

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**Victor Manuel LOPEZ HERRERA,**

Petitioner,

v.

KEVIN RAYCRAFT, in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, in her official capacity as U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

**Case No. 2:25-cv-13627**

Honorable Judge:

Linda V. Parker

Magistrate Judge:

Elizabeth A. Stafford

**PETITIONER'S REPLY BRIEF  
IN SUPPORT OF  
PETITION FOR WRIT OF HABEAS CORPUS**

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## INTRODUCTION

Respondents do not dispute that Petitioner has lived in the United States for years. By arguing that the agency had discretion to impose radical policy changes, Respondents actually highlight Petitioner’s assertion that the government for decades interpreted the Immigration and Nationality Act (INA) to provide for bond hearings for people like Petitioner, and that dozens of courts have rejected Respondents’ new “strained interpretation” of the INA. *Valencia Zapata v. Kaiser*, No. 25-cv-07492, 2025 WL 2741654, at \*10 (N.D. Cal. Sept. 26, 2025).

Respondents completely fail to rebut Petitioner’s argument that sections 8 U.S.C. § 1226(c)(1)(A), (D)-(E) do indeed apply to noncitizens exactly situated like Petitioner: alleged to be present in the United States without being admitted or paroled and apprehended not at or near a port of entry and years after entry. By the very plain language of section 1226, the discretionary bond procedures in immigration court apply to noncitizens exactly like Petitioner. Instead, Respondents throw up a smokescreen of hyper-technical arguments that have been repeatedly rejected by the courts. None of those arguments have merit.

## ARGUMENT

Respondents’ argument that jurisdiction is not proper in the Eastern District of Michigan contravenes binding Sixth Circuit precedent and the prevailing view of District Courts within the Circuit and ignores the reality that even though housed in a contracted county facility outside the District, the ICE/ERO Field Office Director

retains power over and ultimate authority over Petitioner and all ICE detainees at North Lake Processing Center (“North Lake”).<sup>1</sup>

**I. THE FIELD OFFICE DIRECTOR OF DETROIT ICE/ERO IS A PROPER RESPONDENT AND THIS COURT HAS JURISDICTION**

**A. The Field Office Director of Detroit ICE/ERO Retains Custody Over ICE Detainees housed at North Lake Processing Center**

Although the warden of North Lake oversees the day-to-day functions of the facility, Petitioner’s detention remains under the control of the Field Office Director of Detroit ICE/ERO. The government concedes this point explicitly, stating the ICE Field Office Director “is vested with the immediate legal control of petitioner’s detention.” *Resp. Brf., 4.*

In *Roman v. Ashcroft*, the Sixth Circuit concluded “that although the warden of each detention facility technically has day-to-day control of alien detainees, the INS District Director for the district where the detention facility is located ‘has the power over’ alien habeas corpus petitioners.” *Roman v. Ashcroft*, 340 F.3d 314, 319 (6<sup>th</sup> Cir. 2003). Thus, “[t]he writ of habeas corpus does not act upon the prisoner who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody.” *Roman*, 340 F.3d at 319, quoting *Braden v. 30<sup>th</sup> Judicial Circuit Ct. of Ky*, 410 U.S. 484, 494-95 (1973).

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<sup>1</sup> Respondents’ argument that jurisdiction is not proper in the Eastern District of Michigan is also incorrect for the reasons set forth in the amicus brief of the ACLU of Michigan previously filed with this Court in *Hidalgo v. Raycraft*, No. 25-cv-13588 (E.D. Mich), ECF No. 9.

The ICE Field Office Director is who holds Petitioner in unlawful custody.

*Roman* held that wardens of INS detention facilities “act pursuant to INS Detention Standards and are considered agents of the INS District Director in their district.”

*Roman*, 340 F.3d at 320.

**B. The Supreme Court Decision in *Rumsfeld v. Padilla* Left *Roman* Intact**

In *Padilla*, the Supreme Court clarified that the “immediate custodian” and proper respondent for a habeas petition is *usually* the warden of the detention facility. *Padilla*, 542 U.S. 426, 430, 434-35 (2004). The Court recognized exceptions to this general rule and acknowledged that it “left open the question whether the Attorney General is a proper respondent to a habeas petition filed by an alien detained pending deportation,” resulting in a Circuit split. *Padilla*, 542 U.S. at 435 n.8 (emphasis added). The Court declined to overturn the specific rule announced in *Roman* for habeas petitions arising from immigration detention. *Id.* Furthermore, *Padilla* is distinguishable: that petitioner was in military detention in the district of filing – the dispute was whether the proper respondent was the local brig warden or the Secretary of Defense, a distant supervisory official. *Id.* at 430. Here, the question is not whether a cabinet-level official in Washington, D.C. is the proper respondent, but whether the local Field Office Director (who retains custodial power over Petitioner) is the proper respondent and not his detention facility personnel. And again, the government concedes this point explicitly: “if the Court disregards *Padilla*, as some courts in this

district have, then the only proper respondent is the ICE Field Office Director because he is vested with the immediate legal control of petitioner's detention." *Resp. Brf.*, 4.

**C. The Sixth Circuit and District Courts Still Follow *Roman***

After *Padilla*, the Sixth Circuit continued to cite to *Roman* with approval despite having opportunities to overturn it. See *Stanifer v. Brannan*, 564 F.3d 455, 458 (6th Cir. 2009); see also *U.S. v. Garcia-Echaverria*, 374 F.3d 440, 448 (6th Cir. 2004).

In *Parlak v. Baker*, issued by E.D. Michigan after *Padilla*, this Court rejected a DHS challenge to jurisdiction in the case of an ICE detainee housed at Calhoun County jail, holding "District Directors are the heads of the basic operating units of the INS...[and] oversee the confinement of aliens in all three kinds of INS detention facilities..." and "[t]he wardens of all these facilities act pursuant to INS detention standards and are considered agents of the INS District Director in their district." *Parlak v. Baker*, 374 F.Supp.2d 551, 557 (E.D. Mich. 2005). *Parlak* held that "[i]t is the District Director who has control over Petitioner and the District Director is located in the Eastern District." *Id.* at 558.

Other E.D. Mich decisions have followed *Roman* and rejected a Government challenge to jurisdiction when the Petitioner was not physically detained in this district:

*Naresh v. Klinger*;<sup>2</sup> *Uljic v. Baker*;<sup>3</sup> and *Khodr v. Adduci*.<sup>4</sup> In fact, ICE has sought dismissal of facility wardens—including the warden of North Lake—arguing that the ICE Field Office Director is the immediate custodian. *See Garcia v. Raycraft*, 1:25-cv-01281 (W.D. Mich. Nov. 7, 2025) (dismissing, on the Government’s motion, the North Lake detention facility warden because the ICE Detroit Field Office Director is the immediate custodian). Other District Courts within the Sixth Circuit also apply *Roman* and hold that the ICE Field Office Director is the proper respondent. *See Exhibit 1*. District Courts in this Circuit and long list of districts nationwide have granted habeas in similar cases, finding both jurisdiction and that detention without bond under 8 U.S.C. § 1225(b)(2)(A) is unlawful. *See Exhibit 2*.

Petitioner remains under the ultimate control of the party holding him in unlawful detention under 8 U.S.C. § 1225(b)(2)(A)—the Field Office Director of Detroit ICE/ERO, located in the Eastern District. This Court has jurisdiction.

## **II. THERE ARE MULTIPLE PROPER RESPONDENTS.**

Respondents’ assertion that the facility warden is the only proper respondent is incorrect. Respondents’ reliance on the District Court rulings in *Aguilar v. Dunbar*,

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<sup>2</sup> No. 2:19-CV-12800, 2019 WL 5455469, at \*2 (E.D. Mich. Oct. 24, 2019), supplemented, No. 2:19-CV-12800, 2019 WL 6486122 (E.D. Mich. Dec. 3, 2019), aff’d sub nom. *Kumar v. U.S. Dep’t of Homeland Sec.*, No. 19-2404, 2020 WL 2904685 (6th Cir. June 1, 2020), and aff’d in part, appeal dismissed in part sub nom. *Kumar v. U.S. Dep’t of Homeland Sec.*, No. 19-2404, 2020 WL 2904685 (6th Cir. June 1, 2020)

<sup>3</sup> No. 06-13106, 2006 WL 2811351, at \*2 (E.D. Mich. Sept. 28, 2006)

<sup>4</sup> 697 F. Supp. 2d 774, 776 (E.D. Mich. 2010)

Civil No. 25-12831 (E.D. Mich.), ECF No. 20 and *Quintero-Martinez v. Raycraft*, 25-13536 (E.D. Mich.), ECF No. 9 is not persuasive or determinative. *Resp. Brf.*, 4. Those decisions contravene the binding precedent in *Roman* which makes clear that it is the ICE Field Office Director—not the facility warden—who retains ultimate power and control over ICE detainees. The ICE Field Office Director is the party holding Petition in unlawful detention without a bond hearing. The ICE Field Office Director is a proper respondent.

Additionally, Petitioner is not just seeking a writ of habeas corpus, but also declaratory relief, an injunction on transfer, fees and any other just and proper relief. *Pet.*, 24-25. This Court has jurisdiction both in habeas (28 U.S.C. § 2241; U.S. Const. art. I, § 9, cl. 2), and over federal questions (28 U.S.C. § 1331). It can grant relief under 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651. *See Pet.*, 4-5.

### **III. THE JULY 8, 2025 CHANGE IN DETENTION POLICY**

Petitioner is detained pursuant to the July 8, 2025, Department of Homeland Security Directive titled “Interim Guidance Regarding Detention Authority for Applicants for Admission” issued in coordination with DOJ. *See Exhibit 3.*

This Policy Change:

On July 8, 2025, the Department of Homeland Security (DHS) instituted a notice titled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” [Dkt. No. 5-2 at 45–46, “DHS Guidance Notice” or “DHS Policy”]. The Notice communicated DHS’s choice, in

coordination with the Department of Justice (“DOJ”) to “revisit[] its legal position on detention and release authorities,” determining that Section 235 of the Immigration and Nationality Act (“INA”) would serve as the applicable immigration detention authority rather than Section 236 for all “applicants for admission.” [*Id.*]. In other words, the change in policy requires ICE employees to consider anyone arrested in the United States and charged with being inadmissible as an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A). Under § 1225(b)(2)(A), “applicants for admission” are subject to mandatory detention for proceedings under 8 U.S.C. § 1229(a) and not entitled to the due process protections found within § 1226(a).

*Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al.*, No. 5:25-cv-01873 (C.D. Cal. November 20, 2025), ECF81 PageID.1430, *See Exhibit 4*.

But for this directive, Petitioner could and should be released, either based on ICE setting bond, 8 C.F.R. § 236.1(8), or through bond hearings. Bond hearings are held in immigration courts, which are under the Executive Office of Immigration Review (EOIR), itself a component agency of DOJ. Respondents EOIR and Bondi can—but have failed to—ensure that Petitioner gets a bond hearing. Third, Secretary Noem and DHS are proper Respondents with respect to the requested injunction on transfer, over which they have ultimate authority.

#### **IV. SECTION 1226(A), NOT SECTION 1225(B)(2)(A) APPLIES TO PETITIONER.**

##### **A. Respondents Ignore Both Section 1226 and the INA’s Structure.**

Respondents invite this Court to read § 1225 in isolation, ignoring not just § 1226, but the INA’s overall structure. Section 1226 “authorizes the Government to

detain certain aliens already in the country pending the outcome of removal proceedings,” while § 1225 authorizes detention of “certain aliens seeking admission into the country.” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).<sup>5</sup> As their titles state, § 1226 relates to “[a]pprehension and detention” of noncitizens living in the U.S., while § 1225 covers procedures at the border, including “[i]nspection by immigration officers” and “expedited removal of inadmissible arriving aliens.” 8 U.S.C. § 1225; 8 U.S.C. § 1226.

This District very recently held that “Section 1225 applies to noncitizens ‘arriving to the country’ and Section 1226 governs detention of noncitizens ‘already in the country.’” *Lopez-Campos v. Raycraft*, 2025 WL 2496379, Case No. 25-12987, (E.D. Mich. October 17, 2025) at 18-19, quoting *Jennings*, 583 U.S. at 289. *See also*, *Contreras-Cervantes v. Raycraft*, 25-cv-13073 (E.D. Mich. October 17, 2025); *Gimenez Gonzalez v U.S. Immigration and Customs Enforcement*, No. 25-13094, (E.D. Mich. October 27, 2025).

This District also recently held that “[t]he Supreme Court has looked at these statutes and clarified that they apply in different circumstances. *See Jennings*, 583 U.S.

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<sup>5</sup> Respondents admit that *Jennings* described § 1226(a) as applying to noncitizens “present” in the U.S., but claim that by citing § 1227(a) (referring to admitted non-citizens), *Jennings* “made clear” that § 1226(a) applies only to those both present and admitted. Resp. Brf, 19. Respondents conveniently ignore that the Court cited § 1227(a) just as an “example” of people who are present and can be detained under § 1226(a) pending removal proceedings. *Jennings*, 583 U.S. at 288.

at 287-88. Section 1225 is ‘framed [] as a part of the process that ‘generally begins at the Nation’s borders and ports of entry, where the Government must determine whether [noncitizens] seeking to enter the country are admissible.’ [internal citation omitted], (*citing Jennings*, 583 at 287). Whereas Section 1226(a) applies to the process of ‘arresting and detaining’ noncitizens who are already living ‘inside the United States’ but still subject to removal. *Jennings*, 538 at 288. Put simply, Section 1225 applies to noncitizens ‘arriving to the country’ and Section 1226 governs detention of noncitizens ‘already in the country.’ *Id.*” *Gimenez Gonzalez*, No. 25-13094, at 20.

In its response brief, the government argues that Petitioner’s reliance on District Court decisions “is unpersuasive.” *Resp. Brf.*, 23. Yet, Respondents present a list of district court cases that agree with the government’s position that Petitioner remains an “applicant for admission”—even years after his entry to the United States. *Resp. Brf.*, 8-9. The difference, however, is that the District Court cases Petitioner cites follow the binding precedent of the Sixth Circuit decision in *Roman*. Theirs do not.

Furthermore, Congress just amended § 1226(c) in the Laken Riley Act. If Respondents’ interpretation of § 1225(b)(2) were correct, that “would render the Laken Riley Act a meaningless amendment, since it would have prescribed mandatory detention for noncitizens already subject to it.” *Cordero Pelico v. Kaiser*, 2025 WL 2822876, \*12 (N.D. Cal., Oct. 3, 2025). In other words, “if Congress had intended for Section 1225 to govern all noncitizens present in the country, who had not been

admitted, then it would not have recently adopted an amendment to Section 1226 that prescribes a subset of noncitizens be exempt from the discretionary bond framework.” *Gimenez Gonzalez*, No. 25-13094, at 21. Respondents’ interpretation of the statutes would render this recently amended section superfluous. *Id.*

**B. Respondents Misunderstand How Section 1225 Works.**

Respondents say that Section 1225 distinguishes “between recently arrived noncitizens (‘arriving aliens’) and those like Petitioners who were successfully able to evade apprehension for many years (‘applicants for admission’).” Resp. Brf, 15-16. Respondents assert that § 1225(b)(1) covers “arriving aliens”, while § 1225(a) and (b)(2) apply to “applicants for admission.” Not so.

First, the distinction Respondents invent between “arriving aliens” (i.e. people at the border) and “applicants for admission” (i.e. people already in the U.S.) is entirely divorced from the statutory text. Section 1225(a)(1) defines “applicants for admission” to *include* non-citizens arriving in the U.S. Meanwhile, in describing “arriving aliens,” Respondents themselves cite provisions in § 1225(b)(2) about “crewmen, “stowaways” and people arriving from contiguous territory, even though Respondents contend that § 1225(b)(2) only concerns “applicants for admission.” Resp. Brf, 15-16. There is no plausible way to read § 1225(b)(2) as covering only people who have lived in the U.S. for years.

Second, Respondents misunderstand the structure of § 1225. Section 1225(b)(1) provides for expedited removal and detention of certain non-citizens. Section

1225(b)(2) applies to other “applicants for admission” who are “seeking admission” who are *not* subject to expedited removal but instead are in full removal proceedings. Depending on their circumstances, people arriving at the border may fall under either (b)(1) or (b)(2). *See Jennings*, 583 U.S. at 287 (“applicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2),” with (b)(2) serving “as a catchall provision” that applies to those not covered by (b)(1)).

Recognizing that § 1225 is a border inspection scheme—as dozens of courts have done—does not nullify § 1225(b)(2), which continues to apply to non-citizens arriving at the border who are not subject to expedited removal. In other words:

§ 1225(b)(2) applies to arriving noncitizens who are inadmissible on grounds other than ... the grounds that put an arriving noncitizen on the track for expedited removal[]. The statute governing inadmissibility lists ten grounds for inadmissibility.... There are thus arriving noncitizens inadmissible on these other bases who would fall under Section 1225(b)(2), as opposed to Section 1225(b)(1).

*Cordero Pelico*, 2025 WL 2822876, at\* 13. *See Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496, at \*7 (D.N.J., Sept. 26, 2025) (unpublished) (examples of non-citizens at border not subject to expedited removal, such as certain lawful residents returning from abroad who must be inspected by immigration officials). The argument that § 1225(b)(2) is meaningless unless applied to Petitioner is wrong.

### **C. Respondents Misinterpret Section 1225(b)(2).**

Respondents entirely ignore § 1225(b)(2)’s requirement for a determination by an “examining immigration officer.” *See* Pet. Brf, 4, ¶9, 37. Instead, Respondents focus

on whether Petitioner is an “applicant for admission” who is “seeking admission.” Oddly, Respondents point to the definition of “admission”—which is “the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.” Resp. Brf, 9. (citing 8 U.S.C. § 1101(a)(13)(A)). Not only does this definition take us right back to inspections by immigration officers, but “[c]onstruing section 1225(b)(2) to apply to noncitizens already residing in the country would read the word ‘entry’ out of the definition[.]” *Chafila v. Scott*, 2025 WL 2688541, \*6 (D. Me., Sept. 22, 2025).

Respondents—constrained by the present tense nature of “seeking admission”—engage in verbal gymnastics to obfuscate the obvious: “the active language implies that the noncitizen is actively engaged in the exercise of being admitted to the United States, rather than currently residing here and seeking to stay.” *Id.* Respondents say seeking immigration relief that would allow Petitioner to *remain* is the same as seeking to *enter*. Resp. Brf, 11. But Petitioner is not seeking permission to enter from an immigration officer, but rather adjustment of status from an immigration judge. For example, if Petitioner obtains cancellation of removal (which is a form of relief available both to people who were and were not lawfully admitted, 8 U.S.C. § 1229b(a)(1)), that would result in adjustment of their legal status, not an entry into the U.S., which is where Petitioner already is.

Petitioner is not seeking permission to enter from an immigration officer, but

rather relief from an immigration judge.

**D. Respondents Misunderstand the Legislative History.**

Respondents ignore the legislative history and contemporaneously-issued regulations showing that § 1226(a) applies here. *See* Pet. Brief, 14 ¶43. Instead, they argue that in enacting IIRIRA, Congress wanted to ensure that people seeking to enter lawfully are not treated worse than those who entered without inspection. Resp. Brief, 21. But the government “err[s] in its analysis by identifying *one* of Congress’s concerns in enacting IIRIRA and then treating it as Congress’s sole concern driving the statute.” *Cordero Pelico*, 2025 WL 2822876 at 13. While Congress was concerned about “placing noncitizens on equal footing in *removal* proceedings” (and IIRIRA thus imposes a greater burden of proof on non-citizens in the U.S. in defending against removal), that “says nothing about detention.” *Rodriguez v. Bostock*, -- F. Supp. 3d --, 2025 WL 2782499 (W.D. Wash., Sept. 30, 2025), at 24 (cleaned up). Respondents cannot

enlarge Congress’s stated concern that noncitizens living in the United States had an advantage during *removal* proceedings pre-IIRIRA to an unarticulated aim to mandate *detention* for all such noncitizens post-IIRIRA. It is easy to conceive of reasons Congress would distinguish between these concepts; for one, noncitizens who have lived for years in this country are more likely to be working in critical industries, parenting U.S. citizen children, or otherwise serving their communities .... If Congress had wished to enact the transformation of the immigration detention system that Defendants contend it did—requiring the detention of millions of people currently living and working in the United States—then it would have said so more clearly.

*Id.*

To adopt Respondents' interpretation would violate the "no-elephants-in-mouseholes canon," which "recognizes that Congress does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions." *Bostock v. Clayton County*, 590 U.S. 644, 680 (2020). If Congress intended to upend its prior scheme and mandate that thousands, if not millions, of people who have lived here for years be held without bond hearings, then (1) Congress would have clearly said so; and (2) it is inconceivable that immigration authorities would have simply carried on for three decades without implementing that Congressional directive. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 386 (2024) ("longstanding practice of the government" can inform court's interpretation of statutory provisions).

#### V. DUE PROCESS REQUIRES A BOND HEARING

The Due Process Clause extends to all "persons" regardless of status, including noncitizens (whether here lawfully, unlawfully, temporarily, or permanently). *Zadvydas v. Davis*, 533 U.S. at 693.

Respondents do not even try to show a special justification for detaining Petitioner without a bond hearing. Nor weigh the factors of *Mathews v. Eldridge*, 424 U.S. 319, 334-35 (1976). Nor identify a single case where courts have found it constitutional to deprive long-time residents of their liberty without any consideration of flight risk, dangerousness, or criminal history. Rather, Respondents argue that because procedural protections exist in *removal* proceedings (i.e., hearings on immigration relief), Petitioner has no right to due process on *detention*. But Petitioner

has a liberty interest in freedom from detention that is distinct from their liberty interest in remaining in the U.S. Deprivation of either requires due process.

Respondents point to inapposite cases concerning the more limited due process protections for people apprehended upon entry or with significant criminal history, including *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020). But *Thuraissigiam* held that “due process under the constitution is coextensive with the removal procedures provided by Congress.” *Lopez-Campos*, 2025 Case No. 25-12987, at 24, quoting *Thuraissigiam*, 591 U.S. 138–140. *Thuraissigiam* was concerned the “due process rights of an alien seeking initial entry” and governmental control over who crosses our borders. *Id.* at 107; *see id.* at 139 (discussing the due process rights of “an alien at the threshold of initial entry” who lack “established connections in this country”). Petitioner is not “at the threshold of initial entry,” and has “established connections” here. *See Cordero Pelico*, 2025 WL 2822876, at \*6 (distinguishing government’s cases on exactly this basis).

And *Zadvydas v. Davis*, 533 U.S. 678 (2001), contrary to Respondents’ depiction, emphasizes that immigration detention must be tied to the civil purposes of preventing flight and protecting the public. *Zadvydas* held that even where non-citizens (unlike here) had already been ordered removed (such that the government had specific interests around accomplishing removal), there were “serious constitutional problem[s]” with reading the INA to allow for prolonged detention. *Id.* In short,

Respondents' cited cases do not support their claim. *Id.*, at 690.

As this District has recently held, "having found that Section 1226(a) governs [Petitioner]'s detention, the Government's assessment fails and the process due to a non-citizen that is apprehended and detained is that which is afforded under Section 1226(a) – a bond hearing. Here, the IJ did not conduct a bond hearing." *Lopez-Campos*, 2025 Case No. 25-12987, at 25.

**VI. REQUIRING ADMINISTRATIVE EXHAUSTION WOULD BE FUTILE.**

Respondents admit that administrative exhaustion would be futile. Resp. Brf., 7. (admitting that *Yajure Hurtado* bars administrative relief).

**CONCLUSION**

Petitioner requests that the Court grant the relief requested in the Petition.

Respectfully submitted this 26<sup>th</sup> day of November, 2025.

/s/ GLENN ERIC SPROULL

GLENN ERIC SPROULL (IL 6276310)  
Palmer Rey PLLC  
29566 Northwestern Hwy, Suite 200  
Southfield, MI 48034  
(248) 522-9500  
eric@palmerrey.com  
*Counsel for Petitioner*

**Certificate of Service**

I certify that on November 26, 2025, I electronically filed the foregoing *PETITIONER'S REPLY BRIEF* with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted this 26<sup>th</sup> day of November, 2025.

/s/ GLENN ERIC SPROULL

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Palmer Rey PLLC  
29566 Northwestern Hwy, Suite 200  
Southfield, MI 48034  
(248) 522-9500  
eric@palmerrey.com  
*Counsel for Petitioner*