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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Maria Alvarado Rodriguez,

Petitioner,

v.

John E. CANTU, et al.,

Respondents.

Case No. 25-cv-04180-JJT-JFM

PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Maria Alvarado Rodriguez was abruptly detained by ICE, leaving her family in a tailspin. She was then denied release from immigration detention based on government Respondents' novel and improper interpretation of the decades-old statutory detention authority. Respondents' interpretation—that all noncitizens who are present in the United States without having been admitted are subject to mandatory detention under 8 U.S.C. § 1225(b)—runs contrary to the plain language of the statute and the statutory scheme. As Judge Lanza recently noted, this new reading "push[es] the statutory text beyond its breaking point." *Francisco Echevarria v. Bondi, et al.*, CV-25-03252-PHX-DWL (ESW), 2025 WL 2821282, at *9 (D. Ariz. Oct. 3, 2025). In their opposition, Respondents acknowledge *Echevarria* but do not meaningfully counter. Rather, they put forth the same arguments that have been repeatedly rejected by district courts nationwide, including in *Echevarria*. Ms. Alvarado has now been unlawfully detained for 58 days, and nearly one month has passed since an immigration judge held that she should be released on minimum bond. This Court should grant the Petition and order Ms. Alvarado's immediate release from custody.

ARGUMENT

I. Ms. Alvarado, Who Entered Without Inspection, is Subject to the "Default" Detention Authority Under § 1226(a); Respondents Cannot Demonstrate She Falls Under § 1225(b)(2)

Ms. Alvarado's detention is governed by 8 U.S.C. § 1226(a). Respondents do not engage with the statutory language of § 1226(a), or any of Ms. Alvarado's related arguments. *Compare* Am. Pet. ¶¶ 27-30, 39 *with* Resp. Opp 5-6. Instead, focusing

exclusively on § 1225, they argue that years after her arrival in the United States, and even though she never formally applied for admission, Ms. Alvarado remains an "applicant for admission" as defined in 8 U.S.C. § 1225(a)(1). Then, conceding that she does not meet the specifications of § 1225(b)(1), the government summarily concludes that she must be subject to mandatory detention under the "catch all provision" of § 1225(b)(2).

The government's new interpretation of the statutory language raises an obvious question: "if Congress's intention was so clear, why did it take thirty years to notice?" *Romero v. Hyde*, No. 25-11631, 2025 WL 2403827 at *29 (D. Mass. Aug. 19, 2025).[1] Its interpretation is also wrong for at least two reasons. First, it overlooks the additional requirements of § 1225(b)(2)(A). Being an "applicant for admission" is necessary but not sufficient condition for a noncitizen to be subject to § 1225(b)(2)(A); a noncitizen is subject to mandatory detention under § 1225(b)(2)(A) only if he is (1) an "applicant for admission," (2) "seeking admission," *and* (3) not "clearly and beyond a doubt entitled to be admitted." *Id.*; *see Doe v. Moniz,* No. 1:25-cv-12094-IT, 2025 WL 2576819, at *3 (D. Mass. Sep. 5, 2025). Second, the government's about-face interpretation belies the greater statutory scheme. *See Echevarria*, 2025 WL 2821282 at *12. Respondents' Opposition addresses neither point.

As to the first point, "[§] 1225(b)(2)(A) narrows the above broader definition of 'applicants for admission' and applies in the context of (1) 'inspection' by an 'examining

[1] The "plain language" reading is also undermined by its concession in at least one other case that noncitizens in Petitioner's position would have been eligible for bond prior to July 8, 2025, the date on which ICE "revisited" its legal position. *Zumba v. Bondi*, No. 25-14626, 2025 WL 2753496 at *11 (D.N.J. Sept. 26, 2025).

immigration officer' only to (2) 'applicants for admission' as defined [in § 1225(a)(1)], who are (3) 'seeking admission,' and (4) whom § 1225(b)(1) does not address." *Vazquez v. Feeley*, No. 2:25-cv-01542-RFB-EJY, 2025 U.S. Dist. LEXIS 182412, at *36 (D. Nev. Sep. 17, 2025). "[F]ollowing the cardinal rule of statutory interpretation that 'every clause and word of a statute should have meaning,' for Section 1225(b)(2) to apply, the noncitizen must [both] be an 'applicant for admission' and be 'seeking admission.'" *Huamani v. Francis*, No. 25-cv-8110 (LJL), 2025 U.S. Dist. LEXIS 219101, at *8 (S.D.N.Y. Nov. 4, 2025), citing *United States ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023). "Although [Petitioner] is technically an 'applicant for admission' because she has not been formally admitted to the United States, it does not follow that she is necessarily 'seeking admission' under Section 1225(b)(2)." *Id.* at 7-8.

Congress defined "admission" as "the lawful *entry* of the alien *into* the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A) (emphasis added). Accordingly, "the phrase 'seeking admission' means that one must be actively 'seeking' 'lawful entry.'" *Lepe v. Andrews*, 2025 WL 2716910 at *10 (E.D. Cal. Sept. 23, 2025) (citation omitted)). As many courts within the Ninth Circuit have found, "'seeking admission' is best understood to require an affirmative act such as entering the United States or applying for status." *Calel v. Larose*, No. 3:25-cv-02883, 2025 U.S. Dist. LEXIS 223788 (S.D. Cal. Nov. 13, 2025) (internal quotation marks omitted) (collecting cases); *see also Huamani*, 2025 U.S. Dist. LEXIS 219101, at *8, citing *J.G.O. v. Francis*, 2025 U.S. Dist. LEXIS 212816, at *3 (S.D.N.Y. Oct. 28,

2025) ("The term 'applicant for admission' is thus something of a misnomer. It 'doesn't require an application of any sort. All that's needed is presence without admission—in other words, it applies to the great number of undocumented immigrants who currently live' in this country.").

"Construing section 1225(b)(2) to apply to noncitizens already residing in the country would read the word 'entry' out of the definitions of 'admitted' and 'admission.'" *Chafla v. Scott*, No. 25-437, 2025 WL 2688541 at *19 (D. Maine Sept. 21, 2025) (citing § 1101(a)(13)(A)). "The government's assertion that § 1225 applies to all applicants for admission would also read out of § 1225(b)(2)(A) the requirement that the noncitizen be 'seeking admission.' This phrase, to the extent possible, must be given meaning independent of the requirement that the person be an applicant for admission." *Jimenez*, 2025 U.S. Dist. LEXIS 176165, 2025 WL 2639390 at *8. "[I]t cannot apply" here, where Ms. Alvarez "has already entered the country and has been residing here for over two years." *Id.*

Second, statutory sections must be read as part of the broader statutory scheme. In this case, § 1225 must be read with § 1226, the other statute governing detention of noncitizens prior to a removal order. The Supreme Court has already shed light on the interplay between these two statutes: "U.S. immigration law authorizes the Government to detain certain aliens *seeking admission* into the country under §§ 1225(b)(1) and (b)(2). It also authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c)." *Jennings v. Rodriguez*,

583 U.S. 281, 289, 303 (2018) (emphasis added); *see Quispe-Ardiles v. Noem*, No. 25-1382, 2025 WL 2783800 at *12 (E.D. Va. Sept. 30, 2025) ("[Section] 1226(a) sets forth 'the default rule' for detaining and removing aliens 'already present in the United States.'").

Looking more closely at the scope of § 1226, it is clear that if "§ 1225(b)'s mandatory detention provisions apply to all persons who have not been admitted into the United States, that would render superfluous those provisions of § 1226 that apply to certain categories of inadmissible aliens, such as § 1226(c)(1)(A), (D), and (E)." *Hasan v. Crawford*, --- F. Supp. 3d ---, 2025 WL 268225 at *22 (E.D. Va. Sept. 19, 2025). While § 1226(a) provides the right to seek release, 1226(c) carves out specific categories of noncitizens—including those who are "inadmissible"—and subjects them to mandatory detention (for criminal and terrorist activity) instead. Am. Pet. ¶ 30; TRO Motion, ECF Dkt. No. 2, 9-11. If § 1226(a) could never apply to inadmissible noncitizens—as the government's position dictates—not only words or phrases, but entire subsections of § 1226(c) would be unnecessary. Similarly, the government's interpretation would also "render the [newly enacted] Laken Riley Act a meaningless amendment, since it would have prescribed mandatory detention for noncitizens already subject to it." *Aceros v. Kaiser*, 2025 WL 2637503 at *28 (N.D. Cal. Sept. 12, 2025); *see* Am. Pet. ¶¶ 2, 29-30.

To date, over 150 federal district judges have either outright rejected the government's novel interpretation,[i] or found that noncitizens challenging the government's interpretation were substantially likely to prevail on the merits.[ii] While the government acknowledges

one case from this district that supports Petitioner's argument, *see Echevarria*, 2025 WL 2821282, it fails to address or even mention the overwhelming number of other courts to have found the same. *See* Resp. Opp. at 6.

The government, instead, urges this Court reverse course based on the handful of decisions going against the weight of authority—and the statutory language—on this issue. But the cases the government cites are either inapposite or unpersuasive; they do not compel this Court to depart from the logic of *Echevarria* and the chorus of courts in agreement. *See, e.g., Benitez-Cornejo v. Cantu,* No. 25-3672, 2025 LX 485778 (D. Ariz. Oct. 17, 2025) (Tuchi, J.).

As an initial matter, Judge Lanza already considered and dismissed the reasoning underlying the decision in *Chavez v. Noem*, --- F. Supp. 3d ---, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025). *See Echevarria*, 2025 WL 2821282, at *11, 25-26. Judge Lanza was justified in being unpersuaded by *Chavez*. In that case, the court relied on an overreading of legislative history and failed to address the crucial distinction between being an "applicant for admission" and "seeking admission." With respect to the legislative history, the court stated that prior to the enactment of § 1225(a)(1), "an 'anomaly' existed 'whereby immigrants who were attempting to lawfully enter the United States were in a worse position than persons who had crossed the border unlawfully.'" *Id.* at 12 (quoting *Torres v. Barr*, 976 F.3d 918 (9th Cir. 2020)).[2] The court thus inferred that Congress

[2] As the Ninth Circuit explained in *United States v. Gambino-Ruiz*, 91 F.4th 981, 989 (9th Cir. 2024), "*Torres* merely rejected the view that an alien remains in a perpetual state of applying for admission." Thus, any claim that *Torres* supports the government's definition of admission is unpersuasive.

enacted 1225(a)(1) to ensure "'that all immigrants who have not been lawfully admitted, regardless of their physical presence in the country, are placed on equal footing in removal proceedings under the INA—in the position of an 'applicant for admission.'" *Id.* Section 1225(a)(1), however, was enacted for a far more mundane purpose. According to then-General Counsel of the former Immigration and Naturalization Service (INS), Congress was concerned that a prior BIA decision, *Matter of Badalamenti* 19 I. & N. Dec. 623 (BIA 1988),[3] could be interpreted to allow noncitizens who entered the country without inspection to defeat charges of inadmissibility, thus remaining immune from detention and removal. Congress enacted section 1225(a)(1) to foreclose this argument.

Equally important, the *Chavez* court's analysis of Section 1225 was limited to determining whether the petitioners, as non-citizens present in the United States but not admitted, were "applicants for admission" under Section 1225. *Chavez*, 2025 WL 2730228 at *11-12. The Court did not address whether the petitioners were "applicant[s] for admission . . . seeking admission" within the scope of 1225(b)(2), overlooking a crucial part of the analysis. Next, while *Mejia Olalde v. Noem* engages with the distinction between "applicant for admission" and "seeking admission," the entire analysis begins with a faulty syllogism that assumes someone who was at one point deemed an "applicant

[3] There, the Board held that a noncitizen who had been paroled into the United States for criminal prosecution, but who was acquitted of all charges, could not be considered an "applicant for admission"—and thus not subject to the grounds of inadmissibility—until he had been given a reasonable period of time to voluntarily leave the country. *Id.* at 625-27. *See* David Martin, *A Defense of Immigration-Enforcement Discretion: The Legal and Policy Flaws in Kris Kobach's Latest Crusade*, 122 Yale L.J. Online 167, 176-77 (2012) (describing, in detail, the legislative history of the amendment that resulted in § 1225(a)(1)).

for admission" is still "seeking admission." *Mejia Olalde v. Noem*, No. 1:25-cv-00168-JMD, 2025 U.S. Dist. LEXIS 221830, at *8 (E.D. Mo. Nov. 10, 2025) ("Because Mejia Olalde is an alien, present in the United States, who has not been admitted, the law defines him to be an applicant for admission. He is thus seeking admission.").

Pena v. Hyde, No. 25-11983, 2025 WL 2108913, at *2 (D. Mass. July 28, 2025), which is relied upon by several other Courts that have favored the government's interpretation, is readily distinguishable. In this case, the petitioner argued that the approval of a family beneficiary application constituted an "admission" and accordingly, conferred due process rights with respect to his detention. Rejected succinctly by another Court in the same district, "the petitioner there did not argue that his detention should have been under Section 1226 and the decision does not discuss Section 1226 at all." *Doe v. Moniz*, No. 1:25-cv-12094-IT, 2025 WL 2576819, at *13 n.7 (D. Mass. Sep. 5, 2025).

In *Cortes Alonzo*, Judge Shubb simply reiterated the same faulty logic of the other decisions—including *Pena v. Hyde*—in denying preliminary relief to the petitioner. Even still, the Court hedged, stating that, given the preliminary posture and speed of the proceedings, "this finding should not be understood an affirmative endorsement" of the government's view. *Cortes Alonzo v. Noem*, --- F. Supp. 3d ---, No. 25-cv-01519-WBS, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025).[4]

[4] The government's remaining case citations miss the mark. *Pipa-Aquise v. Bondi*, No. 25-1094, 2025 WL 2490657, at *1 (E.D. Va. Aug. 5, 2025) is inapposite because the petitioner was detained pursuant to § 1225(b)(1), not (b)(2), the "catch-all" provision that the government purports to apply to Ms. Alvarado. In *Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb. Sept. 30, 2025), the court stated that DHS can choose in some circumstances whether to subject a noncitizen to mandatory detention under § 1225(b)(2) or

Finally, although the government relies on *Jennings v. Rodriguez*, the Supreme Court's analysis undercuts its position. As stated *supra*, *Jennings* made clear that sections 1225 and 1226 govern the detention of two distinct and mutually exclusive classes of noncitizens: those who were "apprehended trying to enter the country," and those "who are already present inside the country." 583 U.S. at 285. The Court explained that § 1225 applies "at the Nation's borders and ports of entry," while § 1226 applies to those "inside the United States."[5] *Id.* at 287-88. The government's assertion that § 1225(b)(2)(A) applies to noncitizens who have already effected an entry into the United States thus conflicts with *Jennings* itself, as well as with *Clark v. Martinez*, 543 U.S. 371, 373 (2005), which similarly described 1225(b)(2)(A) as applying to "alien[s] *arriving* in the United States."

II. The Government Has Forfeited Any Opposition to Petitioner's Claims That She Is Entitled to an Opportunity for Release Under Federal Regulations

discretionary detention under § 1226(a). The court's reasoning does not withstand scrutiny. Congress provided that those subject to § 1225(b)(2)(A) "shall be detained" during removal proceedings, while those subject to 1226(a) "may [be] release[d]" during such proceedings. Indeed, the government has repeatedly conceded that § 1225(b)(2)(A) and § 1226 are "mutually exclusive." *J.U. v. Maldonado*, No. 25-4836, 2025 WL 2772765 at *11-12 (E.D.N.Y. Sept. 29, 2025); *Lopez Benitez v. Francis*, No. 25-5937, 2025 WL 2267803 at *10 (S.D.N.Y. Aug. 8, 2025). The recent Report and Recommendation in *Moldogaziev v. Cantu*, No. 25-cv-03265-MTL (JFM) (Report and Recommendation) (D. Ariz. Nov. 18, 2025) misinterprets decades of authority on the noncitizens who have entered the United States without inspection and relies on the Magistrate Judge's classification—whether correct or incorrect—of the petitioner as an "arriving alien" on § 1182(d) parole, which is not the case for Ms. Alvarado. In any event, the R&R is not the final decision in this case and should not be afforded serious consideration.

[5] During oral argument in *Jennings*, the Solicitor General confirmed that noncitizens who previously entered the country without inspection and had been living in the United States are subject to detention under § 1226, not § 1225. *Jennings v. Rodriguez*, 583 U.S. 281 (2018), Transcript of Oral Argument (No. 15-1204), p.8.

Petitioner argues that Respondents are violating both the Immigration and Nationality Act (INA) and federal regulations by detaining her without opportunity for release. The government argues that Petitioner is subject to mandatory detention, but it does not dispute that she is entitled to a bond hearing under regulations that the Attorney General (A.G.) promulgated nearly three decades ago. The government thus forfeits any opposition to Petitioner's claim that she is eligible for release under the regulations.

As detailed in the Petition, the regulations at 8 C.F.R. § 1236.1(d)(1) give immigration judges (IJs) the general authority to grant bond to noncitizens in removal proceedings. Am. Pet., ¶¶ 26-29. The only noncitizens ineligible for bond are those subject to final orders of removal or referenced in 8 C.F.R. § 1003.19. *Id.* Meanwhile, the regulations at 8 C.F.R. § 1003.19(h)(2) list five categories of noncitizens for whom IJs may not grant bond, including (as relevant) "arriving aliens" in removal proceedings, § 1003.19(h)(2)(i)(B).

Following the passage of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA), the A.G. deliberately decided to allow IJs to grant bond to noncitizens who are present without admission.[6] Specifically, an initial proposed rule provided that IJs could not grant bond to "[i]nadmissible aliens in removal proceedings." 62 Fed. Reg. 444, 483 (Jan. 3, 1997). That provision was replaced, however,

[6] *See* Pub. L. No. 104-208, 110 Stat. 3009 (1996) (IIRIRA).

with one that would apply only to "[a]rriving aliens . . . in removal proceedings."[7] 62 Fed. Reg. 10312, 10361 (March 6, 1997). As the A.G. explained, "[t]he effect of this change is that inadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an IJ[.]" *Id.* at 10323.

Relatedly, the A.G. also considered how to define "arriving alien." In the proposed rule, "arriving alien" applied to "aliens arriving at a port-of-entry, aliens interdicted at sea, and aliens previously paroled upon arrival." 62 Fed. Reg. at 445. The A.G. noted that the phrase might "also include other classes of aliens, e.g., those apprehended crossing a land border between ports-of-entry," and solicited comments. *Id.* Despite suggestions to expand it, the A.G. chose not to modify the proposed definition of "arriving alien," which remains materially identical today. 62 Fed. Reg. at 10303; *see* 8 C.F.R. § 1001.1(q).

As this discussion illustrates, the decision to afford bond hearings to noncitizens who are present without admission was conscious and deliberate. Notably, agencies must "use the same procedures when they amend or repeal a rule as they used to issue [it] in the first instance." *Perez v. Mortgage Bankers Ass'n*, 575 U.S. 92, 101 (2015) (citation omitted). As a result, the agency "may not slip by the notice and comment rule-making requirements . . . by merely adopting a *de facto* amendment to its regulation through adjudication." *Marseilles Land & Water Co. v. FERC*, 345 F.3d 916, 920 (D.C. Cir. 2003). Ms. Alvarado's continued detention is thus violative of the federal regulations in addition

[7] This provision was originally promulgated as 8 C.F.R. 236.1(c)(5)(i) and was later transferred to 8 C.F.R. 1003.19(h)(2)(i)(B).

to the INA.

CONCLUSION

For these reasons, the Court should grant Ms. Alvarado's Petition for Writ of Habeas Corpus and order her immediate release.

Dated: November 21, 2025

Respectfully Submitted,

s/ Gregory P. Fay

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[1] *See, e.g., Calel v. Larose*, No. 3:25-cv-02883, 2025 U.S. Dist. LEXIS 223788 (S.D. Cal. Nov. 13, 2025); *Huamani v. Francis*, No. 25-cv-8110 (LJL), 2025 U.S. Dist. LEXIS 219101 (S.D.N.Y. Nov. 4, 2025); *Castellanos Lopez v. Warden*, No. 25-2527, 2025 LX 467758 (S.D. Cal. Oct. 27, 2025) (Huie, J.); *Esquivel-Ipina v. Larose*, No. 25-2672, 2025 LX 484082 (S.D. Cal. Oct. 24, 2025) (Sammartino, J.); *Benitez-Cornejo v. Cantu*, No. 25-3672, 2025 LX 485778 (D. Ariz. Oct. 17, 2025) (Tuchi, J.); *Torres v. Wamsley*, 2025 WL 2855379 (W.D. Wash. Oct. 8, 2025) (Menendez, J.); *BDVS v. Forestal*, No. 25-1968 (S.D. Ind. Oct. 8, 2025) (Evans Barker, J.); *Eliseo v. Olson*, No. 25-3381 (Oct. 8, 2025) (Blackwell, J.); *Buenrostro-Mendez v. Bondi*, No. 25-3726, (S.D. Tex. Oct. 7, 2025) (Rosenthal, J.); *Echevarria v. Bondi*, No. 25-3252, 2025 LX 492534 (D. Ariz. Oct. 3, 2025) (Joun, J.); *Belsai D.S. v. Bondi*, No. 25-3682 (D. Minn. Oct. 1, 2025) (Menendez, J.); *Santiago Santiago v. Noem*, No. 25-361 (W.D. Tex. Oct. 1, 2025) (Cardone, J.); *Quispe-Ardiles v. Noem*, No. 25-1382, 2025 WL 2783799 (E.D. Va. Sept. 30, 2025) (Nachmanoff, J.); *Rodriguez Vazquez v. Bostock*, No. 25-5240, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025) (Cartwright, J.); *Da Silva v. ICE*, No. 25-284, 2025 WL 2778083 (D.N.H. Sept. 29, 2025) (McCafferty, J.); *Quispe v. Crawford*, No. 25-1471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025) (Trenga, J.); *Inlago Tocagon v. Moniz*, No. 25-12453, 2025 WL 2778023 (D. Mass. Sept. 29, 2025) (Joun, J.); *Barrios v. Shepley*, No. 25-406, 2025 WL 2772579 (D. Maine Sept. 29, 2025) (Woodcock, Jr.); *J.U. v. Maldonado*, No. 25-4836, 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025) (Merchant, J.); *Savane v. Francis*, No. 25-6666, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025) (Woods, J.); *Zumba v. Bondi*, No. 25-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025) (Hayden, J.); *Villanueva Herrera v. Tate*, No. 25-3364 (S.D. Tex. Sept 26, 2025) (Hittner, J.); *Gamez Lira v. Noem*, No. 25-855 (D.N.M. 25-855) (Johnson, J.); *Singh v. Lewis*, No. 25-96, 2025 LX 400065 (W.D. Ky. Sept. 22, 2025)

(Jennings, J.); *Chafla v. Scott*, No. 25-437, 2025 LX 422663 (D. Maine Sept. 21, 2025) (Neumann, J.); *Hasan v. Crawford*, No. 25-1408, 2025 LX 499354 (E.D. Va. Sept. 19, 2025) (Brinkema, J.); *Barrera v. Tindall*, No. 25-451, 2025 LX 435572 (W.D. Ky. Sept. 19, 2025) (Jenning, J.); *Salazar v. Dedos*, No. 25-835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025) (Urias, J.); *Garcia Cortes v. Noem*, No. 25-2677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025) (Sweeney, J.); *Pizarro Reyes v. Raycraft*, No. 25-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (White, J.); *Sampiao v. Hyde*, No. 25-11981, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (Kobick, J.); *Jimenez v. FCI Berlin*, No. 25-326, 2025 LX 360066 (D.N.H. Sept. 8, 2025) (McCafferty, J.); *Doe v. Moniz*, No. 25-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025) (Talwani, J.); *Lopez Benitez v. Francis*, No. 25-5937, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025) (Ho, J.); *Lopez-Campos v. Raycraft*, No. 25-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025) (McMillion, J.); *Diaz v. Mattivelo*, No. 25-12226, 2025 WL 2457610 (D. Mass. Aug. 27, 2025) (Kobick, J.); *Jose J.O.E. v. Bondi*, No. 25-3051, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) (Tostrud, J.); *Leal-Hernandez v. Noem*, No. 25-2428, 2025 WL 2430025 (D. Md. Aug. 24, 2025) (Rubin, J.); *Romero v. Hyde*, No. 25-11631, __ F.Supp.3d __, 2025 WL 2403827 (D. Mass. Aug. 19, 2025) (Murphy, J.); *Samb v. Joyce*, No. 25-6373, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025) (Ho, J.); *dos Santos v. Noem*, No. 25-12052, 2025 WL 2370988 (D. Mass. Aug. 14, 2025) (Kobick, J.); *Diaz Martinez v. Hyde*, No. 25-11613, __ F.Supp.3d __, 2025 WL 2084238 (D. Mass. July 24, 2025) (Murphy, J.); *Gomes v. Hyde*, No. 25-11571, 2025 WL 1869299 (D. Mass. July 7, 2025) (Kobick, J.).

[11] *See, e.g., Arce-Cervera v. Noem*, 25-1895 (D. Nev. Oct. 28, 2025); *Martinez Lopez v. Noem*, No. 3:25-2734 (S.D. Cal. Oct. 23, 2025) (Park, J.); *Sabi Polo v. Chestnut*, No. 25-1342 (E.D. Cal. Oct. 17, 2025) (Thurston, J.); *Menjivar Sanchez v. Wofford*, No. 25-1187 (E.D. Cal. Oct. 17, 2025) (Oberto, J.); *E.C. v. Noem*, 2025 WL 2916264 (D. Nev. Oct. 14, 2025) (Boulware, J.); *Rico-Tapia v. Smith* No. 25-379 (D. Haw. Oct. 10, 2025) (Park, J.); *Alvarez Chavez v. Kaiser*, 2025 WL 2909526 (N.D. Cal. Oct. 9, 2025) (Beeler, J.) *Flores v. Noem*, No. 25-2490, 2025 LX 444718 (C.D. Cal. Sept. 29, 2025) (Birotte, J.); *Roa v. Albarran*, No. 25-7802, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025) (*Seeborg*, J.); *Lopez v. Hardin*, No. 25-830, 2025 WL 2732717 (M.D. Fla. Sept. 25, 2025) (Dudek, J.); *Guerrero Lepe v. Andrews*, No. 1:25-cv-01163 (E.D. Cal. Sept. 23, 2025) (Sherriff, J.); *Aceros v. Kaiser*, No. 25-06924, 2025 LX 330524 (N.D. Cal. Sept. 12, 2025) (Chen, J.); *Guzman v. Andrews*, No. 25-01015, 2025 LX 354551 (E.D. Cal. Sept. 9, 2025) (Sherriff, J.); *Mosqueda v. Noem*, No. 25-2304, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025) (Snyder, J.); *Nieves v. Kaiser*, No. 25-6921, 2025 LX 320701 (N.D. Cal. Sept. 3, 2025) (Beeler, J.); *Garcia v. Noem*, No. 25-2180, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025) (Sabraw. J.); *Garcia v. Kaiser*, No. 25-06916, 2025 LX 322337 (N.D. Cal. Aug. 29, 2025) (Gonzalez Rogers, J.); *Kostak v. Trump*, No. 25-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025) (Edwards, J.); *Benitez v. Noem*, No. 25-02190, 2025 LX 322897 (C.D. Cal. Aug. 26, 2025) (Klausner, J.); *Ramirez Clavijo v. Kaiser*, No. 25-06248, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025) (Freeman, J.); *Arrazola-Gonzalez v. Noem*, No. 25-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025) (Wright, J.); *Maldonado v. Olson*, No. 25-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025) (Nelson, J.); *Maldonado Bautista v. Santacruz*, No. 25-01873, 2025 LX 341363 (C.D. Cal. July 28, 2025); *Vazquez v. Bostock*, No. 25-05240, 779 F. Supp. 3d 1239 (W.D. Wash. April 24, 2025) (Cartwright, J.). *But see Sixtos Chavez v. Noem*, No. 25-2325 (S.D. Cal. Sep. 24, 2025) (Bencivengo, J.) (denying temporary restraining order); *Villanueva v. Chestnut*, No. 25-2 (E.D. Cal. Oct. 24, 2025) (Sheriff, J.) (same).