

resources in light of this Court's prior decision in *Piedrahita-Sanchez v. Turek et al.*, No. 25-cv-875-wks, ECF No. 13.

While respectfully disagreeing with the Court's prior decision, Federal Respondents acknowledge that, should the Court adhere to its reasoning in that decision, the Court would likely reach the same outcome in this case. Thus, in the interest of judicial economy, and to expedite the Court's consideration of this matter, Federal Respondents hereby rely upon and incorporate by reference the legal arguments they presented in *Piedrahita-Sanchez* and submit that the Court can decide this matter without further briefing and without oral argument. And, as in that case, the only proper remedy, should the Court determine Petitioner's detention is governed by 8 U.S.C. § 1226(a), would be to order a bond hearing under that section; it is not to immediately release Petitioner.

Should the Court prefer to receive an exhaustive formal opposition brief in this matter, Federal Respondents respectfully request the opportunity to file such a brief and will do so upon the Court's request. *Id.*

Background

Petitioner is a citizen of Ecuador who entered the United States without inspection, admission, or parole by an immigration officer. *See* Ex. A (I-862 Form). On November 5, 2025, Border Patrol agents encountered Petitioner, and he was arrested after agents determined he had entered the United States illegally. *See id.* On November 7, 2025, Petitioner was served in person a Notice to Appear (NTA). *See* Ex. B (Notice to Appear). The NTA noted that Petitioner "is an alien present in the United States who has not been admitted or paroled." *Id.* On November 14, 2025, Petitioner filed a Petition seeking release or a bond hearing. ECF No. 1. Petitioner then filed two amended Petitions on November 17, 2025. ECF Nos. 8, 10. Petitioner is currently

detained at Northwest State Correctional Facility. *See* ECF No. 10 ¶ 27.

Discussion

Petitioner seeks an order from this Court directing his release or, in the alternative, that the immigration court provide him a bond hearing. Petitioner argues that he is unlawfully detained in violation of the Fifth Amendment. *Id.* ¶¶ 33-41. He states that he did not receive an NTA and argues that he should have access to a bond hearing. *Id.* ¶¶ 6-7.

Yet, Petitioner was in fact served with an NTA, *see* Ex. A, and Federal Respondents contend that his detention is governed by 8 U.S.C. § 1225(b), because, having entered without inspection, admission, or parole, Petitioner remains an applicant for admission who is treated, for constitutional purposes, as if stopped at the border. As such, he is subject to mandatory detention and not entitled to a bond hearing. Like all applicants for admission, Petitioner continues to seek admission into the United States until he is either admitted, denied admission and removed, or voluntarily withdraws his application for admission pursuant to 8 U.S.C. § 1225(a)(4). Therefore, Petitioner's detention is consistent with the relevant statute and does not violate the Fifth Amendment's due process clause because the Supreme Court has held that applicants for admission are entitled only to the protections set forth by statute and that "the Due Process Clause provides nothing more." *DHS v. Thuraissigiam*, 591 U.S. 103, 140 (2020).

Federal Respondents acknowledge, however, that the core questions of law in this case, and the challenges to the government's policy and practice, substantially overlap with those at issue in *Piedrahita-Sanchez*. Accordingly, while preserving all rights, Federal Respondents incorporate by reference the legal arguments it presented in that case. Should the Court apply the same reasoning it did in that case to this one, the legal principles espoused in those cases

would likely result in the Court reaching the same conclusion here. Moreover, the Court would order the same relief, which is the only relief appropriate: that Federal Respondents provide Petitioner a bond hearing within 7 days of the Court's order. *See Piedrahita-Sanchez*, No. 25-cv-875-wks at ECF No. 13.

Federal Respondents submit that further briefing and/or oral argument on the legal issues addressed in those cases would not be a good use of judicial or party resources, and that the Court can decide this matter without delay. If, however, the Court prefers to receive an exhaustive opposition brief in this matter, Federal Respondents request leave to provide such a brief.

CONCLUSION

Federal Respondents respectfully request that the Court deny the Second Amended Petition.

Dated: November 17, 2025

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