



Respondents filed a response on January 2, 2026, claiming that Petitioner is an application for admission and that he is subject to mandatory detention under 8 U.S.C. § 1225. Dkt. 7. Petitioner now files this reply.

**1. Petitioner is not an applicant for admission under U.S.C. § 1225(b)(2)(A)**

In their response, Respondents admit that the Petitioner entered the United States without inspection on January 22, 2019 and is presently in “full” removal proceedings under 8 U.S.C. § 1229a. after being issued a Notice to Appear and detained by ICE following an I-200 Warrant for Arrest of Alien. Dkt. 7; Dkt. 8.

On November 25, 2025, the Court in *Lazaro Maldonado Bautista et al. v. Ernesto Santaacruz Jr. et al.*, Case No. 5:25-cv-01873, (C.D. Cal.), granted the Plaintiffs’ motion for class certification, creating a bond eligible class of noncitizens who entered without inspection, were later detained, and are now subject to mandatory detention statutes. The Court found that all class members are entitled to bond hearings under 8 U.S.C. § 1226(a) rather than being treated as mandatory detainees under 8 U.S.C. § 1225(b)(2)(A).

On December 18, 2025, the U.S. District Court for the Central District of California entered a final judgment and certified the class under *Lazaro Maldonado Bautista et al. v. Ernesto Santaacruz Jr. et al.* The Court rejected the Government’s argument that the class certification was merely interlocutory and entered final judgment as to Counts I, II, and III of the Amended Class Complaint.

The Court entered final judgment specifically because it found troubling evidence that the Department of Justice issued a memorandum instructing Immigration Judges to disregard the federal court’s prior orders and hold that the position in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) remains good law and that DHS’s policy is unlawful.

This Court is not bound by the decision issued in *P.B. v. Bergami, et al.* 3:25-CV-02978-O (N.D. Tex. Dec. 15, 2025).

**2. Habeas relief is warranted**

Respondents have failed prove that the Petitioner is an applicant for admission and subject to mandatory detention under not subject to mandatory detention U.S.C. § 1225(b)(2)(A). Petitioner's continued detention without bond violates the INA and their right to due process. Because they are being unlawfully detained, Petitioners respectfully requests that this Court grant his petition for writ of habeas corpus and require his immediate release from ICE custody.

Dated this 9<sup>th</sup> of January 2026.

Respectfully submitted,

/s/ Karina Roque

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2025, I electronically filed the foregoing on the Court's CM/ECF system, that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

/s/ Karina Roque

Karina Roque, Esq.  
Attorney for Petitioner