IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

R.A.B.,

Petitioner,

v.

KRISTI NOEM, in her official capacity as Secretary of Homeland Security, *et al.*,

Respondents.

Case No. 25-cv-6310

**RESPONDENTS' CONSOLIDATED RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS, MOTION FOR LEAVE TO PROCEED USING A PSEUDONYM, AND MOTION FOR A TEMPORARY RESTRAINING ORDER**

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November 18, 2025

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## INTRODUCTION

Petitioner R.A.B. asks this Court for extraordinary relief. He seeks to litigate this case under a pseudonym (ECF No. 3) and has asked this Court to issue a temporary restraining order halting his removal proceedings in immigration court (ECF No. 5). He also seeks a writ of habeas corpus and other judicial relief that would set aside the Department of Homeland Security's termination of his humanitarian parole, bar the government from proceeding with his removal proceedings, and require his release from immigration detention. Petitioner bases these requests for relief on the notion that federal law requires DHS to conduct an individualized determination before terminating a grant of humanitarian parole, and that DHS's failure to conduct such a determination here renders Petitioner's current immigration detention and removal proceedings unlawful.

Petitioner has not carried his burden to overcome the strong presumption of public access to judicial proceedings, so his request to proceed by pseudonym should be denied. As for his claims, they fail at the threshold because Congress has stripped this Court of subject-matter jurisdiction to entertain them. The Immigration and Nationality Act (INA)—specifically, 8 U.S.C. § 1252(a)(2)(B)(ii)—deprives courts of jurisdiction over challenges to discretionary parole terminations. Even if that were not so, Petitioner is wrong on the law: Parole terminations do not require an individualized determination. And two other provisions of the INA—8 U.S.C. §§ 1252(g) and 1252(b)(9)—separately bar review of Petitioner's claims because they arise from DHS's decision to commence removal proceedings. Petitioner's five counts—in one form or another—all challenge discretionary decisions that this Court cannot review, meaning they cannot proceed here

regardless of how they are styled or labeled. And even if this Court had jurisdiction, Petitioner's claims fail on the merits.

The Court should thus deny Petitioner's motion for leave to proceed under a pseudonym (ECF No. 3) and motion for a temporary restraining order (ECF No. 5) because he has not established a likelihood of success on the merits—and the Court should dismiss or deny his habeas petition (ECF No. 2).

One other point bears mention. As this Court may be aware, DHS revised its interpretation of the mandatory-detention provision codified at 8 U.S.C. § 1225(b)(2) earlier this year. DHS's revised interpretation has prompted extensive litigation throughout the country, including numerous habeas petitions filed in this District in recent weeks. *See, e.g.*, *Kashranov v. Jamison*, No. 25-cv-5555, 2025 WL 3188399, at *4-7 (E.D. Pa. Nov. 14, 2025) (Wolson, J.). But Petitioner has not raised any claim with respect to § 1225(b)(2) in this proceeding. Although he discusses DHS's revised interpretation in his petition (ECF No. 2 ¶¶ 47-51), his claims for relief do not invoke DHS's revised interpretation or even mention § 1225(b)(2), *see id.* ¶¶ 54-65. So this case does not involve those issues.

## FACTS AND PROCEDURAL HISTORY

### I. Facts

Petitioner R.A.B. is a citizen and national of Venezuela. ECF No. 2 (Pet.) ¶ 1. On October 11, 2022, R.A.B. entered the United States of America and was arrested by U.S. Border Patrol near El Paso, Texas. *See id.* ¶¶ 1-2; Notice to Appear (attached as Exhibit

A) at 1.[1] The Department of Homeland Security granted R.A.B. temporary humanitarian parole under 8 U.S.C. § 1182(d)(5)(A) and released him on October 12, 2022. Pet. ¶ 4; *see also* Booking/Parole Documents (attached as Exhibit B) at 1. R.A.B.'s parole stamp provides that he was paroled "[u]ntil 12/12/[20]22." Ex. B at 1. There is no indication in DHS's records that Petitioner's parole was ever extended beyond December 12, 2022.

DHS also issued R.A.B. documentation instructing him to report to his local ICE office within 60 days. Pet. ¶ 5; *see also* Ex. B at 5, 6. R.A.B. alleges that he reported to ICE's Philadelphia Field Office on October 29, 2022, and annually thereafter. Pet. ¶¶ 6, 12. He also applied for asylum on January 11, 2023. Pet. ¶ 7; *see also* ECF No. 3-1 (Form I-589) at 1.

On October 29, 2025, R.A.B. presented at ICE's Philadelphia Field Office and was served with a Notice to Appear for removal proceedings. Pet. ¶ 15; Ex. A. As explained in the Notice to Appear, R.A.B. is charged as inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I). Ex. A at 4. ICE also served R.A.B. with an arrest warrant and took him into custody. Pet. ¶ 13; Form I-200, Warrant for Arrest of Alien (attached as Exhibit C). R.A.B. was detained at the Federal Detention Center in Philadelphia until about November 9, 2025. *See* Pet. ¶ 16. He was then transferred to Moshannon Valley Processing Center in Philipsburg, Pennsylvania.

## II. Procedural History

On November 6, 2025, R.A.B. initiated this proceeding by filing a "petition for writ of habeas corpus and complaint for declarative and injunctive relief" (ECF No. 1)

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[1] All identifying information has been redacted from the exhibits filed herewith pending the Court's resolution of Petitioner's request to proceed under a pseudonym.

(capitalization normalized) against DHS, ICE, several DHS and ICE officials, and the warden of the Federal Detention Center in Philadelphia. He filed an amended petition on November 7, 2025, adding several respondents and a claim for relief. *See* Pet. That same day, R.A.B. also sought leave to proceed under a pseudonym (ECF No. 3), petitioned for an order to show cause (ECF No. 4), and moved for a temporary restraining order halting his removal proceedings (ECF No. 5).

The parties thereafter stipulated to a schedule for briefing R.A.B.'s habeas petition and motions to proceed under a pseudonym and for a temporary restraining order (ECF No. 8). The Court adopted that schedule and denied R.A.B.'s petition for an order to show cause as moot (ECF No. 9).

**LEGAL STANDARD**

A writ of habeas corpus is an "extraordinary remedy." *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). To obtain such exceptional relief, the petitioner has the burden of showing that his confinement is unlawful. *Cullen v. Pinholster*, 563 U.S. 170, 181 (2011) ("The petitioner carries the burden of proof."); *Brown v. Cuyler*, 669 F.2d 155, 158 (3d Cir. 1982) ("A federal habeas corpus petitioner has the burden of proving all facts entitling him to a discharge from custody."). That is a particularly heavy burden in the immigration context, where the law strictly limits judicial review. *See, e.g., Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 486-87 (1999) (observing that "*many* provisions" of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (codified at 8 U.S.C. § 1252) "are aimed at protecting the Executive's discretion from the courts"); *see also E.O.H.C. v. Sec'y United States Dep't of Homeland Sec.*, 950 F.3d 177, 184-88 (3d Cir. 2020) (detailing how strictly the INA limits judicial review). And Petitioner also bears the burden of establishing that this Court has subject-matter

jurisdiction to hear his claims. *See, e.g.*, *Erie Ins. Exch. by Stephenson v. Erie Indem. Co.*, 68 F.4th 815, 818 (3d Cir. 2023).

## ARGUMENT

### I. Petitioner Has Not Satisfied His Burden to Proceed Under a Pseudonym

"One of the essential qualities of a Court of Justice is that its proceedings should be public." *Doe v. Megless*, 654 F.3d 404, 408 (3d Cir. 2011) (cleaned up) (quoting *Daubney v. Cooper*, 109 Eng. Rep. 438, 441 (K.B. 1829)). The identities of the parties are "an important dimension of publicness" because "[t]he people have a right to know who is using their courts." *Id.* (citation omitted). Allowing a litigant to proceed under a pseudonym thus "runs afoul of the public's common law right of access to judicial proceeding." *Id.* (citation omitted). But in "exceptional cases," a party may be allowed to proceed anonymously. *Id.*

To proceed under a pseudonym, the movant "must show 'both (1) a fear of severe harm, and (2) that the fear of severe harm is reasonable.'" *Id.* (citation omitted). Once the movant makes that showing, the court must consider several factors to determine if the party's reasonable fear of severe harm outweighs "the public's strong interest in an open litigation process." *Id.* (citations omitted). Courts have found a reasonable fear of severe harm in cases involving abortion, birth control, transsexuality, mental illness, welfare rights of children, AIDS, and homosexuality. *Id.*

Here, Petitioner's asserted basis for seeking leave to proceed under a pseudonym does not warrant that extraordinary relief. Petitioner principally argues that he faces a risk of persecution and harm if he were identified as having made certain allegations contained in his asylum application. *See* ECF No. 3 ¶¶ 4-5. But Petitioner never explains

why those allegations are relevant in this proceeding. Although Petitioner asserts that "[t]he substance of [his] asylum claim is central" to some of his claims for relief, ECF No. 3 ¶ 3, none of his claims actually turns on the contents of his asylum application, *see* Pet. ¶¶ 54-65. It is thus wholly unclear why Petitioner opted to include these allegations and file a copy of his application in the first place.

Nor is it clear why Petitioner's concern cannot be addressed by redactions and limited leave to file materials under seal. Indeed, redacting paragraph 7 of Petitioner's original and amended petitions (ECF Nos. 1 and 2) and paragraph 4 and portions of Exhibit A of his pseudonym motion (ECF Nos. 3 and 3-1) would seem to resolve Petitioner's concerns based on the filings to date. And redacting or sealing this information *now* would remain an appropriate remedy because it is unlikely that the filings in this case have circulated publicly. Because this is "an action or proceeding relating to . . . immigration benefits or detention," remote access to the parties' filings is limited to the parties and their counsel; "any other person may have electronic access to the full record [only] at the courthouse." Fed. R. Civ. P. 5.2(c)(1)-(2). This case has been pending for only 12 days and has received no media attention, so it seems unlikely that third parties have obtained copies of any filings at the courthouse.

* * *

"There is universal public interest in access to the identities of litigants," which places a "thumb on the scale" in favor of disclosure. *Megless*, 654 F.3d at 411. Petitioner has not established that this is one of the "exceptional cases," *id.* at 408, that warrants leave to proceed under a pseudonym, and his concerns can be addressed through redactions and limited leave to file materials under seal. His request to proceed under a pseudonym (ECF No. 3) should thus be denied.

## II. Petitioner Is Not Entitled to Relief

Petitioner asserts five claims and requests extensive relief in his petition. *See* Pet. ¶¶ 54-65. His specific claims are as follows:

- Count 1, which asserts that the termination of R.A.B.'s parole violated his due-process rights. *Id.* ¶¶ 54-55.
- Count 2, which asserts that R.A.B.'s arrest and continued detention violates his due-process rights. *Id.* ¶¶ 56-58.
- Count 3, which asserts that R.A.B.'s arrest violated his Fourth Amendment rights. *Id.* ¶¶ 59-60.
- Count 4, which asserts that the termination of R.A.B.'s parole violated the Administrative Procedure Act. *Id.* ¶¶ 61-63.
- Count 5, which asserts that R.A.B.'s removal proceedings violate the APA because they are based on the allegedly unlawful parole termination. *Id.* ¶¶ 64-65.

Although styled as separate counts, all five of Petitioner's claims rely on the same underlying legal theory: That DHS is required to make an "individualized determination" before it may terminate humanitarian parole under 8 U.S.C. § 1182(d)(5)(A), and that DHS's failure to make such a determination here renders "the revocation" of Petitioner's parole unlawful. Pet. ¶¶ 37-38; *see also id.* ¶¶ 54-65 (Counts 1 through 5, all of which invoke the unlawful-parole-termination theory).

As explained below, the INA—specifically 8 U.S.C. § 1252(a)(2)(B)(ii)—deprives this Court of jurisdiction to review DHS's discretionary parole decisions, so Petitioner's underlying legal theory cannot support his claims for relief. And even if DHS's discretionary parole decisions were reviewable, Petitioner is wrong that terminations of parole require an individualized determination. Although 8 U.S.C. § 1182(d)(5)(A) requires that grants of parole be made on a case-by-case basis, it contains no parallel language requiring individualized determinations for terminations of parole.

Even if Petitioner could clear those hurdles, two other INA provisions—8 U.S.C. §§ 1252(g) and 1252(b)(9) independently deprive this Court of subject-matter jurisdiction over his claims. And his claims fail on the merits in any event.

The Court should thus deny Petitioner's motion for a temporary restraining order for failure to establish a likelihood of success on the merits and dismiss or deny his habeas petition.

### A. Petitioner's Challenge to His Parole Termination Cannot Support Relief

#### 1. Section 1252(a)(2)(B)(ii) deprives courts of jurisdiction over challenges to parole terminations.

In 8 U.S.C. § 1252(a)(2)(B)(ii), Congress precluded review of parole terminations. That provision provides that, "[n]otwithstanding 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," "and regardless of whether the judgment, decision, or action is made in removal proceedings, no court shall have jurisdiction to review" "any other decision or action of the Attorney General or the Secretary of Homeland Security the authority for which is specified under this subchapter to be in the discretion of the Attorney General or the Secretary of Homeland Security." The phrase "under this subchapter" refers to Subchapter II in Chapter 12 of Title 8 of the United States Code, which includes 8 U.S.C. § 1182—which contains the parole provision at issue here.

Parole decisions under § 1182(d)(5)(A) are exactly the kind of discretionary decisions to which § 1252(a)(2)(B)(ii) applies. Section 1182(d)(5)(A)'s terms explicitly flag the discretionary nature of parole by authorizing the Secretary, "in [her] discretion," to "parole" applicants for admission "temporarily under such conditions as [the

Secretary] may prescribe" "on a case-by-case basis for urgent humanitarian reasons or significant public benefit." It further provides that parole may be terminated "when the purposes of such parole shall, *in the opinion of the Secretary of Homeland Security*, have been served." 8 U.S.C. § 1182(d)(5)(A) (emphasis added). Section 1182(d)(5)(A) thus provides broad discretion to the Secretary of Homeland Security. *See Amanullah v. Nelson*, 811 F.2d 1, 6 (1st Cir. 1987) ("Congress has delegated remarkably broad discretion to executive officials under the INA, and these grants of statutory authority are particularly sweeping in the context of parole." (cleaned up) (quoting *Jean v. Nelson*, 727 F.2d 957, 977 (11th Cir.1984) (en banc))).

By extension, § 1252(a)(2)(B)(ii) precludes jurisdiction to review parole decisions under § 1182(d)(5)(A). Numerous courts agree—and have held that such discretionary parole terminations are unreviewable. *See, e.g., Samirah v. O'Connell*, 335 F.3d 545, 549 (7th Cir. 2003) (authority to "grant or revoke" parole under § 1182(d)(5)(A) is a matter of discretion barred from review by § 1252(a)(2)(B)(ii)), *cert. denied*, 541 U.S. 1085 (2004); *Hassan v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010) (*per curiam*) (similar), *cert. denied*, 561 U.S. 1007 (2010); *see also In re Ntreh*, 401 F. App'x 686, 688 (3d Cir. 2010) ("It is also doubtful that the District Court had jurisdiction to review ICE's discretionary denial of parole."); *Naul v. Gonzales*, No. 05-cv-4627, 2007 WL 1217987, at *3 (D.N.J. Apr. 23, 2007) (Greenaway, J.) (holding that denial of parole under § 1182(d)(5)(A) is a discretionary decision that is unreviewable under § 1252(a)(2)(B)(ii)).

So this Court lacks subject-matter jurisdiction over Petitioner's claims.

### 2. Even if parole terminations were reviewable, they do not require an individualized determination.

Even if this Court could review Petitioner's challenge to his parole termination, his claims would still fail—because the law does not require any "individualized determination" before the termination of parole under § 1182(d)(5)(A). Pet. ¶ 37.

To be sure, § 1182(d)(5)(A) mandates a case-by-case determination for *granting* parole, providing that the Secretary may, with certain exceptions, "in h[er] discretion parole into the United States temporarily under such conditions as [s]he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States." But § 1182(d)(5)(A) contains no parallel case-by-case language with respect to terminating parole, providing only "when the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served the alien shall forthwith return or be returned to the custody from which he was paroled."

Congress's inclusion of a case-by-case requirement for grants of parole, but not terminations, is strong evidence that parole terminations need not be so individualized. After all, "[w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion." *Russello v. United States*, 464 U.S. 16, 23 (1983) (cleaned up). Applying that principle, the First Circuit recently concluded that "the statutory text" of § 1182(d)(5)(A) "reflects a deliberate choice on the part of Congress to require the Secretary to implement a case-by-case approach to granting parole, but not to end such grants." *Doe v. Noem*, 152 F.4th 272,

286 (1st Cir. 2025); *see also id.* at 287 (observing that the legislative history also supports this conclusion).

Nor does the relevant regulation—8 C.F.R. § 212.5(e)—require any sort of individualized determination before the termination of parole. As specified by § 212.5(e)(1), "[p]arole shall be automatically terminated without written notice . . . at the expiration of the time for which parole was authorized." That is exactly what happened here: Petitioner was paroled until "12/12/[20]22," Ex. B at 1, and there is no indication that DHS ever extended his parole. And nothing in the automatic-termination provision requires any individualized determination before termination.

Petitioner relies on language from § 212.5(e)(2)(i) to argue that some sort of individualized decision is required for termination (Pet. ¶ 37). But that provision does not apply here. By its terms § 212.5(e)(2)(i) applies to "cases not covered by" § 212.5(e)(1)'s automatic-termination provision—and as explained above, Petitioner's parole automatically terminated under § 212.5(e)(1). What's more, § 212.5(e)(2)(i) does not require any individualized determination for terminations of parole either.

### B. The INA Further Bars Review of Petitioner's Claims

Two other provisions of the INA—8 U.S.C. §§ 1252(g) and 1252(b)(9)—further and independently bar review of Petitioner's claims.

#### 1. Section 1252(g) deprives this Court of subject-matter jurisdiction over Petitioner's challenges to his removal proceedings and arrest and detention.

Section 1252(g) specifies that challenges to three kinds of discretionary "decision[s] or action[s]" by the Secretary of Homeland Security are reviewable only by means of a petition for review challenging a final order of removal and filed with the court of appeals. Specifically, § 1252(g) applies to "any cause or claim by or on behalf of

any alien arising from the decision or action" by the Secretary[2] "to commence proceedings, adjudicate cases, or execute removal orders." "If an alien challenges one of those discrete actions, § 1252(g) funnels jurisdiction over that challenge into a petition for review in a single court of appeals." *Tazu v. Att'y Gen.*, 975 F.3d 292, 296 (3d Cir. 2020). Section 1252(g) specifies that "notwithstanding any other provision of law (statutory or nonstatutory), including [28 U.S.C. § 2241] or *any other habeas corpus provision*" (emphasis added), no other court has jurisdiction to hear such claims.

Here, Petitioner explicitly challenges DHS's commencement of removal proceedings. He asserts that "[t]he removal proceedings against [Petitioner] commenced by the DHS and ICE Defendants and administered by the DOJ Defendants violate[] the APA and should be set aside," Pet. ¶ 65, asks the Court to "[v]acate the Notice to Appear" and "Order the DOJ Defendants to terminate removal proceedings against" him, *id.* at 15, and has moved "for a Temporary Restraining Order staying removal proceedings against him," ECF No. 5 at 1. Section 1252(g) unambiguously deprives this Court of subject-matter jurisdiction over these challenges. *See, e.g.*, *Tazu*, 975 F.3d at 296-97.

Section 1252(g) also bars Petitioner's challenges to his arrest and detention. *See* Pet. ¶¶ 56-60; *id.* at 15. After all, DHS's decision to arrest and detain Petitioner arises from its decision to commence removal proceedings against Petitioner. So § 1252(g) likewise bars review of Petitioner's challenges to his arrest and detention. *See, e.g.*,

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[2] Section § 1252(g) refers to "the Attorney General," but Congress in 2002 transferred responsibility for enforcing the INA to the Secretary of Homeland Security. *See Nielsen v. Preap*, 586 U.S. 392, 398 n.2 (2019) ("We replace 'Attorney General' with 'Secretary' because Congress has empowered the Secretary to enforce the Immigration and Nationality Act." (citations omitted)).

*Alvarez v. ICE*, 818 F.3d 1194, 1203 (11th Cir. 2016) ("By its plain terms, [§ 1252(g)] bars us from questioning [the government's] discretionary decisions to commence removal" of an alien, including the "decision to take him into custody *and to detain him during his removal proceedings*" (emphasis added)); *Sissoko v. Mukasey*, 509 F.3d 947, 949 (9th Cir. 2007); *S.Q.D.C. v. Bondi*, No. 25-cv-3348, 2025 WL 2617973, at *2 (D. Minn. Sept. 9, 2025); *Linarez v. Garland*, No. 24-cv-488, 2024 WL 4656265, at *1 (M.D. Pa. Sept. 24, 2024) ("in our view, the Attorney General's discretionary decision to place Linarez in expedited removal proceedings is precisely the action this statute refers to"), *R&R adopted sub nom. Cordon-Linarez v. Garland*, 2024 WL 4652824 (M.D. Pa. Nov. 1, 2024); *Saadulloev v. Garland*, No. 23-cv-106, 2024 WL 1076106, at *3 (W.D. Pa. Mar. 12, 2024) (recognizing there is no judicial review of the threshold detention decision, which flows from the government's decision to "commence proceedings"); *Khorrami v. Rolince*, 493 F. Supp. 2d 1061, 1067-68 (N.D. Ill. 2007) (claim challenging arrest and detention during removal proceedings was barred under § 1252(g)).

Section 1252(g) thus bars Petitioner's challenges to his removal proceedings and DHS's decision to arrest and detain him pending those removal proceedings.

**2. Section 1252(b)(9) further deprives this Court of subject-matter jurisdiction over Petitioner's claims.**

Section 1252(b)(9) also deprives this Court of subject-matter jurisdiction over Petitioner's claims. That provision—known as the "zipper" clause—provides that "[j]udicial 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 . . . shall be available only" by filing a petition for review of a final order of removal with the court of appeals. 8 U.S.C. § 1252(b)(9).

Section 1252(b)(9) further specifies that "no court shall have jurisdiction, by habeas corpus under [28 U.S.C. § 2241] 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 questions of law or fact."

Congress enacted § 1252(b)(9) to insulate the Executive's threshold detention decisions from premature judicial review. *See, e.g.*, *E.O.H.C.*, 950 F.3d at 184 (explaining that, "[t]o prevent piecemeal litigation, the INA usually requires aliens to bring their claims together" and that § 1252(b)(9) strips district courts of jurisdiction "to review most claims that even relate to removal"); *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016) (observing that § 1252(b)(9) is "breathtaking in scope and vise-like in grip and therefore swallows up virtually all claims that are tied to removal proceedings" (cleaned up)). Although § 1252(b)(9) does not bar claims challenging the conditions or scope of detention of aliens in removal proceedings, it does bar claims "challenging the decision to detain them in the first place." *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018) (plurality opinion); *S.Q.D.C.*, 2025 WL 2617973, at *3.[3]

Here, Petitioner challenges DHS's decision to arrest and detain him as part of his removal proceedings. Section 1252(b)(9) thus instructs that such a challenge must be brought in an eventual petition for review and cannot be reviewed here.

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[3] *See also Jennings*, 583 U.S. at 317 (Thomas, J., concurring in part and concurring in the judgment) (observing that § 1252(b)(9) "is a general jurisdictional limitation that applies to all claims arising from deportation proceedings and the many decisions or actions that may be part of the deportation process"; "claims challenging detention during removal proceedings thus fall within the heartland of § 1252(b)(9)" (cleaned up)); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of th[e] deportation procedure.").

### C. Petitioner's Claims Fail on The Merits In Any Event

Even if the Court determined that it has jurisdiction, Petitioner's claims still do not warrant any relief—because they all fail on the merits.

As noted above (at 7), all of Petitioner's claims rely on the legal theory that the termination of his humanitarian parole was unlawful. But (as discussed above as well), this Court cannot review Petitioner's parole termination, and Petitioner's view of the law is wrong in any event.

Petitioner also asserts that arrest "without a warrant" violated his due-process rights. Pet. ¶¶ 57, 60. But he was arrested with a warrant, *see* Ex. C, so those claims are refuted by the record and fail as well.

Finally, Petitioner does not argue that the mere fact of his arrest and detention, standing alone, violates his due-process rights. But any such generalized claim would be foreclosed in any event because the Supreme Court has long recognized that the detention of noncitizens pending their removal is constitutional. *See, e.g.*, *Wong Wing v. United States*, 163 U.S. 228, 235 (1896) ("We think it clear that detention or temporary confinement, as part of the means necessary to give effect to the provisions for the exclusion or expulsion of aliens, would be valid.").[4]

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[4] *See also Demore v. Kim*, 538 U.S. 510, 523 (2003) ("this Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process"); *Reno v. Flores*, 507 U.S. 292, 306 (1993) ("Congress has the authority to detain aliens suspected of entering the country illegally pending their deportation hearings."); *Carlson*, 342 U.S. at 538 ("Detention is necessarily a part of th[e] deportation procedure.").

## CONCLUSION

For all of these reasons, the Court should deny Petitioner's motion for leave to proceed under a pseudonym (ECF No. 3) and motion for a temporary restraining order (ECF No. 5). And the Court should dismiss or deny his habeas petition (ECF No. 2).

Dated: November 18, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on November 18, 2025, a true and correct copy of Respondents' Consolidated Response to Petition for Writ of Habeas Corpus, Motion for Leave to Proceed Using a Pseudonym, and Motion for a Temporary Restraining Order was filed electronically via the Court's CM/ECF system and served via CM/ECF on all counsel of record.

*/s/ Gregory B. in den Berken*
GREGORY B. IN DEN BERKEN