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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Silveria Gonzalez Rodriguez A# [redacted] Petitioner, v. Pamela Bondi, *et al.* Respondents.	Case No.: 25-cv-03917-JJT **PETITIONER'S REPLY TO RESPONDENT'S RESPONSE**

Petitioner, Silveria Gonzalez, Rodriguez, by and through undersigned counsel, replies to the response to her Petition for Writ of Habeas Corpus. This motion is fully supported by the attached memorandum of points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Factual Background and Procedural History

Ms. Gonzalez Rodriguez again incorporates the facts and procedural history as set forth in her Petition for Writ of Habeas Corpus. Additionally, replying to the affidavit of Ms. Gonzalez Rodriguez's docket officer submitted by respondent, she provides further context by attaching a copy of a motion filed by the attorney in her removal proceedings on October 30, 2025. *See* Exhibit 1. The motion requests that the Immigration Judge reissue her October 23, 2025 decision in Ms. Gonzalez Rodriguez's removal case, as the Department of Homeland Security has obstinately and persistently refused to allow Ms. Gonzalez Rodiguez to pay a voluntary departure bond, effectively stripping her of her grant of voluntary departure and forcing her to either win her case or accept deportation, with all its attendant consequences. *See* Exhibit A; *see* also 8 U.S.C. § 1182(a)(9)(A)(ii) (forbidding aliens removed under 8 U.S.C. § 1229a from returning to the United States for a period of 10 years).

II. Law and Argument

Respondent makes several arguments in its response to Petitioner's motion, none of which are availing. First, Respondent spends considerable time laying out the Supreme Court's interpretation of 8 U.S.C. § 1225's detention scheme as laid down in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), but does so without mentioning the limiting language found in *Jennings* and other Supreme Court decisions. In *Jennings*, the Supreme Court contextualized its discussion of section 1225 by explaining its implementation "generally begins at the Nation's borders and ports of entry." *Jennings*, 583 U.S. at 287. The Supreme Court went on to state that section 1226 is the "default rule" governing "the process of arresting and detaining" aliens already "inside the United States." *Id.* at 288. Other Supreme

Court decisions and decisions from the Ninth Circuit echo this interpretation. *See Nielsen v. Preap*, 586 U.S. 392, 395, 397 (2019); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196-97 (9th Cir. 2022) (8 U.S.C. § 1226, provides the general process for arresting and detaining aliens who are present in the United States and eligible for removal"). Thus far, The Supreme Court came closest to addressing this issue in *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103 (2020), wherein it stated that "an alien who is detained shortly after unlawful entry cannot be said to have 'effected an entry.'" *Thuraisiggiam*, 591 U.S. at 140 (quoting *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)). Respondents would have to stretch this limited example to its breaking point to apply it to Ms. Gonzalez Rodriguez, who has resided in this country for roughly thirty years.

Nonetheless, Respondents attempt to do so by citing to a different section of section 1225. They claim that because section 1225(a)(3) states that "[a]ll aliens who are applicants for admission *or otherwise seeking admission* or readmission to or transit through the United States shall be inspected by immigration officers," being an "applicant for admission" is just another species of "seeking admission." Respondents' Response at 9-10 (citing 8 U.S.C. § 1225(a)(3)). Respondents claim this undercuts Judge Lanza's holding in *Echevarria v. Bondi et al.*, No. 2:25-cv-03252-PHX-DWL, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025) that a noncitizen who is already present in the United States, and considered an "applicant for admission" under 8 U.S.C. § 1225(a)(1), is no longer "seeking admission," as the word "seeking" implies a present and ongoing action. *Id.* (citing *Echevarria*, 2025 WL 2821282, at *6).

While Judge Lanza did not directly address this argument, other District Courts have found it unpersuasive. As Judge Murphy in the District of Massachusetts pointed out in *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL

2403827 (D. Mass. Aug. 19, 2025), the idea that an applicant for admission is *always* seeking admission does not follow from the text. *Romero*, 2025 WL 2403827 at *10. The Court in *Romero* compared section 1225(a)(3)'s phrase "all aliens...who are applicants for admission or otherwise seeking admission" with the more mundane example of "all craftsmen...who are carpenters or otherwise woodworking." *Id.* The *Romero* court pointed out that "Notwithstanding the obvious linguistic and logical connections between the concepts of a 'carpenter' and 'woodworking,'" just because someone is a carpenter does not mean they are always woodworking or should be expected to comply with woodworking-related rules when they are not currently woodworking. *Id.* By analogy, applicants for admission should not be subject to mandatory detention when not currently seeking admission. *Id.* Judge Lanza's point still stands. "Seeking" is a present, ongoing action and is not permanently tied to an alien's status as an "applicant." While Respondents point to other district court decisions that reached a different result, none of language cited by Respondents addresses the question of whether an applicant for admission is *always* seeking admission. Respondents' Response at 10-11 (internal citations omitted).

Respondents ask the Court to consider "other pieces of statutory context." *Id.* at 9. Their argument, however, does not explain how their preferred interpretation of section 1225 fits within the overall statutory scheme of the INA as a whole, especially the language of section 1226(c) after the passage of the Laken Riley Act. *See* Petition for Habeas Corpus at 10-11. Respondents point to the fact that some courts have found that sections 1225 and 1226 can apply to the same alien at the same time, but fail to explain how that alien could be both eligible for a bond and subject to mandatory detention. Respondents' Response at 10-11 (internal citations omitted). Respondents do not address the legislative history of

IIRIRA cited by Petitioner. Petition for Habeas Corpus at 11-12. Even if Respondents were correct in their interpretation of section 1225 prior to the passage of the Laken Riley Act, they do not address how the Court should resolve the apparent contradiction between that interpretation and the later enactment of Laken Riley. *Cf. Whitney v. Robertson*, 124 U.S. 190, 14 (1888) (stating that when considering laws on equal footing such as federal statutes and treaties, "if the two are inconsistent, the one last in date will control the other").

III. Conclusion

For the reasons stated above and in the original petition, this Court should reject the arguments put forward by Respondents and grant Ms. Gonzalez Rodriguez's Petition for Writ of Habeas Corpus.

Dated: October 31, 2025

Respectfully submitted,

/s/Ray A. Ybarra Maldonado
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Silveria Gonzalez Rodriguez