

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

Carlos Alberto Garcia-Miranda,

Petitioner,

v.

Kristi Noem, Secretary of the Department
of Homeland Security; Todd M. Lyons,
Acting Director of Immigration and
Customs Enforcement; Bret Bradford,
Field Office Director of Houston
Enforcement and Removal Operations;
and Raymond Thompson, Warden of Joe
Corley Processing Center,

Respondents.

Case No. 4:25-cv-05558

**PETITIONER'S RESPONSE TO RESPONDENTS' MOTION FOR
SUMMARY JUDGMENT AND CROSS-MOTION FOR SUMMARY
JUDGMENT**

I. INTRODUCTION

Petitioner Carlos Alberto Garcia-Miranda has lived in the United States for nearly a decade. He was previously granted release on bond under 8 U.S.C. § 1226, complied with all immigration requirements, has no criminal history, has been granted a Bona Fide Determination by USCIS—another component of the Department of Homeland Security—and was apprehended in the interior of Texas in October 2025 while driving to work. For almost thirty years, individuals in Petitioner’s exact posture, long-term interior residents, arrested years after unlawful entry, and not charged as arriving aliens, have been detained under § 1226(a) with the right to a bond hearing before an immigration judge. Respondents do not and cannot meaningfully dispute this fact.

Rather than confront the illegality of DHS’s abrupt July 2025 reversal of three decades of statutory interpretation, Respondents attempt to avoid judicial review by recasting Petitioner as though he had just appeared at a port of entry seeking admission. Their position is built entirely on the misclassification that dozens of federal courts have now rejected: the notion that every noncitizen who ever entered without inspection remains perpetually and retroactively subject to mandatory detention under § 1225(b)(2), even when arrested years later inside the United States.

On November 25, 2025, the Central District of California certified a nationwide class, of which Petitioner is a member, and granted partial summary

judgment holding that DHS's policy violates the INA. *Bautista v. Santacruz*, No. 5:25-CV-01873-SSSBFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). However, Respondents are actively arguing in federal courts that the *Bautista* order is 'non-binding' because it lacks a final judgment. Dkt. 11 at 8–9. Because Respondents refuse to honor that nationwide ruling, as well as the dozens of rulings from this very district as well, continued litigation in this District is essential. A Writ of Habeas Corpus from this Court is the only mechanism to secure Petitioner's immediate release or hearing and enforce the rights declared in *Bautista* against the specific officials holding him in Texas. These decisions directly reject Respondents' statutory, exhaustion, due process, and jurisdictional arguments.

Respondents' motion for summary judgment depends on ignoring governing statutory text, elevating a recent BIA decision (*Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)), that is incompatible with long-standing federal practice, and mischaracterizing the effect of *Bautista*. Because Respondents detain Petitioner under the wrong statute, deny him the procedural protections Congress guaranteed, and rely on a legally erroneous theory that has been repeatedly rejected, their motion must be denied and the writ granted.

Plainly, Respondents offer no reasonable justification for detaining Petitioner as though he were an applicant for admission at a port of entry. Their opposition relies on the same misclassification that dozens of federal courts have rejected, and

it ignores the sweeping constitutional consequences of denying an entire population access to any form of custody review.

Petitioner does not dispute that DHS may lawfully detain individuals during removal proceedings. Detention is a recognized component of the statutory scheme. But what Petitioner does challenge is the Government's sudden departure from nearly three decades of consistent interpretation in favor of an unprecedented reading of § 1225(b)(2). The Government is free to exercise its statutory detention authority, but it must do so within the bounds of the INA, not by retroactively reshaping long-established law to reflect shifting policy preferences.

As Petitioner is detained under the wrong statute, has been denied the bond hearing that § 1226(a) and the Due Process Clause guarantee, and faces ongoing unlawful confinement that only this Court can remedy, the petition for habeas corpus must be granted.

II. PROCEDURAL BACKGROUND

Petitioner entered the United States in 2019. DHS issued a notice charging him under § 212(a)(6)(A)(i), alleging unlawful presence without admission or parole. Dkt. 4-2, Notice to Appear (NTA). DHS did not classify him as an arriving alien. *Id.* Petitioner was released on bond under § 1226(a). Dkt. 4-4, IJ Order. In October 2025, ICE arrested Petitioner in the interior of Texas and refused to provide

a bond hearing, asserting for the first time, six years after entry, that he is subject to mandatory detention under § 1225(b)(2). Dkt. 4-1, Form I-830.

Petitioner filed this habeas petition under 28 U.S.C. § 2241, raising a pure question of statutory detention authority: whether § 1225(b)(2) or § 1226(a) governs his custody. Respondents filed a combined Answer and Motion for Summary Judgment claiming that Petitioner is an “applicant for admission,” that he is mandatorily detained under § 1225(b)(2), that *Hurtado* supports their position, and that several district courts have adopted their interpretation.

III. LEGAL STANDARD

A. Habeas Jurisdiction

Under 28 U.S.C. § 2241, a federal district court may review the legality of a noncitizen’s civil immigration detention. The burden is on Petitioner to show that his detention is unlawful; he satisfies that burden where DHS detains him under the wrong statute or denies him the statutory protections Congress provided.

B. Summary Judgment Standard

In reviewing for summary judgment, the Court must consider the full record of the case to determine if “there is [any] genuine issue as to any material fact and [if] the moving party is entitled to summary judgment as a matter of law.” Fed.R.Civ.P. 56(c). In doing so the Court “must view the evidence in the light most

favorable to the party resisting the motion" for summary judgment. *Simon v. United States*, 711 F.2d 740, 743 (5th Cir.1983).

Even where the historical facts are undisputed, summary judgment must be denied if the parties dispute the legal effect of those facts or the proper interpretation of the governing statute, because a movant cannot prevail unless the law compels judgment in its favor.

Here, the Respondent is not entitled to judgment as a matter of law. The question is whether § 1226(a) or § 1225(b)(2) applies to a noncitizen was arrested in the interior of the U.S., especially where, as here, the noncitizen was released years ago on an immigration bond, complied with all requirements, and had not committed any new immigration violations nor had any criminal arrests. Because Respondents' entitlement to judgment turns on their disputed legal interpretation, and because Petitioner presents a competing, reasonable interpretation, Respondents cannot meet Rule 56(a)'s "entitled to judgment as a matter of law" requirement. Summary judgment must therefore be denied.

IV. ARGUMENT

I. RESPONDENTS ARE NOT ENTITLED TO SUMMARY JUDGMENT

A. Respondents Misinterpret the term "Seeking Admission" in § 1225(b)(2)

Respondents' motion for summary judgment must be denied because it rests on a misreading of the INA, relies on a recent BIA decision that cannot bind this Court, disregards three decades of agency practice, and ignores the most

comprehensive federal decision on this issue to date. Summary judgment is proper only when the movant demonstrates entitlement to judgment as a matter of law. Fed. R. Civ. P. 56(a). Here, Respondents cannot meet that burden, because their statutory theory is wrong, their factual premises do not support mandatory detention, and the legal authorities they cite are unpersuasive or inapplicable.

Respondents' argument asserts that anyone who ever entered without admission is automatically an "applicant for admission" subject to § 1225(b)(2). That reading detaches § 1225(b)(2) from the phrase "seeking admission," which appears throughout the INA and is integral to the statutory scheme. The INA uses "seeking admission" to refer to individuals at or arriving at the border, presenting themselves for inspection, or subject to recent entry processes, not to individuals arrested years later during interior enforcement operations.

The Central District of California explained this exact point in *Bautista*: DHS's new interpretation "cannot be squared with the statutory text," improperly collapses two distinct detention statutes, and, if accepted, would eliminate § 1226(a) for a vast number of long-term residents. *Bautista*, 2025 WL 3288403 (C.D. Cal.). Congress did not write § 1226 to be rendered meaningless. Yet that is the necessary consequence of Respondents' position.

Petitioner was not "seeking admission" in 2025 when ICE arrested him driving to work in Texas. He had already been placed in § 1226(a) removal

proceedings years earlier and had already been granted release under that statute. He cannot be retroactively transformed into a port-of-entry applicant six years after arriving in the country.

B. Respondents’ Reliance on § 1225(a)(1) Misapplies the Definition of “Applicant for Admission.”

Respondents rely heavily on § 1225(a)(1)’s definition of “applicant for admission,” which includes any “alien present in the United States who has not been admitted.” But that provision controls *inspection*, not detention. As numerous courts have recognized, the definition in § 1225(a)(1) does not determine which detention authority applies; Congress addressed detention in §§ 1225(b) and 1226 separately. If Respondents were correct, then every EWI in the United States—regardless of length of residence, family ties, parole eligibility, or existing § 1226(a) proceedings—would be mandatorily detained forever under § 1225(b)(2), with no access to bond. That interpretation would obliterate decades of settled practice, conflict with the statutory structure, and disregard Congress’s creation of § 1226(a) to govern interior arrests “pending a decision on whether the alien is to be removed.” *Bautista* rejected Respondents’ reading for this very reason along with numerous district courts in this circuit.

Congress did not further elaborate on the term “applicant for admission” in § 1225(b) because, in context, its meaning was self-evident. For decades, and throughout the INA, Congress used “seeking admission” and “applicant for

admission” to refer to individuals at or arriving at the border, presenting themselves for inspection, or engaged in contemporaneous entry processes. Congress had no reason to clarify that the phrase did *not* include noncitizens arrested years later in the interior. That limitation was built into the structure and design of the statute itself.

Essentially, Congress did not find it necessary to spell out that “applicant for admission” excludes long-term interior residents for the same reason statutes don’t specify that “arriving vessel” doesn’t include a house or that “port of entry” doesn’t include Interstate 45. The limitation was so apparent from the statute’s structure, history, and decades of consistent implementation that no reasonable reader could conclude Congress intended § 1225(b)(2) to apply to someone arrested six years after entry, in the interior. DHS’s 2025 reinterpretation is not a reading of the statute, it is a reinvention of it.

C. Respondents’ Structural Argument (Specific over General) Fails Because §§ 1225 and 1226 Apply to Distinct Circumstances.

Respondents argue that § 1225(b)(2) is “specific” and § 1226(a) is “general,” and therefore § 1225(b)(2) must govern whenever an individual is an “applicant for admission.” This argument fails because the provisions apply to different triggering events, that is, § 1225(b)(2) applies to those subject to inspection as “seeking admission” while § 1226(a) applies to individuals arrested and detained pending a decision on removal, a category that plainly includes interior arrests like Petitioner’s.

The canon of specific-controls-general is misapplied when the provisions govern different factual predicates. Congress knew how to mandate detention explicitly (as in § 1226(c) and the Laken Riley Act); it did not do so here.

D. *Matter of Yajure Hurtado* Does Not Bind This Court, Conflicts with Statutory Text, and Does Not Entitle Respondents to Summary Judgment.

Respondents rely heavily on *Hurtado*. But the BIA cannot bind an Article III court on pure statutory interpretation, and many of *Hurtado*'s arguments have been rejected by the only court to analyze the issue in depth. *Bautista* identified multiple fatal flaws in *Hurtado*, arguing it rewrites statutory language, disregards the INA's structure, and contradicts decades of agency practice.

Federal courts do not defer to agency interpretations in the habeas context where doing so would sustain unconstitutional or ultra-vires detention. *Hurtado* is not entitled to *Chevron* deference, and certainly not *Skidmore* weight when contradicted by superior statutory analysis. *See Skidmore v. Swift & Co.*, 323 US 134 (1944); *see also Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.* (1984). The INA statutes pertaining to detention are not ambiguous nor is the agency's interpretation reasonable as explained in *Bautista* and in Respondent's petition.

E. The Government’s Selective Citations to District Court Cases Cannot Overcome the Weight of Authority Against Its Position.

Respondents cite a handful of district court decisions—*Cabanas*, *Sandoval*, *Vargas Lopez*, *Chavez*—to suggest that courts are trending toward their view. Dkt. 11 at 7-8. None of these cases meaningfully analyzed the statutory scheme, and each predates or disregards the comprehensive reasoning in *Bautista*. Many more courts, including numerous within this District, have rejected DHS’s reinterpretation and reaffirmed that § 1226(a) governs long-term interior residents. Dkt. 4 at 12.

Respondents’ reliance on these isolated cases cannot satisfy their burden under Rule 56. A litigant cannot obtain summary judgment by citing outlier decisions while ignoring the weight of authority against its position.

Furthermore, this Court has previously rejected DHS’s theory. The Government cites *Camreta* to suggest this Court is free to reconsider its rulings, but Respondents’ reliance on *Camreta v. Greene*, 563 U.S. 692 (2011), is misplaced. That case addressed a narrow, procedural question: whether the Supreme Court may exercise certiorari jurisdiction to review an adverse constitutional ruling issued by a court of appeals in a § 1983 qualified-immunity case where the government officials nonetheless prevailed on immunity grounds. *Id.* at 702–08. The footnote relied upon by the government does not endorse free reconsideration of prior rulings; it simply notes that Courts of Appeals often decline to treat district court decisions as binding when determining whether a constitutional right is “clearly established” for purposes

of qualified immunity. That limited observation, tied narrowly to the qualified-immunity framework, has nothing to do with the standards governing reconsideration in this Court regarding this subject.

F. The Government Mischaracterizes the Effect of the Bautista Class Decision.

Respondents argue that *Bautista* has “no preclusive effect” because the court has not yet entered a final class-wide declaratory judgment. But Petitioner does not only rely on preclusion; he relies on the persuasiveness and correctness of *Bautista*’s statutory analysis, which is the one of the most thorough and well-reasoned interpretations issued by any federal court.

Moreover, *Bautista* certified a nationwide class, explicitly covering noncitizens who entered without inspection, were not apprehended at the border, and are not subject to § 1226(c), § 1225(b)(1), or § 1231. Respondents acknowledge that Petitioner falls within that class. Yet Respondents still detain him as though he stood at a port of entry. The absence of a final injunction does not affect the analysis, and it certainly does not entitle Respondents to summary judgment; *Bautista* has ruled that DHS’s July 2025 reinterpretation of § 1225(b)(2) is unlawful.

This Court has jurisdiction over Petitioner’s immediate custodians. Only this Court can remedy his ongoing unlawful detention. Respondents’ continued insistence on § 1225(b)(2) underscores why summary judgment in their favor is inappropriate.

G. Respondents Cannot Carry Their Rule 56 Burden Because They Rely on an Unlawful Reinterpretation Applied Retroactively to Petitioner.

Even if some aspects of DHS's reinterpretation were debatable, which they are not, the Government cannot detain and apply a new detention theory retroactively to a noncitizen who has already been placed in § 1226(a) proceedings, granted a § 1226 bond, and fully complied for years. Dkt. 4-5, Form I-200. Retroactive conversion of a settled § 1226(a) case into a § 1225(b)(2) case violates due process, exceeds DHS's statutory authority, and contradicts decades of consistent agency practice.

Because Respondents rely entirely on this unlawful retroactive application, their motion must fail.

V. PETITIONER IS ENTITLED TO SUMMARY JUDGMENT

Even assuming the facts material to this case are undisputed, Respondents are still not entitled to judgment as a matter of law. To the contrary, the facts compel judgment for Petitioner under the correct interpretation of the Immigration and Nationality Act (INA). Accordingly, pursuant to Federal Rule of Civil Procedure 56, Petitioner respectfully moves for summary judgment in his favor.

On the undisputed record, Petitioner was lawfully released on bond pursuant to 8 U.S.C. § 1226(a), the statute that governs detention of individuals already placed in removal proceedings. *See* IJ Order, Dkt. 4-4. That bond order was issued by an

Immigration Judge with jurisdiction and authority under federal law. For more than six years thereafter, DHS treated Petitioner as a § 1226 detainee.

Respondents now urge the Court to adopt a novel, retroactive application of 8 U.S.C. § 1225(b)(2), a provision traditionally applied at or near the border, and never to individuals long released on bond into the interior. The Government's interpretation is contrary to the statute's structure, inconsistent with decades of agency practice, contradicted by persuasive district-court decisions including decisions in this very district, and in tension with the purpose and framework of the INA as enacted.

Because Respondents' proposed interpretation is not compelled, and because longstanding precedent and statutory context foreclose it, they cannot show entitlement to judgment as a matter of law. Petitioner, however, can because under the INA as properly construed, Petitioner remains subject only to § 1226(a), which authorizes release on bond and does not permit the mandatory detention they now assert.

Section 1226(a) governs arrests "pending a decision on whether the alien is to be removed," and Congress intentionally reserved bond eligibility for those individuals. The massive consequences of DHS's reinterpretation, transforming millions of long-term residents into mandatorily detained persons with no hearings, confirm that DHS's reading is untenable.

This Court should adopt the same correct interpretation as it has in the past and as the *Bautista* Court and hold that Petitioner is being unlawfully detained under the wrong statute. Since he is a § 1226(a) detainee, Petitioner is entitled to a bond hearing or release and he is entitled to judgment, or habeas relief, as a matter of law.

VI. CONCLUSION

For the foregoing reasons, the Court should deny Respondents' Motion for Summary Judgment, grant Petitioner's request for habeas relief, enter judgment declaring that his detention is governed by 8 U.S.C. § 1226(a), and order his immediate release or, in the alternative, an immediate individualized bond hearing before a neutral decisionmaker.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that, on December 5, 2025, the foregoing was filed and served on all attorneys of record via the District's ECF system.



Debbie Hernandez