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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Juan De Dios Armenta Soto,  
Petitioner,  
v.  
Unknown Party, *et al.*,  
Respondents.


CV 25-04178-MTL (MTM)

**RESPONSE TO MOTION FOR  
TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION  
AND  
RESPONSE TO AMENDED  
HABEAS PETITION**

**I. INTRODUCTION**

Respondents, by and through undersigned counsel, hereby respond to the Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. 2) and Amended Habeas Petition (Doc. 11). Petitioner is an “applicant for admission” who must therefore be detained pending removal proceedings. The plain language of the Immigration and Nationality Act (“INA”) establishes that any noncitizen present in the United States without being admitted is indeed an “applicant for admission” and therefore subject to mandatory detention under 8 U.S.C. § 1225(b)(2). *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018) (“Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants of admission until certain proceedings have concluded.”).

1           **II. FACTUAL AND PROCEDURAL BACKGROUND.**

2           Petitioner, Juan De Dios Armenta Soto, is a native and citizen of Mexico. See Exhibit A,  
3 Declaration of David R. Michie III, ¶ 3. He was born in Mexico on  1964. *Id.*  
4 Petitioner has a long history of repeatedly and unlawfully entering the United States and then  
5 voluntarily returning to Mexico. *Id.* ¶¶ 4-8. On December 8, 2002, Petitioner was arrested  
6 for driving under the influence. *Id.* ¶ 9. On January 16, 2004, Petitioner was convicted of  
7 this crime. *Id.* ¶ 10. Petitioner returned to Mexico but unlawfully re-entered the United States  
8 and again departed on July, 20, 2007. *Id.* ¶ 11. Petitioner again unlawfully re-entered the  
9 United States and was encountered by United States Border Patrol (“USBP”), on August 5,  
10 2019. *Id.* ¶ 12. Petitioner was encountered at a USBP checkpoint in New Mexico at Truth or  
11 Consequences. *Id.* He was taken into custody. *Id.* He was issued a Notice to Appear in  
12 removal proceedings and taken to the USBP El Paso Processing Center. *Id.*

13           On August 22, 2019, an Immigration Judge in Chaparral, New Mexico, ordered Petitioner  
14 released from immigration custody on a \$5,000 bond. Exhibit A ¶ 13. Petitioner’s removal  
15 proceedings were transferred to the Tucson immigration court, where Petitioner’s removal  
16 proceedings were ultimately dismissed without prejudice. *Id.* ¶ 14. On September 19, 2025,  
17 United States Immigration and Customs Enforcement, Enforcement and Removal  
18 Operations (“ERO”) encountered and arrested Petitioner. *Id.* ¶ 15. He was served a Notice  
19 to Appear in removal proceedings charging him with being inadmissible under INA section  
20 212(a)(6)(A)(i), as an alien present in the United States without have been admitted,  
21 inspected or paroled. *Id.* On September 20, 2025, Petitioner was transferred to the Eloy  
22 Detention Center, where he remains in immigration custody. *Id.* ¶ 18. Petitioner had a master  
23 calendar hearing, which is like an arraignment in immigration court, on October 29, 2025.  
24 *Id.* ¶ 19. On October 30, 2025, the immigration court scheduled a hearing on the merits of  
25 the case for December 2, 2025. *Id.* ¶ 20.

1           **III.    STATUTORY FRAMEWORK.**

2           **A.    Applicants for Admission.**

3           “The phrase ‘applicant for admission’ is a term of art denoting a particular legal status.”  
4 *Torres v. Barr*, 976 F.3d 918, 927 (9th Cir. 2020) (en banc). Section 1225(a)(1) states:

5           (1) Aliens treated as applicants for admission.— An alien present in the  
6           United States who has not been admitted or who arrives in the United States  
7           (whether or not at a designated port of arrival ...) shall be deemed for the  
8           purposes of this Act an applicant for admission.

9           8 U.S.C. § 1225(a)(1).<sup>1</sup> Section 1225(a)(1) was added to the INA as part of the Illegal  
10          Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Pub. L. No. 104-  
11          208, § 302, 110 Stat. 3009-546. “The distinction between an alien who has effected an entry  
12          into the United States and one who has never entered runs throughout immigration law.”  
13          *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

14          Before IIRIRA, “immigration law provided for two types of removal proceedings:  
15          deportation hearings and exclusion hearings.” *Hose v. I.N.S.*, 180 F.3d 992, 994 (9th Cir. 1999)  
16          (en banc). A deportation hearing was a proceeding against a noncitizen already physically  
17          present in the United States, whereas an exclusion hearing was against a noncitizen outside of  
18          the United States seeking admission. *Id.* Whether an applicant was eligible for “admission”  
19          was determined only in exclusion proceedings, and exclusion proceedings were limited to  
20          “entering” noncitizens — those noncitizens “coming . . . into the United States, from a foreign  
21          port or place or from an outlying possession.” *Landon v. Plasencia*, 459 U.S. 21, 24 n.3 (1982)  
22          (quoting 8 U.S.C. § 1101(a)(13) (1982)). “[N]on-citizens who had entered without inspection  
23          could take advantage of greater procedural and substantive rights afforded in deportation  
24          proceedings, while non-citizens who presented themselves at a port of entry for inspection  
25          were subjected to more summary exclusion proceedings.” *Hing Sum v. Holder*, 602 F.3d 1092,  
26          1100 (9th Cir. 2010); *see also Plasencia*, 459 U.S. at 25-26.

27          \_\_\_\_\_  
28          <sup>1</sup> Admission is the “lawful entry of an alien into the United States after inspection and  
        authorization by an immigration officer.” 8 U.S.C. § 1101(a)(13).

1  
2 Prior to IIRIRA, noncitizens who attempted to lawfully enter the United States were  
3 in a worse position than noncitizens who crossed the border unlawfully. *See Hing Sum*, 602  
4 F.3d at 1100; *see also* H.R. Rep. No. 104-469, pt. 1, at 225-229 (1996). IIRIRA “replaced  
5 deportation and exclusion proceedings with a general removal proceeding.” *Hing Sum*, 602  
6 F.3d at 1100. IIRIRA added Section 1225(a)(1) to “ensure[] that all immigrants who have not  
7 been lawfully admitted, regardless of their physical presence in the country, are placed on  
8 equal footing in removal proceedings under the INA.” *Torres*, 976 F.3d at 928; *see also* H.R.  
9 Rep. 104-469, pt. 1, at 225 (explaining that § 1225(a)(1) replaced “certain aspects of the  
10 current ‘entry doctrine,’” under which noncitizens who entered the United States without  
11 inspection gained equities and privileges in immigration proceedings unavailable to  
12 noncitizens who presented themselves for inspection at a port of entry). The provision “places  
13 some physically-but-not-lawfully present aliens into a fictive legal status for purposes of  
14 removal proceedings.” *Torres*, 976 F.3d at 928.

15 **B. Removal Proceedings under 8 U.S.C. § 1229(a).**

16 Removal proceedings under § 1229a are commonly referred to as “full removal  
17 proceedings” or “240 removal proceedings” due to the statutory section of the INA in which  
18 they appear. 8 U.S.C. § 1229a; INA § 240. The proceedings take place before an IJ, an  
19 employee of the Department of Justice. 8 U.S.C. § 1229a(a)(1), (b)(1). Noncitizens in § 1229a  
20 proceedings have an opportunity to apply for relief from removal. *See, e.g.*, 8 U.S.C. § 1158  
21 (asylum); 8 U.S.C. § 1229b(b) (cancellation of removal for nonpermanent residents); 8 U.S.C.  
22 § 1255 (adjustment of status). These are adversarial proceedings in which the noncitizen has  
23 the right to hire counsel, examine and present evidence, and cross-examine witnesses. 8 U.S.C.  
24 § 1229a(b)(4). Either party may appeal the IJ decision to the BIA. 8 U.S.C. § 1229a(b)(4)(C);  
25 *see also* 8 C.F.R. § 1240.15. If the BIA issues a final order of removal, the noncitizen may  
26 also seek judicial review at a U.S. Court of Appeals through a petition for review. 8 U.S.C. §  
27 1252.

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**C. Detention under the INA.**

The INA authorizes civil detention of noncitizens during removal proceedings and “[d]etention is necessarily part of this deportation procedure.” *Carlson v. Landon*, 342 U.S. 524, 538 (1952); *see also* 8 U.S.C. § 1225(b), 1226(a), and 1231(a). “Where an alien falls within this statutory scheme can affect whether his detention is mandatory or discretionary, as well as the kind of review process available to him if he wishes to contest the necessity of his detention.” *Prieto-Romero v. Clark*, 534 F.3d 1053, 1057 (9th Cir. 2008).

**1. Detention under 8 U.S.C. § 1225.**

The INA mandates the detention of applicants for admission. 8 U.S.C. § 1225(b)(1) and (b)(2); *see also Jennings v. Rodriguez*, 583 U.S. 281, 287 (Applicants for admission “fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).”). As explained above, arriving noncitizens and noncitizens present less than two years are subject to expedited removal. 8 U.S.C. § 1225(b)(1). If a noncitizen “indicates an intention to apply for asylum,” the noncitizen proceeds through the credible fear process and is subject to mandatory detention. 8 U.S.C. § 1225(b)(1)(B)(ii); *see also* 8 U.S.C. § 1225(B)(1)(B)(iii)(IV).

Section 1225(b)(2) is “broader” and “serves as a catchall provision.” *Jennings*, 583 U.S. at 287. The Supreme Court recognized that 1225(b)(2) “applies to all applicants for admission not covered by § 1225(b)(1).” *Id.* Under § 1225(b)(2), a noncitizen “who is an applicant for admission” shall be detained for a removal proceeding “if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). Section 1225 does not provide for noncitizens to be released on bond, but DHS has discretion to release any applicant for admission on a “case-by-case basis for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A); *see Biden v. Texas*, 597 U.S. 785, 806 (2022).

**2. Detention under 8 U.S.C. § 1226.**

Section 1226 provides that “an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a). Under §

1 1226(a), the government may detain a noncitizen during his removal proceedings, release him  
2 on bond, or release him on conditional parole. By regulation, immigration officers can release  
3 a noncitizen if the noncitizen demonstrates that he “would not pose a danger to property or  
4 persons” and “is likely to appear for any future proceeding.” 8 C.F.R. § 236.1(c)(8).

5 **IV. THE COURT SHOULD DENY THE AMENDED HABEAS PETITION.**

6 **A. Petitioner is an applicant for admission and subject to mandatory detention.**

7 Section 1225 applies to “applicants for admission,” such as Petitioner, who are  
8 defined as “alien[s] present in the United States who [have] not been admitted” or “who  
9 arrive[] in the United States.” 8 U.S.C. § 1225(a)(1). Applicants for admission “fall into one  
10 of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).”  
11 *Jennings*, 583 U.S. at 287.

12 Section 1225(b)(1) applies to arriving noncitizens and “certain other” noncitizens  
13 “initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid  
14 document.” *Id.*; 8 U.S.C. § 1225(b)(1)(A)(i), (iii). These noncitizens are generally subject to  
15 expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if the noncitizen  
16 “indicates an intention to apply for asylum . . . or a fear of persecution,” immigration officers  
17 will refer the noncitizen for a credible fear interview. *Id.* § 1225(b)(1)(A)(ii). A noncitizen  
18 “with a credible fear of persecution” is “detained for further consideration of the application  
19 for asylum.” *Id.* § 1225(b)(1)(B)(ii). If the noncitizen does not indicate an intent to apply for  
20 asylum, express a fear of persecution, or is “found not to have such a fear,” they are detained  
21 until removed from the United States. *Id.* §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

22 Section 1225(b)(2) is “broader” and “serves as a catchall provision.” *Jennings*, 583  
23 U.S. at 287. It “applies to all applicants for admission not covered by § 1225(b)(1).” *Id.* Under  
24 § 1225(b)(2), a noncitizen “who is an applicant for admission” shall be detained for a removal  
25 proceeding “if the examining immigration officer determines that [the] alien seeking  
26 admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A);  
27 *see Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) (“for aliens arriving in and seeking  
28 admission into the United States who are placed directly in full removal proceedings, section

1 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention ‘until removal  
2 proceedings have concluded.’”) (quoting *Jennings*, 583 U.S. at 299).

3 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.  
4 § 1225(b) and stated that “[r]ead most naturally, §§ 1225(b)(1) and (b)(2) [ ] mandate detention  
5 of applicants for admission until certain proceedings have concluded.” 583 U.S. at 297. The  
6 Court noted that neither § 1225(b)(1) nor § 1225(b)(2) “impose[] any limit on the length of  
7 detention” and “neither § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond  
8 hearings.” *Id.* The Court added that the sole means of release for noncitizens detained pursuant  
9 to §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary parole at the  
10 discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300. The Court observed  
11 that because noncitizens held under § 1225(b) may be paroled for “urgent humanitarian  
12 reasons or significant public benefit,” “[t]hat express exception to detention implies that there  
13 are no *other* circumstances under which aliens detained under § 1225(b) may be released.” *Id.*  
14 (citations and internal quotation omitted) (emphasis in the original). Courts thus may not  
15 validly draw additional procedural limitations “out of thin air.” *Id.* at 312. The Supreme Court  
16 concluded: “In sum, §§ 1225(b)(1) and (b)(2) mandate detention of aliens throughout the  
17 completion of applicable proceedings.” *Id.* at 302. As such, Petitioner is subject to mandatory  
18 detention under 8 U.S.C. § 1225(b)(2).<sup>2</sup>

19 **B. Congress did not intend to treat individuals who unlawfully enter the United**  
20 **States better than those who appear at a port of entry.**

21 When the plain text of a statute is clear, “that meaning is controlling” and courts “need  
22 not examine legislative history.” *Washington v. Chimei Innolux Corp.*, 659 F.3d 842, 848  
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24 <sup>2</sup> See *Mejia Olalde v. Noem*, 2025 U.S. Dist. LEXIS 221830, at \*6 (E.D. Mo. Nov.  
25 10, 2025) (finding alien properly detained under § 1225(b)(2) because he was present in  
26 United States without having been admitted, and thus an applicant for admission under §  
27 1225(a)); *Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351, at \*9 (D. Neb.  
28 Sept. 30, 2025) (same); *Chavez v. Noem*, --- F. Supp. 3d ---, 2025 WL 2730228, at \*4-5  
(S.D. Cal. Sept. 24, 2025) (same); *Pipa-Aquise v. Bondi*, No. 25-1094, 2025 WL 2490657,  
at \*1 (E.D. Va. Aug. 5, 2025) (same); *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913, at  
\*2 (D. Mass. July 28, 2025) (upholding detention under § 1225(b)(2) of alien “present in  
the country but [who] has not yet been lawfully granted admission”).

1 (9th Cir. 2011). But to the extent legislative history is relevant here, nothing “refutes the  
2 plain language” of § 1225. *Suzlon Energy Ltd. v. Microsoft Corp.*, 671 F.3d 726, 730 (9th  
3 Cir. 2011). Congress passed IIRIRA to correct “an anomaly whereby immigrants who were  
4 attempting to lawfully enter the United States were in a worse position than persons who had  
5 crossed the border unlawfully.” *Torres*, 976 F.3d at 928. The Court should reject the  
6 Petitioner’s interpretation because it would put aliens who “crossed the border unlawfully”  
7 in a better position than those “who present themselves for inspection at a port of entry.” *Id.*  
8 Aliens who presented at port of entry would be subject to mandatory detention under § 1225,  
9 but those who crossed illegally would be eligible for a bond under § 1226(a).

10 **C. The Court should not follow the decision in Echevarria.**

11 Respondents are aware of a prior decision in this District rejecting Respondents’  
12 position, *see Echevarria v. Bondi, et al.*, No. 2:25-cv-03252-PHX-DWL, 2025 WL 2821282  
13 (D. Ariz. Oct. 3, 2025), but respectfully maintain that Petitioner falls within the definition of  
14 an “arriving alien” warranting mandatory detention as the removal process unfolds.  
15 Respondents also respectfully maintain that an alien is an “applicant for admission” until an  
16 immigration official has inspected that person and determined that he or she is admissible  
17 into the United States.

18 In *Echevarria*, the Court determined that the phrase “alien seeking admission” in  
19 8 U.S.C. § 1225(b)(2)(A) implies a present-tense nature to the desire for admission, such that  
20 an alien who is already present in the United States cannot be “seeking admission”:

21 The word “seeking” is the present participle of the verb “seek.” It thus has a temporal  
22 element—Petitioner must have been in the process of seeking admission at the time  
23 of the inspection.

24 It is hard to see how Petitioner could be deemed to have been “seeking” admission at  
25 the time of the encounter on July 2, 2025. By that point, Petitioner had already been  
26 present in the United States for 24 years, having arrived and entered in 2001.  
27 Moreover, under Respondents’ interpretation of § 1225(a)(1), Petitioner became an  
28 “applicant for admission” in 2001, upon his arrival and entry. Implicit in  
Respondents’ position, then, is that Petitioner somehow existed in a perpetual state of  
“seeking” admission during the 24-year period between when he first became an  
“applicant for admission” in 2001, by virtue of his entry into the country, and when  
he was encountered and inspected by an immigration officer in 2025.

1  
2 *Echevarria*, 2025 WL 2821282, at \*6 (internal citations omitted).

3         However, this analysis fails to consider other pieces of statutory context. Respondents  
4 respectfully argue that the phrase “applicants for admission” carves out a subset of those who  
5 are “seeking admission.” For example, elsewhere in section 1225, the statute says that “[a]ll  
6 aliens who are applicants for admission or otherwise seeking admission or readmission to or  
7 transit through the United States shall be inspected by immigration officers.” 8 U.S.C. §  
8 1225(a)(3) (emphasis added). In other words, 8 U.S.C. § 1225(a)(3) shows that an alien may  
9 be “seeking admission” either by being an “applicant for admission,” or in some different  
10 way. As discussed earlier, the phrase “applicant for admission” unambiguously includes  
11 aliens who have already entered the United States. “In all but the most unusual situations, a  
12 single use of a statutory phrase must have a fixed meaning.” *See Cochise Consultancy, Inc.*  
13 *v. United States ex rel. Hunt*, 587 U.S. 262, 268 (2019) (referring to *Ratzlaf v. United States*,  
14 510 U.S. 135, 143 (1994)). “We therefore avoid interpretations that would ‘attribute different  
15 meanings to the same phrase.’” *Id.* (quoting *Reno v. Bossier Parish School Bd.*, 528 U. S.  
16 320, 329 (2000)). Thus, the *Echevarria* decision is not supported by the text of the statute,  
17 and Respondents respectfully request this Court reach a different result. *See supra*, fn. 2.

18         **V. PETITIONER IS NOT ENTITLED TO INJUNCTIVE RELIEF.**

19         **A. Legal Standard**

20         To obtain a preliminary injunction, a petitioner must show “that he is likely to  
21 succeed on the merits, that he is likely to suffer irreparable harm in the absence of  
22 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in  
23 the public interest.” *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). Injunctive  
24 relief is “an extraordinary remedy never awarded as of right.” *Winter*, 555 U.S. at 9.

25         **B. Petitioner is not likely to succeed on the merits.**

26         As argued in Section IV above, Petitioner’s habeas claim should not be granted  
27 because he is an “applicant or admission” and therefore subject to mandatory detention.  
28 For these same reasons, Petitioner cannot show that he is “likely to succeed on the merits,”

1 as required for injunctive relief. *Winter*, 555 U.S. at 20.

2 **C. Petitioner cannot establish irreparable harm.**

3 The Court should deny Petitioner’s motion for injunctive relief, because Petitioner  
4 “must demonstrate immediate threatened injury as a prerequisite to preliminary injunctive  
5 relief.” *Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988). The  
6 “possibility” of injury is “too remote and speculative to constitute an irreparable injury  
7 meriting preliminary injunctive relief.” *Id.* “Subjective apprehensions and unsupported  
8 predictions . . . are not sufficient to satisfy a plaintiff’s burden of demonstrating an  
9 immediate threat of irreparable harm.” *Id.* at 675-76.

10 Petitioner cannot show that denying the temporary restraining order would make  
11 “irreparable harm” the likely outcome. *Winter*, 555 U.S. at 22 (“[P]laintiffs . . . [must]  
12 demonstrate that irreparable injury is likely in the absence of an injunction.”) (emphasis in  
13 original). “[A] preliminary injunction will not be issued simply to prevent the possibility  
14 of some remote future injury.” *Id.* “Speculative injury does not constitute irreparable  
15 injury.” *Goldie’s Bookstore, Inc. v. Superior Court of State of Cal.*, 739 F.2d 466, 472 (9th  
16 Cir. 1984). Petitioner cannot establish irreparable harm if he is not released from detention  
17 where he is subject to mandatory detention and not eligible for release.

18 **D. The equities and public interest do not favor Petitioner.**

19 The third and fourth factors, “harm to the opposing party” and the “public interest,”  
20 “merge when the Government is the opposing party.” *Nken*, 556 U.S. at 435. “In exercising  
21 their sound discretion, courts of equity should pay particular regard for the public  
22 consequences in employing the extraordinary remedy of injunction.” *Weinberger v.*  
23 *Romero-Barcelo*, 456 U.S. 305, 312 (1982).

24 An adverse decision here would negatively impact the public interest by  
25 jeopardizing “the orderly and efficient administration of this country’s immigration laws.”  
26 *See Sasso v. Milhollan*, 735 F. Supp. 1045, 1049 (S.D. Fla. 1990); *see also Coal. for Econ.*  
27 *Equity v. Wilson*, 122 F.3d 718, 719 (9th Cir. 1997) (“[I]t is clear that a state suffers  
28 irreparable injury whenever an enactment of its people or their representatives is

1 enjoined.”). The public has a legitimate interest in the government’s enforcement of its  
2 laws. *See, e.g., Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1140 (9th Cir. 2009) (“[T]he  
3 district court should give due weight to the serious consideration of the public interest in  
4 this case that has already been undertaken by the responsible state officials in Washington,  
5 who unanimously passed the rules that are the subject of this appeal.”).

6 While it is in the public interest to protect constitutional rights, if the petitioner has  
7 not shown a likelihood of success on the merits of that claim—as Petitioner has not shown  
8 here—that presumptive public interest evaporates. *See Preminger v. Principi*, 422 F.3d  
9 815, 826 (9th Cir. 2005). And the public interest lies in the Executive’s ability to enforce  
10 U.S. immigration laws. *El Rescate Legal Servs., Inc. v. Exec. Off. of Immigr. Rev.*, 959 F.2d  
11 742, 750 (9th Cir. 1991) (“Control over immigration is a sovereign prerogative.”).  
12 Petitioner admitted to entering the United States illegally, which renders him inadmissible,  
13 so the public and governmental interest in permitting his continued detention to effectuate  
14 removal is significant. Because Petitioner is an inadmissible alien subject to mandatory  
15 detention, the public interest favors his continued detention.

16 **VI. CONCLUSION.**

17 For the foregoing reasons, Respondents respectfully request that this Court deny the  
18 Amended Petition for Writ of Habeas Corpus (Doc. 11) and the Motion for a Temporary  
19 Restraining Order and Preliminary Injunction (Doc. 2).

20 Respectfully submitted on November 21, 2025.

21  
22 TIMOTHY COURCHAINE  
23 United States Attorney  
24 District of Arizona

25 *s/Theo Nickerson*  
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