

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BELLARMINO AYALA RODRIGUEZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 25 C 13322
	)	
TODD M. LYONS, Acting Director,	)	Judge Kness
U.S. IMMIGRATION and CUSTOMS	)	
ENFORCEMENT, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Bellarmino Ayala Rodriguez is a native and citizen of Mexico who is challenging his immigration detention. Pet., ¶¶ 1, 21. He entered the United States without inspection in or around 1994 and is seeking a bond hearing from an immigration judge under 8 U.S.C. § 1226(a). *Id.* ¶¶ 1, 22. In September 2025, the Board of Immigration Appeals ruled that foreign nationals who entered the United States without inspection were not eligible for bond hearings in immigration court because the individuals were technically never admitted to the United States. *Matter of Yajure Hurtado*, 29 I.&N. Dec. 216, 2025 WL 2674169 (BIA 2025). Petitioner contends that he is entitled to an individualized custody determination under 8 U.S.C. § 1226(a). Pet., ¶¶ 40-41.

This issue is being litigated in district courts across the country, including this district. One of these cases was *H.G.V.U. v. Smith, et al.*, No. 25 C 10931 (N.D. Ill.) (Coleman, J.). Attached is a copy of the government's brief in that case that presents the arguments that respondents wish to reiterate in this case. Govt. Ex. A. Respondents contend that this court lacks jurisdiction over these issues by virtue of the jurisdictional bars set forth in 8 U.S.C. §1252, specifically that review

of the detention decision is also barred by 8 U.S.C. § 1252(b)(9) (review only available on judicial review of final order of removal). *Id.* at 6-9. Respondents also contend that foreign nationals who were never admitted to the United States do not qualify for bond. *Id.* at 14-21. Respondents assert that the arguments made in that brief apply to this case.

Respondents acknowledge that in the October 20, 2025, decision in the *H.G.V.U.* case, the court rejected many of these arguments and ordered a bond hearing be provided under 8 U.S.C. § 1226(a). *H.G.V.U. v. Smith, et al.*, No. 25 C 10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2025) (Coleman, J.). While respondents disagree with many of the court's conclusions, they also acknowledge that the present case presents similar factual and legal issues to those raised by *H.G.V.U.* See also *Corona Diaz v. Olson, et al.*, No. 25 C 12141, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025) (Shah, J.) (same); *Miguel v. Noem, et al.*, No. 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025) (Alonso, J.) (same); *Ochoa Ochoa v. Noem, et al.*, No. 25 C 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025) (Jenkins, J.) (same); but see *Mejia Olalde v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 7, 2025).<sup>1</sup>

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<sup>1</sup> To the extent that petitioner attempts to bring a claim under the terms of the settlement agreement in *Castañon-Nava v. Dept. of Homeland Sec., et al.*, No. 18 C 3757 (N.D. Ill.), petitioner must bring that claim following the procedures established for individuals who believe they may be class members under the class certification and settlement agreement. That process includes filing a referral form with class counsel at <https://immigrantjustice.org/referral-form-castanon-nava-settlement-violations-formulario-de-remision-sobre-violaciones-del-acuerdo-castanon-nava/>.

Respondents request that the habeas petition be denied.

Respectfully submitted,

ANDREW S. BOUTROS  
United States Attorney

By: s/ Nicole Flores  
\_\_\_\_\_  
NICOLE FLORES  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604  
(312) 886-9082  
nicole.flores3@usdoj.gov