

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT**

\_\_\_\_\_  
LUIS GUILLERMO LALA INAMAGUA,  
Petitioner,

v.

GREG HALE, IN HIS OFFICIAL CAPACITY AS  
SUPERINTENDENT OF NORTHWEST STATE  
CORRECTIONAL FACILITY, PATRICIA HYDE, IN  
HER OFFICIAL CAPACITY AS ACTING BOSTON  
FIELD OFFICE DIRECTOR, IMMIGRATION AND  
CUSTOMS ENFORCEMENT, ENFORCEMENT AND  
REMOVAL OPERATIONS; VERMONT SUB-OFFICE  
DIRECTOR OF IMMIGRATION AND CUSTOMS  
ENFORCEMENT, ENFORCEMENT AND REMOVAL  
OPERATIONS; TODD M. LYONS, IN HIS OFFICIAL  
CAPACITY AS ACTING DIRECTOR, U.S.  
IMMIGRATION AND CUSTOMS ENFORCEMENT;  
KRISTI NOEM, IN HER OFFICIAL CAPACITY AS  
SECRETARY OF THE UNITED STATES  
DEPARTMENT OF HOMELAND SECURITY; MARCO  
RUBIO, IN HIS OFFICIAL CAPACITY AS SECRETARY  
OF STATE; AND PAMELA BONDI, IN HER OFFICIAL  
CAPACITY AS U.S. ATTORNEY GENERAL,  
Respondents.

Civil No. 2:25-cv-892

**ABBREVIATED RESPONSE TO HABEAS PETITION**

The legal issues presented in the Petition for Writ of Habeas Corpus concern the authority for U.S. Immigration and Customs Enforcement’s detention of Petitioner. Federal Respondents submit that Petitioner is detained under 8 U.S.C. § 1225(b)(2), which makes detention mandatory and does not include a statutory right to a bond hearing. While reserving all rights, including the right to appeal, Federal Respondents submit this abbreviated response in lieu of a formal responsive memorandum to preserve the legal issues and to conserve judicial

and party resources in light of this Court's prior decision in *Gonzales Lopez v. Trump, et al.*, No. 25-cv-863-gwc, ECF No. 13.

While respectfully disagreeing with the Court's prior decision, Federal Respondents acknowledge that, should the Court adhere to its reasoning in that decision, the Court would likely reach the same outcome in this case. Thus, in the interest of judicial economy, and to expedite the Court's consideration of this matter, Federal Respondents hereby rely upon and incorporate by reference the legal arguments they presented in *Gonzales Lopez* and submit that the Court can decide this matter without further briefing and without oral argument. And, as in that case, the only proper remedy, should the Court determine Petitioner's detention is governed by 8 U.S.C. § 1226(a), would be to order a bond hearing under that section; it is not to immediately release Petitioner.

Should the Court prefer to receive an exhaustive formal opposition brief in this matter, Federal Respondents respectfully request the opportunity to file such a brief and will do so upon the Court's request. *Id.*

### **Background**

Petitioner is a citizen of Ecuador who, as his counsel confirmed at the November 24, 2025 hearing, entered the United States without inspection, admission, or parole by an immigration officer. *See* Pet. ¶ 14. On November 5, 2025, Border Patrol agents encountered Petitioner, and he was arrested after agents determined he had entered the United States unlawfully. *See* Pet. ¶ 28. On November 7, 2025, Petitioner was served in person a Notice to Appear (NTA). *See* Ex. A (Notice to Appear). The NTA noted that when Petitioner arrived in the United States, he was "not then admitted or paroled . . ." *Id.* at 1. The NTA further noted that Petitioner was not in possession of any document entitling him to be admitted to, or remain in, the United States. *See id.* Petitioner

was placed in removal proceedings; he currently has a Master Calendar Hearing set for December 4, 2025. *Id.*; Pet. ¶ 10. Petitioner is currently detained at Northwest State Correctional Facility. *See* Pet. ¶ 3.

### **Discussion**

Petitioner seeks an order from this Court directing his release or, in the alternative, that the immigration court provide him a bond hearing. Pet. ¶¶ 4-6. Petitioner argues that he is unlawfully detained in violation of the Fifth Amendment. Pet. ¶¶ 34-41. In addition to the constitutional claim in the Petition, the Court has requested that the parties address statutory issues related to Petitioner's detention. ECF No. 9.

Federal Respondents contend that his detention is governed by 8 U.S.C. § 1225(b), because, having entered without inspection, admission, or parole, Petitioner remains an applicant for admission who is treated, for constitutional and statutory purposes, as if he were stopped at the border. As such, he is subject to mandatory detention and not entitled to a bond hearing under 8 U.S.C. § 1226. Like all applicants for admission, Petitioner continues to seek admission into the United States until he is either admitted, denied admission and removed, or voluntarily withdraws his application for admission under 8 U.S.C. § 1225(a)(4). Petitioner's detention is therefore consistent with the relevant statute and does not violate the Fifth Amendment's due process clause because the Supreme Court has held that applicants for admission are entitled only to the protections set forth by statute and that "the Due Process Clause provides nothing more." *DHS v. Thuraissigiam*, 591 U.S. 103, 140 (2020).

Federal Respondents acknowledge, however, that the core questions of law in this case, and the challenges to the government's policy and practice, substantially overlap with those at issue in *Gonzales Lopez*. Accordingly, while preserving all rights, Federal Respondents

incorporate by reference the legal arguments it presented in that case. Should the Court apply the same reasoning it did in that case to this one, the legal principles espoused would likely result in the Court reaching the same conclusion here. Moreover, the Court would likely order the same relief, which is the only relief that would be appropriate: that Federal Respondents provide Petitioner a bond hearing within seven days of the Court's order. *See Gonzales Lopez*, No. 25-cv-863-gwc, ECF No. 13, at 14.

Federal Respondents submit that further briefing and/or oral argument would not be a prudent use of judicial or party resources, and that the Court can decide this matter without delay. If, however, the Court prefers to receive an exhaustive opposition brief in this matter, Federal Respondents request leave to provide such a brief.

**CONCLUSION**

Federal Respondents respectfully request that the Court deny the Petition.

Dated: November 24, 2025

Respectfully submitted,

MICHAEL P. DRESCHER  
First Assistant United States Attorney

By: /s/Matthew J. Greer  
Matthew J. Greer  
Assistant United States Attorney  
P.O. Box 570  
Burlington, VT 05402-0570  
(802) 951-6725  
Matthew.Greer@usdoj.gov

*Attorney for Federal Respondents*