

United States District Court  
Eastern District of Michigan

Jesus Enrique Quintero-Martinez,

Petitioner,

Civil No. 25-13536

v.

Hon. Judge Stephen J. Murphy, III  
Mag. Judge Elizabeth A. Stafford

Kevin Raycraft, in his official capacity  
as Field Office Director, Detroit Field  
Office, Immigration and Customs  
Enforcement, in his official capacity;  
Kristi Noem, Secretary, U.S.  
Department of Homeland Security, in  
her official capacity; U.S. Department  
of Homeland Security, Pamela Bondi,  
U.S. Attorney General, in her official  
capacity, and Executive Office for  
Immigration Review,

Respondents.

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**Response to Petition for a Writ of Habeas Corpus**

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Respondents submit this response to petitioner's request for a writ of habeas corpus, (ECF No. 1). As described in the attached brief, respondents respectfully request that the Court deny the petition because petitioner's detention does not violate the constitution or federal law.

Respectfully submitted,

Jerome F. Gorgon Jr.  
United States Attorney

/s/ Zak Toomey  
Zak Toomey (MO61618)  
Assistant U.S. Attorney  
211 W. Fort Street, Suite 2001  
Detroit, Michigan 48226  
(313) 226-9617  
zak.toomey@usdoj.gov

Dated: November 13, 2025

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**Respondents' Brief in Support of Their Response to Petition for a  
Writ of Habeas Corpus**

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**Issues Presented**

- I. Should the Court dismiss all respondents except the petitioner's immediate physical custodian?
- II. Is petitioner's detention consistent with the due process clause when his detention is limited to a finite period, he has the right to appeal his detention administratively, and controlling law establishes that he is not due any more process under the Constitution?
- III. Should the Court require that petitioner exhaust his administrative remedies before pursuing this suit?
- IV. Is Quintero-Martinez properly detained under 8 U.S.C. § 1225(b)(2)(A) when he unambiguously meets every element in the text of the statute and the structure and history of the statute support its application to Quintero-Martinez?

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## **Introduction**

Petitioner is a noncitizen who was not lawfully admitted to the United States. He is currently detained by ICE while the agency pursues administrative removal proceedings against him. Petitioner does not challenge the agency's decision to initiate removal proceedings against him or detain him in the first instance. Instead, petitioner only challenges the agency's decision to detain him under a statutory provision that does not entitle him to a bond hearing. The Court should reject this challenge for several reasons. First, the Court should dismiss all respondents except petitioner's immediate physical custodian because he or she is the only proper respondent in this habeas suit. Second, the Court should reject petitioner's due process claim because he has received all process due under the Constitution. Third, the Court should require that petitioner exhaust administrative remedies challenging his detention in this Court. Finally, the text, structure, and history of 8 U.S.C. § 1225(b)(2) demonstrate that ICE properly detained petitioner under that provision.

## **Background**

Petitioner Jesus Enrique Quintero-Martinez is a citizen of Venezuela who last entered the United States at an unknown location without being lawfully inspected or admitted. (Exhibit 1 – Hughley Decl. ¶ 4).

In June 2022, Border Patrol officials encountered Quintero-Martinez near Eagle Pass, Texas, and paroled him. (Exhibit 1 – Hughley Decl. ¶¶ 5–6). Three

weeks later, officials canceled Quintero-Martinez's parole after determining that he was not eligible for parole when he was initially released and ordered him to report to an ICE office in Detroit in August 2022. (*Id.* at ¶¶ 7–8). When Quintero-Martinez appeared at that appointment, officials notified him that he would be charged with inadmissibility and removal at his next appointment, which was scheduled for November 8, 2022. (*Id.*).

Quintero-Martinez did not appear for his next appointment, so ICE officials located and arrested him. (Exhibit 1 – Hughley Decl. ¶ 9). Upon his arrest he was charged with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) based on his unlawful entry into the United States. (*Id.* at ¶ 10). ICE officials released Quintero-Martinez under an alternative to detention program later the same day. (*Id.* at ¶ 11).

In 2022 Quintero-Martinez filed an application for asylum in his immigration proceedings. (Exhibit 1 – Hughley Decl. ¶ 13). In 2024, he applied for Temporary Protected Status with USCIS, a non-party agency. (*Id.* at ¶ 15).

In November 2024, Quintero-Martinez appeared at a hearing in immigration court and admitted the factual basis for the charges of inadmissibility and removal against him. (Exhibit 1 – Hughley Decl. ¶ 16). After that hearing, the immigration court scheduled another hearing to address Quintero-Martinez's applications for relief from removal. (*Id.*).

On August 10, 2025, Customs and Border Protection officials encountered

Quintero-Martinez while he was traveling through an international port of entry into the United States. (Exhibit 1 – Hughley Decl. ¶ 17). As a result, ICE terminated Quintero-Martinez’s release under the alternative to detention program and detained him at the North Lake Correctional Facility in Baldwin, Michigan. (*Id.*).

On October 3, 2025, ICE paroled Quintero-Martinez from custody in response to a district court order involving noncitizens seeking Temporary Protected States. (Exhibit 1 – Hughley Decl. ¶ 18); *National TPS Alliance, et al. v. Noem, et al.*, Civil No. 25-01766, 2025 WL 2578045 (N.D. Cal. Sept. 5, 2025). However, the Supreme Court stayed the district court’s order and ICE re-detained Quintero-Martinez on October 15, 2025, under 8 U.S.C. § 1225(b)(2). (*Id.* at ¶¶ 18, 21).

Quintero-Martinez has not requested release on bond in his administrative immigration proceedings. (Exhibit 1 – Hughley Decl. ¶ 21). The immigration court has scheduled a hearing to resolve Quintero-Martinez’s applications for relief from removal for February 18, 2026. (*Id.* at ¶ 22).

On November 6, 2025, Quintero-Martinez filed an amended petition in federal court seeking a writ of habeas corpus. (*See* Pet., ECF No. 1). In his petition, he named several respondents including Kevin Raycraft, the Acting ICE Field Office Director, the Director of ICE, the Secretary of the Department of Homeland Security, the Attorney General, and officials employed by the Executive Office for Immigration Review. (*See* Pet., ECF No. 1, PageID.6–7).

Quintero-Martinez does not challenge the agency's initiation of removal proceedings against him, nor could he. (Pet., ECF No. 1, PageID.21–22). Quintero-Martinez was not lawfully admitted, and he has no legal status. (See Exhibit 1 – Hughley Decl. ¶¶ 4–5, 10). And, even if Quintero-Martinez wished to challenge his removability, he could not do so in this Court because challenges to any aspect of removal proceedings must be filed in the Sixth Circuit in the first instance. See 8 U.S.C. §§ 1252(a)(5), (g); *Hamama v. Adducci*, 912 F.3d 869, 874 (6th Cir. 2018).

Similarly, Quintero-Martinez does not challenge the agency's initial decision to detain him. (See Pet., ECF No. 1, PageID.21–22). ICE detained Quintero-Martinez under 8 U.S.C. § 1225(b)(2). (Exhibit 1 – Hughley Decl. ¶ 21). Quintero-Martinez argues that ICE did not have the authority to detain him under § 1225(b)(2), but concedes that, even if § 1225(b)(2) were not a proper basis for his detention, ICE still would have had the lawful authority to detain him under a similar statute, 8 U.S.C. § 1226(a). (See Pet., ECF No. 1, PageID.21–22).

### **Standard of Review**

A district court may grant a writ of habeas corpus if a petitioner is in federal custody in violation of the Constitution or a federal law. 28 U.S.C. § 2241.

### **Argument**

The Court should deny petitioner's request for a writ of habeas corpus. First, the Court should dismiss all respondents except the ICE Field Office Director.

Second, the Court should reject Quintero-Martinez's due process argument because he has received all process due under the Constitution. Third, the Court should require that Quintero-Martinez pursue this issue in the Board of Immigration Appeals. Finally, the Court should find that Quintero-Martinez is properly detained under § 1225(b)(2) because the text, structure, and history of the statute demonstrate that it applies to Quintero-Martinez.

**I. The Court Should Dismiss All Respondents Except the ICE Field Office Director**

A writ of habeas corpus may only be issued “to the person having custody of the person detained.” 28 U.S.C. § 2243. The only proper respondent in a core habeas corpus case challenging a petitioner's detention is the detainee's immediate physical custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Therefore, under *Padilla*, the only proper respondent is the warden of the Northlake Correctional Facility, who is not named in this case, and jurisdiction for this case is only proper in the Western District of Michigan. *See id.*; *Aguilar v. Dunbar*, Civil No. 25-12831 (E.D. Mich.), ECF No. 20 (transferring immigration habeas case raising core habeas challenge to Western District); (Pet., ECF No. 1, PageID.6–7).

Alternatively, if the Court disregards *Padilla*, as some courts in this district have, then the only proper respondent is the ICE Field Office Director because he is vested with the immediate legal control of petitioner's detention. *See Roman v. Ashcroft*, 340 F.3d 314, 320 (6th Cir. 2003); *Khodr v. Adduci*, 697 F. Supp. 2d 774,

776 (E.D. Mich. 2010) (applying *Roman* instead of *Padilla*). Accordingly, even if the Court exercises jurisdiction over a petitioner detained in a different district, only the ICE Field Office Director is a proper respondent in this case and the remaining respondents should be dismissed. *See Roman*, 340 F.3d at 320.

## **II. Quintero-Martinez's Detention Does Not Violate the Due Process Clause**

To succeed on a due process claim, a plaintiff must show that they “have a property interest that entitles them to due process protection” and, if so, the “court must then determine ‘what process is due.’” *Leary v. Daeschner*, 228 F.3d 729, 741 (6th Cir. 2000). In the immigration context, the Supreme Court has frequently held that the process due under the constitution is coextensive with the removal procedures provided by Congress, *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 138–140 (2020), it has confirmed that statutory provisions denying bond during administrative removal proceedings do not violate the due process clause because those proceedings have a definite end point, *Demore v. Kim*, 538 U.S. 510, 531 (2003) (“Detention during removal proceedings is a constitutionally permissible part of that process.”), and it has held that even after a noncitizen is ordered removed and detention may have an indefinite end point, detention up to six months is presumptively valid, *see Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

Here, Quintero-Martinez does not present a plausible due process claim. The agency's detention of Quintero-Martinez under 8 U.S.C. § 1225(b)(2) is required by

law that is binding on the agency. *See Matter of Yajure Hurtado*, 29 I &N Dec. 216 (BIA 2025). The agency does not violate a petitioner's due process rights by complying with controlling law.

In addition, Quintero-Martinez was given notice of the charges against him, he has access to counsel, he has attended several hearings with an immigration judge, he has the right to request bond and appeal any bond decision by the immigration court, and he has been detained by ICE for less than three months. (*See* Exhibit 1 – Hughley Decl. ¶¶ 10–22). The fact that he does not want to pursue the available administrative remedies does not make those procedures constitutionally deficient. *See Thuraissigiam*, 591 U.S. at 138–140. Instead, Quintero-Martinez's only plausible challenge to his detention is that he is detained under the wrong statute, which, even if true, would make his detention unlawful; it would not make it unconstitutional. *See id.*; *see also Al-Shabee v. Gonzales*, 188 F. App'x 333, 339 (6th Cir. 2006) (“Shabee's disagreement with the Immigration Judge's order, however, does not constitute a violation of the Due Process Clause.”). Therefore, the Court should reject Quintero-Martinez's due process claim.

### **III. The Court Should Require Administrative Exhaustion**

When Congress has not imposed a statutory administrative exhaustion requirement, “sound judicial discretion governs whether or not exhaustion should be required.” *Shearson v. Holder*, 725 F.3d 588, 593 (6th Cir. 2013) (quotations

omitted). This doctrine allows agencies to “apply [their] special expertise in interpreting relevant statutes and promotes judicial efficiency.” *Id.* (quotes omitted).

Here, the Court should require that Quintero-Martinez at least request release on bond before pursuing his claim in this Court. Congress provided a robust administrative hearing and appeal process for noncitizens in removal proceedings that includes bond hearings, evidentiary hearings, motion practice, and appeals. *See* 8 U.S.C. § 1229a; 8 C.F.R. § 236.1(d)(3). And requiring Quintero-Martinez to at least initiate that process before seeking review in federal court will reduce the number of similar cases filed in this Court and provide the Court a record that will assist it in resolving the merits of petitioner’s claim. However, the agency acknowledges that Quintero-Martinez is ultimately unlikely to obtain the relief he seeks through the administrative process based on a recent decision by the Board of Immigration Appeals in *Matter of Yajure Hurtado*, 29 I &N Dec. 216 (BIA 2025), which is binding on the agency and the immigration courts, and which conclusively rejects Quintero-Martinez’s arguments in this case. *See Shawnee Coal Co. v. Andrus*, 661 F.2d 1083, 1093 (6th Cir. 1981) (recognizing that administrative exhaustion may be excused if it would be futile).

#### **IV. Quintero-Martinez is properly detained under § 1225(b)(2)**

The Court should find that Quintero-Martinez is properly detained under § 1225(b)(2) because he unambiguously meets every element in the text of the

statute and, even if the text were ambiguous, the structure and history of the statute support the agency's interpretation.

*A. The text of § 1225(b)(2) supports petitioner's detention under the statute*

A court's "inquiry begins with the statutory text, and ends there as well if the text is unambiguous." *BedRoc Ltd., LLC v. United States*, 541 U.S. 176, 183 (2004). That is, when the text of a statute is unambiguous in the context of the facts of the case, "[t]hat is the only 'step' [of interpretation] proper for a court of law." *McGirt v. Oklahoma*, 591 U.S. 894, 914 (2020).

The statute at issue in this case—8 U.S.C. § 1225(b)(2)(A)—is simple and unambiguous. Including its statutory definitions, it is only three sentences long. *See* 8 U.S.C. §§ 1101(a)(13)(A), 1225(a)(1), (b)(2)(A). It states:

Subject to subparagraphs (B) and (C), in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(b)(2)(A).<sup>1</sup> The first relevant term is "applicant for admission," which is statutorily defined. *See* 8 U.S.C. § 1225(a)(1). The statute deems any noncitizen "present in the United States who has not been admitted" to be an "applicant for admission." 8 U.S.C. § 1225(a)(1). Thus, under the plain terms of the

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<sup>1</sup> The first clause referencing subparagraphs (B) and (C) is not relevant in this case.

statute, all unadmitted noncitizens present in the United States are “applicants for admission,” regardless of their proximity to the border, the length of time they have been present in the United States, or whether they ever had the subjective intent to properly apply for admission. *See id.* While this may seem like a counterintuitive way to define an “applicant for admission,” “[w]hen a statute includes an explicit definition, [courts] must follow that definition, even if it varies from a term’s ordinary meaning.” *Digital Realty Tr., Inc. v. Somers*, 583 U.S. 149, 160 (2018) (quotation omitted). Accordingly, based on the plain text of the statute, Quintero-Martinez is unambiguously an “applicant for admission” because he is a noncitizen, he was not admitted, and he was present in the United States when he was apprehended. (*See* Exhibit 1 – Hughley Decl. ¶¶ 5, 10, 17); *see also Mejia Olalde v. Noem*, No. 25-00168, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025) (concluding that § 1225(b)(2) applies to noncitizens present in the United States under plain meaning of the statute); *Silva Oliveira v. Patterson*, No. 25-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Barrios Sandoval v. Acuna*, No. 25-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Vargas Lopez v. Trump*, No. 25-526, 2025 WL 2780351, at \*4–9 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, —F. Supp. 3d—, No. 25-02325, 2025 WL 2730228, at \*4–5 (S.D. Cal. Sept. 24, 2025); *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913 (D. Mass. July 28, 2025).

The next relevant portion of the statute is whether an examining immigration

officer determined that Quintero-Martinez was “seeking admission.” *See* 8 U.S.C. § 1225(b)(2)(A). The statute defines “admission” as “the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.” 8 U.S.C. § 1101(a)(13)(A). Therefore, the inquiry is whether an immigration officer determined that Quintero-Martinez was seeking a “lawful entry.” *See id.* A noncitizen’s previous unlawful *physical* entry has no bearing on this analysis. *Id.*

A “lawful entry” is important to a noncitizen for two reasons. First, a noncitizen cannot legally enter the United States without a lawful entry. *See* 8 U.S.C. §§ 1101(a)(13), 1225(a)(3). Second, a noncitizen cannot *remain* in the United States without a lawful entry because a noncitizen is removable if he did not enter lawfully. *See* 8 U.S.C. § 1182(a)(6). Indeed, the charge of removal against Quintero-Martinez is based his unlawful entry. (*See* Exhibit 1 – Hughley Decl. ¶ 10). So, unless Quintero-Martinez obtains a lawful admission in the future, he will be subject to removal in perpetuity. *See* 8 U.S.C. §§ 1101(a)(13), 1182(a)(6).

The Act provides examples of noncitizens who are not “seeking admission.” The first are those who withdraw their application for admission and “depart immediately from the United States.” 8 U.S.C. § 1225(a)(4). The second are those who agree to voluntarily depart “in lieu of being subject to proceedings under § 1229a . . . or prior to the completion of such proceedings.” 8 U.S.C. § 1229c(a)(1). And, even in removal proceedings, a noncitizen can accept removal, in which case

they are longer “seeking admission.” 8 U.S.C. § 1229a(d).

Noncitizens present in the United States who have not been lawfully admitted and who do not agree to immediately depart are seeking lawful entry and must be referred for removal proceedings under § 1229a. *See* 8 U.S.C. §§ 1225(a)(1), (b)(2)(A). In removal proceedings, if an unlawfully admitted noncitizen does not accept removal, he can seek a lawful admission. *See, e.g.*, 8 U.S.C. § 1229b. For instance, Quintero-Martinez cannot plausibly challenge his inadmissibility, but he may request asylum or apply to cancel his removal under 8 U.S.C. § 1229b. (Exhibit 2 – Form EOIR-42B). If he is successful, he will be granted lawful status and the agency “shall record the alien’s lawful *admission* for permanent residence as of the date of the . . . cancellation of removal.” 8 U.S.C. § 1229b(b)(3) (emphasis added). Accordingly, Quintero-Martinez is “seeking admission” under § 1225(b)(2) because he is pursuing a lawful admission through his removal proceedings. (Exhibit 1 – Hughley Decl. ¶¶ 10–22).

The Court should reject petitioner’s argument that he is not “seeking admission” because it is not a reasonable interpretation of the text. According to Quintero-Martinez, he chose to enter and remain in the United States unlawfully, therefore, he is not “seeking” a lawful entry. (*See* Pet., ECF No. 1, PageID.22). This interpretation is not reasonable because it ignores the fact that he has not agreed to immediately depart, so logically he must be seeking to remain, which requires an

“admission” *i.e.*, a lawful entry. (Exhibit 1 – Hughley Decl. ¶¶ 10–22); 8 U.S.C. § 1182(a)(6)(A)(i). It also defies the legal presumption created by the definition of “applicant for admission,” which characterizes all unlawfully present noncitizens as applying for admission until they are either removed or successfully obtain a lawful entry, regardless of their subjective intent. *See* 8 U.S.C. § 1225(a)(1). Further, it would reward Quintero-Martinez for knowingly violating the law, entitle him to better treatment than a noncitizen who lawfully presented himself at a port of entry, and encourage others to enter unlawfully, which defies the intent reflected in the plain text of the statute. *See* 8 U.S.C. § 1225; *see also* *Guzman v. U.S. Dep’t of Homeland Sec.*, 679 F.3d 425, 432 (6th Cir. 2012) (“Interpretations of a statute which would produce absurd results are to be avoided . . . .”) (citation omitted). Accordingly, Quintero-Martinez’s interpretation of “seeking admission” does not create an ambiguity in the statutory text because his proposed alternative is not reasonable.

The final textual requirement is that Quintero-Martinez “be detained for a proceeding under section 1229a of this title.” 8 U.S.C. § 1225(b)(2)(A). Here, Quintero-Martinez is not in expedited removal but rather has been placed in full removal proceedings where he will receive the benefits of the procedures (representation by counsel, motions, hearings, testimony, evidence, and appeals) provided in § 1229a. (*See* Exhibit 1 – Hughley Decl. ¶¶ 10–22). Therefore, he also

meets this element in the text.

In sum, the text of § 1225(b)(2) unambiguously applies to Quintero-Martinez. “Where the language is plain and admits of no more than one meaning, the duty of interpretation does not arise, and the rules which are to aid doubtful meanings need no discussion.” *Caminetti v. United States*, 242 U.S. 470, 485 (1917). This principle applies, even if petitioner contends that the plain application of the statute would lead to a harsh result. *See Jay v. Boyd*, 351 U.S. 345, 357 (1956) (courts “must adopt the plain meaning of a statute, however severe the consequences.”). Therefore, no further exercise in statutory interpretation is permissible in this case and the Court should conclude that Quintero-Martinez’s detention under § 1225(b)(2) is lawful.

*B. The structure § 1225 supports petitioner’s detention under the statute*

If the plain language of a statute is ambiguous, a court may turn to the broader structure of the statute to determine its meaning. *See King v. Burwell*, 576 U.S. 473, 492 (2015). The structure of § 1225 demonstrates that Quintero-Martinez is properly detained under § 1225(b)(2).

1. The structure of § 1225(b)(2) demonstrates that it applies to Quintero-Martinez

Section 1225 addresses two types of unadmitted noncitizens: “arriving aliens” and “applicants for admission.” *See* 8 U.S.C. § 1225(a)(1), (b)(1). The provisions for “arriving aliens” relate to “stowaways,” “crewmen,” noncitizens “arriving on land . . . from a foreign territory contiguous to the United States,” and noncitizens

present in the United States for less than two years. *See id.* §§ 1225(a)(2), (b)(1)(A)(i), (b)(1)(A)(iii)(II), (b)(2)(B), (b)(2)(C). The term “arriving alien” is similarly defined by regulation as “an applicant for admission coming or attempting to come into the United States at a port-of-entry.” 8 C.F.R. § 1.2. These noncitizens “arriving” at an international port are not entitled to the procedural protections in the full removal proceedings described in § 1229a. *See* 8 U.S.C. § 1225(b)(1)(A)(i). Instead, because they only recently arrived, they are subject to “expedited” removal proceedings. *See id.*; *Thuraissigiam*, 591 U.S. at 140 (holding that diminished due process provided in expedited removal proceedings was constitutional for arriving aliens detained under § 1225(b)(1)).

Meanwhile, § 1225(b)(2) applies to all “other aliens” who are “present” in the United States without a lawful admission. *See* 8 U.S.C. §§ 1225(a)(1), (b)(2)(A). Those noncitizens, who may have been present for a long period of time and may no longer be near an international border, may be entitled to greater due process than “arriving aliens.” *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Therefore, the statute provides them the maximum procedural protections available under the nation’s immigration laws, which satisfies the due process clause. *See* 8 U.S.C. § 1225(b)(2)(A) (requiring detention during full removal proceedings under § 1229a); *Demore v. Kim*, 538 U.S. 510, 523 (2003) (holding that mandatory detention of noncitizen who was long-term U.S. resident during removal proceedings complied

with Due Process Clause).

Given this, the structure of § 1225 supports the conclusion that Quintero-Martinez is properly detained under § 1225(b)(2). Congress used different words to differentiate recently arrived noncitizens from “applicants for admission” and gave each category of noncitizens different procedural protections, *see* 8 U.S.C. §§ 1225(a)(1), (b)(1), (b)(2), which demonstrates that Congress intended the provisions to apply to different categories of noncitizens and results in a harmonious reading of the statute. *Pulsifer v. United States*, 601 U.S. 124, 149 (2024) (“different terms usually have different meanings.”); *Weinberger v. Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609, 631–32 (1973) (“It is well established that our task in interpreting separate provisions of a single Act is to give the Act ‘the most harmonious, comprehensive meaning possible’ in light of the legislative policy and purpose.”). Therefore, the structure of the statute also supports Quintero-Martinez’s detention under § 1225(b)(2).

2. Quintero-Martinez cannot import provisions related to arriving aliens into § 1225(b)(2)

“A court does not get to delete inconvenient language and insert convenient language to yield the court’s preferred meaning.” *Borden v. United States*, 593 U.S. 420, 436 (2021); *see also Ames v. Ohio Dep’t of Youth Servs.*, 605 U.S. 303, 309 (2025) (rejecting court-imposed element in Title VII case because statute did not require it). And when a statute defines two groups and assigns them different

treatment, the Court must interpret the statute to give effect to the statutory distinction. *See Polsell v. Internal Revenue Serv.*, 598 U.S. 432, 441 (2023) (“We ordinarily aim to “giv[e] effect to every clause and word of a statute.”); *see also Scialabba v. Cuellar de Osorio*, 573 U.S. 41, 57 (2014) (holding that statute required different treatment for principal and derivative immigration beneficiaries).

The Court should reject Quintero-Martinez’s argument that it should alter § 1225(b)(2) to include the limitations relevant to arriving aliens, so that it no longer applies to him. As noted above, his argument has no support in the text of the statute, which does not limit its application to the border or to recently arrived noncitizens and, instead, explicitly includes noncitizens already present in the United States like Quintero-Martinez. *See* 8 U.S.C. § 1225(a)(1), (b)(2). And, the Court is not free to disregard the clear distinction between recently arrived noncitizens (“arriving aliens”) and those like Quintero-Martinez who were successfully able to evade apprehension for many years (“applicants for admission”). *Borden*, 593 U.S. at 436; *Lozano v. Montoya Alvarez*, 572 U.S. 1, 16 (2014) (“Given that the drafters did not adopt that alternative, the natural implication is that they did not intend [it].”). Moreover, his reading of the statute, which would collapse the definitions of arriving aliens and applicants for admission, would effectively erase Congress’s definition of “applicant for admission” and render half of the statute meaningless, which no canon of statutory interpretation would allow. *See Pulsifer*, 601 U.S. at 143 (rejecting

interpretation of statute that “render[s] an entire subparagraph meaningless”).

3. Section 1225(b)(2) is not redundant

“Redundancies across statutes are not unusual events in drafting, and so long as there is no ‘positive repugnancy’ between two laws, a court must give effect to both.” *Conn. Nat. Bank v. Germain*, 503 U.S. 249, 253–54 (1992) (citation omitted); *Barton v. Barr*, 590 U.S. 222, 239 (2020) (“redundancies are common in statutory drafting—sometimes in a congressional effort to be doubly sure . . .”); *see also Jennings v. Rodriguez*, 583 U.S. 281, 305–06 (2018) (rejecting the argument that the scope of 8 U.S.C. § 1226(c) must be limited because it overlapped with a provision of the Patriot Act).

Here, there is no “positive repugnancy” between § 1225(b)(2) and § 1226(a) or the Laken Riley Act. Section 1226(a) is similar to § 1225(b)(2), but it reaches noncitizens that are not covered by § 1225(b)(2). For instance, some noncitizens lawfully enter the United States on a visa but then overstay the visa. *See, e.g.*, 8 U.S.C. § 1227(a); *Wilkinson v. Garland*, 601 U.S. 209, 213 (2024). Noncitizens who overstay a visa do not fall within § 1225(b)(2) because they were admitted and inspected before entering the United States. *See* 8 U.S.C. §§ 1225(a)(1), 1227(a). However, noncitizens who overstay a visa may be detained under § 1226(a). *See* 8 U.S.C. § 1226(a). Similarly, some noncitizens have their lawful status revoked when they commit certain crimes. *See* 8 U.S.C. § 1227(a); *Jennings*, 583 U.S. at 289–90.

Those noncitizens usually cannot be detained under § 1225(b)(2), but they can be detained under § 1226. *See id.*

Further, while some noncitizens may facially fall within the scope of both statutes, the statutes do not overlap at all in practice. An “applicant for admission” must be detained under § 1225(b)(2) and cannot be detained under § 1226(a). *See* 8 U.S.C. § 1225(b)(2)(A); *Jennings*, 583 U.S. at 297 (“Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.”). This is because § 1225(b)(2) requires detention for noncitizens who fall within its terms until the conclusion of their administrative proceedings and detaining a noncitizen under § 1226(a), which allows release on bond, would nullify the mandatory detention required by § 1225(b)(2). *See* 8 U.S.C. § 1225(b)(2); *Jennings*, 583 U.S. at 300. Therefore, § 1226(a) and § 1225(b)(2) are not redundant because § 1225(b)(2) always takes priority when it applies. *See Jennings*, 583 U.S. at 297; *Hurtado*, 29 I &N Dec. at 220.

Similarly, § 1225(b)(2)’s overlap with the Laken Riley Act is not “positively repugnant.” Congress enacted the Laken Riley Act in January 2025 to prevent noncitizens with criminal records from committing additional crimes. *See* Laken Riley Act, PL 119-1, 139 Stat 3 (Jan. 29, 2025). Consistent with that purpose, under the Laken Riley Act, if an unadmitted noncitizen has committed certain crimes, the agency must detain them during their administrative removal proceedings. *See* 8

U.S.C. § 1226(c)(1)(E). Quintero-Martinez has not committed any of the crimes listed in the Laken Riley Act, therefore, it does not apply to him. (*See* Exhibit 1 – Hughley Decl. ¶¶ 4–22). Therefore, the Laken Riley Act is not redundant with § 1225(b)(2). And, in any event, as noted above, Quintero-Martinez’s interpretation would eviscerate all of the provisions in § 1225 relating to arriving aliens, so the specter of a potential redundancy with § 1226(c) cannot support his attempt to avoid the plain application of the statute. *See Microsoft Corp. v. I4I Ltd. P’ship*, 564 U.S. 91, 106 (2011) (“the canon against superfluity assists only where a competing interpretation gives effect ‘to every clause and word of a statute.’”). Therefore, the Court should reject Quintero-Martinez’s argument that § 1225(b)(2) does not apply to him because it could be redundant with other statutes enacted at different times for different reasons and which do not actually apply to Quintero-Martinez.

4. *Jennings* does not support Quintero-Martinez’s interpretation

Quintero-Martinez relies on *Jennings* to argue that § 1225(b)(2) only applies to noncitizens at the border, but *Jennings* does not support that argument. (*See* Pet., ECF No. 1, PageID.11). In *Jennings*, the Supreme Court considered whether three statutes mandating detention during administrative proceedings—8 U.S.C. §§ 1225(b)(1), 1225(b)(2), and § 1226(c)—allowed detention without a bond hearing. *See Jennings*, 583 U.S. at 291. In describing § 1225(b)(2), the Court characterized it as a broad “catchall” provision that applied to “applicants for admission” or “aliens

seeking admission,” which are the exact words used in § 1225(b)(2). *See id.* at 287, 297. The Court further characterized § 1226 as applying to noncitizens “present” in the United States but made it clear that this category of noncitizens only included those that were admitted (unlike Quintero-Martinez, who was not admitted). *See Jennings*, 583 U.S. at 288 (citing only § 1227(a), which only applies to noncitizens “in and admitted to the United States”). Ultimately, the Court concluded that § 1225(b)(1), § 1225(b)(2), and § 1226(c) mandated detention without parole during administrative immigration proceedings because the plain text of the statutes did not permit release on bond during administrative proceedings. *See Jennings*, 583 U.S. at 302–303. Therefore, *Jennings* does not add any meaningful information about the scope of § 1225(b)(2)(A) because *Jennings* was only interested in its effect, not the precise contours of who fell within each statute. *See id.* at 287, 297. And it certainly did not hold that noncitizens like Quintero-Martinez were beyond the scope of § 1225(b)(2) or that the statute only applied at the border. *See id.*

*C. The history of the statute supports petitioner’s detention under § 1225(b)(2)*

“Legislative history is not the law” and “no amount of guesswork about the purposes behind legislation can displace what the law’s terms clearly direct.” *Martin v. United States*, 145 S. Ct. 1689, 1699–700 (2025). Therefore, even if the legislative history supported Quintero-Martinez’s argument, it would not overcome the plain text of the statute and, as noted above, there is no serious dispute that he falls within

the text. Nevertheless, even if the Court considered the legislative history or the agency's historical practice it would not support Quintero-Martinez's argument.

1. The legislative history supports the agency's interpretation

When a statute is ambiguous, courts may consider relevant legislative history, but even when legislative history is consulted it "is meant to clear up ambiguity, not create it." *Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644, 674 (2020). The only remotely ambiguous term in § 1225(b)(2) is "seeking admission" and there does not appear to be any relevant legislative history related to that term. However, the statute's general legislative history supports the agency's application of the statute.

Section 1225(b)(2)(A) was added to the Immigration and Nationality Act as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, § 302, 110 Stat. 3009-546. Congress enacted IIRIRA to eliminate "an anomaly whereby immigrants who were attempting to lawfully enter the United States were in a worse position than persons who had crossed the border unlawfully." *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc); see also *Matter of Yajure Hurtado*, 29 I &N 216, 223–25 (BIA 2025). Therefore, IIRIRA created the legal fiction that noncitizens who had already entered the United States illegally were deemed "applicants for admission" and treated as if they were still on the threshold. See *Torres*, 976 F.3d at 928; *Matter of Yajure Hurtado*, 29 I &N at 223–25. This legal fiction was intended to deter individuals like Quintero-Martinez

from unlawfully entering the United States and to level the playing field between noncitizens who properly applied for entry and those who knowingly violated the law. *See Torres*, 976 F.3d at 928; *Matter of Yajure Hurtado*, 29 I &N at 223–25.

This legislative purpose is consistent with applying § 1225(b)(2) to Quintero-Martinez because it would treat him for legal purposes as if he were still at the border, even though he has, in fact, physically entered the country. And Quintero-Martinez does not cite any evidence from IIRIRA’s legislative history prior to its enactment that even generally supports his argument that he is beyond the scope of § 1225(b)(2). *Gustafson v. Alloyd Co.*, 513 U.S. 561, 579 (1995) (“Material not available to the lawmakers is not considered . . . to be legislative history.”).

2. The agency’s practice does not undermine its interpretation.

When interpreting an ambiguous statute relating to an agency’s statutory authority, courts “must exercise their independent judgment” and they are not bound by the agency’s practice. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 412 (2024). Therefore, the agency’s previous interpretation of the statute is not controlling. Even if it were, there is no evidence indicating that the agency interpreted the scope of § 1225(b)(2) differently in the past, although it has recently changed its interpretation regarding its discretion to apply it. Prior to May 2025, the agency believed it had discretion to detain noncitizens like Quintero-Martinez under either § 1225(b)(2) or under § 1226(a) and primarily detained noncitizens like him

under § 1226(a). *See Biden v. Texas*, 597 U.S. 785, 804 n. 5 (2022) (“We need not and do not decide whether the detention requirement in section 1225(b)(2)(A) is subject to principles of law enforcement discretion, as the Government argues.”). However, in May 2025, the Board of Immigration Appeals concluded that noncitizens who fall within the scope of 8 U.S.C. § 1225(b)(1) (arriving aliens) must be detained under that section and are “ineligible for any subsequent release on bond under . . . § 1226(a).” *See Matter of Q. Li*, 29 I. & N. Dec. 66, 69 (BIA 2025). Because the BIA’s decision in *Matter of Q. Li* was binding on the agency and would naturally extend to § 1225(b)(2), the agency issued a new policy to comply with the new binding authority. (*See Pet.*, ECF No. 1, PageID.3). Neither *Matter of Q. Li* nor the agency’s new policy indicates that it changes the agency’s interpretation of the scope of § 1225(b)(2) (*i.e.*, who falls within the statute) in any way. (*See id.*). Instead, the agency has interpreted § 1225(b)(2) to apply to noncitizens like Quintero-Martinez several years. (*See Exhibit 3 – BIA Dec.*); *Biden*, 597 U.S. at 804 n. 5.

In addition, even if ICE’s reliance on § 1225(b)(2) were entirely new, Quintero-Martinez could not prevent immigration officials from using their valid statutory authority simply because they pursued a different path in the past. A federal agency is entitled to a presumption that it acts in good faith and in accordance with law. *See United States v. Martin*, 438 F.3d 621, 634 (6th Cir. 2006). And a party generally cannot estop the government from changing its legal position without

proving “affirmative misconduct,” *see Michigan Exp., Inc. v. United States*, 374 F.3d 424, 427–28 (6th Cir. 2004), and it is doubtful that the government may *ever* be estopped in the immigration context, *see Nielsen v. Preap*, 586 U.S. 392, 411–14 (2019); *Elia v. Gonzales*, 431 F.3d 268, 276 (6th Cir. 2005). None of the evidence in this case could meet that high standard. Therefore, Quintero-Martinez’s arguments regarding ICE’s recent change in policy are insufficient to overcome the text, statutory structure, and legislative history of the text, all of which demonstrate that he is subject to detention under § 1225(b)(2).

### **Conclusion**

Respondents respectfully request that the Court deny Quintero-Martinez’s petition for a writ of habeas corpus because he is not detained in violation of federal law or the Constitution.

Respectfully submitted,

Jerome F. Gorgon Jr.  
United States Attorney

/s/ Zak Toomey  
Zak Toomey (MO61618)  
Assistant U.S. Attorney  
211 W. Fort Street, Ste. 2001  
Detroit, Michigan 48226  
(313) 226-9617  
zak.toomey@usdoj.gov

Date: November 13, 2025

### **Certificate of Service**

I hereby certify that on November 13, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/ Zak Toomey

**Zak Toomey**

Assistant U.S. Attorney