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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF LOUISIANA  
4 LAFAYETTE DIVISION

5 ALEJANDRO FELIX GONZALEZ;

6 Petitioner,

7 v.

8 PAMELA BONDI, in her official capacity as  
9 Attorney General of the United States;

10 TODD LYONS, in his official capacity as  
11 Acting Director of Immigration and Customs  
Enforcement;

12 BRYAN PATTERSON, in his official capacity  
13 as Facility Administrator of Pine Prairie  
Correctional Facility;

14 Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

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1 **INTRODUCTION**

2 1. Petitioner, Alejandro Felix Gonzalez, hereinafter referred to as “Petitioner”, is in  
3 the physical custody of Respondents at the Pine Prairie Correctional Facility in Pine Prairie,  
4 Louisiana. He now faces unlawful detention because the Department of Homeland Security  
5 (DHS) and the Executive Office of Immigration Review (EOIR) have wrongly concluded that  
6 detainees in Petitioner’s position – namely, those who are present without admission – are  
7 subject to mandatory detention under § 1225(b)(2)(A).

8 2. Petitioner’s detention on this basis violates the plain language of the Immigration  
9 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who  
10 previously entered and are now residing in the United States. Instead, such individuals are  
11 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.  
12 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for  
13 having entered the United States without inspection.

14 3. Respondents’ new legal interpretation is plainly contrary to the statutory  
15 framework and contrary to decades of agency practice applying § 1226(a) to people like  
16 Petitioner.

17 4. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released  
18 unless Respondents provide a bond hearing under § 1226(a) within fourteen days.

19 **JURISDICTION**

20 5. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
21 Pine Prairie Correctional Facility in Pine Prairie, Louisiana.



1 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
2 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

3 **PARTIES**

4 12. Petitioner Alejandro Felix Gonzalez is a citizen of Mexico and has been in  
5 immigration detention since October 25, 2025. He is being unlawfully detained due to  
6 Respondents’ incorrect conclusion that he is subject to mandatory detention under §  
7 1225(b)(2)(A).

8 13. Respondent Pamela Bondi is the Attorney General of the United States. She is  
9 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
10 (EOIR) and the immigration court system it operates is a component agency. She is sued in her  
11 official capacity.

12 14. Respondent Todd Lyons is Acting Director of ICE. As the senior official  
13 performing the duties of Director of ICE, he is responsible for the administration and  
14 enforcement of the immigration laws and as such is a custodian of Petitioner. He is sued in his  
15 official capacity.

16 15. Respondent Bryan Patterson is the Facility Administrator of Pine Prairie  
17 Correctional Facility, where Petitioner is currently detained under the authority of ICE, and is  
18 Petitioner’s immediate custodian. He is sued in his official capacity.

19 **LEGAL FRAMEWORK**

20 16. The INA prescribes three basic forms of detention for the vast majority of  
21 noncitizens in removal proceedings.

22 17. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
23 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally  
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1 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),  
2 while noncitizens who have been arrested, charged with, or convicted of certain crimes are  
3 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

4 18. Second, the INA provides for mandatory detention of noncitizens subject to  
5 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission  
6 referred to under § 1225(b)(2).

7 19. Last, the INA also provides for detention of noncitizens who have been ordered  
8 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

9 20. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

10 21. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the  
11 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.  
12 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section  
13 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,  
14 139 Stat. 3 (2025).

15 22. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining  
16 that, in general, people who entered the country without inspection were not considered detained  
17 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited  
18 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;  
19 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

20 23. Thus, in the decades that followed, most people who entered without inspection  
21 and were placed in standard removal proceedings received bond hearings, unless their criminal  
22 history rendered them ineligible. That practice was consistent with many more decades of prior  
23 practice, in which noncitizens who were not deemed “arriving” were entitled to a custody  
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1 hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep.  
2 No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority  
3 previously found at § 1252(a)).

4 24. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that  
5 rejected well-established understanding of the statutory framework and reversed decades of  
6 practice.

7 25. The new policy, entitled “Interim Guidance Regarding Detention Authority for  
8 Applicants for Admission,”<sup>1</sup> claims that all persons who entered the United States without  
9 inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore  
10 are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies  
11 regardless of when a person is apprehended, and affects those who have resided in the United  
12 States for months, years, and even decades.

13 26. In a May 22, 2025, unpublished decision from the Board of Immigration Appeals  
14 (BIA), EOIR adopts this same position.<sup>2</sup> That decision holds that all noncitizens who entered the  
15 United States without admission or parole are considered applicants for admission and are  
16 ineligible for immigration judge bond hearings.

17 27. ICE and EOIR have adopted this position even though federal courts have  
18 rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration  
19 court stopped providing bond hearings for persons who entered the United States without  
20 inspection and who have since resided here, the U.S. District Court in the Western District of  
21 Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not §

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23 <sup>1</sup> Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

24 <sup>2</sup> Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf>.

1 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States.  
2 *Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24,  
3 2025); *see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at \*8 (D. Mass.  
4 July 7, 2025) (granting habeas petition based on same conclusion).

5 28. DHS's and DOJ's interpretation defies the INA. As the *Rodriguez Vazquez* court  
6 explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b),  
7 applies to people like Petitioner.

8 29. Section 1226(a) applies by default to all persons "pending a decision on whether  
9 the [noncitizen] is to be removed from the United States." These removal hearings are held under  
10 § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

11 30. The text of § 1226 also explicitly applies to people charged as being inadmissible,  
12 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph  
13 (E)'s reference to such people makes clear that, by default, such people are afforded a bond  
14 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress  
15 creates "specific exceptions" to a statute's applicability, it "proves" that absent those exceptions,  
16 the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at \*12 (citing *Shady Grove*  
17 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

18 31. Section 1226 therefore leaves no doubt that it applies to people who face charges  
19 of being inadmissible to the United States, including those who are present without admission or  
20 parole.

21 32. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who  
22 recently entered the United States. The statute's entire framework is premised on inspections at  
23 the border of people who are "seeking admission" to the United States. 8 U.S.C.  
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1 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme  
2 applies “at the Nation’s borders and ports of entry, where the Government must determine  
3 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583  
4 U.S. 281, 287 (2018).

5 33. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to  
6 people like Petitioner, who have already entered and were residing in the United States at the  
7 time they were apprehended.

### 8 **FACTS**

9 34. Petitioner has resided in the United States since 2004. He was not apprehended by  
10 immigration authorities at the time of his entry or any time thereafter until he was detained on  
11 October 25, 2025. He has no criminal history.

12 35. Petitioner is currently detained at the Pine Prairie Correctional Facility in Pine  
13 Prairie, Louisiana.

14 36. DHS has not filed a Notice to Appear to place Petitioner in removal proceedings  
15 as of the date of drafting this petition.

16 37. Petitioner has family in the United States, including four United States citizen  
17 children, ages 17, 13, 8 and 1. Petitioner’s 17-year-old child has serious medical issues,  
18 including a speech problem that requires surgery, and Petitioner’s 1-year-old child has a problem  
19 with his hip bone. Petitioner is neither a flight risk nor a danger to his community.

20 38. Any request for a bond hearing at this point would be futile, as an immigration  
21 judge would be forced to find that the immigration court does not have jurisdiction to issue a  
22 bond due to Petitioner incorrectly being deemed subject to mandatory detention under §  
23 1225(b)(2)(A) and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Any subsequent  
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1 42. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued  
2 detention and violates the INA.

3 **COUNT II**

4 **Violation of Due Process**

5 43. Petitioner repeats, re-alleges, and incorporates by reference each and every  
6 allegation in the preceding paragraphs as if fully set forth herein.

7 44. The government may not deprive a person of life, liberty, or property without due  
8 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government  
9 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the  
10 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653  
11 (2001).

12 45. Petitioner has a fundamental interest in liberty and being free from official  
13 restraint.

14 46. The government’s detention of Petitioner without a bond hearing to determine  
15 whether he is a flight risk or danger to others violates his right to due process.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 18 a. Assume jurisdiction over this matter;
- 19 b. Issue a writ of habeas corpus requiring that Respondents release Petitioner or  
20 provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 14  
21 days;
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1 c. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act  
2 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
3 law; and

4 d. Grant any other and further relief that this Court deems just and proper.

5 DATED this 25th day of November, 2025.

6 Respectfully submitted,

7 /s/ Carley A. Tatman

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