

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LEANDRO PABLO CORONADO, Petitioner, v. KEVIN RAYCRAFT, Acting Field Office Director of Enforcement and Removal Operations, Detroit, United States Immigration and Customs Enforcement, <i>et al.</i> , Respondents.	Case No. 1:25-cv-00831 District Judge Douglas R. Cole Magistrate Judge Michael R. Merz
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PETITIONER'S REPLY TO RETURN OF WRIT

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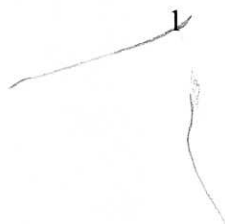
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INTRODUCTION

This Court should grant Petitioner’s, Mr. Pablo Coronado, writ of Habeas Corpus. First, this court has jurisdiction under 28 U.S.C. § 2241 over challenges to detention under 8 U.S.C. § 1226, which governs the detention of noncitizens already present within the United States. Second, exhaustion is not required because, under the Sixth Circuit’s prudential exhaustion framework, pursuing administrative remedies would be futile in these circumstances¹. Finally, because

¹ *Matter of Yajure Hurtado*, 29 I&N Dec. 216, (BIA 2025) removed jurisdiction from IJs. Additionally, after the order granting Petitioners’ partial judgement on November 20, 2025, in *Maldonado Bautista et al v. Santacruz Jr et al.* 5:25-

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noncitizens apprehended within the United States are detained pursuant to § 1226—not § 1225—they are entitled to a bond hearing and cannot be treated as “arriving aliens.”.

Respondents’ submission underscores, rather than undermines, the Petitioner’s claims. They mischaracterize the nature of Mr. Coronado’s detention, rely on inapplicable statutory provisions, and fail to grapple with the central argument that certain noncitizens—specifically those apprehended within U.S. territory—are detained under § 1226, not § 1225. Respondents also overlook a growing body of recent decisions from district courts within the Sixth Circuit, each confirming that federal courts retain jurisdiction to adjudicate habeas petitions challenging detention under § 1226. These same decisions further hold that, under the Sixth Circuit’s prudential exhaustion doctrine, exhaustion is not required where a noncitizen who entered without inspection is detained after being placed in removal proceedings.

Finally, Respondents disregard the consistent judicial consensus that once a noncitizen is physically present in the United States, § 1226 governs their detention and guarantees their right to a bond hearing. Instead of engaging with this well-established authority, Respondents persist in reclassifying § 1226 detention as § 1225 detention—an approach unsupported by statute, case law, or the factual record in this case. Their position cannot withstand scrutiny because § 1226 plainly controls and provides Mr. Coronado the right to a bond hearing.

ARGUMENT

I. This Court Has Jurisdiction Over This Matter under 28 U.S.C. § 2241

Under 28 U.S.C. § 2241(c)(3), federal district courts are expressly authorized to grant a writ of habeas corpus to any person “in custody in violation of the Constitution or laws or treaties of the United States.” Courts have long recognized that this statutory grant includes jurisdiction to

cv-01873 (C.D. Cal. Nov. 2025), EOIR issued a memo to IJs directing them to continue to deny bonds based on the lack of the jurisdiction.

review the legality of immigration detention. The Supreme Court has repeatedly affirmed that noncitizens may invoke habeas corpus to challenge both the constitutional and statutory basis of their detention. See *Demore v. Kim*, 538 U.S. 510, 517 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 841–42 (2018); *Rodriguez*, 583 U.S. 281 (2018).

Consistent with this binding authority, numerous district courts have confirmed that § 2241 provides jurisdiction over habeas petitions challenging the lawfulness of pre-removal detention. See, e.g., *Malam v. Adducci*, 452 F. Supp. 3d 643, 649 (E.D. Mich. 2020); *Lopez v. Barr*, 458 F. Supp. 3d 171, 175 (W.D.N.Y. 2020); *Salvador F.-G. v. Noem*, No. 25-CV-243, (N.D. Okla. June 12, 2025); *J.C.G. v. Genalo*, No. 1:24-CV-8755, at *9 (S.D.N.Y. Jan. 14, 2025). These courts uniformly recognize that challenges to the legality or constitutionality of detention fall squarely within the core of habeas jurisdiction.

Respondents attempt to evade review by invoking multiple provisions of 8 U.S.C. § 1252— §§ 1252(g), 1252(e)(3), and 1252(b)(9)—but none of these provisions apply to Petitioner’s detention under § 1226.

First, § 1252(g) prohibits judicial review only of the Attorney General’s “decision or action to commence proceedings, adjudicate cases, or execute removal orders.” *Reno v. AADC*, 525 U.S. 471, 482 (1999); *Alonso Portillo v. Bondi*, 1:25-CV-306, at 18 (S.D. Ohio Aug. 28, 2025). Petitioner challenges only the legality of his detention—not the initiation, adjudication, or execution of removal proceedings. Detention under § 1226, like in *Alonso Portillo*, falls outside the scope of § 1252(g), and this Court retains full jurisdiction to review it.

Second, § 1252(e)(3) limits judicial review to “determinations under section 1225(b) of this title and its implementation.” (Return of Writ, ECF 8, PageID 87). Petitioner is not an “arriving

alien” under § 1225; his detention arises under § 1226, which governs noncitizens already present in the United States. Consequently, § 1252(e)(3) has no bearing on this Court’s jurisdiction.

Third, § 1252(b)(9) governs review of removal orders issued under § 1252(b). See 8 U.S.C. § 1252(b). Here, no removal order exists—neither the Department of Homeland Security nor the Executive Office for Immigration Review has directed Petitioner’s removal. Because § 1252(b)(9) is triggered only by an existing removal order, it does not apply.

Moreover, the Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281, 293 (2018), rejected any interpretation of § 1252 that would defer judicial review of detention until the issuance of a final removal order. Such an interpretation would allow prolonged, potentially unconstitutional detention without review—an outcome the Court deemed untenable. Petitioner’s challenge is therefore squarely cognizable under § 2241.

Finally, Petitioner clarifies that he is not challenging the removal process itself but the Respondents’ detention of him while denying Immigration Judges jurisdiction to grant a bond hearing. This distinction mirrors the approach in *Morales Chavez v. Director of Detroit Field Office*, 4:25-cv-2061, at 5–6 (N.D. Ohio Nov. 14, 2025), which recognized that habeas jurisdiction extends to challenges to the legality of detention, even in ongoing removal proceedings. See also *Rice v. White*, 660 F.3d 242, 249 (6th Cir. 2011); *Hamama v. Adducci*, 912 F.3d 869, 876 (6th Cir. 2018).

Accordingly, this Court has clear and unquestionable subject-matter jurisdiction under 28 U.S.C. § 2241 to adjudicate Petitioner’s habeas corpus petition.

II. The Petitioner should not be required to exhaust administrative remedies.

Respondents argue that Petitioner must exhaust administrative remedies before seeking relief from this Court, asserting that other avenues for relief remain available. This argument is both legally and practically flawed.

First, Respondents contend that Petitioner is detained under 8 U.S.C. § 1225. However, the recent BIA decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), has stripped Immigration Judges of jurisdiction to hear bond requests for noncitizens present in the United States without admission. The BIA held that, under a plain reading of § 1225(b)(2)(A), Immigration Judges lack authority to grant bond to aliens, like Petitioner, who are physically present in the United States without admission. *Matter of Yajure Hurtado*, 29 I&N Dec. at 225. As a result, requiring Petitioner to request a bond hearing from an Immigration Judge or the BIA would be futile: there is no reason to believe that either would reach a different result. See *Flores v. Olson*, No. 25 C 12916, at 4–5 (N.D. Ill. Nov. 3, 2025) (“[T]here is no reason to believe that an immigration judge or the BIA will decide [Petitioner’s] case differently”). Petitioner has no administrative avenue for release; the only practical remedy lies with this Court.

Respondents’ argument is further internally inconsistent. Respondents simultaneously assert that Petitioner must exhaust administrative remedies while also claiming that his detention classification precludes him from obtaining a bond hearing. These positions cannot logically coexist.

Respondents rely on *Alonso Portillo v. Bondi*, Case No. 1:25-cv-306, 2025 WL 2483393, at 6 (S.D. Ohio Aug. 28, 2025), suggesting it demonstrates the necessity of exhausting administrative remedies. But that case is materially distinguishable: it was decided prior to *Matter of Yajure Hurtado*, and the petitioner in *Portillo* actually received a bond hearing because the IJ never denied jurisdiction.

In contrast, Petitioner here faces a systemic bar imposed by the BIA's precedent, further reinforced by the EOIR's nationwide directive to continue denying bond jurisdiction, despite class-action challenges in California, Washington, and Michigan. Given these circumstances, requiring administrative exhaustion would serve no purpose other than to delay relief, as the administrative remedies are unavailable and futile. Petitioner is therefore entitled to bypass administrative exhaustion and seek relief directly in this Court.

Finally, declarations from Ohio immigration practitioners confirm that the Cleveland Immigration Court continues to deny jurisdiction over bond hearings, underscoring the futility of any administrative effort.

Administrative exhaustion is not required where, as here, the petitioner has no realistic possibility of obtaining relief through the administrative process. The futility of administrative remedies is clear, and judicial intervention is the only meaningful avenue for protecting Petitioner's rights.

III. Petitioner is detained under 8 U.S.C. § 1226.

Respondents erroneously claim that Petitioner is detained under 8 U.S.C. § 1225 because he is allegedly an "admission seeker" who has not been formally admitted into the United States. (Return of Writ, ECF 8, PageID 95–96). Respondents' interpretation improperly conflates aliens who are actively seeking entry at a port of entry with noncitizens already present in the country. Under this view, both arriving aliens and aliens physically present without formal admission are treated as "applicants for admission," which contradicts the Supreme Court's clear holding that § 1226 applies to aliens already present in the United States. *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018) ("As noted, § 1226 applies to aliens already present in the United States").

Courts in the Sixth Circuit and elsewhere have repeatedly rejected Respondents' expansive interpretation of § 1225. In *Morales Chavez v. Director of Detroit Field Office*, 4:25-cv-2061, at 10–12 (N.D. Ohio Nov. 14, 2025), the court held that Congress intended the term “seeking admission” to describe an active attempt to enter the United States, not the mere presence of an alien already inside the country. Similarly, the Western District of Michigan recognized in *Carmona v. Noem*, 1:25-cv-1131, at 13 (Oct. 24, 2025), and *Sanchez v. Noem*, 1:25-cv-1361, at 18 (Nov. 20, 2025), that an alien who has already entered is not actively seeking admission and therefore cannot be treated as a § 1225 detainee.

Other courts have reinforced this distinction. In *Lopez v. Raycraft*, 4:25-CV-2449, at 9 (N.D. Ohio Nov. 25, 2025), the court noted that § 1226 “serves as a catchall applicable to noncitizens already in the country, pending the outcome of removal proceedings.” In *Godinez-Lopez v. Ladwig*, 2:25-cv-02962-SHL-ATC, at 10 (W.D. Tenn. Oct. 31, 2025), and *Roman v. Olson*, 25-169-DLB-CJS, at 7 (E.D. Ky. Nov. 24, 2025), courts confirmed that § 1225 governs only “arriving aliens,” whereas § 1226 governs detention of those already present. Even more recently, the Western District of Kentucky in *Barrera v. Tindall*, 3:25-cv-541-RGJ, at 8 (Sep. 19, 2025), applied the interpretive method of *Yates v. United States*, 574 U.S. 528, 552 (2015), noting that the term “arriving” in § 1225's title signals that it applies only to aliens physically seeking entry at the border. This reasoning was reaffirmed in *Singh v. Lewis*, 4:25-cv-96-RGJ, 2025 WL 2699219, at *3 (W.D. Ky. Sep. 22, 2025), underscoring that Respondents' reliance on § 1225 is inconsistent with statutory text and judicial interpretation. Accordingly, Petitioner is properly detained under § 1226, not § 1225.

CONCLUSION

For the foregoing reasons, this Court has jurisdiction to grant habeas relief and should either release the Petitioner or, alternatively, order the Respondent to provide a bond hearing.

Respectfully submitted,

___/s//Alisher Kassym//_____

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(513) 456-2959

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2025, I electronically filed the foregoing Petitioner's Reply to Return of Writ of Habeas Corpus and all accompanying exhibits with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record, including:

William B. King
Assistant United States Attorney
United States Attorney's Office
221 East Fourth Street, Suite 400
Cincinnati, OH 45202
Email: bill.king@usdoj.gov
Counsel for Respondents.

Dated: December 8, 2025

Respectfully submitted,

___/s//Alisher Kassym//_____

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DECLARATION OF Krishna J Mahadevan

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

I, Krishna J Mahadevan, hereby declare and state as follows:

1. I am an attorney at law licensed to practice in the State of Ohio. My business address is Jorge H Martinez Attorney at Law located at 5770 Gateway Blvd Suite 202 Mason OH 45040.
2. I have been practicing immigration law for approximately 6 years. I am a member in good standing of the bar.
3. My practice primarily involves representing noncitizens in removal proceedings before the Executive Office for Immigration Review (EOIR). I regularly appear before the Immigration Courts in Cleveland and Louisville/Memphis.
4. I represent, or have attempted to represent, numerous noncitizens who entered the United States without inspection (EWI) and were subsequently apprehended by immigration officials within the interior of the United States.
5. Following the Board of Immigration Appeals' decision in *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and the Department of Homeland Security's related policy guidance, I have observed a systemic shift in how Immigration Judges adjudicate custody for this category of respondents.
6. Specifically, in multiple cases involving clients who were apprehended in the interior of the United States, I have filed Motions for Custody Redetermination (Bond) pursuant to 8 U.S.C. § 1226(a), arguing that my clients are entitled to an individualized assessment of flight risk and danger to the community.
7. In response to these motions, Immigration Judges in the Cleveland Immigration Court have denied the motion for bond categorically, issuing orders stating that the Immigration Judge lacks jurisdiction to redetermine custody because the respondent is an "applicant for admission" detained under 8 U.S.C. § 1225(b)(2), citing *Matter of Yajure-Hurtado*.
8. Based on my direct experience and practice before these Immigration Courts, it is my professional assessment that filing further requests for bond hearings for similarly situated clients (interior apprehensions classified as "arriving aliens") is futile. The Immigration Judges consider themselves bound by *Matter of Yajure-Hurtado* to deny jurisdiction, regardless of the individual equities or facts of the respondent's case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 12/05/2025

s/ Krishna J Mahadevan, Attorney at Law

Jorge H Martinez Attorney at Law

DECLARATION OF NAZLY MAMEDOVA, Esq.

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

I, NAZLY MAMEDOVA, hereby declare and state as follows:

1. I am an attorney at law licensed to practice in the State of **Kentucky**. My business address is **11260 Chester Rd, Ste 310, Cincinnati, OH 45246**.
2. I have been practicing immigration law for approximately **10** years. I am a member in good standing of the bar.
3. My practice primarily involves representing noncitizens in removal proceedings before the Executive Office for Immigration Review (EOIR). I regularly appear before the Immigration Courts in **Chicago, IL; Cleveland, OH; Conroe, TX; Memphis, TN; Indianapolis, IN, New York, NY and others**.
4. I represent, or have attempted to represent, numerous noncitizens who entered the United States without inspection (EWI) and were subsequently apprehended by immigration officials within the interior of the United States.
5. Following the Board of Immigration Appeals' decision in *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and the Department of Homeland Security's related policy guidance, I have observed a systemic shift in how Immigration Judges adjudicate custody for this category of respondents.
6. Specifically, in **multiple** cases involving clients who were apprehended in the interior of the United States, I have filed Motions for Custody Redetermination (Bond) pursuant to 8 U.S.C. § 1226(a), arguing that my clients are entitled to an individualized assessment of flight risk and danger to the community.
7. In response to these motions, Immigration Judges in the **Cleveland, OH; Conroe, TX; Memphis, TN; and Indianapolis, IN** Immigration Court have:

Denied the motion for bond categorically, issuing orders stating that the Immigration Judge lacks jurisdiction to redetermine custody because the respondent is an "applicant for admission" detained under 8 U.S.C. § 1225(b)(2), citing *Matter of Yajure-Hurtado*.

8. Based on my direct experience and practice before these Immigration Courts, it is my professional assessment that filing further requests for bond hearings for similarly situated clients (interior apprehensions classified as "arriving aliens") is futile. The Immigration Judges consider themselves bound by *Matter of Yajure-Hurtado* to deny jurisdiction, regardless of the individual equities or facts of the respondent's case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **November 25, 2025**.

Nazly Mamedova Digitally signed by Nazly Mamedova
Date: 2025.11.25 12:11:48 -05'00'

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DECLARATION OF VIRAB KHACHATRYAN

United States District Court Southern District of Ohio Western Division

I, **VIRAB KHACHATRYAN**, hereby declare and state as follows:

1. I am an attorney at law licensed to practice in the State of **New York**. My business address is **11260 Chester Road, Cincinnati, Ohio 45246**.
2. I have been practicing immigration law for approximately **one** year. I am a member in good standing of the bar.
3. My practice primarily involves representing noncitizens in removal proceedings before the Executive Office for Immigration Review (EOIR). I regularly appear before the Immigration Courts in **Cleveland, OH**.
4. I represent, or have attempted to represent, numerous noncitizens who entered the United States without inspection (EWI) and were subsequently apprehended by immigration officials within the interior of the United States.
5. Following the Board of Immigration Appeals' decision in *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and the Department of Homeland Security's related policy guidance, I have observed a systemic shift in how Immigration Judges adjudicate custody for this category of respondents.
6. Specifically, in **four** cases involving clients who were apprehended in the interior of the United States, I did not file Motions for Custody Redetermination (Bond) pursuant to 8 U.S.C. § 1226(a), considering that, after thorough investigation, discussion with other attorneys, and conversation with other detainees, it was not moral or of good faith to charge clients for a Motion that was very unlikely to succeed.
7. Based on my direct experience and practice before these Immigration Courts, it is my professional assessment that filing further requests for bond hearings for similarly situated clients (interior apprehensions classified as "arriving aliens") is futile. The Immigration Judges consider themselves bound by *Matter of Yajure-Hurtado* to deny jurisdiction, regardless of the individual equities or facts of the respondent's case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **12/08/2025**.

Virab Khachatryan Law Office of Nazly Mamedova

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

I, attorney Anna A. Korneeva, hereby declare and state as follows:

1. I am an attorney at law licensed to practice in the States of Ohio and Kentucky. My business address is 810 Sycamore St., Floor 3, Cincinnati, OH 45202.
2. I have been practicing immigration law for approximately 6 years. I am a member in good standing of the bar.
3. My practice involves representing noncitizens in removal proceedings before the Executive Office for Immigration Review (EOIR). I regularly appear before the Immigration Court in Cleveland, OH.
4. I represent, or have attempted to represent, numerous noncitizens who entered the United States without inspection (EWI) and were subsequently apprehended by immigration officials within the interior of the United States.
5. Following the Board of Immigration Appeals' decision in *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and the Department of Homeland Security's related policy guidance, I have observed a systemic shift in how Immigration Judges adjudicate custody for this category of respondents.
6. Specifically, in cases involving Respondents who were apprehended in the interior of the United States, I observed other attorneys argue Motions for Custody Redetermination (Bond) pursuant to 8 U.S.C. § 1226(a), arguing that their clients are entitled to an individualized assessment of flight risk and danger to the community.
7. In response to these motions, I observed that the Immigration Judges in the Cleveland Immigration Court have denied the motions for bond categorically, issuing orders stating that the Immigration Judge lacks jurisdiction to redetermine custody because the respondent is an "applicant for admission" detained under 8 U.S.C. § 1225(b)(2), citing *Matter of Yajure-Hurtado*.
8. Based on my experience and practice before the Cleveland Immigration Court, as well as based on the experience of my colleagues, it is my professional assessment that filing further requests for bond hearings for similarly situated clients (interior apprehensions classified as "arriving aliens") is futile. The Immigration Judges consider themselves bound by *Matter of Yajure-Hurtado* to deny jurisdiction, regardless of the individual equities or facts of the respondent's case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 8, 2025.



Anna A. Korneeva, Esq.