

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

EVANGELINA MORALES,
Individually and on behalf of all others
similarly situated,

Petitioner/Plaintiff,

v.

PAMELA BONDI, ET AL.,

Respondents/Defendants.

CASE NO. 1:25-CV-01472
Honorable Hala Y. Jarbou

**EXPEDITED CONSIDERATION
REQUESTED Pursuant to
Local Rule 7.1(e)**

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PETITIONER/PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY JUDGMENT

NOW COMES Petitioner Evangelina Morales, individually and on behalf of the putative class, by and through her undersigned counsel, and pursuant to Federal Rule of Civil Procedure 56 and W.D. Mich. LCivR 7.1(e), hereby moves this Honorable Court for the entry of Partial Summary Judgment and for Expedited Consideration of this Motion.

In support of this Motion, Petitioner incorporates the brief filed concurrently with this motion and further states as follows:

1. As this Court recently held in *Mendez v. Raycraft*, No. 1:25-cv-1323 (W.D. Mich. Nov. 18, 2025), and as confirmed by the Central District of California in *Bautista v. Santacruz*, No. 5:25-cv-01873 (C.D. Cal. Nov. 20, 2025), the government's interpretation violates the clear text of the Immigration and Nationality Act ("INA") and the Due Process Clause. Because the mandatory detention statute, § 1225(b)(2)(A), applies only if an "examining immigration officer determines" inadmissibility upon inspection—a factual predicate absent for interior apprehensions—Petitioner is entitled to judgment on **Count I (Violation of the INA)** and **Count VI (Due Process)**.
2. Despite these judicial rulings, and several similar rulings within this District, Respondents continue to enforce the unlawful policy. As detailed in the accompanying Brief, the government has taken the position in other federal litigation that the *Bautista* order is non-binding because it lacks a final judgment. A Partial Summary Judgment order from this Court is therefore necessary to settle the legal question authoritatively within this District and close the enforcement gap Respondents are currently exploiting.
3. Pursuant to W.D. Mich. LCivR 7.1(e), Petitioner requests expedited consideration. The continued deprivation of liberty without a bond hearing constitutes ongoing irreparable

harm. Furthermore, the government's refusal to apply established circuit law to similarly situated detainees has created a systemic failure of due process that requires immediate judicial intervention to prevent a flood of duplicative individual habeas petitions.

WHEREFORE, Petitioner respectfully requests that this Court:

- A. **Grant** Petitioner's Motion for Partial Summary Judgment;
- B. **Declare** that 8 U.S.C. § 1226(a), not § 1225(b)(2), governs the detention of Petitioner and class members arrested in the interior of the United States;
- C. **Declare** that Respondents' policy of denying bond hearings to such individuals violates the INA and the Due Process Clause; and
- D. **Grant** such further relief as the Court deems just and proper.

Dated: November 30, 2025

By: /s/ Robert Anthony Alvarez
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