UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

EVER GONZALES MATEO Petitioner, v. KRISTI NOEM, in her Official Capacity as Secretary, Department of Homeland Security; TODD LYONS, in his Official Capacity as Acting Director, U.S. Immigration and Customs Enforcement; PAM BONDI, in her Official Capacity as Attorney General of the United States; and Mike Lewis, in his Official Capacity as Hopkins County Jailer Respondents.	Case No. 4:25-cv-00151-GNS **PETITION FOR WRIT OF HABEAS CORPUS** RESPONDENTS

PETITIONER'S SUPPLEMENTAL BRIEF

On November 26, 2026, this matter was brought before the Court in an evidentiary hearing. The Petitioner testified and the Court granted additional time to supplement the record due to the November 25, 2025 ruling in *Baustista v. Santacruz*, No. 5:25-cv-01973-SSS-BFM (C.D. Cal. 2025).

i. Petitioner is not subject to mandatory detention pursuant to 8 USC §1225.

The Respondents argue that the United States has erroneously applied 8 USC § 1225 from the year it was enacted to July 2025 because of the ICE Memo issued on July 8, 2025, and two BIA decision supporting the same statutory interpretation followed. [Exhibit 1, ICE Memo: Interim Guidance Retarding Detention Authority for Applications for Admission ("ICE Memo").]

i. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

There were two Board of Immigration Appeals (BIA) decisions that resulted in the Executive Office of Immigration Review (EOIR) unlawfully subjecting non-citizens to mandatory detention. The first case was *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), which is not relevant to this set of facts.[1] The second published decision from the BIA, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), significantly expanded the agency's mandatory detention interpretation to include all noncitizens who enter without inspection, denying them bond hearings under section 236(a) of the INA. The above-mentioned ICE memo, coupled with this decision, which will be discussed below, prevents Petitioner's release and violates Petitioner's Due Process rights.

ii. *Baustista v. Santacruz* in the Central District of California overturned *Matter of Yajure Hurtado* on November 25, 2025.

The Petitioners in *Baustista v. Santacruz*, No. 5:25-cv-01973-SSS-BFM (C.D. Cal. 2025). were each charged with being inadmissible under 8 U.S.C. §1182(a)(6)(A)(i) or as being present

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The first case that was a published decision by the BIA, *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), held that an applicant for admission arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings, is detained under section 235(b) of the INA, 8 U.S.C. § 1225(b). This case is inapplicable to Petitioner because it deals with the detention of an "applicant for admission" who is arrested while arriving in the United States. The case is relevant to individuals who are at the border or a port of entry and are seeking admission into the country. It does not apply to those who have already entered the United States and are apprehended within its interior

without admission in the United States. The Petitioners were denied bond hearings due to the July 8, 2025 ICE Memo requiring ICE employees to consider anyone arrested in the United Stats and charged with being inadmissible as an applicant for admissions under 8 USC §1225(b)(2)(A) subjecting them to mandatory detention.

The District Court found that the United States's interpretation of §1225 and §1226 was inaccurate. The Central District of California found that the United States interpretation of the statutes was contrary to the plain language of both §1225 and §1226. The Court certified a **Bond Eligible Class**:

> "All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection, (2) were not or will not be apprehended upon arrival, and (3) are not or will not be subject to detention under 8 U.S.C §1226©, §1225(b)(1), or §1231 at the time the Department of Homeland Security makes an initial custody determination."

The Court found that a nationwide class certification under Rule 23(b)(2) was appropriate because "to certify a class that is not nationwide in spoke might result in the application of unlawful practices based solely on geographic locations." *Id* citing *Inland Empire-Immigrant Youth Collective v. Nielsen*, No. EDCV172048PSGSHKX, 2018 WL 1061408 at *12 (C.D. Cal. Feb.26, 2018). [Exhibit 2].

The United States justifies illegally detaining Ever due to the BIA holding in *Matter of Yajure Hurtado*. The Federal District Courts have repeatedly held that the United States are improperly interpreting 8 USC §1225(b) and illegally enforcing the statute. The United States have repeatedly ignored these holdings. The Central District of California has issued a nationwide class certification overturing the United States interpretation and enforcement of the statute. Yet, the United States continues to hold Ever illegally.

I. Conclusion

On October 10, 2025, Ever was illegally stopped, searched and detained by immigration officers in plain clothing. The United States argues that they had probable cause to detain Ever due to is unauthorized presence in the United States. This does not permit the constructive kidnapping and searching of civilians in the United States. The United States then argues that Ever is subject to mandatory detention because of an July 8, 2025 Memo and Matter of Yajure Hurtado changing the interpretation of 8 U.S. C §1225 and USC § 1226. Federal District Court have repeatedly held that the United States' interpretation of the federal codes contradicts the plane language of the statutes. On November 25, 2025, the Central District of California issued a nationwide class certification effectively overturing the United States's interpretation of the statutes. The United States has repeatedly disregarded the rulings of the federal district courts. They continued to disregard the law and hold Ever illegally.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

A true and accurate copy of this pleading and all of the supporting exhibits were served upon opposing counsel on December 1, 2025.

Rania A. Attum