UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARIO JOSE MORA CONTRERAS, Petitioner, v. KRISTI NOEM, *et. al.*, Respondents.	§ § § § § § § § § § §	CIVIL NO. 4:25-cv-5646

RESPONDENTS' STATEMENT IN COMPLIANCE WITH SHOW CAUSE ORDER

Federal Respondents, Kristi Noem, et al., file this Statement in response to the Court's Order to Show Cause with respect to Petitioner's detention. Dkt. 5.

Petitioner is an immigration detainee in the custody of the Department of Homeland Security/U.S. Immigration and Customs Enforcement ("DHS/ICE") and is presently detained at the Montgomery Processing Center in Conroe, Texas. Petitioner brought this habeas corpus petition against various federal officials seeking release from immigration detention.

As discussed below, Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(1) because he is an arriving alien who has not been admitted. Although Petitioner had previously been paroled into the United States, upon the end of his parole, he reverted to his prior status: an arriving alien who has not been admitted. Petitioner is therefore subject to mandatory detention.

BACKGROUND

Petitioner is a citizen and native of Venezuela. *See* Exhibit 1, Notice to Appear (NTA). Petitioner arrived in the United States at John F. Kennedy International Airport in New York on April 15, 2023. *See* Exhibit 2. He was paroled into the United States via Venezuelan Humanitarian Parole (VHP). *Id.* Parole was authorized until April 13, 2025. *See Id.*; Dkt. 5, Order to Show Cause at 1. In furtherance of new administration priorities, ICE took Petitioner into custody on or about November 21, 2025. *Id.* Petitioner was issued an NTA on November 23, 2025. Exhibit 1. The NTA charged the Petitioner with violating § 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an alien who at the time of application for admission did not possess a valid entry document. *Id.* Petitioner was ordered to appear in immigration court on January 20, 2026, to show why he should not be removed from the United States. *Id.*

Petitioner had an asylum application pending with U.S. Citizenship and Immigration Services, along with a work authorization. Dkt. 1. However, that does not prevent the initiation of removal proceedings. Immigration judges have exclusive jurisdiction over asylum claims once an NTA is issued. *See* 8 CFR 208.2(b). Thus, Petitioner will be able to present his asylum claim to the immigration court.

THE BASIS OF PETITIONER'S DETENTION

Petitioner is subject to mandatory detention under 8 U.S.C. § 1225. As the Court is aware, there is a high volume of habeas matters across the country raising the issue of whether a detained alien is subject to mandatory detention under § 1225(b)(2) or discretionary detention under § 1226. This is not one of those cases. The typical § 1225/1226 case involves

someone who entered the United States illegally and without inspection. This case, by contrast, involves an alien who presented himself for inspection at or near a port of entry. Here, Petitioner presented himself for inspection when he entered the country in 2023. As a result, Petitioner is properly deemed an inadmissible arriving alien subject to detention under § 1225(b)(1).

As noted above, Petitioner was previously paroled into the country. An arriving alien, subject to detention under section 1225, may be "paroled into the United States" under 8 U.S.C. § 1182(d)(5)(A). This grant of parole by DHS allows the individual to enter the country. "[B]ut such parole of such alien shall not be regarded as an admission." *Id.* § 1182(d)(5(A). If the government revokes that parole, the individual must "forthwith return or be returned to the custody from which he was paroled," i.e., must return to section 1225 custody. *Id.*; *see also Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) ("[W]hen the purpose of the parole has been served, "the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States."); 8 C.F.R. § 212.5(e)(1) (same). "Put another way, parole creates something of a legal fiction; although a paroled alien is physically allowed to enter the country, the legal status of the alien is the same as if he or she were still being held at the border waiting for his or her application for admission to be granted or denied." *Duarte v. Mayorkas*, 27 F.4th 1044, 1058 (5th Cir. 2022). Here, when Petitioner was paroled into the country, he was an arriving alien subject to mandatory detention under § 1225(b)(1). *See Andrade v. Patterson*, No. 6:25-CV-01695, 2025 WL 3252707, at *6 (W.D. La. Nov. 21, 2025)(noting that "aliens who are subject to removal under both §§ 1225(b)(1) and

1229a are subject to mandatory detention."). Thus, since his parole has ended, he is returned to § 1225 mandatory detention.

The foregoing responds to the Court's show cause order. Federal Respondents reserve the right to separately file a dispositive motion.

Dated: December 5, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on December 5, 2025, the foregoing was filed and served on counsel of record through the Court's CM/ECF system. The pro se Petitioner will be served in person by ICE personnel. I copy with also be mailed to Petitioner's next friend as noted on the docket.

s/ Jimmy A. Rodriguez
Jimmy A. Rodriguez
Assistant United States Attorney