

and Nationality Act. This is evident by the overwhelming rulings of the Federal District Courts and the evidence they presented in their Motion to Dismiss.

i. The United States's Supporting Evidence is confusing, misleading, and unreliable.

The Respondents points to three (3) exhibits to establish their timeline. The Record of Deportable/Inadmissible Alien (The I-213), [DN 8 -1], the Notice to Appear [DN 8 - 2], and the Warrant for Alien Arrest. [DN 8 - 3]. The I-213 was drafted on October 11, 2025, by officer Roman Chapetti [Dn 8-1 pg 4 of 5]. It states that on October 10, 2025, Gonzalez-Mateo, Ever Danilo...a foreign born national of Honduras, was encounter by the United States Border Patrol by a consensual encounter.¹ The document is drafted in first person at times but shifts to third person periodically. At first it reads as if Officer Chapetti was the arresting officer with personal knowledge of the arrets. At other points in the document the tone shifts to third person suggesting Officer Chapetti, the drafter of the document, was not an officer involved in the “consensual encounter” or arrest. For example, Officer Chapetti wrote that Ever was arrested by “Officers,” implying he was not an arresting officer. However, he does not provide any names or information of the officers involved. *Id.*

The subsequent paragraph states that “the administrative arrest document is in this Record of Deportability/Inadmissible Alie, For I-213, was effectuated pursuant to a Warrant for Alien Arrest Form I-200, signed prior to arrest” *Id.* The United States presented two different Warrant for Alien Arrests (I-200)s in Respondents’ Motion to Dismiss. [Dn 8- 3] The first Warrant for Alien Arrest is signed by Deportation Officer Roman Chapetti.[*Id* at pg 2 of 3]. The

¹ This is the oddest way to explain any encounter a person may have with another person. The use of the word “consensual” instead of simply stating what happened is a red flag. This type of language is used throughout the document instead of the drafter simply explaining the facts of the encounter.

document appears to be electronically generated. *Id.* The second Warrant for Alien Arrest is page two of the exhibit. [*Id.* at pg 3 of 3]. This I200 was a form filled in with blue ink and signed but a completely different officer. It is dated on October 10, 2025. *Id.* This officer is never mentioned in the I-213. [DN 8-1].

On October 11, 2025, DHS generated a Notice to Appear (NTA). [DN 8-2 pg 2 of 5]. It orders him to appear in Immigration Court on November 3, 2025 at 9 am. *Id.* Officer Chapetti is the executing Deportation Officer. *Id.* However, the Certificate of Service is defective. [*Id.* at pg 3 of 5.] It does not provide a date the NTA was served upon Ever. The Certificate of Service states, “This Notice to Appear was served on the respondent by me on _____, in the following manner and in compliance with section 239(a)(1) of the Act”. *Id.* It appears that the NTA was never actually served upon Ever.

The documents provided by the United States do not tell reliable narrative of what happened on either October 10, 2025, or October 11, 2025. The plain language of the I-213 alone screams of the biasness by the drafter. [DN 8 -1]. On November 26, 2025, the United States will have the opportunity to present witnesses. If these documents are to be considered by the Court, then the United States should produce witnesses to testify to the content and credibility of the information in the documents. The Petitioner should have an opportunity to cross examine the witnesses.

- ii. The Respondents violated Ever’s Fourth Amendment Right, and the United States has failed to provide reliable evidence to the contrary.

The United States argues that the Fourth Amendment is not implicated because this was a routine interaction with law enforcement [DN 8 pg 23 of 25]. The United States also refers to the

language of the I-213 and argues that this routine interaction with law enforcement was “consensual.” *Id.* The United States failed to provide any evidence or explanation for what happened on October 10, 2025. The United States did not take the time to have either officer listed in either warrant execute an affidavit explaining the “consensual interaction” between immigration officials and Ever. The United States never offered any evidence, testimony or explanation as why they believe the interaction between the agency and the Petitioner was consensual. In any other context, “consensual interaction” would raise red flags and require a fact intensive explanation of what occurred, and it would be met with great scrutiny. Here, the United States simply did not provide any explanation or information, likely, because they have repeatedly violated the rights of those on the receiving end without repercussion.

iii. Ever is currently being held illegally without bond.

Petitioner’s continued detention by ICE is unlawful and unconstitutional. The government’s recent policy shift—reclassifying noncitizens who entered without inspection as “arriving aliens” subject to mandatory detention under 8 U.S.C. § 1225(b)—contradicts the statute, decades of established statutory interpretation, agency regulations and practice, and binding precedent. Petitioner, apprehended in the interior years after entry, is entitled to discretionary bond hearings under 8 U.S.C. § 1226(a), not mandatory detention without judicial review. Since habeas relief is individualized and cannot be brought as a class action, each case must be litigated separately.

Despite being apprehended within the interior of the United States after arrival rather than at the border, Petitioner is now deemed ineligible for bond due to his entry without inspection. This stems from a controversial policy shift by ICE in July 2025, which aligns with a recent Board of Immigration Appeals (BIA) decision. This decision disrupts decades of established legal precedent by introducing a novel interpretation of the Immigration and Nationality Act (INA). This

interpretation, which contradicts both the statute's clear language and constitutional principles, reclassifies all noncitizens who entered without inspection, including the Petitioner, as "arriving aliens" or "applicants for admission." Consequently, they are subject to mandatory detention under 8 U.S.C. § 1225(b), rendering them ineligible for bond hearings by immigration judges.

While § 1225 mandates detention without bond for noncitizens apprehended at the border as "seeking admission," it does not apply to those like the Petitioner, who were detained within the United States after arrival in the United States. Therefore, the Petitioner seeks a declaratory judgment from this Court affirming that his detention should be under 8 U.S.C. § 1226(a). The Petitioner requests an order for his immediate release without restrictions or conditions due to his unlawful arrest. Alternatively, the Petitioner seeks an order for a discretionary bond hearing under § 1226(a) before an Article III judge, where the government must prove by clear and convincing evidence that he is a danger to the community or a flight risk. Additionally, the Petitioner requests that Respondents be prohibited from re-detaining him or put any restraints on his liberty unless they can meet the same evidentiary standard.

iv. This Court Maintains Jurisdiction

The United States illegally detained the Petitioner on October 10, 2025. This Court maintains jurisdiction of the illegal detention and continued illegal detention of Mr. Gonzales-Mateo due to the substantial constitutional violations. In *I.N.S. v. St. Cyr*, the Supreme Court held that federal courts retain *habeas corpus* jurisdiction under 28 USC § 2241, despite restrictions on judicial review enacted under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). 533 U.S. 289 (2001). Consequently, section 2241 habeas review remains available to Petitioner.

The U.S. Supreme Court has recognized district courts' jurisdiction to entertain habeas

petitions raising colorable constitutional claims—including those alleging deprivation of liberty without due process, arbitrary or indefinite detention, and agency action contrary to law. Even though the government may detain individuals during removal proceedings, *Denmore v. Kim*, 538 U.S. 510, (2003), (although that case involved detention under §1226(c) of certain criminal aliens) there are limitations to this power of the executive branch. Limitations like the Due Process Clause restrict the Government's power to detain noncitizens. It is well settled that individuals in deportation proceedings are entitled to due process of law under the Fifth Amendment. *Reno v. Flores*, 507 U.S. 292, 306, (1993). Courts must review immigration procedures and ensure that they comport with the Constitution.

Federal courts have retained the statutory authority to grant writs of habeas corpus since enactment of the Judiciary Act of 1789. In *Felker v. Turpin*, 518 U.S. 651 (1996), the Supreme Court declined to find a repeal of § 2241 by implication as to its original habeas corpus jurisdiction. See also *Boumediene v. Bush*, 553 U.S. 723 (2008). In addition to the Supreme Court in many cases, all Circuit Courts of Appeals have recognized district courts' jurisdiction to entertain habeas petitions raising colorable constitutional claims—including those alleging deprivation of liberty without due process, arbitrary or indefinite detention, and agency action contrary to law.

In this case, Petitioner asserts substantial constitutional violations—including deprivation of liberty without due process, arbitrary and capricious agency action, violations of the *Accardi* doctrine, and other injuries without notice or opportunity to be heard. These claims fall squarely within the scope of habeas review preserved by statute and recognized by controlling precedent. Accordingly, this Court has both the authority and the obligation to adjudicate the constitutional and statutory claims presented in this Petition and to grant appropriate relief to remedy ongoing violations of Petitioner's rights.

Petitioner's claims challenge only his civil immigration detention and the procedures used to prolong it—not the merits of removability or any final order of removal—and therefore fall outside 8 U.S.C. § 1252(b)(9)'s channeling provision. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 840–41 (2018) (detention challenges are not “questions of law or fact arising from” removal proceedings). Consistent with that framing, any injunctive relief sought here is strictly as-applied to Petitioner—for example, directing Petitioner's release under § 1226(a) or barring application of § 1225 as to Petitioner—and does not “enjoin or restrain the operation” of any statute within § 1252(f)(1)'s bar. In any event, § 1252(f)(1) permits individualized, as-applied relief for a single noncitizen, even while prohibiting class-wide injunctions. *See Garland v. Aleman Gonzalez*, 596 U.S. 543, 548–49 (2022).

Section 1252(f)(1) does not bar the individualized injunctive relief sought here. That provision limits lower courts' authority to “enjoin or restrain the operation” of the INA's detention and removal provisions on a class-wide or programmatic basis but expressly preserves injunctive relief “with respect to the application of such provisions to an individual alien against whom proceedings under such part have been initiated.” 8 U.S.C. § 1252(f)(1); *Garland v. Aleman Gonzalez*, 596 U.S. 543, 548–50 (2022). Petitioner seeks only as-applied relief tailored to Petitioner—e.g., directing Petitioner's release under § 1226(a) or precluding DHS from enforcing the “arriving alien” definition of § 1225 toward Petitioner. That relief neither halts the general operation of any INA provision nor provides class-wide relief and thus falls squarely within § 1252(f)(1)'s carve-out.

Section 1252(g) is likewise inapplicable. It is a “narrow” jurisdictional bar that applies only to three discrete decisions or actions: “to commence proceedings, adjudicate cases, or execute removal orders.” *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Petitioner does not challenge any such decision. Petitioner challenges ongoing civil detention and

DHS's use of an unlawful interpretation to nullify the plain language of the INA and its regulations as applicable to these agencies. Such detention-related claims and challenges to custody procedures fall outside § 1252(g). *See id.* at 482–83; cf. *Jennings v. Rodriguez*, 138 S. Ct. 830, 840–41 (2018) (§ 1252(b)(9) does not channel detention claims).

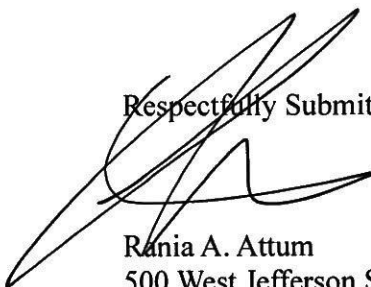
Section 1252(e)(3) is likewise inapplicable as it is narrowly tailored to channel systemic or facial challenges to the validity of the expedited removal “system” or its implementing regulations and written policies to the U.S. District Court for the District of Columbia, and only within 60 days of implementation. It does not bar as-applied, individualized habeas challenges to the legality or constitutionality of a particular noncitizen's detention under § 1225(b)(2) or whether § 1225 governs Petitioner's detention or § 1226. The text of § 1252(e)(3) is explicit: it covers “[c]hallenges on the validity of the system” and review of “whether such a regulation, or a written policy directive, written policy guideline, or written procedure ... is not consistent with applicable provisions of this title or is otherwise in violation of law.” It does not preclude review of the legality of detention as applied to a specific individual, nor does it bar habeas review of constitutional claims or claims that the government is misapplying the statute in a particular case.

To prevent ouster of this Court's habeas jurisdiction, the Court should, pursuant to 28 U.S.C. § 1651(a) (All Writs Act) and 28 U.S.C. § 2241, issue an immediate limited order prohibiting Respondents from transferring Petitioner outside the court's District or otherwise changing Petitioner's immediate custodian without prior leave of Court while this action is pending. Such relief is necessary in aid of jurisdiction because habeas is governed by the district-of-confinement/immediate-custodian rule, and transfer can frustrate effective review. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441–42 (2004); *Ex parte Endo*, 323 U.S. 283, 307 (1944); *FTC v. Dean Foods Co.*, 384 U.S. 597, 603–05 (1966).

v. Conclusion

The Petitioner humbly requests this Court deny the Respondent's Motion to Dismiss and grant this Petition for Writ of Habeas Corpus. The United States Motion lacks sufficient evidence as to what occurred on October 10, 2025. It creates more questions than provides answers. The Motion misconstrues the law, ignores facts, fails to address the specific situation in this case. Mr. Gozalez Mateo was illegally stopped, detained, and continues to remain illegally detained by the United States.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

A true and accurate copy of this Reply was served upon the Respondents via CM/ECF on November 24, 2025.



Rania A. Attum