UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS LAREDO DIVISION

MARIO ERNESTO MANZANARES HERNANDEZ, Petitioner, v. PAMELA BONDI, ATTORNEY GENERAL OF THE UNITED STATES, et al., Respondents.	Civil Action 5:25-cv-0243

PETITIONER'S REPLY TO RESPONDENT'S RESPONSE AND MOTION FOR SUMMARY JUDGMENT

Respondents filed a combined response to the Amended Petition and a motion for summary judgment. *See* Gov't Br. (ECF No. 19). They argue that Petitioner failed to exhaust administrative remedies and is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). As set forth below, neither argument warrants dismissal or denial of habeas relief.

I. Petitioner Did Not Fail to Exhaust Administrative Remedies

Respondents argue that Petitioner failed to exhaust administrative remedies before filing his petition. Gov't Br. at 4 – 5. However, Petitioner sought custody redetermination on two occasions and an appeal to the Board of Immigration Appeals ("BIA") would be futile.

A. The Immigration Judge denied custody redetermination as a matter of law, not discretion

On August 29, 2025, the Immigration Judge ("IJ") denied Petitioner's bond after concluding that Petitioner was an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Shortly thereafter, on September 5, 2025, the BIA issued *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) ("*Hurtado*"), which instructed immigration judges to treat noncitizens who entered without inspection as "applicants for admission" subject to mandatory detention under § 1225(b)(2).

On November 20, 2025, the Central District of California granted partial summary judgment in *Maldonado Bautista v. Santacruz*, holding that DHS's interpretation of 8 U.S.C. §§ 235 and 236 was unlawful as applied to noncitizens (like Petitioner) who: 1) entered the United States without inspection; 2) were not apprehended at or near the border; and 3) are not subject to detention under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 233085 (C.D. Cal. Nov. 20, 2025) ("*Bautista*"). On November 25, 2025, the *Bautista* court certified a nationwide class. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 231977 (C.D. Cal. Nov. 25, 2025). *See* Parties' *Bautista* Advisories, ECF No. 18 (Gov't) & ECF No. 21 (Petitioner).

Following the *Bautista* rulings, Petitioner requested another bond hearing. On December 4, 2025, the IJ again denied to conduct a custody redetermination. The IJ acknowledged the *Bautista* case but concluded that the decision was not binding on the

court. At no point did the IJ exercise discretion, weigh flight risk or danger, or conduct any individualized custody analysis.

B. Exhaustion is not required when relief is unavailable

Respondents rely on *Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994) to support their exhaustion argument. Gov't Br. at 4. In *Fuller*, the Fifth Circuit rejected a futility argument based on speculation. The petitioner argued that exhaustion was futile because the time for filing an administrative appeal had elapsed. The court disagreed, explaining that until the petitioner actually attempted an appeal and the agency acted on it, the outcome remained uncertain. *Fuller* at 62.

The Fifth Circuit has recognized that exhaustion in habeas is required only where the administrative process is capable of providing meaningful relief. In *Goonsuwan v. Ashcroft*, the court explained that a habeas petitioner is not required to pursue administrative remedies that are unavailable or ineffective, and that exhaustion is excused where the agency lacks authority to grant the relief sought. 252 F.3d 383, 388–89 (5th Cir. 2001).

In this case, the outcome of any appeal to the BIA has already been decided. The BIA has already declared, as a matter of binding precedent, that immigration judges lack authority to conduct bond hearings for individuals in Petitioner's circumstances. An appeal to the BIA would therefore be futile. *See Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

II. Petitioner Is Not Subject to Mandatory Detention Under 8 U.S.C. § 1225(b)(2)

Respondents contend that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) because he entered the United States without inspection and has not been admitted. Gov't Br. at 5 – 7. That argument has recently been rejected by multiple district courts addressing detention following interior arrests. Many of the decisions cited by Respondents either predate or do not address the *Hurtado* decision. More recent district court decisions issued after *Hurtado*, including decisions from within Texas, have rejected DHS's application of § 1225(b)(2)(A) to interior arrests and concluded that § 1226(a), not § 1225(b)(2), governs detention in these circumstances. *See*, e.g., *Lang Shi v. Lyons*, No. 1:25-CV-274, 2025 U.S. Dist. LEXIS 260870, at *3–*7 (S.D. Tex. Dec. 12, 2025); *Lopez-Neria v. Bondi*, No. 5:25-CV-1650-JKP, 2025 U.S. Dist. LEXIS 260481, at *2–*6 (W.D. Tex. Dec. 12, 2025); *Mendoza v. Warden, Dilley Immigr. Processing Ctr.*, No. 5:25-CV-1649-JKP, 2025 U.S. Dist. LEXIS 260659, at *2–*6 (W.D. Tex. Dec. 12, 2025).

A. Sections 1225 and 1226 govern distinct stages of the immigration process

The Immigration and Nationality Act ("INA") draws a distinction between inspection at the threshold of entry and detention during removal proceedings. Section 1225 appears in a statutory provision titled "Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing." 8 U.S.C. § 1225. Its focus is inspection and admissibility determinations made by examining immigration officers. Section 1225(b)(2) applies only where "the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt

entitled to be admitted." 8 U.S.C. § 1225(b)(2). Courts have understood this language to describe an active inspection process, not a permanent status that follows a noncitizen after entry.

By contrast, § 1226 appears in a provision titled "Apprehension and detention of aliens." 8 U.S.C. § 1226. It governs custody decisions after a noncitizen has been detained and placed in removal proceedings, authorizing detention or release on bond "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a).

Finally, Respondents' reliance on the canon that a specific statute controls over a general one is misplaced. Gov't Br. at 7. That canon applies only where two provisions regulate the same conduct.

The INA is organized by time and procedural posture: as a noncitizen moves from inspection, to removal proceedings, to a final order, different statutory paths apply, but only one governs at any given stage. Different provisions govern inspection at the threshold of entry (§ 1225), detention after apprehension and during removal proceedings (§ 1226), adjudication of removability (§ 1229a), and detention following a final order of removal (§ 1231). Within each stage, Congress included both general rules and more specific provisions applicable to each subset.

Although § 1225(b)(2)(A) is more specific within § 1225, it does not conflict with § 1226(a) because the statutes address different stages of the removal process and there is no conflict for the canon to resolve. Treating § 1225(b)(2)(A) as controlling simply because it is "more specific" would collapse two statutory schemes that Congress

deliberately designed to govern different groups of people at different stages in the removal process.

B. DHS's interpretation would collapse Section 1226(a)

Respondents' argument depends on treating the definition of "applicant for admission" in § 1225(a)(1) as dispositive for all detention questions. District courts have rejected that reading because it would render § 1226(a) superfluous. In *Tovar v. Noem*, No. 5:25-CV-1509-JKP, *2025 U.S. Dist. LEXIS 250408, at 7–9 (W.D. Tex. Nov. 25, 2025), the court explained that if every noncitizen who entered without inspection were subject to mandatory detention under § 1225(b)(2) at all times, § 1226(a) would have no remaining application for interior arrests. *Id.* (citing *Jennings v. Rodriguez*, 583 U.S. 281 (2018)).

In *Covarrubias v. Vergara*, this Court held that § 1226(a), not § 1225(b)(2), governs detention of noncitizens arrested in the interior and placed in removal proceedings. 2025 U.S. Dist. LEXIS 206523, at *5–*9 (S.D. Tex. Oct. 8, 2025). The Court explained that § 1225 is inspection-based and applies only to those actively seeking admission, while § 1226 serves as the default detention authority for noncitizens already present in the United States. *Id.* The Court rejected DHS's interpretation as inconsistent with the statutory text and Congress's recent amendments to § 1226, and ordered a bond hearing or release. *Id.*

Furthermore, the recent enactment of the Laken Riley Act, Pub. L. No. 119-1 (2025), confirms the flaw in Respondents' reasoning. If § 1225(b)(2) already required mandatory detention of all non-admitted entrants at all stages, Congress would not

have needed to enact the Laken Riley Act to mandate detention for a narrower subset of individuals. To give effect to both provisions, § 1225 must be read as limited to the inspection context, while § 1226 governs detention during removal proceedings after interior arrests.

Conclusion

For the reasons stated above and in the Amended Petition, the Court should find that Petitioner is not subject to mandatory detention, excuse any failure to exhaust as futile, and grant the Petition for Writ of Habeas Corpus.

Respectfully submitted this 22nd day of December 2025.

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CERTIFICATE OF SERVICE

I certify that on December 22, 2025, I served the foregoing document(s) electronically to the Clerk of the Court and all parties of record through the CM/ECF system.

/s/Christine S. Somerlock
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