IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF TEXAS ABILENE DIVISION

UBALDO HERERRA-HERNANDEZ,

Petitioner,

v.

PHILLIP VALDEZ, et al.,

Respondents.

Civil Action No. 6:25-CV-00090-H

PETITIONER'S REPLY TO RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS AND IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

INCORPORATION BY REFERENCE

1. Petitioner incorporates by reference the argument and record citations in Dkt. 1 and 5 and the Exhibits attached to Dkt . Reply adds updated arguments and authorities and does not seek relief beyond what the Petition requested, except as expressly noted in Section 36.

PROCEDURAL STATUS

2. Pursuant to the Petition for habeas Corpus filed November 9, 2025, the Court issued an Order to Show Cause November 10, with Response to be filed by Respondents by December 1, 2025, with a Reply by Petitioner, if filed, by December 15, 2025.
3. Now Petitioner files this Reply to Response by Government Respondents, inclusive of new arguments and citations evidence to support the claims previously raised.

FACTS CITED IN THE RESPONSE

4. Respondents' Appendix, Exhibit A, Attachment 1 is the Notice to Appear (NTA) dated July 29, 2025, charging Petitioner with being an alien present in the United States without being admitted or paroled, and placing him in removal proceedings under Section 240 of the Immigration and Nationality Act (INA).

5. The NTA notes Petitioners date of birth as [redacted], and his entry date as August 1, 2001.

6. Exhibit A, Attachment 2 is the Order of the Immigration Judge Granting Bond on September 2, 2025.

7. Exhibit A, Attachment 3, dated the next day, September 3, 2025, is the Form I-261 Additional Charges of Inadmissibility/Deportability, citing § 212(a)(7)(A)(i)(I), in pertinent part, "as an immigrant who, at the time of admission, is not in possession of…visa…or other valid entry document as required by the Act."

ARGUMENT IN REPLY TO RESPONSE

A. The Charge Under § 212(a)(7)(A)(i)(I) is Invalid on its Face

8. In order to continue incarceration of Petitioner after the granting of bond by the immigration judge, Respondents charged him under a section that states categorically that he has been "admitted." They go on to argue at great length that he has not been admitted in continued pursuit of the original NTA. These two charges create, to paraphrase Abraham Lincoln, "a house divided against itself," and cannot stand in opposition to each other. The charge under § 212(a)(7)(A)(i)(I) is invalid and should be dismissed or terminated.

9. Conversely, if the Court finds that Petitioner is indeed admitted, then the July 29, 2025, NTA under § 212(a)(6)(A)(i) should be dismissed or terminated.

B. <u>Respectfully, Petitioner Disagrees with the Plain Language Interpretation</u>

10. The Response cites 15 sections of 8 U.S.C. §§ 1225, 1226, 1229, and INA § 223 and § 235 (*See* Response at iii), and to mount an argument for 'Plain Language' uses a Supreme Court case built on methodology for interpretation of statutes "susceptible of more than one [plausible] construction." *Jennings v. Rodriguez*, 583 U.S. 281 (2028), citing *Clark v. Martinez*, 543 U.S. 371, 385 (2005) (the Court's square brackets). *Jennings* invokes Justice Brandeis' "canon of constitutional avoidance," wherein a statute "saving" construction is preferred over constitutional doubts or potential unconstitutionality. *Ashwander v. Tennessee Valley Authority,* 297 U.S. 288 (1935). More on that below.

C. <u>The INA and *Jennings* Are Mis-applied by Respondents and *Hurtado* Is Incorrect</u>

11. It is striking that Respondents argue Petitioner is not entitled to a bond hearing two months after the hearing they themselves granted, that bond was granted September 2, only to charge Petitioner under § 212(a)(7)(A)(i)(I) the very next day, and then argue in their Response that they never had jurisdiction to grant bond (or is it to hold the hearing?) because the Board of Immigration Appeals issued a decision after the fact. *See Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025).

12. Respondents argue that Petitioner is held under 8 U.S.C. § 1225(b)(2)(A), that "[he] then be detained for a proceeding under § 1229(a) [removal] proceedings." They go on to state this is both a mandatory detention statute and that aliens detained pursuant to that provision are not entitled to bond, citing *Jennings v. Rodriguez* 583 U.S. 281, 287 (2018).

13. Petitioner does not argue against the statute's authorization to detain aliens, but Petitioner does point out that Justice Alito, in writing for a 6 to 3 majority in *Jennings*, did not write that aliens are never entitled to bond. In fact, the Court conducted a painstaking review deconstructing the INA and many of its machinations. In doing so, The Supreme Court explicitly endorsed bond (Op. at 4), but in overturning a Ninth Circuit case, simply said that a new bond hearing every six months is excessive, thus overturning *Zadvydas* v. Davis, 533 U.S. 678 (2001), *Jennings* at 287. In doing so the Court *Jennings* never reached the idea that bond should be denied in immigration cases "across the Board."[1] In fact, the Court specifically acknowledged remedies, via bond or parole.

> *Zadvydas*'s reasoning is particularly inapt here because there is a specific provision authorizing release from §1225(b) detention whereas no similar release provision applies to §1231(a)(6). With a few exceptions not relevant here, the Attorney General may "for urgent humanitarian reasons or significant public benefit" temporarily parole aliens detained under §§1225(b)(1) and (b)(2). 8 U.S.C. §1182(d)(5)(A). *Id.*

14. To state this even more plainly, *Jennings* not only stated release/bond remedies exist for the sections argued by Respondents to have none, it also called out sections that specifically prohibit bond, never naming §§1225(b)(1) and (b)(2) among them. This is consistent with §1226(a), which grants the Attorney General the right to detain and release detainees on bond or parole. Immigration judges are then appointed by the Attorney General with delegated authority to preside over DHS/ICE enforcement proceedings.

15. Petitioner specifically notes the specific statutory language that requires proceedings under § 1229(a), and under 8 CFR §1003.10(b), for appointed immigration judges to exercise their "independent judgement."

> INA § 101(b)(4) The term "immigration judge" means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including

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[1] Quotations are counsel's around an old saw. Now he knows what that expression means.

> a hearing under section 1229a of this title. An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe, but shall not be employed by the Immigration and Naturalization Service.
>
> 8 CFR §1003.10
> (a) Appointment. The immigration judges are attorneys whom the Attorney General appoints as administrative judges within the Office of the Chief Immigration Judge to conduct specified classes of proceedings, including hearings under section 240 of the Act. Immigration judges shall act as the Attorney General's delegates in the cases that come before them.
> (b) Powers and duties. In conducting hearings under section 240 of the Act and such other proceedings the Attorney General may assign to them, immigration judges shall exercise the powers and duties delegated to them by the Act and by the Attorney General through regulation. In deciding the individual cases before them, and subject to the applicable governing standards, immigration judges shall exercise their independent judgment and discretion and may take any action consistent with their authorities under the Act and regulations that is appropriate and necessary for the disposition of such cases.

16. Petitioner further argues that if Justice Alito had meant to exclude bond in all cases in *Jennings*, thereby taking jurisdiction over INA matters away from immigration judges, the rightfully anointed administrative arm under the DOJ, he would have written it. Living in or out of detention is a fundamental element of immigration law. Why relieve the DOJ of their statutory function?

17. Stating Petitioner's point in reverse, Justice Alito did not rule that immigration judges can no longer decide bond cases. Nor did he state that they could (i) set them, (ii) hear them, but (iii) in doing so state that they do not have jurisdiction, thereby (iv) denying bond motions on such basis. In the preceding sentence (i)-(iv) would need to be accomplished without a specific statutory exclusion or Article III court-ordered prohibition.

18. In *Jennings*, the Court made clear it did not want judges straying from the statutes unless required, adhering to "the canon of constitutional avoidance," which "comes into play only when, after the application of ordinary textual analysis, the statute is found to be susceptible

of more than one [plausible] construction." *Clark* v. *Martinez*, 543 U.S. 371, 385, as quoted in *Jennings* Op at 12.

19. Petitioner argues that lack of jurisdiction would be a ruling for (i) an Article III court (ii) with jurisdiction (iii) to apply, and (iv) for the DOJ/DHS/ICE to follow. It would not be a "policy change" as announced by the DOJ/BIA to make new law without its passing by Congress, much less being vetoed or signed into law by the President.

20. It is hard to comprehend the lost human capital emanating from the EOIR (i) making a charge in a Notice to Appear, (ii) setting a bond hearing (which it still does), (iii) requiring briefs and a formal hearing, then (iv) denying the bond based on lack of jurisdiction. Why go through the exercise, except to paper up a claim that Due Process is being provided, when in fact it is all Process with nothing Due to the detained?

21. Respondents cite as authority a prior Attorney General, William Barr, who wrote of a different class of alien altogether in *Matter of M-S*, 27 I&N Dec. 509 (AG 2019). In overruling *Matter of X-K-*, 23 I&N Dec. 731 (BIA 2005), he distinguished that case in the heading: "An alien who is transferred from expedited removal proceedings to full removal proceedings after establishing a credible fear of persecution or torture is ineligible for release on bond. Such an alien must be detained until his removal proceedings conclude, unless he is granted parole." *M-S* was clearly an asylum case, having its own statutory detention requirements, in which the ruling also adds the requirement that, for *M-S* to apply the alien applicant must be transferred from expedited removal proceedings to full removal. None of those requirements are present here. While the AG rightly applied *Jennings* as the law of the land, he did so in those limited circumstances, for which, in his oversight of the BIA, he was, at the time, granted deference.

D. *Chevron* to *Loper*: the BIA's loss of deference

22. Until recently, the Supreme Court, and in so following, the Fifth Circuit, had a long history of granting substantial deference to administrative agencies of the Executive Branch. *Chevron U.S.A., Inc. v. NRDC*, 467 U.S. 837 (1984). In sum, *Chevron* required courts to defer to an administrative agency's reasonable interpretation of an ambiguous statute for which that agency is responsible.

23. The Fifth Circuit followed. *Martinez v. Mukasey,* 519 F. 3d 532, 541–42 (5th Cir. 2008). While calling into question the clarity of the INA, *Martinez* expressly states that

> ...[W]e first accord substantial deference, if warranted, to the BIA's interpretation of the INA. *Omari v. Gonzales*, 419 F.3d 303, 306 (5th Cir.2005) (quoting *Smalley v. Ashcroft*, 354 F.3d 332, 335-36 (5th Cir.2003)). Having afforded any necessary deference, we then "review de novo whether the particular statute that the prior conviction is under falls within the relevant INA definition." Id. (citations omitted). [Their parenthetical].

24. *Martinez*, *Omari* and *Smalley* are all progeny of *Chevron*. *Smalley* announces itself as giving "*Chevron* deference" in the context of the BIA's interpretation of a crime involving moral turpitude (CIMT). *Smalley* at 335-36. The other cases follow suit in their respective subject matters citing *Chevron*.

25. The cases cited immediately above proclaim deference to the BIA or administrative agencies in general. The Fifth Circuit has looked at the issues related to statutory interpretation directly in INA cases and others. However, the Fifth Circuit's recognition of *Chevron* deference is out of date.

26. That concept of deference is no longer good law. Last year, here came *Loper Bright Enterprises v. Raimondo* 603 U.S. 369 (2024), in which the Supreme Court overruled *Chevron* deference with a 6-3 vote. In reaching its conclusion, the Court found that when

federal agency rulemaking goes beyond administering laws as passed by Congress, the agency instead engages in legislating. The majority opinion noted that under the Separation of Powers doctrine, the framers of the Constitution envisioned that courts would have the final interpretation of law — not the Executive Branch. The Court held that the judiciary has the sole prerogative to interpret the law, and that Congress's Administrative Procedure Act of 1946 (APA) indicates agencies are not entitled to deference when interpreting statutes. The Court's decision (authored by Chief Justice Roberts) emphasizes the text of the APA, which is designed to impose a "check upon administrators whose zeal might otherwise have carried them to excesses not contemplated in the legislation creating their offices." Op. 13 (citations omitted). The BIA's invention of jurisdiction blocks that have not existed previously is an example of such "zeal."

27. While eliminating *Chevron* doctrine deference, the Supreme Court's decision did not instruct lower courts to completely ignore agency expertise, particularly when the agency interpretation has been long-standing and "consistent over time." Op 8, 16-17. In the instant case, this could be interpreted to require return to the general manner in which DHS/ICE and the immigration courts operated for decades before *Hurtado*, not the sea change prompted by *Hurtado* two months ago. *Hurtado* and its kin forced a 180 at very high speed, completely altering the rules related to detention, as well as removing the plain-language grant of authority to the Attorney General. The Eastern District has already cited *Loper* in *Texas v Becerra,* 6:24-cv- 211-JDK (ED Tex, 2024).

28. The terms "admitted" versus "applicant for admission" are not dispositive to our outcome. The outcome ultimately rests, as will be illustrated, the interpretation, or rather, invention of outcome constructed by the BIA in *Hurtado*.

E. ***Jennings* to *Hurtado*: Bringing it All Back Home**

29. The best way to illustrate how the DHS, AG and BIA apply *Jennings* incorrectly, then invent an interpretation that is both not authorized by statute and no longer given deference, occurred in *Hurtado*. It is applied all Orders Denying Bond issued by immigration judges post-*Hurtado*. Difficult to catch with the naked eye, at first, but it reveals itself with careful viewing.

30. The following is directly quoted from the form Denial of Bond. The full form in use in the Northern District, The Fifth Circuit, and nationwide, with applicant's personal information redacted, is attached as Exhibit A. In the space of one page, an Order Denying Bond does what the Response to Petitioner does in 11 pages: that is, to claim that "Bond," as a concept in relation to the INA, does not in fact, exist. The statutes and *Jennings* are mis-applied as explained above, *M-S* is wrongly applied as though it covers all applicants, and *Jennings* is misquoted in some places, then not attributed in others. However, the worst offenses occur in **bold** (added by Respondent), wherein the outright blanket conclusions for all aliens subject to the INA occur.

> Denied, because
> Respondent entered the United States without being admitted or paroled after inspection by an immigration officer. Based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A) (2018), **Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.** *YAJURE HURTADO*, 29 I&N Dec. 216 (BIA 2025). Under section 235, Congress created three different categories of applicants for admission. The first two categories are covered by section 235(b)(1)(A) of the INA, 8 U.S.C. § 1225(b)(1)(A). They include: (1) arriving aliens inadmissible under section 212(a)(6)(C) or 212(a)(7), 8 U.S.C. § 1182(a)(6)(C), (a)(7), and (2) aliens not admitted or paroled into the United States who are inadmissible under section 212(a)(6)(C) or 212(a)(7), 8 U.S.C. § 1182(a)(6)(C), (a)(7), and "who ha[ve] not affirmatively shown, to the satisfaction of an immigration officer, that [they] ha[ve] been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility." INA §

235(b)(1)(A)(i), (iii)(II), 8 U.S.C. § 1225(b)(1)(A)(i), (iii)(II); see also 8 C.F.R. § 235.3(b)(1) (2025).

The INA explicitly requires that aliens who fall into either of these two categories are subject to mandatory detention for the duration of their immigration proceedings. See INA § 235(b)(1)(B)(ii), (iii)(IV), 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV); see also 8 C.F.R. § 235.3(b)(2)(iii). **Thus, an Immigration Judge lacks authority to hear a bond request filed by an applicant for admission in either of these two categories.** See *Matter of M-S-*, 27 I&N Dec. 509, 515–19 (A.G. 2019). The third category of applicants for admission subject to the inspection, detention, and removal procedures set forth in section 235 of the INA,8 U.S.C. § 1225, are those aliens who are seeking admission and who an immigration officer has determined are "not clearly and beyond a doubt entitled to be admitted." INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A). This category is a "catchall provision that applies to all applicants for admission not covered by [section 235(b)(1)]." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Like with the first two categories of applicants for admission, the INA explicitly requires that this third "catchall" category of applicants for admission be mandatorily detained for the duration of their Cite as 29 I&N Dec. 216 (BIA 2025) Interim Decision #4125 Page 219 immigration proceedings. See INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A); see also *Jennings*, 583 U.S. at 299 (interpreting the "plain meaning" of sections 235(b)(1) and (2) to mean that applicants for admission be mandatorily detained for the duration of their immigration proceedings); 8 C.F.R. § 235.3(b)(1)(ii).

31. While Respondents argue that courts have ruled in favor of *Hurtado*, many have not, including the Southern District and Western Districts of Texas as recently as today, December 15, 2025, in *Perez-Puerta v. Johnson*, et al NO. SA-25-CV-01476-OLG (Order Granting Petition for Writ of Habeas Corpus). Other courts have already ruled against *Hurtado.* Dozens of district courts in the US have issued opinions rejecting the BIA's interpretation that immigrants who entered the US without inspection are ineligible for bond hearings. These decisions often appear as unpublished orders or in specific habeas corpus petitions. Some key examples: U.S. District Court for the Western District of Washington: the primary class-action case is *Rodriguez Vazquez v. Bostock*, Case No. 2:25-cv-05240-TMC, in which Judge Tiffany M. Cartwright found the ICE policy of denying bond hearings to be a violation of the Immigration and

Nationality Act; U.S. District Court for the District of Massachusetts (First Circuit): Multiple judges have ruled against the government's position in cases such as *Romero v. Hyde*, *Martinez v. Hyde*, and *Gomes v. Hyde*; U.S. District Court for the Eastern District of New York (Second Circuit): A case involving Mario Artiga challenged the policy in this district; U.S. District Court for the Eastern District of Michigan (Sixth Circuit): The court in *Contreras-Cervantes v. Raycraft* noted that the "overwhelming majority" of district courts disagree with the BIA's interpretation; U.S. District Court for the Southern District of Texas (Fifth Circuit): Multiple habeas petitions have been filed and granted; U.S. District Court for the Northern District of California (Ninth Circuit): The class action *Maldonado Bautista v. Noem* is pending there.

F. <u>The Change in "Policy" at the BIA Level Amounts to a Change in Law Beyond BIA Authority.</u>

32. Petitioner has been reporting to an immigration officer for years and residing in the U.S. for twenty-four years. Even under the expansive definition of *Jennings* as an "applicant for admission," he is not newly discovered and apprehended. He has been a law-abiding member of his community, with deep ties and an I-130 approved decades ago.

33. One "public benefit" to support release of a detainee with no criminal record is cost. This is the reduction of spent human capital, i.e. taxpayer expense. To put this literally, The National Immigration Forum and the American Immigration Lawyers Association have estimated per day inmate cost at $150-$250. That is a wide range, but in Respondents case, two years four months is 823 days, give or take a day or two. This amounts to between $123,450 and $213,250 charged to the American taxpayer or Respondent's detention, with so much as an accused crime, not even a traffic ticket. It's a civil violation, whereas its criminal equivalent,

Trespassing, you'd be hard-pressed to get two years. Cutting that detention expense is a public benefit, which traditionally has been offered to quaqlified detainees, thus meeting the test in *Loper*.

34. If we are to accept that mandatory detention applies to Petitioner under §§1225(b)(1) and (b)(2), we can also accept the plain language of §1226(a) that authorizes Petitioner's release. Without either statute expressly prohibiting the function of the other, they present as a 1) detention, with 2) options to be released, living side by side, without conflict.

35. The Department of Justice states, "The primary mission of the Executive Office for Immigration Review (EOIR)," wherein immigration judges sit, "is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation's immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings." *See* https://www.justice.gov/eoir/about-office.

36. The collapse of *Chevron*, and the rise of *Loper* make clear that *Hurtado* is ripe for review by this Court. In addition to relief requested in the original Petition and TRO, Petitioner pleads that *Hurtado* and any other case stripping the immigration courts of jurisdiction should be overturned.

THE TRO FACTORS FAVOR IMMEDIATE RELIEF

1. Likelihood of success on the merits,
2. Irreparable harm from continued confinement,
3. Balance of equities,
4. Public interest,
5. The custodian's noncompliance with § 2243 warrants an order to show cause and conditional relief.

REQUESTED RELIEF

Petitioner respectfully requests that the Court:

1. Grant the Petition and order immediate release on appropriate conditions, or
2. In the alternative, order a custody hearing within 48 hours with the safeguards described above and require written findings, and
3. Enjoin transfer of Petitioner outside this District without prior leave of Court pending compliance and final disposition, and
4. Grant such other relief as the Court deems just.

December 15, 2025

Respectfully submitted,

/s/ Sean P. Cordobés
Sean P. Cordobés
El Cordobés Law & Advisory PLLC
4428 Wildwood
Dallas, TX 75209
646-784-2376 * seancordobes@gmail.com
Texas Bar No. 00792106
Counsel for Petitioner

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT

Respondent Name:
[redacted]

To:
Esin, Julie Ann
1625 Mockingbird Ln., Ste. 308
Dallas, TX 75235

A-Number:
[redacted]
Riders:
In Custody Redetermination Proceedings

Date:
10/30/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☑ Denied, because

Respondent entered the United States without being admitted or paroled after inspection by an immigration officer. Based on the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A) (2018), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025). Under section 235, Congress created three different categories of applicants for admission. The first two categories are covered by section 235(b)(1)(A) of the INA, 8 U.S.C. § 1225(b)(1)(A). They include: (1) arriving aliens inadmissible under section 212(a)(6)(C) or 212(a)(7), 8 U.S.C. § 1182(a)(6)(C), (a)(7), and (2) aliens not admitted or paroled into the United States who are inadmissible under section 212(a)(6)(C) or 212(a)(7), 8 U.S.C. § 1182(a)(6)(C), (a)(7), and "who ha[ve] not affirmatively shown, to the satisfaction of an immigration officer, that [they] ha[ve] been physically present in the United States continuously for the 2-year period immediately prior to the date of determination of inadmissibility." INA § 235(b)(1)(A)(i), (iii)(II), 8 U.S.C. § 1225(b)(1)(A)(i), (iii)(II); see also 8 C.F.R. § 235.3(b)(1) (2025).

The INA explicitly requires that aliens who fall into either of these two categories are subject to mandatory detention for the duration of their immigration proceedings. See INA § 235(b)(1)(B)(ii), (iii)(IV), 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV); see also 8 C.F.R. § 235.3(b)(2)(iii). Thus, an Immigration Judge lacks authority to hear a bond request filed by an applicant for admission in either of these two categories. See Matter of M-S-, 27 I&N Dec. 509, 515–19 (A.G. 2019). The third category of applicants for admission subject to the inspection, detention, and removal procedures set forth in section 235 of the INA,8 U.S.C. § 1225, are those aliens who are seeking admission and who an immigration officer has determined are "not clearly and beyond a doubt entitled to be admitted." INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)

(25). The category is a "catchall provision that applies to any alien applicant for admission not covered by [section 235(b)(1)]." Jennings v. Rodriguez, 583 U.S. 281, 287 (2018). Like with the first two categories of applicants for admission, the INA explicitly requires that this third "catchall" category of applicants for admission be mandatorily detained for the duration of their Cite as 29 I&N Dec. 216 (BIA 2025) Interim Decision #4125 Page 219 immigration proceedings. See INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A); see also Jennings, 583 U.S. at 299 (interpreting the "plain meaning" of sections 235(b)(1) and (2) to mean that applicants for admission be mandatorily detained for the duration of their immigration proceedings); 8 C.F.R. § 235.3(b)(1)(ii).

☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
- ☐ released from custody under bond of $
- ☐ other:

☐ Other:

Immigration Judge: CROSSAN, THOMAS 10/30/2025

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☐ waived ☑ reserved
Appeal Due: 12/01/2025

Certificate of Service

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To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS
Respondent Name : PEREZ-PUERTA, GENESIS ARIANNY | A-Number : [redacted]
Riders:
Date: 10/30/2025 By: Johnson, Briana, Court Staff