

The Petitioner provides the following Reply to the Respondents' Objections to the Report and Recommendation in the present case:

1. Jurisdiction

The Respondents again raise the issue of jurisdiction in the Objections, and have cited one case to support their position that 8 U.S.C. 1252(g) and 8 U.S.C. 1252(b)(9) preclude the Petitioner's claim. *See SQDC v. Bondi*, No. 25-3348(PAM/DLM) 2025 WL 2617973 (D. Minn. Sept. 9, 2025). The District Courts for the Western District of Texas have addressed this issue in several decisions, and all decisions of which Petitioner is aware have found that the stated provisions do not strip jurisdiction from the Court in similar proceedings. *See e.g. Diaz Perez v. Thompson et al*, No. 5:25-cv-01664- JKP, 2025 WL 3654333 (W.D. Tex. 12/15/2025).

2. Mandatory Detention pursuant to 8 U.S.C. 1225

The Respondents ask that this Court follow the "multitude" of district courts that have found that petitioners similarly situated to the Petitioner in the present case are subject to mandatory detention pursuant to 8 U.S.C. 1225. **ECF 14, p. 2**. Though a current tally of the district courts' decisions on this issue is not available, a cursory review of the decisions nationwide and in this District will show that the vast majority of the district courts have actually sided with the petitioners in similar cases, and a scant few have sided with the government. The following is a non-comprehensive sample of decisions from only the Western District of Texas regarding the issue of mandatory detention under 8 U.S.C. 1225, during only the month of November of 2025, in which the Courts found in favor of similarly situated petitioners in regard to the proper statute of detention: *Granados v. Noem et al*, No. SA-25-CA-01464-XR, 2025 WL 3296314 (W.D.T.X. 11/26/2025), *Aguilar v. Bondi et al*, No. 5:25-CV-01453-JKP, 2025 WL

3471417 (W.D.T.X. 11/26/2025), *Guzman-Tovar v Noem et al*, No. 5:25-CV-1509-JKP, 2025 WL 3471416 (W.D.T.X. 11/25/2025), *Martinez Orellana v. Noem et al*, No. 5:25-CV-1028-JKP, 2025 WL 3471569 (W.D.T.X. 11/24/2025), *Miralrio Gonzalez v. Ortega et al*, No. 5:25-CV-1156-JKP, 2025 WL 3471571 (W.D.T.X. 11/24/2025), *Cardona-Lozano v. Noem et al*, No. 1:25-CV-1784-RP, 2025 WL 3218244 (W.D.T.X. 11/14/2025), *Becerra Vargas v. Noem et al*, No. SA-25-CV-1023-FB (HJB), 2025 WL 3300446 (W.D.T.X. 11/12/2025), *Ortega Munoz v. Noem et al*, No. 1:25-CV-1753-RP, 2025 WL 3218241 (W.D.T.X. 11/07/2025) (decision on a Temporary Restraining Order), *Rojas Vargas v. Bondi et al*, No. 1:25-cv-01699-DAE, 2025 WL 3251728 (W.D.T.X. 11/05/2025) (decision on a Temporary Restraining Order).

The Respondents also state that this Court should defer to the BIA's subject-matter expertise in regard to that Board's rulings on the matter. However, this Court has no duty to rely on agency expertise and is free to interpret the provisions in question pursuant to the Court's independent legal reasoning. *See Loper Bright Enterprises v. Raimundo*, 603 U.S. 369, 144 S.Ct 2244 (2024).

For the reasons stated above, in conjunction with his original Petition for Habeas Corpus, Petitioner again pleads for relief as outlined in his Petition.

Respectfully submitted,

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Dated this 24th day of December, 2025