

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JUAN DE LA CRUZ CHAVEZ,

Petitioner,

v.

RONNIE WOODALL, et al.,

Case No. 3:25-cv-1448-JEP-PDB

Respondents.

**REPLY TO RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF
HABEAS CORPUS**

Petitioner, by and through undersigned counsel, files this reply to the Respondents' Response in Opposition to Petitioner's Petition for Writ of Habeas Corpus (ECF 3). Doc. 9. In their Response, Respondents argue 1) that this Court lacks subject-matter jurisdiction and 2) that the Petition should be denied on the merits. Undersigned counsel addresses each argument below.

JURISDICTION

Respondents argue that this Court lacks jurisdiction for two reasons¹. First, Respondents argue that 8 U.S.C. §1252(g) strips this Court of jurisdiction.

¹ Although the Response states that there are three reasons for lack of jurisdiction, only two reasons are discussed.

Second, Respondents argue that 8 U.S.C. §1252(b)(9), known as the Zipper Clause, precludes judicial review.

§1252(g) does not strip the Court of subject-matter jurisdiction.

Respondents argue that 8 U.S.C. §1252(g) strips this Court of jurisdiction. While §1252(g) does limit judicial review of certain immigration proceeding challenges, that limitation on judicial review is far narrower than Respondents have claimed. In fact, Respondents' own legal authority cuts against their very argument. §1252(g) prevents judicial review only of "any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to *commence proceedings, adjudicate cases, or execute removal orders* against any alien under this Act." 8 U.S.C. §1252(g) [emphasis added]. Petitioner does not challenge the Attorney General's decision to commence proceedings, adjudicate his case, or execute a removal order against him. Furthermore, Petitioner does not challenge any discretionary decision by Respondents. Rather, Petitioner challenges the legal basis for his unlawful detention under 8 U.S.C. §1225(b)(2).

In support of Respondents' argument that §1252(g) bars review of ICE's decision to detain Petitioner, Respondents offer *Gupta v. McGahey*, 709 F.3d 1062 (11th Cir. 2013). However, *Gupta* is inapposite. In *Gupta*, the petitioner challenged ICE's discretionary factual decision that there was probable cause for searching his property and for seizing him. *Id.* at 1064. In the instant case, Petitioner

challenges ICE's legal authority to detain Petitioner under §1225(b)(2) and the immigration judge's legal conclusion that it lacks jurisdiction to provide Petitioner with a bond hearing under §1225(b)(2)'s mandatory detention provision.

Unlike *Gupta*, Petitioner is not challenging the government's discretionary decision to detain him or commence removal proceedings. Rather, Petitioner challenges the government's misapplication of law regarding which detention statute applies to Petitioner. While §1252(g) may bar discretionary decisions to arrest and detain noncitizens for removal proceedings, it does not bar "substantive review of the underlying legal bases for those discretionary decisions and actions." *Madu v. Atty. Gen.*, 470 F.3d 1362, 1368 (11th Cir. 2006). §1252(g) is directed at "attempts to impose judicial constraints upon prosecutorial discretion." *Id.*, citing *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 485 n.9 (1999). The Eleventh Circuit made clear, in *Madu*, that the district courts retain jurisdiction to review the lawfulness of the government's decisions.

Additionally, the vast majority of district courts in the Middle District of Florida and throughout the nation have held that §1252(g) does not bar the exact challenge Petitioner brings in the instant case. See Doc. 3, pgs 9-10, paragraph 40; see also *Ortiz v. Noem*, 2025 U.S. Dist. LEXIS 260290 (M.D.Fla. December 17, 2025;

Patel v. Hardin, 2025 U.S. Dist. LEXIS 233409 (December 1, 2025); *Elizalde Ortiz v. Mordant*, 2026 U.S. Dist. LEXIS 2002 (M.D.Fla. January 7, 2026); *Tomas v. Warden of Fla. Soft Side S.*, 2026 U.S. Dist. LEXIS 1086 (M.D.Fla. January 6, 2026); *Orellana v. Warden, Glades Cnty. Det. Ctr.*, 2026 U.S. Dist. LEXIS 1076 (M.D.Fla. January 6, 2026).

Respondents' extremely broad view of §1252(g) has been rejected by the Supreme Court in *Reno v. American-Arab Anti Discrimination Committee* and in Respondents' own case law authority. See *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. at 481 ("It is implausible that the mention of three discrete events along the road to deportation was a shorthand way of referring to all claims arising from deportation proceedings."); see also *Alvarez v. ICE*, 818 F.3d 1194, 1201 (11th Cir. 2016). In fact, the court in *Alvarez*, a case relied upon by Respondents, explains in detail how limited §1252(g) is and how the statutory provision should be interpreted narrowly, as instructed by the Supreme Court in *Reno v. American-Arab Anti-Discrimination Comm.* *Id.*

Although the Eleventh Circuit in *Alvarez* determined that §1252(g) precluded review in that particular case, it did so because Alvarez challenged ICE's discretionary decision to take him into custody and to detain him. *Id.* at 2022. Petitioner does not challenge ICE's decision to take him into custody or the discretionary decision to detain him. Rather, he challenges ICE's lawful

authority to detain him under §1225(b)(2) and whether he is entitled to a bond redetermination hearing under §1226(a), as a matter of law.

In conclusion, Petitioner's challenge falls squarely within *Madu*, as well as within Respondents' case law, as Petitioner is not challenging a discretionary decision to commence proceedings, adjudicate cases, or execute removal orders.

The Zipper Clause in §1252(b)(9) does not apply

Respondents argue that §1252(b)(9), along with §1252(a)(5), precludes review of Petitioner's claim. §1252(b) provides the requirements for review of orders of removal. Respondents' reading of §1252(b)(9) again sweeps far too broadly. §1252(b)(9) consolidates judicial review of final orders of removal, but leaves untouched a noncitizen's right to habeas review of unlawful detention. This provision does not apply to federal habeas petitions that do not involve final orders of removal. *Canal A Media Holding, LLC v. United States Citizenship & Immigr. Servs.*, 964 F.3d 1250, 1257 (11th Cir. 2020); *Ortiz v. Noem*, 2025 U.S. Dist. LEXIS 260290 (M.D.Fla. December 17, 2025). Petitioner has no final order of removal and therefore §1252(b)(9) does not apply.

MERITS

Respondents claim that Petitioner was properly detained under §1225(b)(2) because he is an "applicant for admission." However, Respondents read out two

important words within that statute. §1225(b)(2) applies to “applicants for admission” who are “seeking admission.” Respondents ignore the “seeking admission” language in §1225(b)(2). Petitioner was not detained at or near the border and is not an applicant for admission “seeking admission” within the meaning of §1225(b)(2).

Pursuant to the surplusage canon (“*verba cum effectu sunt accipienda*”), courts should give effect to every word Congress has included in a statute. *Corley v. United States*, 556 U.S. 303, 314 (2009); *Lowe v. S.E.C.*, 472 U.S. 181, 208 n.53 (1985). §1225(b)(2)(A) requires detention for “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...” §1225(b)(2). Petitioner was not “seeking admission” within the meaning of §1225(b)(2).

Respondents argue that an applicant for admission is always seeking admission. However, if that were true, Congress would not have included the term “seeking admission” in §1225(b)(2). Respondents argue that the term “seeking admission” is simply a term of art. However, whether it is a term of art or not is irrelevant because it was included in the statute in addition to the defined term “applicant for admission.” The inclusion of the term “seeking admission” narrows the group of “applicants for admission” that are subject to

mandatory detention. Only applicants for admission that are seeking admission at or near the border are subject to mandatory detention provisions of §1225(b)(2). *Jennings v. Rodriguez*, 583 U.S. 281 (2017). Conversely, “§1226 applies to aliens already present in the United States.” *Id.* at 302.

Respondents cite *Chaviano v. Bondi*, 2025 U.S. Dist. LEXIS 118402 (S.D. Fla. June 23, 2025) in support of their position, however the district court in *Chaviano* did not find that §1225(b)(2) applies to noncitizens who are already present in the United States when they were detained. The Petitioner in *Chaviano* was apprehended *immediately* upon his entry without inspection and was subjected to expedited removal proceedings pursuant to 8 U.S.C. §1225(b)(1)(A)(i). *Id.* The district court denied the petition for writ of habeas corpus on jurisdiction grounds because §1225(b)(1), which applies only to expedited removal proceedings, limits judicial review to only (A) whether the petitioner is an alien, (B) whether the petitioner was removed under the expedited removal statute of §1225(b)(1) and (C) whether the petition is a lawful permanent resident, refugee, or asylee. §1252(a); §1252(e)(2); *Chaviano*, 2025 U.S. Dist. LEXIS at 9. The jurisdiction stripping provisions of §1252(a) and §1252(e)(2) that apply only to expedited removal proceedings do not apply to regular immigration proceedings.

Petitioner in the instant case is not subject to expedited removal proceedings and therefore is not subject to the jurisdiction stripping statutes in §1252(a) or §1252(e)(2). Rather, Petitioner is in the same posture as that of the petitioner in a different case before the same district court judge who decided *Chaviano*. The same district judge in *Chaviano* held in *Encarnacion v. Lyons*, which involves the identical legal issue raised by Petitioner, that “the statutory text, context and scheme of Section 1225 do not support a finding that a noncitizen is ‘seeking admission’ when he never sought to do so.” *Encarnacion v. Lyons*, 2025 U.S. Dist. LEXIS 265227 (S.D.Fla. December 23, 2025), citing *Puga v. Assistant Field Office Director, Krome North Service Processing Center*, 2025 U.S. Dist. LEXIS 203222 (S.D. Fla. Oct. 15, 2025). The district court in *Encarnacion* and *Chaviano* granted the petition for writ of habeas corpus in *Encarnacion* on the same legal grounds presented by Petitioner in this case. *Id.*

The Respondents also argue that §1225(b)(2) has no temporal or geographic limitations and the Court cannot read those limitations into the statute and therefore §1225(b)(2) applies to noncitizens who entered the United States without inspection no matter how long ago and no matter where inside the United States they are initially detained. However, there is no need for temporal or geographic limitations in §1225(b)(2) because the language in the statute “an applicant for admission” “seeking admission,” clearly contemplates a

noncitizen who presents themselves at, and is inspected at, the border. When a noncitizen presents themselves at the border, §1225(b)(2) mandates an immigration officer who is examining the “applicant for admission” who is “seeking admission” to detain the noncitizen for the duration of the removal proceedings under 8 U.S.C. §1229a. Only if §1225(b)(2) applied to noncitizens who were already inside the United States would there be a need for temporal and geographic limitations. In other words, the addition of “seeking admission” negates the need for temporal or geographic limitations because the very term “seeking admission” sets the temporal limitation to the time when the noncitizen is seeking admission and the geographic limitation to the border.

Respondents also claim that the passage of the Laken Riley Act (8 U.S.C. §1226(c)(1)(E)) buttresses their argument that §1225(b)(2) applies to all noncitizens who entered the United States without inspection, regardless of how long they have resided inside the country. On the contrary, the Laken Riley Act was clearly enacted to prohibit release to a class of noncitizens who are otherwise eligible for bond redetermination under 8 U.S.C. §1226. Under the Respondents’ massively broad view of §1225(b)(2), there would be no need for Congress to enact §1226(c)(1)(E) because all individuals subject to mandatory detention under §1226(c)(1)(E) would already be subject to mandatory detention under §1225(b)(2).

§1226(c)(1)(E) subjects noncitizens to mandatory detention if they are “inadmissible under paragraph (6)(A), (6)(C) or (7) of section 1182(a) of this title [8 USCS §1182(a)]; and charged, arrested, convicted of, or admits committing qualifying criminal offenses. Any noncitizen who entered the United States without inspection is inadmissible under 8 U.S.C. §1182(a)(6)(A) as “[a]n alien present in the United States without being admitted or paroled...” 8 U.S.C. §1182(a)(6)(A). Had Congress intended §1225(b)(2) to apply to all noncitizens who entered the United States without admission or parole and who have been residing inside the United States for many years, there would be no need to include noncitizens inadmissible under §1182(a)(6)(A), as all noncitizens inadmissible under §1182(a)(6)(A) would already be subject to mandatory detention under §1225(b)(2).

Therefore, §1226(c)(1)(E), the Laken Riley Act, which was passed to specifically mandate the detention of noncitizens who entered the United States without admission or parole and are charged with certain qualifying crimes is consistent with Petitioner’s interpretation of §1225(b)(2), which applies only to noncitizens who are applicants for admission at the border seeking admission. Respondent’s interpretation of §1225(b)(2) would render the inclusion of §1182(a)(6)(A) in §1226(c)(1)(E)(I) completely unnecessary.

Conclusion

As the vast majority of district courts in the United States have correctly held, §1225(b)(2) does not apply to noncitizens who entered the United States years ago and are later placed in removal proceedings upon detention inside the country. Because Respondents are unlawfully detaining Petitioner under §1225(b)(2) and because Respondents are unlawfully denying Petitioner a bond redetermination hearing under §1226(a), Petitioner respectfully requests this Court grant the Petition for Writ of Habeas Corpus.

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Respectfully submitted,

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