disagrees with the textual analysis and statutory interpretation by these district courts about who is an "applicant for admission" and "seeking admission" under § 1225(b)(2)(A) to trigger mandatory detention. The undersigned instead agrees with Judge Jones of this Court and the overwhelming number of other courts that have recently addressed this question.

After carefully analyzing the statute's text, structure, history, and longstanding immigration practices, the undersigned recommends that the Court apply § 1226(a) to govern Petitioner's detention. Further, the undersigned concludes that Petitioner is entitled under § 1226(a) to a prompt individualized bond hearing before a neutral IJ. *See, e.g., Alvarez Puga*, 2025 WL 2938369, at *5 (finding "that section 1226(a) and its implementing regulations govern [p]etitioner's detention, not section 1225(b)(2)(A)" and that petitioner "is entitled to an individualized bond hearing as a detainee under section 1226(a)").

Accordingly, the undersigned recommends that the Court grant the Petition in part and order Respondents to provide Petitioner with a bond hearing under § 1226(a) within five business days or otherwise release him if he has not received a lawful bond hearing within that period.

C. The Court should decline to address Petitioner's due process claim.

Finally, Petitioner argues that his continued detention without a bond redetermination hearing violates his rights to due process. Pet. at 18. If the Court grants Petitioner's requested relief for a bond redetermination hearing under § 1226(a), the undersigned recommends that the Court follow an approach of other district courts and decline to decide the merits of the due process claim, and allow Petitioner to renew that claim if Respondents do not provide him with a bond hearing or release him within the ordered time. *See Pizarro Reyes*, 2025 WL 2609425, at *8 ("The Court will decline to decide the merits of [petitioner's] due process claim given that the Court will grant the relief he seeks based on its interpretation of the applicability of § 1226(a)."); *see also Jiménez García*, 2025 WL 2976950, at *4 (same); *Alvarez Puga*, 2025 WL 2938369, at *6 (citing *Pizarro Reyes* and declining to decide the merits of petitioner's due process claim); *Buenrostro-Mendez*, 2025 WL 2886346, at *3 n.4 (same).[7]

[7] The undersigned also recommends that the Court decline to address Petitioner's requests for (1) a declaration that his detention violates the Fourth Amendment and (2) an award of attorney's fees and costs under the Equal Access to Justice Act.

V. Recommendation and Notice of Right to Object

For the foregoing reasons, the undersigned recommends that the Court **GRANT in part** the Petition for habeas relief by ordering Respondents to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) within five business days or otherwise release Petitioner if he has not received a lawful bond hearing within that period. The undersigned further recommends that the Court order Respondents to certify compliance by filing a status report within seven business days of the Court's order. Finally, the undersigned recommends that the Court **DENY** as moot any outstanding request for a preliminary injunction.

The parties are advised of their right to object to this Report and Recommendation. *See* 28 U.S.C. § 636. Any objection must be filed not later than **December 23, 2025**. *See id.* § 636(b)(1); Fed. R. Civ. P. 72(b)(2). If a party wishes to respond to the other party's objections, such response must be filed not later than **December 30, 2025**. *See* Fed. R. Civ. P. 72(b)(2). Failure to object timely waives the right to appellate review of the factual and legal issues addressed in this Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in this matter.

ENTERED this 16th day of December, 2025.

Chris M. Stephens

CHRIS M. STEPHENS
UNITED STATES MAGISTRATE JUDGE