

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ABRAHAM AVILA MALTOS)	
)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 1:25-cv-1299
KRISTI NOEM, Secretary, U.S Department of)	
Homeland Security; and)	
ROBERT LYNCH, Field Office Director, Detroit)	Hon. Robert J. Jonker
Field Office, Immigration and Customs)	Chief U.S. District Court Judge
Enforcement,)	
)	
Respondents.)	

**PETITIONER’S REPLY IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS
AND COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF**

The Petitioner, ABRAHAM AVILA MALTOS, by and through his own and proper person and through his attorneys, KRIEZELMAN BURTON & ASSOCIATES, LLC, files this memorandum in accordance with the Court’s October 30, 2025, order, and in support thereof, states as follows:

A. This Court has jurisdiction to review the habeas petition

This Court is not deprived of jurisdiction by any of the sections of law cited by Respondent. Petitioner does not challenge any decision to commence proceedings, adjudicate cases, or execute removal orders, and he is not challenging a final order of removal.

8 U.S.C. § 1252(b)(9) provides:

Judicial 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 under this subchapter shall be available only in judicial review of a final order under this section. Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28 or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.

8 U.S.C. § 1252(b)(9) (emphasis added).

The Supreme Court squarely held that § 1252(b)(9) does not deprive federal courts of jurisdiction over cases challenging whether or when bond hearings are required in removal proceedings. *See Jennings v. Rodriguez*, 583 U.S. 281, 292-95 (2018); *see also Nielsen v. Preap*, 586 U.S. 392, 402 (2019) (holding that § 1252(b)(9) did not prohibit judicial review of claims against federal officials for detaining aliens without bond). The Court determined that the “arising from” language of Section 1252(b)(9) should not be interpreted so expansively as to include any action that technically follows the commencement of removal proceedings, because that would bar judicial review of questions of law and fact that are unrelated to the removal proceedings until a final order of removal was issued. *Jennings v. Rodriguez*, 583 U.S. 281, 292-95 (2018). Holding otherwise would run the risk of “mak[ing] claims of prolonged detention [in removal proceedings] effectively unreviewable.” *Jennings*, 583 U.S. at 293; *Helbrum v. Williams*, No. 4:25-cv-00349-SHL-SBJ, 2025 WL 2840273 (S.D. Iowa, Sept. 30, 2025). Petitioner, like the class in *Jennings*, “[is] 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.” *Id.* at 294-95. Rather, Petitioner is challenging the government authority to *keep* him detained. *Helbrum*, 2025 WL 2840273, at *2-3.

Similarly, 8 U.S.C. § 1252(g) provides:

Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, 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 this chapter.*

8 U.S.C. § 1252(g) (emphasis added).

The Supreme Court has explained that this provision is narrow—it applies “only to three discrete actions that the [DHS Secretary] may take: her ‘decision or action’ to *commence proceedings, adjudicate cases, or execute removal orders.*” *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999); *see also Jennings*, 583 U.S. at 293; *Aditya W.H. v. Trump*, 782 F. Supp. 3d 691, 705–06 (D. Minn. 2025).

A request to review a bond hearing is not one of these three acts, but rather is “independent of, and collateral to, the removal process.” *Helbrum v. Williams*, 2025 WL 2840273 (Sept. 30, 2025) quoting *Hasan v. Crawford*, --- F. Supp. 3d ----, 2025 WL 2682255, at *3–4 (E.D. Va. Sept. 19, 2025) (internal citations omitted). *See also Alonso v. Tindall*, 3:25-cv-652-DJH, at 3(W.D. Ky. November 4, 2025) (quoting *Reno* for the idea that it is implausible that the mention of the three acts is a shorthand way of referring to all claims arising from deportation proceedings and finding jurisdiction).

Similarly, sections 1252(a)(2)(B) and (a)(5) limit review of “an order of removal,” and provide that the process outlined in that section is the sole means of review. Petitioner is not seeking review of an order of removal; indeed, no such order has been entered in his case. *See, e.g., Ozturk v. Trump*, 779 F. Supp. 3d 462, 483-84 (D. Vt. 2025) Federal courts in recent months have reviewed the same jurisdictional arguments and have roundly rejected them. *See, e.g., Martinez Guerra v. Noem*, No. 1:25-CV-1341, 2025 WL 3204289 (W.D. Mich. Nov. 17, 2025);

Alonso v. Tindall, 3:25-cv-652-DJH, at 3(W.D. Ky. November 4, 2025); *Helbrum v. Williams*, 2025 WL 2840273 (S.D. Iowa, Sept. 30, 2025); *Hasan v. Crawford*, --- F. Supp. 3d ----, 2025 WL 2682255, at *3–4 (E.D. Va. Sept. 19, 2025); *Maldonado v. Olson*, --- F. Supp. 3d ----, 2025 WL 2374411, at *5–8 (D. Minn. Aug. 15, 2025); *Aditya W.H. v. Trump*, 782 F. Supp. 3d 691, 705–06 (D. Minn. 2025).

B. Exhaustion is not required and should be excused as seeking a bond redetermination before an Immigration Judge in the first instance would be futile.

Exhaustion is not required, as suggested by Respondents, and requesting a bond hearing before an Immigration Judge and review by the Board of Immigration Appeals on the sole basis of no jurisdiction would be futile at this juncture. The Immigration and Nationality Act mandates exhaustion in order to challenge “final order[s] of removal.” 8 U.S.C. § 1252(d)(1). However, this provision does not cover challenges to preliminary custody or bond determinations, which are quite distinct from “final order[s] of removal.” See *Gornicka v. INS*, 681 F.2d 501, 505 (7th Cir. 1982). (“[I]t is clear bond hearings are separate and apart from deportations hearings.... A bond determination is not a final order of deportation ... and does not effect [sic] the deportation proceeding.”).

Congress does require exhaustion for certain types of habeas petitions, but not for those petitions, such as Petitioner’s, brought under 28 U.S.C. § 2241. See *James v. Walsh*, 308 F.3d 162, 167 (2d Cir.2002) (“Section 2254(b)(1) requires state prisoners to exhaust all available state court remedies before filing a Section 2254 petition, whereas Section 2241 contains no such exhaustion requirement.”).

The Sixth Circuit has previously held that a due process challenge generally does not require exhaustion since the BIA lacks authority to review constitutional challenges. See *Sterkaj*

v. Gonzales, 439 F.3d 273, 279 (6th Cir. 2006); *accord Bangura v. Hansen*, 434 F.3d 487, 494 (6th Cir. 2006) (“exhaustion of administrative remedies may not be required in cases of non-frivolous constitutional challenges to an agency’s procedures.”) (citation omitted); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *5 (E.D. Mich. Aug. 29, 2025).

Even so, the three-factor test applied by courts in this Circuit also weighs against requiring exhaustion. Courts may require prudential exhaustion when:

- (1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision;
- (2) relaxation of the requirement would encourage the deliberate bypass of the administrative scheme; and
- (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review.

See Shweika v. Dep’t of Homeland Sec., No. 1:06-cv-11781, 2015 WL 6541689, at *12 (E.D. Mich. Oct. 29, 2015). These factors all work in Petitioner’s favor. First, the issues raised in Petitioner’s case are purely legal in nature and do not require the agency to develop the record. Second, because Petitioner’s petition includes a due process claim, the administrative scheme (denial by an Immigration Judge of his bond request and appeal to the BIA) is futile since, the Immigration Judge and BIA lack authority to review constitutional claims. Lastly, while administrative review is not likely to change Respondents’ position that Section 1225(b)(2)(A) applies in this case, adding to the futility argument. DHS’s policy makes clear that mandatory detention is the position to be taken, and this is being done in conjunction with the Department of Justice.

Additionally, requiring exhaustion would be futile due to the Board of Immigration Appeal’s September 5, 2025, decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which proclaimed for the first time that any person who crossed the border unlawfully and

is later taken into immigration detention is no longer eligible for release on bond. The Board's decision, in contravention of decades of immigration law, precedent by the Supreme Court, and Executive Office of Immigration Review policies and procedures, takes a new reading of INA § 235(b)(2), 8 U.S.C. § 1225(b)(2), which requires mandatory detention of "Applicants for Admission," to include those present in the United States without having been inspected and admitted and who are later apprehended.

Prior to the Board's decision, noncitizens present in the United States without having been inspected and admitted and who are later apprehended are subject to detention under INA § 236(a), 8 U.S.C. § 1226(a). Noncitizens detained under this section are not subject to mandatory detention and may be released on bond or on their own recognizance. Therefore, requiring Petitioner to appeal a bond redetermination with the Board of Immigration Appeals in the first instance would be futile as the bond appeal would undoubtedly be denied in light of *Matter of Yajure Hurtado*. It would prejudice Petitioner by prolonging his detention to request an appeal to a bond that will be denied solely based on no jurisdiction.

Yet even if this Court were to agree that prudential exhaustion should apply, waiver of the exhaustion requirement is warranted here because Petitioner is likely to experience irreparable harm if he is unable to seek habeas relief until the BIA decides an appeal on the denied bond, which an Immigration Judge would deny solely based on lack of jurisdiction. *See* Dkt. 1-6; *see also Sampiao v. Hyde, et al.* 1:25-cv-11981-JEK, at *11-12 (D. Mass. Sept. 9, 2025); *Romero v. Hyde*, No. 25-cv-11631-BEM, 2025 WL 2403827, at *7 (D. Mass. Aug. 19, 2025) (finding that loss of liberty is a form of irreparable harm and citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *Hilton v. Braunskill*, 481 U.S. 770, 777 (1987)). Waiver is appropriate when the interests of the individual weigh heavily against requiring administrative exhaustion, or

exhaustion would be futile and unable to afford the petitioner the relief he seeks. *See McCarthy*, 503 U.S. at 145; *see also Fazzani v. NE Ohio Corr. Ctr.*, 473 F.3d 229 (6th Cir. 2006) (citing *Aron v. LaManna*, 4 F. App'x 232, 233 (6th Cir. 2001) and *Goar v. Civiletti*, 688 F.2d 27, 28-29 (6th Cir. 1982)); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *5 (E.D. Mich. Aug. 29, 2025) (“because exhaustion would be futile and unable to provide Lopez-Campos with the relief he requests in a timely manner, the Court waives administrative exhaustion and will address the merits of the habeas petition.”).

The average processing time for bond appeals exceeded 200 days (more than 6 months) in 2024. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1248 (W.D. Wash. 2025). There is no requirement for the BIA to act promptly or decide the appeal quicker than any other case. If the BIA were to act promptly, it would be unlikely to decide Petitioner’s appeal anytime soon, and if it processes the appeal at the same rate as last year’s appeals, the appeal may not be resolved until spring 2026. As such, Petitioner is likely to endure several additional months of detention. Such a prolonged loss of liberty would, in these circumstances, constitute irreparable harm. *Bois v. Marsh*, 801 F.2d 462, 468 (D.C. Cir. 1986).

Additionally, requiring Petitioner to wait six months in detention to reach a decision on whether he can be released on bond would be futile. As such, exhaustion would not effectively afford him the relief he seeks, given that a removal determination would likely come before the BIA’s determination of whether a bond is appropriate in this case.

Therefore, given the constitutional claims raised by Petitioner, this Court should find that exhaustion is not required according to the Sixth Circuit standards. If it does find the exhaustion applies, then the Court should waive exhaustion since it would be futile and would not provide

Petitioner with the relief he requests in a timely manner. *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *5 (E.D. Mich. Aug. 29, 2025).

For the reasons cited in recent decisions from this Court, Respondent's argument that the Petitioner should be required to exhaust administrative remedies should be rejected. *See Amigon Cardona v. Unknown Party #1*, No. 1:25-CV-1287, 2025 WL 3200682 (W.D. Mich. Nov. 17, 2025); *Martinez Guerra v. Noem*, No. 1:25-CV-1341, 2025 WL 3204289 (W.D. Mich. Nov. 17, 2025); *Orellana v. Noem*, No. 1:25-CV-1333, 2025 WL 3198685 (W.D. Mich. Nov. 17, 2025); *Sevilla v. Noem*, No. 1:25-CV-1325, 2025 WL 3200698 (W.D. Mich. Nov. 17, 2025); *Ginez Hernandez v. Noem*, No. 1:25-CV-1307, 2025 WL 3170872 (W.D. Mich. Nov. 13, 2025); *Hernandez Garcia v. Raycraft*, No. 1:25-CV-1281, 2025 WL 3122800 (W.D. Mich. Nov. 7, 2025); *Rodriguez Serrano v. Noem*, No. 1:25-CV-1320, 2025 WL 3122825 (W.D. Mich. Nov. 7, 2025).

C. Petitioner is detained under 8 U.S.C. § 1226 and not under 8 U.S.C. § 1225.

By way of review, 8 U.S.C. § 1225(b)(2), INA § 235(b)(2), requires mandatory detention of "Applicants for Admission." Conversely, noncitizens detained under 8 U.S.C. § 1226(a), INA § 236(a), are not subject to mandatory detention and may be released on bond or on their own recognizance. The Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), determined for the first time that any person who crossed the border unlawfully and is later taken into immigration detention is subject to detention under 8 U.S.C. § 1225(b)(2) and therefore subject to mandatory detention and no longer eligible for release on bond. The decision strips the immigration judge's authority to hear a bond request for any noncitizen present in the United States without having been inspected and admitted and who are later apprehended by DHS.

Respondents argue in their response that Petitioner is properly detained under 8 U.S.C. § 1225(b)(2) and not under 8 U.S.C. § 1226. This argument fails for several reasons.

First, district courts across the country have unanimously rejected *Matter of Yajure Hurtado*'s new interpretation that those who entered unlawfully and are later apprehended are now subject to mandatory detention under 8 U.S.C. § 1225(b)(2). The following cases are an overall sample of recent circuits that have all disagreed with Respondents' interpretation and have subsequently granted relief to habeas petitions:

First Circuit

- *Alarcon v. Moniz*, No. 1:25-CV-13294-IT, 2025 WL 3204553 (D. Mass. Nov. 17, 2025)
- *Rafael v. Plymouth County Correctional Facility*, No. 1:25-CV-13197-IT, 2025 WL 3204554 (D. Mass. Nov. 17, 2025)
- *Anselmo v. Moniz*, No. 1:25-CV-13309-IT, 2025 WL 3171137 (D. Mass. Nov. 13, 2025)
- *Caguana-Caguana v. Moniz*, No. 1:25-CV-13142-IT, 2025 WL 3171043 (D. Mass. Nov. 13, 2025)
- *Portillo Martinez v. Hyde*, No. CV 25-11909-BEM, 2025 WL 3152847 (D. Mass. Nov. 12, 2025)
- *Chogollo Chafla v. Scott*, No. 2:25-CV-00437-SDN, 2025 WL 2688541 (D. Me. Sept. 22, 2025)
- *Lema v. Scott*, Case No. 2:25-cv-00439 (D. Me. Sept. 21, 2025)
- *Tamay v. Scott*, Case No. 2:25-cv-00438 (D. Me. Sept. 21, 2025)
- *Chiliquinga Yumbillo v. Stamper*, No. 2:25-CV-00479-SDN, 2025 WL 2688160 (D. Me. Sept. 19, 2025)
- *Hilario Rodriguez v. Moniz*, No 25-12358 (D. Mass. Sept. 18, 2025)
- *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025)
- *Jimenez v. FCI Berlin, Warden*, No. 25-CV-326-LM-AJ, 2025 WL 2639390 (D.N.H. Sept. 8, 2025)
- *Doe v. Moniz*, No. 1:25-CV-12094-IT, 2025 WL 2576819 (D. Mass. Sept. 5, 2025)
- *Romero v. Hyde*, No. CV 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025)
- *dos Santos v. Noem*, No. 1:25-CV-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025)
- *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025)
- *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025)

Second Circuit

- *Guzman Cardenas v. Almodovar*, No. 25-CV-9169 (JMF), 2025 WL 3215573 (S.D.N.Y. Nov. 18, 2025)

- *Sarmiento Guerrero v. Noem*, No. 25-CV-5881 (EK), 2025 WL 3214787 (E.D.N.Y. Nov. 18, 2025)
- *Villegas ex rel. Guzman Andujar v. Francis*, No. 1:25-CV-09199 (JLR), 2025 WL 3215597 (S.D.N.Y. Nov. 18, 2025)
- *Yupangui v. Hale*, No. 2:25-CV-884, 2025 WL 3207070 (D. Vt. Nov. 17, 2025)
- *Rueda Torres v. Francis*, No. 25 CIV. 8408 (DEH), 2025 WL 3168759 (S.D.N.Y. Nov. 13, 2025)
- *Diallo v. Maldonado, Jr.*, No. 25-CV-05740 (DG), 2025 WL 3158295 (E.D.N.Y. Nov. 12, 2025)
- *G.F.F. v. Francis*, No. 25-CV-7368 (JGK), 2025 WL 3141735 (S.D.N.Y. Nov. 10, 2025)
- *Perez v. Francis*, No. 25-CV-8112 (JGK), 2025 WL 3110459 (S.D.N.Y. Nov. 6, 2025)
- *Alvarez Ortiz v. Freden*, No. 25-CV-960-LJV, 2025 WL 3085032 (W.D.N.Y. Nov. 4, 2025)
- *Tumba Huamani v. Francis*, No. 25-CV-8110 (LJL), 2025 WL 3079014 (S.D.N.Y. Nov. 4, 2025)
- *Rojas Acevedo v. Almodovar*, No. 25-CV-7189 (LJL), 2025 WL 3034183 (S.D.N.Y. Oct. 30, 2025)
- *J.G.O. v. Francis*, No. 25-CV-7233 (AS), 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025)
- *Gonzalez v. Joyce*, No. 25 CIV. 8250 (AT), 2025 WL 2961626 (S.D.N.Y. Oct. 19, 2025)
- *Hyppolite v. Noem*, No. 25-CV-4304 (NRM), 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025)
- *Artiga v. Genalo*, No. 25-CV-5208 (OEM), 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025)
- *Savane v. Francis*, No. 1:25-CV-6666-GHW, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025)
- *J.U. v. Maldonado*, No. 25-CV-04836 (OEM), 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025)
- *Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), 2025 WL 2630826 (S.D.N.Y. Sept. 12, 2025)
- *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025)
- *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025)

Third Circuit

- *Demirel v. Federal Detention Center Philadelphia*, No. 25-5488, 2025 WL 3218243 (E.D. Pa. Nov. 18, 2025)
- *Lojano Illescas v. Chu*, No. 25CV17273 (EP), 2025 WL 3216850 (D.N.J. Nov. 18, 2025)
- *Garcia Sandoval v. Rokosky*, No. CV 25-17229 (SDW), 2025 WL 3204746 (D.N.J. Nov. 17, 2025)
- *Kashranov v. Jamison*, No. 2:25-CV-05555-JDW, 2025 WL 3188399 (E.D. Pa. Nov. 14, 2025)
- *Cantu-Cortes v. O'Neill*, No. 25-CV-6338, 2025 WL 3171639 (E.D. Pa. Nov. 13, 2025)
- *Moreira Da Silva v. LaForge*, No. 25CV17095 (EP), 2025 WL 3173859 (D.N.J. Nov. 13, 2025)
- *Guaman Naula v. Noem*, No. CV 25-16792 (SDW), 2025 WL 3158490 (D.N.J. Nov. 12, 2025)

- *Vicens-Marquez v. Soto*, No. CV 25-16906 (KSH), 2025 WL 3097496 (D.N.J. Nov. 6, 2025)
- *Romero Lopez v. Noem*, No. CV 25-16890 (SDW), 2025 WL 3101889 (D.N.J. Nov. 5, 2025)
- *Vargas Ramos v. Rokosky*, No. 25CV15892 (EP), 2025 WL 3063588 (D.N.J. Nov. 3, 2025)
- *Ayala Amaya v. Bondi*, No. 25-CV-16428-ESK, 2025 WL 3033880 (D.N.J. Oct. 30, 2025)
- *De Fatima Lomeu v. Soto*, No. 25CV16589 (EP), 2025 WL 2981296 (D.N.J. Oct. 23, 2025)
- *Contreras Maldonado v. Cabezas*, No. CV 25-13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025)
- *Del Cid v. Bondi*, No. 3:25-CV-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025)
- *Lopez Lopez v. Soto*, No. 2:25-CV-16303 (MEF), 2025 WL 2987485 (D.N.J. Oct. 23, 2025)
- *Bethancourt Soto v. Soto*, No. 25-CV-16200, 2025 WL 2976572 (D.N.J. Oct. 22, 2025)
- *Zumba v. Bondi*, No. 25-CV-14626 (KSH), 2025 WL 2753496 (D.N.J. Sept. 26, 2025)

Fourth Circuit

- *Perez-Gomez v. Warden, Camp East Montana Detention Facility*, No. CV 3:25CV773, 2025 WL 3141103 (E.D. Va. Nov. 10, 2025)
- *Diaz Garcia v. Noem*, No. 1:25-CV-1712 (PTG/LRV), 2025 WL 3111223 (E.D. Va. Nov. 6, 2025)
- *Lopez Sarmiento v. Perry*, No. 1:25-CV-01644-AJT-WBP, 2025 WL 3091140 (E.D. Va. Nov. 5, 2025)
- *Duarte Escobar v. Perry*, No. 3:25CV758, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025)
- *Yeshbincom Yobani v. Noem*, Respondents, No. 1:25-CV-01666-AJT-LRV, 2025 WL 2997507 (E.D. Va. Oct. 24, 2025)
- *Flores Pineda v. Simon*, No. 1:25-CV-01616-AJT-WEF, 2025 WL 2980729 (E.D. Va. Oct. 21, 2025)
- *Hernandez v. Crawford*, No. 1:25-CV-01565-AJT-WBP, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025)
- *Teyim v. Perry*, No. 1:25-CV-01615-MSN-WEF, 2025 WL 2950183 (E.D. Va. Oct. 15, 2025)
- *Singh v. Lyons*, No. 1:25-CV-01606-AJT-WBP, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025)
- *S.D.B.B. v. Johnson*, No. 1:25-CV-882, 2025 WL 2845170 (M.D.N.C. Oct. 7, 2025)
- *Quispe-Ardiles v. Noem*, No. 1:25-CV-01382-MSN-WEF, 2025 WL 2783800 (E.D. Va. Sept. 30, 2025)
- *Quispe V. Crawford*, No. 1:25-CV-1471-AJT-LRV, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025)
- *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255 (E.D. Va. Sept. 19, 2025)
- *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025)

Fifth Circuit

- *Leon Hernandez v. Bondi*, No. 25-CV-1384 SEC P, 2025 WL 3217037 (W.D. La. Nov. 18, 2025)
- *Rodriguez Cortina v. Anda-Ybarra*, No. EP-25-CV-00523-DB, 2025 WL 3218682 (W.D. Tex. Nov. 18, 2025)
- *Cruz Gutierrez v. Thompson*, No. 4:25-4695, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025)
- *Trejo v. Warden of ERO El Paso E. Montana*, No. EP-25-CV-401-KC, 2025 WL 2992187 (W.D. Tex. Oct. 24, 2025)
- *Martinez v. Trump*, No. CV 25-1445 SEC P, 2025 WL 3124847 (W.D. La. Oct. 22, 2025)
- *Hernandez-Fernandez v. Lyons*, No. 5:25-CV-00773-JKP, 2025 WL 2976923 (W.D. Tex. Oct. 21, 2025)
- *Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880 (W.D. Tex. Oct. 16, 2025)
- *Covarrubias v. Vergara*, No. 5:25-CV-112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025)
- *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025)
- *Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025)
- *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025)
- *Lopez Santos v. Noem*, No. 3:25-CV-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025)
- *Martinez v. Noem*, No. 5:25-CV-01007-JKP, 2025 WL 2598379 (W.D. Tex. Sept. 8, 2025)
- *Kostak v. Trump*, No. CV 3:25-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025)

Sixth Circuit

- *Juarez Mendez v. Raycraft*, No. 1:25-CV-1323, 2025 WL 3214100 (W.D. Mich. Nov. 18, 2025)
- *Lopez v. Olson*, No. 3:25-CV-654-DJH, 2025 WL 3217036 (W.D. Ky. Nov. 18, 2025)
- *Robledo Gonzalez v. Raycraft*, No. 25-13502, 2025 WL 3218242 (E.D. Mich. Nov. 17, 2025)
- *Amigon Cardona v. Unknown Party #1*, No. 1:25-CV-1287, 2025 WL 3200682 (W.D. Mich. Nov. 17, 2025)
- *Martinez Guerra v. Noem*, No. 1:25-CV-1341, 2025 WL 3204289 (W.D. Mich. Nov. 17, 2025)
- *Orellana v. Noem*, No. 1:25-CV-1333, 2025 WL 3198685 (W.D. Mich. Nov. 17, 2025)
- *Sevilla v. Noem*, No. 1:25-CV-1325, 2025 WL 3200698 (W.D. Mich. Nov. 17, 2025)
- *Chavez v. Director of Detroit Field Office*, No. 4:25-CV-2061, 2025 WL 3187080 (N.D. Ohio Nov. 14, 2025)
- *Ginez Hernandez v. Noem*, No. 1:25-CV-1307, 2025 WL 3170872 (W.D. Mich. Nov. 13, 2025)
- *Lara v. Noem*, No. 1:25-CV-1332, 2025 WL 3170876 (W.D. Mich. Nov. 13, 2025)

- *Madrid Gonzalez v. Noem*, No. 1:25-CV-1315, 2025 WL 3170879 (W.D. Mich. Nov. 13, 2025)
- *Singh v. Noem*, No. 1:25-CV-1251, 2025 WL 3170855 (W.D. Mich. Nov. 13, 2025)
- *Contreras Alvarez v. Noem*, No. 1:25-CV-1313, 2025 WL 3151948 (W.D. Mich. Nov. 12, 2025)
- *Diego v. Raycraft*, No. 25-13288, 2025 WL 3159106 (E.D. Mich. Nov. 12, 2025)
- *Lucero Lucero v. Noem*, No. 1:25-CV-1295, 2025 WL 3165235 (W.D. Mich. Nov. 12, 2025)
- *E.V. v. Raycraft*, No. 4:25-CV-2069, 2025 WL 3122837 (N.D. Ohio Nov. 7, 2025)
- *Hernandez Garcia v. Raycraft*, No. 1:25-CV-1281, 2025 WL 3122800 (W.D. Mich. Nov. 7, 2025)
- *Morales-Martinez v. Raycraft*, No. 25-CV-13303, 2025 WL 3124695 (E.D. Mich. Nov. 7, 2025)
- *Rodriguez Serrano v. Noem*, No. 1:25-CV-1320, 2025 WL 3122825 (W.D. Mich. Nov. 7, 2025)
- *Hernandez Capote v. Sec’y U.S. Dep’t of Homeland Sec.*, No. 25-13128, 2025 WL 3089756 (E.D. Mich. Nov. 5, 2025)
- *Alonso v. Tindall*, No. 3:25-CV-652-DJH, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025)
- *Salgado Mendoza v. Noem*, No. 1:25-CV-1252, 2025 WL 3077589 (W.D. Mich. Nov. 4, 2025)
- *Escobar-Ruiz v. Raycraft*, No. 1:25-CV-1232, 2025 WL 3039255 (W.D. Mich. Oct. 31, 2025)
- *Godinez-Lopez v. Ladwig, et al.*, No. 2:25-CV-02962-SHL-ATC, 2025 WL 3047889 (W.D. Tenn. Oct. 31, 2025)
- *Perez Guerra v. Woosley*, No. 4:25-CV-119-RGJ, 2025 WL 3046187 (W.D. Ky. Oct. 31, 2025)
- *Ramirez v. Noem*, No. 1:25-CV-1261, 2025 WL 3039266 (W.D. Mich. Oct. 31, 2025)
- *Ruiz Mejia v. Noem*, No. 1:25-CV-1227, 2025 WL 3041827 (W.D. Mich. Oct. 31, 2025)
- *Marin Garcia v. Noem*, No. 1:25-CV-1271, 2025 WL 3017200 (W.D. Mich. Oct. 29, 2025)
- *Cervantes Rodriguez v. Noem*, No. 1:25-CV-1196, 2025 WL 3022212 (W.D. Mich. Oct. 29, 2025)
- *Salgado Bustos v. Raycraft*, No. 25-13202, 2025 WL 3022294 (E.D. Mich. Oct. 29, 2025)
- *Puerto-Hernandez v. Lynch*, No. 1:25-CV-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025)
- *Gimenez Gonzalez v. Raycraft*, No. 25-CV-13094, 2025 WL 3006185 (E.D. Mich. Oct. 27, 2025)
- *Martinez-Elvir v. Olson*, No. 3:25-CV-589-CHB, 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025)
- *Orellana v. Noem*, No. 4:25-CV-112-RGJ, 2025 WL 3006763 (W.D. Ky. Oct. 27, 2025)
- *Casio-Mejia v. Raycraft*, No. 2:25-CV-13032, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025)
- *Contreras-Lomeli v. Raycraft*, No. 2:25-CV-12826, 2025 WL 2976739 (E.D. Mich. Oct. 21, 2025)
- *Jimenez Garcia v. Raybon*, No. 2:25-CV-13086, 2025 WL 2976950 (E.D. Mich. Oct. 21, 2025)

- *Santos Franco v. Raycraft*, No. 2:25-CV-13188, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025)
- *Contreras-Cervantes v. Raycraft*, No. 2:25-CV-13073, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025)
- *Diaz Sandoval v. Raycraft*, No. 2:25-CV-12987, 2025 WL 2977517 (E.D. Mich. Oct. 17, 2025)
- *Pacheco Mayen v. Raycraft*, No. 2:25-CV-13056, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025)
- *Sanchez Alvarez v. Noem*, No. 1:25-CV-1090, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025)
- *Ballestros v. Noem*, No. 3:25-CV-594-RGJ, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025)
- *Patel v. Tindall*, No. 3:25-CV-373-RGJ, 2025 WL 2823607 (W.D. Ky. Oct. 3, 2025)
- *Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025)
- *Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025)
- *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)

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- *Hurtado Perez v. Olson*, No. 25 C 13731, 2025 WL 3213967 (N.D. Ill. Nov. 18, 2025)
- *Hernandez Balderas v. Olson*, No. 25 C 12749, 2025 WL 3210422 (N.D. Ill. Nov. 17, 2025)
- *Mora Lara v. Olson*, No. 25 C 13110, 2025 WL 3210403 (N.D. Ill. Nov. 17, 2025)
- *Oliveros Alvarez v. Olson*, No. 25 C 13410, 2025 WL 3210461 (N.D. Ill. Nov. 17, 2025)
- *Quishpe-Guaman v. Noem*, No. 4:25-CV-00211-TWP-KMB, 2025 WL 3201072 (S.D. Ind. Nov. 17, 2025)
- *Reza Ayala v. Olson*, No. 25 C 13317, 2025 WL 3210398 (N.D. Ill. Nov. 17, 2025)
- *Ruiz Garcia v. Olson*, No. 25 C 13621, 2025 WL 3210425 (N.D. Ill. Nov. 17, 2025)
- *Salazar Aguilar v. Noem*, No. 25 C 12731, 2025 WL 3204568 (N.D. Ill. Nov. 17, 2025)
- *Soto-Garcia v. Olson*, No. 25-CV-13736, 2025 WL 3204594 (N.D. Ill. Nov. 17, 2025)
- *Quinonez v. Olson*, No. 25 CV 13524, 2025 WL 3190598 (N.D. Ill. Nov. 14, 2025)
- *Rodriguez Loreda v. Forestal*, No. 25 C 12758, 2025 WL 3187319 (N.D. Ill. Nov. 14, 2025)
- *Cabrera v. Noem*, No. 25 C 12160, 2025 WL 3171288 (N.D. Ill. Nov. 13, 2025)
- *Delgado Avila v. Crowley*, No. 2:25-CV-00533-MPB-MJD, 2025 WL 3171175 (S.D. Ind. Nov. 13, 2025)
- *Mariscal Serrano v. Salazar*, No. 25 C 13170, 2025 WL 3171354 (N.D. Ill. Nov. 13, 2025)
- *Garcia Guevara v. Swearingen*, No. 25 C 12549, 2025 WL 3158151 (N.D. Ill. Nov. 12, 2025)
- *Guaita Quinapanta v. Bondi*, No. 25-CV-795-WMC, 2025 WL 3157867 (W.D. Wis. Nov. 12, 2025)
- *Vasquez Gonzalez v. Olson*, No. 25 C 13162, 2025 WL 3158191 (N.D. Ill. Nov. 12, 2025)

- *Lopez Briseno v. Noem*, No. 25 C 12092, 2025 WL 3145985 (N.D. Ill. Nov. 11, 2025)
- *Ramirez Martinez v. Noem*, No. 25-CV-1ja2029, 2025 WL 3145103 (N.D. Ill. Nov. 11, 2025)
- *Lira Perez v. Noem*, No. 25 C 13442, 2025 WL 3140692 (N.D. Ill. Nov. 10, 2025)
- *Sumba v. Crowley*, No. 1:25-CV-13034, 2025 WL 3126512 (N.D. Ill. Nov. 9, 2025)
- *Garcia Rios v. Noem*, No. 25-CV-13180, 2025 WL 3124173 (N.D. Ill. Nov. 7, 2025)
- *Munoz Arredondo v. Olson*, No. 25-CV-12882, 2025 WL 3124149 (N.D. Ill. Nov. 7, 2025)
- *Mirzoev v. Olson*, No. 25-CV-12969, 2025 WL 3101969 (N.D. Ill. Nov. 6, 2025)
- *Pacheco Carrillo v. Noem*, No. 25 C 12963, 2025 WL 3101993 (N.D. Ill. Nov. 6, 2025)
- *Sanchez Guzman v. Noem*, 1:25-cv-13415 (N.D. Ill. Nov. 6, 2025)
- *Arizmendi v. Noem*, No. 25 C 13041, 2025 WL 3089107 (N.D. Ill. Nov. 5, 2025)
- *D.E.C.T. v. Noem*, No. 25 C 12463, 2025 WL 3063650 (N.D. Ill. Nov. 3, 2025)
- *Flores v. Olson*, No. 25 C 12916, 2025 WL 3063540 (N.D. Ill. Nov. 3, 2025)
- *Galvis Cortes v. Olsen*, No. 25 C 6293, 2025 WL 3063636 (N.D. Ill. Nov. 3, 2025)
- *Magallanes Sanchez v. Olson*, Case No. 25-cv-13226 (N.D. Ill. Nov. 3, 2025)
- *Rosales Ponce v. Olson*, No. 25-CV-13037, 2025 WL 3049785 (N.D. Ill. Oct. 31, 2025)
- *Valencia v. Noem*, No. 25-CV-12829, 2025 WL 3042520 (N.D. Ill. Oct. 31, 2025)
- *Singh v. Bondi*, No. 1:25-CV-02101-SEB-TAB, 2025 WL 3029524 (S.D. Ind. Oct. 30, 2025)
- *Corona Diaz v. Olson*, No. 25 CV 12141, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025)
- *Ramirez Valverde v. Olson*, No. 25-CV-1502, 2025 WL 3022700 (E.D. Wis. Oct. 29, 2025)
- *Sanchez v. Olson*, No. 25 CV 12453, 2025 WL 3004580 (N.D. Ill. Oct. 27, 2025)
- *Patel v. Crowley*, No. 25 C 11180, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025)
- *Padilla v. Noem*, No. 25 CV 12462, 2025 WL 2977742 (N.D. Ill. Oct. 22, 2025)
- *Miguel v. Noem*, No. 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025)
- *H.G.V.U. v. Smith*, No. 25 CV 10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2025)
- *Ochoa Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025)
- *Alejandro v. Olson*, No. 1:25-CV-02027-JPH-MKK, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025)
- *B.D.V.S. v. Forestal*, No. 1:25-CV-01968-SEB-TAB, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025)
- *Campos Leon v. Forestal*, No. 1:25-CV-01774-SEB-MJD, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025)

Eighth Circuit

- *Eshdavlatov v. Arnott*, No. 6:25-CV-00844-MDH, 2025 WL 3217838 (W.D. Mo. Nov. 18, 2025)
- *Morales Rodriguez v. Arnott*, No. 6:25-CV-00836-MDH, 2025 WL 3218553 (W.D. Mo. Nov. 18, 2025)
- *Chilel Chilel v. Sheehan*, No. 25-CV-3975 (SRN/DTS), 2025 WL 3157839 (D. Minn. Nov. 12, 2025)
- *Garcia Picazo v. Sheehan*, No. C25-4057-LTS-MAR, 2025 WL 3006188 (N.D. Iowa Oct. 27, 2025)

- *Avila v. Bondi*, No. CV 25-3741 (JRT/SGE), 2025 WL 2976539 (D. Minn. Oct. 21, 2025)
- *Eliseo A.A. v. Olson*, No. CV 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025)
- *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025)
- *Barrajas v. Noem*, No. 4:25-CV-00322-SHL-HCA, 2025 WL 2717650 (S.D. Iowa Sept. 23, 2025)
- *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025)
- *Helbrum v. Williams Olson*, No. 4:25-CV-00349-SHL-SBJ, 2025 WL 2840273 (S.D. Iowa Sept. 30, 2025)
- *Arce v. Trump*, No. 8:25CV520, 2025 WL 2675934 (D. Neb. Sept. 18, 2025)
- *Carlton v. Kramer*, No. 4:25CV3178, 2025 WL 2624386 (D. Neb. Sept. 11, 2025)
- *Palma v. Trump*, No. 4:25CV3176, 2025 WL 2624385 (D. Neb. Sept. 11, 2025)
- *Perez v. Kramer*, No. 4:25CV3179, 2025 WL 2624387 (D. Neb. Sept. 11, 2025)
- *Hernandez Marcelo v. Trump*, No. 3:25-CV-00094-RGE-WPK, 2025 WL 2741230 (S.D. Iowa Sept. 10, 2025)
- *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025 WL 2531521 (D. Neb. Sept. 3, 2025)
- *Fernandez v. Lyons*, No. 8:25CV506, 2025 WL 2531539 (D. Neb. Sept. 3, 2025)
- *Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566 (D. Neb. Sept. 3, 2025)
- *Tiburcio Garcia v. Bondi*, 25-CV-03219 (D. Minn. Aug. 29, 2025)
- *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), 2025 WL 2466670 (D. Minn. Aug. 27, 2025)
- *Aguilar Vazquez v. Bondi*, 25-cv-03162 (D. Minn. Aug 19, 2025)
- *Jacinto v. Trump*, No. 4:25CV3161, 2025 WL 2402271 (D. Neb. Aug. 19, 2025)
- *Ferrera Bejarano v. Bondi*, 25-cv-03236 (D. Minn. Aug 18, 2025)
- *Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025)
- *Anicasio v. Kramer*, No. 4:25CV3158, 2025 WL 2374224 (D. Neb. Aug. 14, 2025)
- *Garcia Jimenez v. Kramer*, No. 4:25CV3162, 2025 WL 2374223 (D. Neb. Aug. 14, 2025)
- *Aditya W.H. v. Trump*, 782 F. Supp. 3d 691 (D. Minn. 2025)

Ninth Circuit

- *Aparicio Sanchez v. Noem*, No. 25-CV-3068 JLS (MMP), 2025 WL 3214987 (S.D. Cal. Nov. 18, 2025)
- *Arias Torres v. Bondi*, No. 25-CV-02457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025)
- *Cornejo-Mejia v. Bernacke*, No. 2:25-CV-02139-RFB-BNW, 2025 WL 3222482 (D. Nev. Nov. 18, 2025)
- *Mancilla Ruiz v. Larose*, No. 25-CV-02714-BAS-SBC, 2025 WL 3214975 (S.D. Cal. Nov. 18, 2025)
- *Corrales Castillo v. Wamsley*, No. 2:25-CV-02172-TMC, 2025 WL 3204370 (W.D. Wash. Nov. 17, 2025)

- *Escobar Salgado v. Mattos*, No. 2:25-CV-01872-RFB-EJY, 2025 WL 3205356 (D. Nev. Nov. 17, 2025)
- *Faizyan v. Casey*, No. 3:25-CV-02884-RBM-JLB, 2025 WL 3208844 (S.D. Cal. Nov. 17, 2025)
- *Solano Morillo v. Albarran*, No. 1:25-CV-01533-DJC-AC, 2025 WL 3190899 (E.D. Cal. Nov. 15, 2025)
- *Fasihi Ramandi v. Field Office Director, ICE ERO San Francisco*, No. 1:25-CV-01462-JLT-EPG, 2025 WL 3182732 (E.D. Cal. Nov. 14, 2025)
- *Alonso Sanchez v. Hermosillo*, No. 2:25-CV-02152-TMC, 2025 WL 3171362 (W.D. Wash. Nov. 13, 2025)
- *Calel v. Larose*, No. 3:25-CV-02883-GPC-JLB, 2025 WL 3171898 (S.D. Cal. Nov. 13, 2025)
- *Bernardo Aquino v. Larose*, No. 25-CV-2904-RSH-MMP, 2025 WL 3158676 (S.D. Cal. Nov. 12, 2025)
- *Sadeqi v. Larose*, No. 25-CV-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12, 2025)
- *Marcial Navarette v. Wamsley*, No. 2:25-CV-02150-TMC, 2025 WL 3134712 (W.D. Wash. Nov. 10, 2025)
- *Tran v. Bondi*, No. C25-01897-JLR, 2025 WL 3140462 (W.D. Wash. Nov. 10, 2025)
- *N.A. v. LaRose*, No. 25-CV-2384-RSH-BLM, 2025 WL 2841989 (S.D. Cal. Oct. 7, 2025)
- *Lepe v. Andrews*, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025)
- *Roman v. Noem*, No. 2:25-CV-01684-RFB-EJY, 2025 WL 2710211 (D. Nev. Sept. 23, 2025)
- *Castellanos v. Kaiser*, No. 25-CV-07962, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025)
- *Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025)
- *Oliveros v. Kaiser*, No. 25-CV-07117-BLF, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025)
- *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025)
- *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC (EMC), 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025)
- *Guzman v. Andrews*, No. 1:25-CV-01015-KES-SKO (HC), 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025)
- *Hinestroza v. Kaiser*, No. 25-CV-07559-JD, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025)
- *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025)
- *Herrera v. Knight*, No. 2:25-CV-01366-RFB-DJA, 2025 WL 2581792 (D. Nev. Sept. 5, 2025)
- *Garcia v. Noem*, No. 25-CV-02180-DMS-MMP, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025)
- *Hernandez Nieves v. Kaiser*, No. 25-CV-06921-LB, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025)
- *Benitez et al. v. Noem*, No. 5:25-cv-02190 (C.D. Cal. Aug. 26, 2025)

- *Arrazola-Gonzalez v. Noem*, No. 5:25-CV-01789-ODW (DFMX), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025)
- *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025)
- *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025)

Tenth Circuit

- *Batz Barreno v. Baltasar, Warden, Aurora ICE Processing Ctr.*, No. 025-CV-03017-GPG-TPO, 2025 WL 3190936 (D. Colo. Nov. 14, 2025)
- *Pu Sacvin v. Anda-Ybarra*, No. 2:25-CV-01031-KG-JFR, 2025 WL 3187432 (D.N.M. Nov. 14, 2025)
- *Molina Ochoa v. Noem*, No. 1:25-CV-00881-JB-LF, 2025 WL 3125846 (D.N.M. Nov. 7, 2025)
- *Salazar v. Dedos*, No. 1:25-CV-00835-DHU-JMR, 2025 WL 2676729 (D.N.M. Sept. 17, 2025)
- *Artola Arauz v. Baltasar*, No. 1:25-CV-03260-CNS, 2025 WL 3041840 (D. Colo. Oct. 31, 2025)
- *Nava Hernandez v. Baltasar*, No. 1:25-CV-03094-CNS, 2025 WL 2996643 (D. Colo. Oct. 24, 2025)
- *Loa Caballero v. Baltasar*, No. 25-CV-03120-NYW, 2025 WL 2977650 (D. Colo. Oct. 22, 2025)
- *Garcia Cortes v. Noem*, No. 1:25-CV-02677-CNS, 2025 WL 2652880 (D. Colo. Sept. 16, 2025)

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- *Erazo v. Hardin*, No. 2:25-CV-891-KCD-DNF, 2025 WL 3187136 (M.D. Fla. Nov. 14, 2025)
- *Villa v. Normand*, No. 5:25-CV-100, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025)
- *Vasquez Carcamo v. Noem*, No. 2:25-CV-00922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025)
- *J.A.M. v. Streeval*, No. 4:25-CV-342 (CDL), 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025)
- *Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025)
- *Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025)
- *Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369 (S.D. Fla. Oct. 15, 2025)
- *Merino v. Ripa*, No. 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025)

However, even if this Court considers the argument that Petitioner is in fact subject to mandatory detention, as Respondents argue, courts across the country continue to hold that

section 1225 does not apply to individuals who entered without inspection and were detained, years later, within the United States. *See supra*.

Further, this Court is not required, and should not, give deference to the recent Board decision cited in Respondent's brief. In *Loper Bright*, the Supreme Court was clear that "[c]ourts must exercise their independent judgment in deciding whether an agency has acted within its statutory authority," and indeed "may not defer to an agency interpretation of the law simply because a statute is ambiguous." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). Rather, this Court can simply look to the Supreme Court's own words in *Jennings* that held that for decades, § 1225 has applied only to noncitizens "seeking admission into the country"—i.e., new arrivals, and that this contrasts with § 1226, which applies to noncitizens "already in the country." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). The Court in *Jennings* was abundantly clear about these interpretations. Petitioner in this case is not a new arrival and had been in the United States for nearly two years at the time of his detention.

The text of sections 1225 and 1226, together with binding Supreme Court precedent interpreting those provisions and the numerous district court decisions confirm that he is subject to section 1226(a)'s discretionary detention scheme. This Court should apply the same reasoning as other judges of this Court have in numerous recent decisions and find that Petitioner is detained under 1226. *See Juarez Mendez v. Raycraft*, No. 1:25-CV-1323, 2025 WL 3214100 (W.D. Mich. Nov. 18, 2025); *Amigon Cardona v. Unknown Party #1*, No. 1:25-CV-1287, 2025 WL 3200682 (W.D. Mich. Nov. 17, 2025); *Martinez Guerra v. Noem*, No. 1:25-CV-1341, 2025 WL 3204289 (W.D. Mich. Nov. 17, 2025); *Orellana v. Noem*, No. 1:25-CV-1333, 2025 WL 3198685 (W.D. Mich. Nov. 17, 2025); *Sevilla v. Noem*, No. 1:25-CV-1325, 2025 WL 3200698 (W.D. Mich. Nov. 17, 2025); *Ginez Hernandez v. Noem*, No. 1:25-CV-1307, 2025 WL 3170872

(W.D. Mich. Nov. 13, 2025); *Lara v. Noem*, No. 1:25-CV-1332, 2025 WL 3170876 (W.D. Mich. Nov. 13, 2025); *Madrid Gonzalez v. Noem*, No. 1:25-CV-1315, 2025 WL 3170879 (W.D. Mich. Nov. 13, 2025); *Singh v. Noem*, No. 1:25-CV-1251, 2025 WL 3170855 (W.D. Mich. Nov. 13, 2025); *Contreras Alvarez v. Noem*, No. 1:25-CV-1313, 2025 WL 3151948 (W.D. Mich. Nov. 12, 2025).

D. The Secretary of Homeland Security is a Proper Respondent

Petitioner has named the Field Office Director, as Respondent's immediate custodian. He also names Secretary of Homeland Security, Kristi Noem, as a Respondent in this action. Here, Petitioner alleges violations of law and application of law by agents of the Department of Homeland Security. Given Kristi Noem's broad authority over the operation and enforcement of the immigration laws, she is an appropriate Respondent for the subject case.

CONCLUSION

For the foregoing reasons, this Court should order Petitioner's release or in the alternative, order Respondents to schedule a neutral bond hearing under section 1226 for Petitioner's removal proceedings within five days of the order and accept jurisdiction to issue a bond order.

Respectfully Submitted,

/s/ Kevin Raica

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