UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

MOHAMADEN DEYINE KEHMESS , Petitioner, v. MIGUEL VERGARA, *et. Al.*, Respondents.	Civil Action No. 5:25-CV-00238 PETITIONER'S REPLY TO RESPONDENTS' ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

REPLY TO GOVERNMENT'S ANSWER TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

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PRELIMINARY STATEMENT

Petitioner, MOHAMADEN DEYINE KEHMESS ("Mr. Kehmess"), respectfully submits the instant Reply to Respondent's Opposition to the Petitioner's Writ for Habeas Corpus ("Petition"). Petitioner submits this Reply pursuant to Rule 5(e) of the Federal Rules Governing §2254 cases.

On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

The Petitioner is a member of the Bond Eligible Class, under the second category, because at his second arrest in October 2025, he was apprehended at a checkpoint in the interior of the United States. Therefore, Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

Petitioner initially entered the United States on or about December 16, 2022, at or near Calexico, California. A Border Patrol ("BP") officer encountered him and arrested him at the

border. On or about December 21, 2022, DHS processed Petitioner for removal under 240 proceedings (8 U.S.C. § 1229a) and issued the Petitioner a release on his own recognizance and released him from detention pursuant to 8 U.S.C. § 1226(a).

The petitioner did everything that he was required to do. He affirmatively filed his asylum application with U.S.Citizenship and Immigration Services ("USCIS"). He received his work authorization on February 27, 2024, which is valid until February 26, 2029.

Petitioner was re-arrested in October 2025, when he stopped at a checkpoint. By this time, Petitioner had been living continuously in the country for three years. At the check-in, the Immigration and Customs Enforcement ("ICE") officer arrested Mr. Kehmess. ICE issued him a second Notice to Appear under 1229a (dated October 25, 2025), charging him as inadmissible pursuant to section 212(a)(6)(i) and 212(a)(7)(A)(I) of the Immigration and Nationality Act. Despite processing him under 1229a, and charging him as someone who is "present," not "arriving," without inspection or parole, Respondents argue that he is subject to mandatory detention under 8 U.S.C. § 1225(b).

Given the fact that Mr. Kehmess was present in the United States for 3 years before he was taken into custody in 2025, it makes little sense to treat him now as someone who is "arriving," especially considering that he had been present with the knowledge and approval of the Department of Homeland Security since 2022. In fact, DHS released him on his own recognizance, which necessitates making a finding that he is not a danger or a flight risk.

Therefore, Petitioner's detention violates the declaratory judgment issued in *Maldonado Bautista*, and his detention violates both the Immigration and Nationality Act ("INA") and Petitioner's Fifth Amendment rights and due process of law.

Courts in this District recently confirmed that the Government's reading of § 1225(b)(2)

is unlawful when applied to long-term residents arrested in the interior of the country, and the Government candidly admits the caselaw stacked against their position treating those already present in the U.S. as "arriving" noncitizens. In *Marikhasvili v. Noem, et. al.,* No. 5:25-cv-00180, (S.D. Tex. Nov. 7, 2025), and *Fuentes v. Lyons,* 5:25-cv-00153, Dkt. No. 15 (S.D. Tex Oct. 16, 2025), the court held that DHS may not reclassify long-term interior residents as "applicants for admission" simply by charging inadmissibility grounds. These cases foreclose DHS's position here, and Petitioner submits an appendix of cases decided squarely with the cases above, holding that the Respondent's new, expansive interpretation of mandatory detention under the Immigration and Nationality Act is unlawful. *See* Ex A., an index of cases nationwide that have found the mandatory detention statute under 8 U.S.C. § 1225(b)(2) unlawful as applied to noncitizens arrested in the interior of the country.

ARGUMENT

I. THE COURT HAS JURISDICTION

The Court has jurisdiction under 28 U.S.C. § 2241(c)(3) to grant a writ of habeas corpus to a person in custody in violation of the Constitution, laws, or treaties of the United States. *Demore v. Kim,* 538 U.S. 510, 517 (2003). "[A]bsent suspension, the writ of habeas corpus remains available to every individual detained within the United States." *Hamdi v. Rumsfeld,* 542 U.S. 507, 525 (2004)(citing the Suspension Clause). A habeas petitioner has "the burden of sustaining his allegations by a preponderance of evidence." *Walker v. Johnston,* 312 U.S. 275, 286 (1941). A court considering a habeas petition must "determine the facts, and dispose of the matter as law and justice require." 28 U.S.C. § 2243. When the Court finds a petitioner's constitutional rights have been violated, the petitioner is entitled to the issuance of a writ. *Id.*

II. PETITIONER IS NOT SUBJECT TO MANDATORY DETENTION UNDER THE EXPEDITED REMOVAL STATUTE, 8 U.S.C. § 1225(b)(2)(A)

Respondents argue that Mr. Kehmess is subject to mandatory detention under the expedited removal statute, 8 U.S.C. § 1225(b)(2). Respondents reference a September 5, 2025, Board of Immigration Appeals decision that supports their position, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)(concluding decisively that § 1225(b)(2)(A) covers inadmissible noncitizens who lived unlawfully in the United States for longer than two years without apprehension). In *Fuentes v. Lyons,* the Court concluded that the plain language of §1225(b)(2) does not apply to noncitizens encountered within the United States and mandatory detention violates the Immigration and Nationality Act ("INA") and the Due Process Clause of the Fifth Amendment. *See Fuentes v. Lyons,* 5:25-cv-00153, Dkt. No. 15 (S.D. Tex Oct. 16, 2025).

On July 8, 2025, however, DHS stated a new position with regard to custody determinations as follows:

An "applicant for admission" is an alien present in the United States who has not been admitted or who arrives in the United States, whether or not at a designated port of arrival. INA § 235(a)(1). **Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) and may not be released from ICE custody except by INA § 212(d)(5) parole**. These aliens are also ineligible for a custody redetermination hearing ("bond hearing") before an immigration judge and may not be released for the duration of their removal proceedings absent a parole by DHS. For custody purposes, these aliens are now treated in the same manner that "arriving aliens" have historically been treated. **The only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) during removal proceedings are aliens admitted to the United States and chargeable**

with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c).

Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants for admission because Form I-286 applies by its terms only to custody determinations under INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will individually advise, if Enforcement and Removal Operations (ERO) previously conducted a custody determination for an applicant for admission still detained in ICE custody, ERO will affirmatively cancel the Form I-286. *See* https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-forapplications-for-admission (emphasis original).

As a result, Petitioner was unlawfully arrested and unlawfully detained pursuant to this new, expansive policy. Petitioner entered the United States on December 16, 2022, he was processed by DHS and released from detention on his own recognizance. He filed his asylum application and work authorization. At no point, and there is no suggestion, was Petitioner ever issued an expedited removal order. Therefore, Petitioner's is unlawful because it violates a plain reading of 8 U.S.C. § 1225(b)(2)(A), which governs noncitizens who are "applicants for admission, if the examining officer determines" the noncitizen seeking admission "is not clearly and beyond a doubt entitled to be admitted."

Full removal proceedings under § 1229a are mutually exclusive from expedited removal under § 1225. Congress expressly provided that proceedings under § 1229a "shall be the sole and exclusive procedure" for determining removability once DHS elects that pathway. 8 U.S.C. § 1229a(a)(3). Once DHS elected that statutory framework, § 236(a) governed custody.

The petitioner is not an "applicant for admission." Section 1225(b)(2)(A) applies to individuals who are *seeking* [in the present tense] admission at the time they encounter immigration officers, before DHS files an NTA. The statute itself makes this clear: it applies where an officer determines that "an alien seeking admission is not clearly and beyond a doubt entitled to be admitted." *Matter of M-S-*, 27 I. & N. Dec. 509 (emphasis added). That statutory language does not describe Petitioner. He was not seeking admission when he was arrested. He had been living in the United States for over three years with the knowledge and consent of DHS when he was arrested at a checkpoint.

In *Bethancourt Soto*, the court explained that § 1225(b)(2) governs individuals encountered at or near the border, not long-term interior residents placed into full removal proceedings years after entry. *Bethancourt Soto v. Soto* (D.N.J. Oct. 22, 2025). These same courts, including in this District, have also rejected DHS's reliance on *Matter of Q. Li* and *Matter of Yajure-Hurtado* as a basis for mandatory detention of interior arrests. *See Marikhasvili v. Noem, No. 5:25-cv-00180 (S.D. Tex. Nov. 7, 2025) (Laredo Div.)* (rejecting DHS's reliance on § 1225(b)(2) for a noncitizen arrested in the interior).

In *Fuentes v. Lyons*, the court held that when DHS initiates § 240 removal proceedings and processes a noncitizen under § 1226(a), it may not later rely on § 1225(b)(2) to justify mandatory detention. No. 5:25-cv-00153 (S.D. Tex. Oct. 29, 2025). This Court explained that, as almost every district court that has taken up this issue has concluded, including courts in this district, "the statutory text, the statute's history, Congressional intent, and § 1226(a)'s application for the past three decades" clearly support the finding that §1226 is the applicable statute, not §1225. *See Buenrostro-Mendez v. Bondi*, 2025 WL 2886346, at *3 (S.D. Tex. Oct. 7, 2025) (*quoting Pizarro Reyes v. Raycraft*, 2025 WL 2609425, at *4 (E.D. Mich. Sept. 9, 2025) and

citing Lopez-Arevelo v. Ripa, 2025 WL 2691828, at *7 (W.D. Tex. Sept. 22, 2025)); *Rodriguez*, 2025 WL 2782499, at *1 & n.3 (collecting cases); *Belsai D.S. v. Bondi*, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025)).

Accordingly, the mandatory-detention provision in § 1225(b) does not apply to Petitioner, and DHS's reliance on that statute provides no lawful authority for his continued detention.

III. PETITIONER HAS THE RIGHT TO DUE PROCESS IN THE IMMIGRATION PROCEEDINGS

Noncitizens who have entered the United States are entitled to basic procedural protections, including notice and an opportunity to be heard. The Supreme Court has long held that noncitizens within the United States are entitled to procedural due process. *Yamataya v. Fisher*, 189 U.S. 86, 23 S. Ct. 611, 47 L. Ed. 721 (1903); *Bridges v. Wixon*, 326 U.S. 135, 65 S. Ct. 1443, 89 L. Ed. 2103 (1945). Our immigration laws distinguish between individuals seeking initial admission and those who have already entered the country. *Leng May Ma v. Barber*, 357 U.S. 185, 187, 78 S. Ct. 1072, 2 L. Ed. 2d 1246 (1958). Noncitizens who are physically present in the United States "undeniably have due process rights." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 191, 140 S. Ct. 1959, 207 L. Ed. 2d 427 (2020).

The Government argues that Petitioner lacks due process protections because he is an "applicant for admission." That assertion is inconsistent with the record. The petitioner is not an arriving alien. DHS arrested him at a routine check point almost three years after his initial entry and immediately placed him into full removal proceedings under 8 U.S.C. § 1229a, through the issuance of a second Notice to Appear. Those proceedings are governed by 8 C.F.R. § 1003.12-1003.41 and § 1240.26. Individuals in § 240 proceedings are detained, if at all, under 8 U.S.C. § 1226(a). DHS treated Petitioner accordingly, and he remains in those proceedings today.

Although civil removal proceedings do not confer the "same bundle" of constitutional protections applicable in criminal trials, they do guarantee a full and fair hearing and meaningful procedural safeguards. *Hussain v. Rosen*, 985 F.3d 634, 642 (9th Cir. 2021). In *Hernandez-Lara v. Lyons, 10 F.4th 19* (1st Cir. 2021), the First Circuit held that when a noncitizen is detained under § 1226(a) and a bond hearing is provided, due process requires the Government to bear the burden of justifying continued detention—clear and convincing evidence for dangerousness and a preponderance for flight risk.

Petitioner is a long-term resident placed squarely in the statutory framework of §1229a and §1226. Thus, he is entitled to the due-process protections available in those proceedings, including meaningful consideration of release under § 1226(a).

Accordingly, Petitioner, who remains in full § 240 removal proceedings, is entitled to the due-process protections afforded to individuals in those proceedings. DHS's effort to deny him those protections by mischaracterizing his statutory posture has no basis in fact or law.

To the extent the Government suggests that district court decisions in this Circuit rejecting the application of § 1225(b)(2)(A) to long-term interior residents should yield to the BIA's recent precedential decisions in *Matter of Q-Li* and *Matter of Yajure-Hurtado*, that argument misstates both the law and the current judicial landscape. After *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 144 S. Ct. 2244, 219 L. Ed. 2d 832 (2024), courts—not agencies—exercise independent judgment in interpreting statutory meaning. Chevron deference no longer applies, and agencies are owed no special weight on pure questions of statutory construction.

Consistent with this framework, federal courts evaluating the same issue have declined to follow *Q-Li* and *Yajure-Hurtado* and have held that § 1225(b)(2) does not govern the detention

of noncitizens arrested in the interior. *See* *Hyppolite v. Noem*, Slip Op. (E.D.N.Y. 2025); *Placido Romero Perez v. Francis*, Slip Op. (S.D.N.Y. 2025); *Rueda Torres v. Francis*, Slip Op. (S.D.N.Y. 2025); *J.U. v. Maldonado*, Slip Op. (E.D.N.Y. 2025); *Artiga v. Genalo*, Slip Op. (E.D.N.Y. 2025). Although these decisions arise outside this District Court, they apply the same statutory text and post-*Loper Bright* interpretive principles and reinforce the growing national consensus that *Q-Li* and *Yajure-Hurtado* cannot be read to impose mandatory detention on long-term residents who were never processed as applicants for admission. Courts across jurisdictions have recognized that DHS's treatment of an individual under § 236(a) and § 240 forecloses later reliance on § 235(b)(2).

IV. DHS WAIVED THEABILITY TO DETAIN UNDER § 1225(B)(2) AND DETENTION IS ULTRA VIRES

The Government's position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) fails for an additional, independent reason: DHS waived any ability to rely on § 1225(b)(2) when it chose to process Petitioner under § 1229a and place him in full removal proceedings pursuant to 8 U.S.C. § 1229a. The record demonstrates that DHS (1) issued and filed a Notice to Appear initiating § 240 removal proceedings, and (2) processed him through the custody framework of § 1226(a) by acknowledging Immigration Judge jurisdiction over custody. *See* Notice to Appear. Notably, DHS did not issue the required record of arrest identifying § 1225(b)(2) as the authority for detention, further undermining its belated reliance on that provision. Moreover, DHS released Petitioner on his own recognizance, and by that very Form I-286, Notice of Custody Determination, DHS released Petitioner, "**Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations.**" *Id.*

Therefore, ICE cannot now, three years after it's already processed him under 1226(a), argue that he is subject to 1225 and mandatory detention.

A. *DHS's invocation of § 1226(a) forecloses reliance on § 1225(b)(2)*

This Court has consistently rejected DHS's recent attempt to retroactively transform § 1226(a) cases into § 1225(b)(2) "applicant-for-admission" cases. In *Rivera Zumba v. Bondi,* No. 25-CV-14626 (KSH), 2025 WL 2753496 (D.N.J. Sept. 26, 2025), the court held that DHS may not reclassify long-term interior residents as "applicants for admission" simply by choosing inadmissibility charges. Similarly, in *Bethancourt Soto v. Soto* (D.N.J. Oct. 22, 2025), Judge Shipp rejected DHS's reliance on § 1225(b)(2) and ordered the petitioner's immediate release. These cases foreclose DHS's position here.

Similarly, in *Valeriano v. Bondi*, No. 25-16100 (D.N.J. Oct. 1, 2025), Judge Shipp held that DHS "is bound by its initial custody designation under § 1226(a)" and cannot invoke § 1225(b)(2) after placing a respondent into full removal proceedings. The court explained that DHS's statutory election "has legal consequences" and forecloses mandatory-detention arguments premised on § 1225.

B. *The 1997 regulation confirms that DHS waived § 1225(b)(2) for interior arrests*

The regulations held in the Detention and Removal of Aliens explicitly provide that individuals who entered without inspection are eligible for bond and IJ redetermination. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 FR 10312, 10323, 62 FR 10312-01, 10323. DHS cannot ignore this regulation. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 74 S.

Ct. 499, 98 L. Ed. 681 (1954). Because Petitioner is an interior EWI arrest, DHS is legally required to treat him under § 236(a).

C. DHS's failure to issue a Form I-220A or I-286 further proves that § 1225(b)(2) never applied

DHS has not produced a Form I-220A Record of Custody or any contemporaneous custody advisal identifying § 1225(b)(2) as the statutory basis for detention. The regulations mandate issuance of such documentation. 8 C.F.R. § 236.1(b), 287.3(a). Failure to comply with these mandatory procedural requirements renders custody unlawful and ultra vires. *See* *Matter of Garcia,* 17 I. & N. Dec. 319 (BIA 1980). The New Jersey District Courts have treated this omission as further evidence that DHS is retroactively attempting to impose § 1225(b)(2) detention where it never applied. *See* *Bethancourt Soto v. Soto* (D.N.J. Oct. 22, 2025).

Because DHS initiated § 240 proceedings, processed Petitioner under § 236(a), waived reliance on § 1225(b)(2), and violated mandatory regulatory procedures, Petitioner's continued detention is statutorily unauthorized and must end.

V. THE APPROPRIATE REMEDY IS RELEASE, NOT A BOND HEARING

Here, the Petitioner is not challenging prolonged mandatory detention; he is alleging that he is detained in violation of due process rights and the unlawful use of statutory authority to detain him. *See* e.g., *M.S.L. v. Bostock,* No. 6:25-cv- 01204, 2025 WL 2430267, at *15 (D. Or. Aug. 21, 2025). Release is appropriate because when the DHS re-arrested Petitioner, it intentionally attempted to place him into mandatory detention under § 1225, intentionally depriving him of constitutional rights, and subjecting him unnecessarily to prolonged detention.

To determine whether a civil detention violates a detainee's due process rights, courts apply a three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Those factors are: (1) "the private interest that will be affected by the official action."; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) the "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335. "The essence of procedural due process is that a person risking a serious loss be given notice and an opportunity to be heard in a meaningful manner and at a meaningful time." *M.S.L. v. Bostock*, No. 25-cv-1204 WL 2430267, at *8 (*citing Mathews*, 424 U.S. at 348). *See also* *Zumba v. Bondi*, No. 25-CV-14626 (KSH), 2025 WL 2753496, at *12 (D.N.J. Sept. 26, 2025)(finding that immediate release is appropriate).

A. Private Interest

Petitioner was arrested by DHS at his initial entry. He was arrested, detained, and processed upon arrival. DHS also determined that Petitioner was not a flight risk or a danger under 8 C.F.R. 236. On December 21, 2022, he was issued a notice of custody determination and DHS released him on his own recognizance, allowing him to enter the United States. He filed for his asylum application and received a work authorization. He was placed into 240 proceedings, and in fact, his case was to be heard for a bond, which was withdrawn due to ICE's release. However, due to a recent policy, Petitioner was re-arrested, detained, and Respondents now take the position that he is not bond eligible, despite there being no material change from the time he was released to the time he was re-arrested. As Courts have recognized, the interest in being free

from physical detention is the "most elemental of liberty interests." *See* *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

Courts have recognized that those granted conditional parole have a protected liberty interest in their continued liberty. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). A number of district courts have held that in the immigration context, once detained and released from immigration custody, noncitizens acquire "a protectable liberty interest in remaining out of custody on bond." *See* *Diaz v. Kaiser*, No. 25-cv-05071, 2025 WL 1676854, at *2 (N.D. Cal. June 14, 2025); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019); *Rosado v. Figueroa*, No. 25-CV-02157, 2025 WL 2337099 at *12 (D. Ariz. Aug. 11, 2025).

B. Risk of Erroneous Deprivation

The Court must also consider whether 8 U.S.C. § 1225(b) creates a risk of "erroneous deprivation of individuals' private rights" and the degree to which alternative procedures could ameliorate these risks. *Martinez v. Sec. of Noem*, No. 5:25-CV-01101 JLT SKO, 2025 WL 2581185, at *11 (E.D. Cal. Sept. 5, 2025). In Petitioner's case, like so many others who are arrested and detained in the interior, immigration judges decline to exercise jurisdiction, finding that the Board has stripped them of the ability to consider anyone for bond who has not been admitted. Petitioner's hearing did not provide an opportunity to contest the existence, nature, or significance of any supervision violations, or to otherwise make an individualized assessment of the need to re-detain him. Therefore, without relief from this Court, Petitioner will continue to be erroneously deprived of his liberty.

C. Government Interest

Civil detention is different from imprisonment. While the Government has an interest to ensure that noncitizens are not flight risks or dangers to the community, its detention process cannot be punitive. Petitioner entered the country on December 21, 2022. He was not placed into expedited removal proceedings nor denied entry. Instead, DHS made a decision to place him into removal proceedings under 240 proceedings and release Petitioner into the country on his own recognizance. This decision to release Petitioner three years ago, in and of itself, reflects the DHS's determination by the government that he was not a danger to the community or a flight risk. *See* *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal 2017), *aff'd* 905 F.3d 1137 (9th Cir. 2018). Petitioner did not abscond, nor has he committed any crime. In fact, Petitioner was re-arrested when stopped at a traffic checkpoint, as was required.

Since Petitioner has met the *Mathews* test, this Court should find that his detention without any individualized assessment of flight risk or danger deprives Petitioner of his constitutional rights. Petitioner therefore contends that release is the appropriate remedy to this deprivation.

CONCLUSION

For the reasons described above, Petitioner's Petition should be granted, and Respondents should be ordered to release Petitioner immediately pursuant to his statutory eligibility for release.

December 10th, 2025

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, David H. Square, hereby certify that the foregoing document was served on Counsel for the Government on December 10th, 2025 by the ECF electronic filing system.

/s/ David H. Square
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