

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

LUIS GUILLERMO LALA INAMAGUA,

Petitioner,

-against-

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,

Docket No. 2:25-cv-892

**PETITIONER'S REPLY TO RESPONDENT'S OPPOSITION TO EMERGENCY
PETITION FOR THE WRIT OF HABEAS CORPUS**

Petitioner, Luis Guillermo Lala Inamagua ("Mr. Lala Inamagua" or "Petitioner"), by and through undersigned counsel, respectfully submits his reply to the federal Respondent's opposition to his petition for the writ of habeas corpus, filed with this Court on November 24, 2025. ECF Doc. 12. The Court should grant Mr. Lala Inamagua' petition for the Writ of Habeas Corpus, because, as a class member under the recently certified "Bond-Eligible Class" in

Maldonado Bautista et al v. Santacruz Jr. et al, he has received declaratory relief from the Court, holding that his detention is unlawful. In the alternative, the Court should follow reasoning of the majority opinion in the Second Circuit, and independently find that Mr. Lala Inamagua is statutorily entitled to a bond hearing under 8 U.S.C. § 1226(a).

FACTUAL AND PROCEDURAL HISTORY

Petitioner is a citizen of Ecuador, who entered the United States without admission or inspection, and has been continuously residing the United States since 2003. *See* ECF Doc. 1 at 5. On or about November 5, 2025, Petitioner was violently detained by Customs and Border Protection (“CBP”) while on his way to work. *Id.* at 6. Petitioner, upon information and belief, was in CBP custody, and was not served with a Notice to Appear (“NTA”) until November 7, 2025. Ex. 3. Petitioner then filed his petition for habeas corpus challenging his detention, and seeking immediate release, or his statutory right to a bond hearing.

After Counsel had obtained a copy of Petitioner’s NTA, she noted that Mr. Lala Inamagua had a Master Calendar Hearing before the EOIR on November 20, 2025. Ex. 3. He attended this hearing, and the Immigration Judge continued his Master Calendar Hearing until December 04, 2025, to give counsel time to prepare written pleadings and applications for relief. Ex. 4. He has not yet submitted a request for bond.

JURISDICTION AND STANDARD OF REVIEW

District courts have jurisdiction under 28 U.S.C. § 2241 to hear claims that an immigration detainee is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3); *see also Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

Petitioners have the burden to demonstrate that their detention violates the Constitution or federal law. *See, e.g.*, 28 U.S.C. § 2241(c)(3); *Skaftouros v. United States*, 667 F.3d 144, 158 (2d Cir. 2011).

ARGUMENT

I. The Court should grant the Petition because Petitioner is a class member of the Bond Eligible Class, certified as of November 25, 2025, in *Maldonado Bautista et al v. Santacruz Jr. et al.*

Mr. Lala Inamagua is a class member in the *Maldonado Bautista*¹ class action currently being litigated in the Central District of California. Ex. 1, copy of Class Action Certification Order. On November 25, 2025, the Central District of California certified the Bond Eligible Class, and defined it as follows:

Bond Eligible Class: All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Ex. 1, *Maldonado Bautista*, at 15.

Four days prior, this same Court granted the named petitioners' motion for partial summary judgment, declaring that the petitioners were statutorily entitled to a bond hearing under § 1226(a). Ex. 2. This decision declares that the Government's current policy of denying all noncitizens who are present without inspection a bond hearing is unlawful. *Id.*, *Maldonado Bautista*, 25-cv-01873 at 17.

Mr. Lala Inamagua is a *Maldonado Bautista* class member. He is unlawfully present in the United States. He entered the United States without admission or inspection, and was not apprehended by law enforcement at his arrival. He is also not subject to detention under §

¹ *Maldonado Bautista et al v. Santacruz Jr et al*, No. 5:25-cv-01873-SSS-BFM.

1226(c), § 1225(b)(1), or § 1231, and DHS has never alleged that these sections apply to his detention. This Court should grant his habeas petition immediately under 28 U.S.C. § 2243, because he is a class member, and a district court has now issued declaratory judgment in their favor demonstrating that their current detention is unlawful.

II. The Court Should Grant the Petition because Petitioner is statutorily entitled to a bond hearing.

Petitioner is detained under 8 U.S.C. § 1226(a), and not, as Respondent's contend, under 8 U.S.C. § 1225(b)(2). Petitioner's NTA declares him to be an "alien present in the United States who has not been admitted or paroled." The Supreme Court has already concluded that the Government may "detain certain [noncitizens] seeking admission into the country" under § 1225(b), while § 1226 "authorized the Government to detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (emphasis added). Under the plain reading of the Respondent's own charging document, Petitioner's detention is governed by § 1226(a), and thus he is entitled to a bond hearing before an Immigration Judge.

Respondents argue that any noncitizen, including Mr. Lala Inamagua, present in the United States, no matter how long that individual has resided here, should be considered an "applicant for admission," and therefore subject to the mandatory detention provisions in § 1225(b)(2). This Court, and many others within the Second Circuit, and beyond, have consistently rejected this interpretation, and correctly concluding that detention of non-citizens like Mr. Lala Inamagua, who are already present in the United States at the time of their detention, is governed by § 1226(a). *See, e.g., Acosta Yupangui*, No. 2:25-cv-884-wks; *Benitez v. Francis*, No. 25-cv-5937 (DEH), 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588, at *25 (S.D.N.Y. Aug. 13, 2025);

Samb v. Joyce, No. 25-cv-6373, 2025 U.S. Dist. LEXIS 161109, 2025 WL 2398831, at *3 (S.D.N.Y. Aug. 19, 2025); *Gonzalez v. Joyce*, No. 25-cv-8250, 2025 U.S. Dist. LEXIS 208578, 2025 WL 2961626, at *4 (S.D.N.Y. Oct. 19, 2025); *Hyppolite v. Noem*, No. 25-cv-4304, 2025 U.S. Dist. LEXIS 197628, 2025 WL 2829511, at *8-12 (E.D.N.Y. Oct. 6, 2025); *J.U. v. Maldonado*, No. 25-cv-04836 (OEM), 2025 U.S. Dist. LEXIS 191630, 2025 WL 2772765, at *5-9 (E.D.N.Y. Sept. 29, 2025); *Perez v. Francis*, No. 25-cv-8112 (JGK), 2025 U.S. Dist. LEXIS 219356, at *5-7 (S.D.N.Y. Nov. 6, 2025); *Ortiz v. Freden*, No. 25-cv-960-LJV, ___ F. Supp. 3d ___, 2025 U.S. Dist. LEXIS 217654, 2025 WL 3085032, at *36-37 (W.D.N.Y. Nov. 4, 2025). The Court should therefore, reject Respondent's argument, and adopt the majority holding in this Circuit.

CONCLUSION

For the foregoing reasons, the Court should GRANT Mr. Lala Inamagua' petition for the Writ of Habeas Corpus, ORDER that his detention is unlawful, and immediately release Petitioner from detention, or in the alternative, ORDER that he be given a bond hearing on or before December 4, 2025.

Dated: November 26, 2025, at Burlington, Vermont.



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