

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

CARLOS MEJIA-DIAZ, )  
 )  
 Plaintiff, )  
 v. ) Case No. 3:25-cv-960-CCB-SJF  
 )  
 BRIAN ENGLISH, *et al.*, )  
 )  
 Defendants. )

**RESPONDENTS’ RESPONSE TO PETITION FOR  
WRIT OF HABEAS CORPUS**

Carlos Mejia-Diaz has petitioned for a *writ of habeas corpus* under 28 U.S.C. § 2241. He asks this Court to order that he be immediately released from custody or, in the alternative, given a bond hearing. Though this Court has rejected a similar argument in prior proceedings, the Government reiterates and supplements its position that this Court should deny the Petition for lack of subject matter jurisdiction and because Mejia-Diaz is lawfully detained as an “applicant for admission” pending removal proceedings under 8 U.S.C. § 1225(b)(2).

**INTRODUCTION**

Mejia-Diaz is a Honduran citizen who entered the United States nearly two decades ago but has never been legally admitted into this country. Mejia-Diaz is currently detained at Miami Correctional Facility pending the outcome of his removal proceedings. He is thus statutorily “deemed” an “applicant for

admission” because he is “[a]n alien present in the United States who has not been admitted.” 8 U.S.C. § 1225(a)(1). Under 8 U.S.C. § 1225(b)(2), an applicant for admission in his position “shall be detained.” Mejia-Diaz seeks *habeas* relief from his mandatory detention while those proceedings play out before an immigration judge.

The legal issues presented in this case concern the statutory authority for U.S. Immigration and Customs Enforcement’s (“ICE”) detention of Mejia-Diaz and whether this Court has subject matter jurisdiction. These legal issues are being litigated in district courts across the country, including this District.<sup>1</sup> Respondents acknowledge this Court’s recent ruling concerning a similar challenge to the government policy or practice at issue in this case. *Aguilar v. English*, 2025 WL 3280219 (N.D. Ind. Nov. 25, 2025). While Respondents respectfully disagree with the prior decision, in the interest of judicial economy, to expedite the Court’s consideration of this matter, and so as to not waive the issue, Respondents incorporate by reference the legal arguments it presented in *Aguilar*. See Ex. A (Respondent’s Brief).

Respondents respectfully maintain that Mejia-Diaz is lawfully detained as an alien “applicant for admission” pending removal proceedings before an Immigration Judge. 8 U.S.C. § 1225(b)(2). This case is governed not only by

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<sup>1</sup> See e.g. *Aguilar v. English, et al*, case no. 3:25-cv-898-DRL-SJF; see also *Bhupinder Singh v. English, et al.*, case no. 3:25-cv-00962-DRL-SJF.

the plain language of the statute, but also by Supreme Court precedent. Should the Court decide that Mejia-Diaz is subject to detention under 8 U.S.C. § 1226(a), the appropriate remedy is to order a bond hearing, and not to immediately release him.

### FACTUAL BACKGROUND

Mejia-Diaz is a Honduran citizen who has never been legally admitted to the United States. In September 2011, he was served with a Notice to Appear and later released on an order of recognizance pending his removal proceedings. *See* Ex. B (A-file) at 4. In 2015, an Immigration Judge granted his motion re-calendar, and Mejia-Diaz has been in removal proceedings since. *Id.* Mejia-Diaz has not, and does not now, allege that he presented himself to immigration officials upon arriving in the United States, that he ever made a claim to asylum before his present detention, or that he has otherwise ever been lawfully admitted into the United States.

On November 9, 2025, Mejia-Diaz was arrested by Indiana State Police for driving while intoxicated.<sup>2</sup> *See id.* at 5; DE # 1, ¶ 44. On November 11, 2025, ICE executed an arrest warrant and took Mejia-Diaz into custody. Mejia-Diaz is currently detained at Miami Correctional Facility in Bunker Hill, Indiana, as an “applicant for admission” pending resolution of removal proceedings. 8

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<sup>2</sup> Petitioner was previously convicted of Operating a Vehicle While Intoxicated in 2021. *See State v. Mejia-Diaz* Case No. 49D25-2102-CM-005839.

U.S.C. § 1225(b)(2). On information and belief, Mejia-Diaz is scheduled to appear before an immigration judge on December 10, 2025.

Mejia-Diaz filed a *habeas* petition in this Court<sup>3</sup> arguing, among other things, that his detention is unlawful under the Immigration and Nationality Act (“INA”) and unconstitutional under the Fifth Amendment’s Due Process Clause.<sup>4</sup> Mejia-Diaz seeks his immediate release, or instead a discretionary bond hearing under 8 U.S.C. § 1226(a).

### ARGUMENT

This Court should dismiss this *habeas* petition because it lacks subject matter jurisdiction, and Mejia-Diaz is subject to mandatory detention, without bond, as an alien “applicant for admission” under the plain language of section 1225(b)(2). Respondents recognize that, despite its objections, this Court has previously rejected these arguments. To avoid any possible claim of waiver, the United States nevertheless briefly reviews those arguments here.

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<sup>3</sup> Mejia-Diaz initially brought his petition in the Northern District of Illinois. However, this matter was transferred to the Northern District of Indiana after determining that Mejia-Diaz is detained at Miami Correctional Facility.

<sup>4</sup> Mejia-Diaz also argues that he is entitled to immediate release under the settlement agreement in *Castañon Nava* regarding warrantless arrests by ICE of people who have not obtained lawful immigration or citizenship status in the United States. *See Castañon Nava v. Dep't of Homeland Sec.*, No. 18-CV-3757, 2025 WL 2842146 (N.D. Ill. Oct. 7, 2025). However, the Court declined to consider whether petitioner is part of that class.

**I. PETITIONER'S *HABEAS* CLAIMS SHOULD BE DISMISSED FOR LACK OF JURISDICTION UNDER RULE 12(b)(1).**

The Court should dismiss this Petition because it lacks jurisdiction over Mejia-Diaz's *habeas* claim. Like the arguments presented in the Government's response brief in *Aguilar*, this Court lacks jurisdiction by virtue of the jurisdictional bars set forth in 8 U.S.C. § 1252. *See* Ex. A, p. 4-10 (discussing lack of jurisdiction under sections 1252(e)(3)(A)(ii), (b)(9), and (g)). To avoid duplicative work and a long response, the Government has not set out those arguments again in this Response. Should this Court desire, the Government could supplement this response with the complete arguments.

**II. THE COURT SHOULD DISMISS THE PETITION BECAUSE PETITIONER IS PROPERLY DETAINED UNDER 8 U.S.C. § 1225.**

Jurisdiction aside, Mejia-Diaz is lawfully detained as an "alien seeking admission" pending the adjudication of removal proceedings under section 1225(b)(2). *See* Ex. A, p. 10-21.

**A. Petitioner Is Properly Detained as an Alien "Applicant for Admission" under Section 1225.**

Respondents contend that aliens who were never admitted to the United States do not qualify for bond and are properly detained under 8 U.S.C. § 1225. *Id.* at 10-20. Specifically, the plain text of the INA mandates that Petitioner—who is present in the United States without being admitted—is correctly considered an "applicant for admission" and therefore subject to mandatory

detention under 8 U.S.C. § 1225(b)(2). Mejia-Diaz is thus properly detained under § 1225(b)(2) because he unambiguously falls within the statute's scope.

And if any doubt remained, the structure and history of the statute dispel it by providing contextual support for Respondents' plain-text interpretation. Section 1225 governs the inspection, detention, and removal of aliens seeking admission into the United States. 8 U.S.C. § 1225. It specifically defines which aliens are deemed "applicants for admission." *Id.* It provides (among other things) detailed procedures for handling them, including an expedited removal process, an asylum process, and detention requirements. *See, e.g.*, 8 U.S.C. § 1225(b)(1)(A)–(B). And it includes specific detention requirements for "an alien who is an applicant for admission." *Id.* § 1225(b)(2)(A).

Mejia-Diaz is properly classified as an "applicant for admission" under section 1225(b)(2). He entered the country without inspection, has never been admitted, and applied to remain here. *See* Ex. B at 4 (referencing his application for permanent residency). Ultimately, the plain text of § 1225(b)(2) makes clear that Mejia-Diaz is an alien "applicant for admission" and subject to mandatory detention during the duration of his removal proceedings. Accordingly, the Court should dismiss this Petition.

#### **B. The Phrase "Seeking Admission" Under 8 U.S.C. § 1225(b)(2)**

In *Aguilar*, the Court rejected the Government's argument, finding it significant that Congress used the phrase "alien seeking admission" later in

§ 1225(b)(2). *Aguilar*, 2025 WL 3280219, at 6-8. The Court noted that Congress used “alien seeking admission” in a purposeful effort to narrow the scope of the latter part of § 1225(b)(2)” and the phrase must have “an independent meaning that identifies precisely which applicants for admission are covered by § 1225(b)(2). *Id.* at 7. The Court concluded that “seeking admission” did not apply to the petitioner, a Mexican national who had been in the United States for over 19 years. *Id.* at 9.

Respondents respectfully disagree with the Court’s conclusion in *Aguilar* and invite it to reconsider its analysis of § 1225. Section 1225(a) provides that “[a]ll aliens ... who are applicants for admission *or otherwise* seeking admission or readmission ... shall be inspected.” 8 U.S.C. § 1225(a)(3) (emphasis added). The word “[o]therwise means ‘in a different way or manner[.]’” *Texas Dep’t of Hous. & Cmty. Affs. v. Inclusive Communities Project, Inc.*, 576 U.S. 519, 535 (2015) (quoting Webster’s Third New International Dictionary 1598 (1971)); *see also Att’y Gen. of United States v. Wynn*, 104 F.4th 348, 354 (D.C. Cir. 2024) (same); *Villarreal v. R.J. Reynolds Tobacco Co.*, 839 F.3d 958, 963-64 (11th Cir. 2016) (en banc) (“or otherwise” means “the first action is a subset of the second action”); *Kleber v. CareFusion Corp.*, 914 F.3d 480, 482-83 (7th Cir. 2019). Being an “applicant for admission” is thus a particular “way or manner” of seeking admission, such that an alien who is an “applicant for admission” is “seeking admission” for purposes of § 1252(b)(2)(A). No separate affirmative

act is necessary. *See Matter of Lemus-Losa*, 25 I & N. Dec. 734, 743 (BIA 2012) (“[M]any people who are not *actually* requesting permission to enter the United States in the ordinary sense are nevertheless deemed to be ‘seeking admission’ under the immigration laws”).

This reading is consistent with the everyday meaning of the statutory terms. One may “seek” something without “applying” for it—for example, one who is “seeking” happiness is not “applying” for it. But one *applying* for something is necessarily *seeking* it. *Compare* Webster’s New World College Dictionary 69 (4th ed.) (“apply” means “To make a formal request (*to* someone *for* something)”), *with id.* at 1299 (“seek” means “to request, ask for”). For example, a person who is “applying” for admission to a college or club is “seeking” admission to the college or club. *See* The American Heritage Dictionary of the English Language 63 (1980) (“American Heritage Dictionary”) (“apply” means “[t]o request or *seek* employment, acceptance, or *admission*”) (emphasis added). Likewise, an alien who is “applying” for admission to the United States (*i.e.*, an “applicant for admission”) is “seeking admission” to the United States. And that’s true even when the alien has been physically present in the country for many years, as that alien can “still be an applicant for *lawful* entry, seeking legal ‘admission.’” *Mejia Olalde v. Noem*, 2025 WL 3131942, at \*3 (E.D. Mo. Nov. 10, 2025). As the geographic and temporal limits in the neighboring provision, § 1225(b)(1), demonstrate, “[i]f

Congress meant to say that an alien no longer is ‘seeking admission’ after some amount of time in the United States, Congress knew how to do so.” *Id.* at 4.

None of this is to say, however, that “seeking admission” has no meaning beyond “applicant for admission.” As § 1225(a)(3) shows, being an “applicant for admission” is only *one* “way or manner” of “seeking admission,”—not the exclusive way. For example, lawful permanent residents returning to the United States are not “applicants for admission” because they are already admitted, but they still may be “seeking admission.” See 8 U.S.C. § 1103(A)(13)(C). But for purposes of § 1225(b)(2) and its regulation of “applicants for admission,” the statute unambiguously provides that an alien who is an “applicant for admission” is “seeking admission,” even if the alien is not engaged in some separate, affirmative act to obtain lawful admission.

This Court reasoned that “seeking admission” must have independent meaning when used in § 1225(b)(2)(A), lest it be redundant with the phrase “applicant for admission.” *Aguilar*, 2025 WL 3280219, at 7. But as explained above, “applicant for admission” covers a subset of aliens “seeking admission.” The phrase “in the case of an alien who is an applicant for admission,” offset at the beginning of § 1225(b)(2)(A); therefore, modifies and narrows the scope of the remaining language—“if the examining immigration officer determines that an alien seeking admission is not . . . entitled to be admitted, the alien shall be detained.” The structure of the provision indicates that any such

redundancy simply serves to make the provision more readable. This is not a case where the additional language serves to limit the provision's scope.

And in any event, “[t]he canon against surplusage is not an absolute rule.” *Rimini St., Inc. v. Oracle USA, Inc.*, 586 U.S. 334, 346 (2019). “Redundancies are common in statutory drafting—sometimes in a congressional effort to be doubly sure, sometimes because of congressional inadvertence or lack of foresight, or sometimes simply because of the shortcomings of human communication.” *Barton v. Barr*, 590 U.S. 222, 223 (2020). Thus, “[t]he Court has often recognized that sometimes the better overall reading of a statute contains some redundancy.” *Id.* For that reason, “the surplusage canon ... must be applied with statutory context in mind,” *United States v. Bronstein*, 849 F.3d 1101, 1110 (D.C. Cir. 2017), and “redundancy in one portion of a statute is not a license to rewrite or eviscerate another portion of the statute contrary to its text.” *Barton*, 590 U.S. at 223.

That is the case here. Under a straightforward reading of the statute, being an “applicant for admission” is “seeking admission.” Although that reading may lead to some redundancy in § 1225(b)(2)(A), that is “not a license to rewrite” § 1225 “contrary to its text.” *Barton*, 590 U.S. at 223; see *Heyman v. Cooper*, 31 F.4th 1315, 1322 (11th Cir. 2022) (“The principle [that drafter do repeat themselves carries extra weight where ... the arguably redundant words that the drafters employed ... are functional synonyms”). And that is

especially true, where that re-writing would be so clearly contrary to Congress’s objective in passing the law. *See Ex. A*, at 16-20.

Even if “seeking admission” required some separate affirmative conduct by the alien, an applicant for admission who attempts to avoid removal from the United States, rather than trying to voluntarily depart, is by any definition “seeking admission.”

Section 1225(b)(2)(A) applies to an alien who is present in the United States unlawfully, even for years. Although the alien may not have been affirmatively seeking admission during those years of illegal presence, § 1225(b)(2) is not concerned with the alien’s pre-inspection conduct. Rather, the statute’s use of present tense language (“seeking” and “determines”) shows that its focus is a specific point in time—when “the examining immigration officer” is making a “determin[ation]” regarding the alien’s admissibility. 8 U.S.C. § 1225(b)(2)(A). At that point, the alien is “seeking”—i.e., presently “endeavor[ing] to obtain,” American Heritage Dictionary, *supra*, at 1174—admission into the United States; if it were otherwise, the applicant would not attempt to show that he is “clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). That inference is confirmed by § 1225(a)(4), which authorizes an alien to voluntarily “depart immediately from the United States.” An applicant who forgoes that statutory option and instead endeavors to prove admissibility and opts for Section 240 removal proceedings—

proceedings in which the alien has the “burden of establishing that [he] is clearly and beyond a doubt entitled to be admitted,” *id.* § 1229a(c)(2)(A)—is plainly “endeavor[ing] to obtain” admission to the United States. American Heritage Dictionary, *supra*, at 1174.

Other statutory provisions provide even further support. Congress made clear that any “alien present in the United States who has not been admitted” is “deemed . . . an applicant for admission.” 8 U.S.C. § 1225(a)(1). And the statute’s use of “otherwise” when referring to aliens “who are applicants for admission or otherwise seeking admission,” *Id.* § 1225(a)(3), makes clear that all applicants for admission are seeking admission. Accordingly, an alien’s presence in the United States without lawful admission is itself an act of seeking admission, whether that alien is present in southern Texas or northwest Indiana.

Here, Mejia-Diaz entered the country illegally and without inspection, making him subject to mandatory detention pending removal proceedings as an “applicant for admission” under 8 U.S.C. § 1225(b)(2). Thus, his current detention at Miami Correctional Facility, and continued detention during his removal proceedings, is not only lawful—it is statutorily mandated. This Court should therefore dismiss the Petition.

## II. PETITIONER'S DETENTION DOES NOT VIOLATE DUE PROCESS

Mejia-Diaz's current detention does not violate due process for the same reasons stated in the Government's brief in *Aguilar*. Ex. A, p. 21-23. Mejia-Diaz admittedly entered the country without inspection. He has been given notice of the charges against him, has access to counsel, may attend hearings with an immigration judge, can request bond at that time, and has the right to appeal the denial of any request for bond. Mejia-Diaz's only plausible challenge to his detention is that he is detained under the wrong statute (he is not), which would make his detention unlawful, but it would not make it unconstitutional. *See DHS v. Thuraissigiam*, 591 U.S. at 138–40 (2020); *cf. also Al-Shabee v. Gonzales*, 188 F. App'x 333, 339 (6th Cir. 2006) (unpublished) (Petitioner's "disagreement with the Immigration Judge's order, however, does not constitute a violation of the Due Process Clause"). Therefore, the court should reject Mejia-Diaz's due process claim.

## CONCLUSION

For the foregoing reasons, the Court should deny the petition.

Respectfully submitted,

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