

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EDEN ISAIAS ARENAS SANTOYO,	§	
	§	
Petitioner	§	
	§	
v.	§	
	§	
GRANT DICKEY, et al,	§	Civil Action No. 4:25-cv-05555
	§	
Respondents,	§	

**PETITIONER’S RESPONSE TO RESPONDENTS’ MOTION TO DISMISS AND, IN
THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

I. INTRODUCTION

Respondents’ motion rests on a fundamental contradiction. On the one hand, the Government insists Petitioner must exhaust administrative remedies by seeking bond before an Immigration Judge. On the other, the Government simultaneously asserts that Immigration Judges lack jurisdiction to grant bond to individuals detained under 8 U.S.C. §1225(b), relying on *Matter of Yajure Hurtado*. Respondents cannot have it both ways.

Because exhaustion would be patently futile, it is excused. And because Petitioner’s continued detention without any bond hearing violates both the Immigration and Nationality Act and the Fifth Amendment’s Due Process Clause, Respondents’ motion should be denied.

II. EXHAUSTION IS EXCUSED BECAUSE IT WOULD BE FUTILE

The Fifth Circuit recognizes that exhaustion is not required where it would be futile or incapable of providing relief. *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994).

Here, Respondents concede that under *Matter of Yajure Hurtado*, Immigration Judges lack authority to grant bond to individuals they classify as §1225 detainees. If the Immigration Judge lacks jurisdiction to grant bond, requiring Petitioner to request one is meaningless.

Federal courts routinely excuse exhaustion where:

- the agency lacks authority to grant relief, or
- the outcome is predetermined by binding agency precedent.

Requiring Petitioner to pursue an unavailable remedy would elevate form over substance and deny meaningful judicial review.

III. SECTION 1225(b) DOES NOT GOVERN PETITIONER'S DETENTION

A. §1225 Applies to Arriving Aliens, Not Interior Arrests Years Later

Section 1225 governs inspection and admission at the border or point of entry. Petitioner entered the United States in April 2022 and lived in the interior for over three years before ICE arrested him during an enforcement action in Houston, Texas

The Fifth Circuit has repeatedly recognized that §1226, not §1225, governs detention of noncitizens arrested in the interior after entry. Treating long-present individuals as perpetually “seeking admission” defies statutory structure and common sense.

B. The Government's Interpretation Produces Absurd Results

Under Respondents' theory:

- A person arrested three years after entry is "seeking admission"
- But a visa overstay is not

Congress did not design §1225 to function as a lifetime mandatory-detention provision triggered whenever DHS chooses to arrest someone years later.

IV. MATTER OF YAJURE HURTADO IS NOT BINDING ON THIS COURT

Matter of Yajure Hurtado is a BIA decision. It is:

- not Supreme Court precedent,
- not Fifth Circuit precedent,
- and not binding on Article III courts.

This Court owes no Chevron or Brand X deference in a habeas action challenging detention authority, particularly where constitutional concerns are implicated.

**V. PROLONGED MANDATORY DETENTION WITHOUT A BOND HEARING
VIOLATES DUE PROCESS**

Even assuming arguendo that §1225 applies, the Constitution does not permit indefinite or prolonged detention without an individualized hearing.

The Supreme Court has emphasized that civil detention must remain reasonable in duration and purpose. *Jennings v. Rodriguez*, 583 U.S. 281 (2018), left open as-applied due process challenges — precisely what Petitioner brings here.

Petitioner:

- has no criminal history,
- has a pending asylum application,
- and has been detained without any neutral determination of flight risk or danger.

That is incompatible with the Fifth Amendment. It is rectifiable by this Court and the Petitioner respectfully pleads that this Court do just that.

VI. CONCLUSION

Respondents ask this Court to endorse a regime where:

- no bond hearing is available,

- exhaustion is demanded anyway,
- and detention continues indefinitely.

The Constitution does not allow that result. Respondents' motion should be DENIED, and the Court should order Petitioner's release or, at minimum, an immediate individualized bond hearing before a neutral decision-maker.

Respectfully submitted,

/s/ Matthew R. Mendez

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Attorney for Petitioner

PETITIONER VERIFICATION

Petitioner, is currently detained in ICE custody, and has authorized Counsel, Matthew Mendez, to verify, on her behalf, that the facts stated therein are true and correct to the best of his knowledge and belief.

/S/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

12/16/25
Date

CERTIFICATE OF SERVICE

On December 16, 2025, Counsel for Plaintiff served a copy of the attached TRO via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the Respondent, GRANT DICKEY, in his official capacity as Warden of the Montgomery

Processing Center; at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing Center, located at 806 Hilbig Road, Conroe, TX 77301.

/S/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

12/16/25

Date

CERTIFICATE OF SERVICE

On December 16, 2025, Counsel for Plaintiff served a copy of the attached TRO via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Bret Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations Houston Field Office**, at (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060, and (2) to the United States at Civil Process Clerk, U.S. Attorney’s Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/S/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

12/16/25

Date

CERTIFICATE OF SERVICE

On December 16, 2025, Counsel for Plaintiff served a copy of the attached TRO via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of Homeland Security**, at (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530; and (2) to the United States at Civil Process Clerk, U.S. Attorney’s Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/S/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

12/16/25

Date

CERTIFICATE OF SERVICE

On December 16, 2025, Counsel for Plaintiff served a copy of the attached TRO via email, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States, at USATXS.CivilNotice@usdoj.gov.

/S/ Matthew Mendez

Matthew Mendez

12/16/25

Date