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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Erick Danilo Aldana Sanabria, *et al.*,

Petitioners

v.

Luis Rosa, Jr., *et al.*

Respondents.

Case No. 2:25-cv-4439-JJT

PETITIONERS' REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Respondents suggest that their newfound position that millions of noncitizens are suddenly subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) is the result of an "ongoing evolution of the law." Dkt. 10 at 11. That implies a gradual development over a long period of time, but in reality, for the past 30 years Congress, courts, the Board of Immigration Appeals, and DHS itself all consistently treated individuals like the petitioners in this case as subject to bond under § 1226(a). *See Martinez v. Hyde*, 792 F.

Supp. 3d 211, 217 (D. Mass. 2025) ("It is worth noting that such an approach would upend decades of practice. Indeed, mandatory detention for all applicants has only been the official policy of [DHS] for a few weeks."); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025), at *4 (citing the statute's history and text, Congressional intent, "and § 1226(a)'s application for the past three decades"). Instead of being the product of an "evolution" in the law, Respondents' change of position might better be described as a sudden freak mutation, born of the current administration's desire to find a legal basis for the detention of millions of noncitizens.

Most of Respondents' arguments are the same ones that were thoroughly addressed and rejected by Judge Lanza in *Echevarria v. Bondi*, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025), an opinion which other courts in this district, including this Court, have found persuasive and have followed. *See, e.g., Vargas-Murillo v. Bondi*, CV-25-3396 (D. Ariz. Nov. 25, 2025) (Liburdi, J.); *Rodriguez Plascencia v. Bondi*, CV-25-4140 (D. Ariz. Nov. 21, 2025) (Lanza, J.); *Perez Rodriguez v. Noem*, CV-25-3921 (D. Ariz. Nov. 13, 2025) (Tuchi, J); *Gonzalez Rodriguez v. Bondi*, CV-25-3917 (Tuchi, J.); *Benitez-Cornejo v. Cantu*, CV-25-3672, 2025 WL 2992211 (D. Ariz. Oct. 17, 2025) (Tuchi, J.). Nor are these cases outliers: one district judge recently cited "350 cases decided by over 160 different judges sitting in about fifty different courts spread across the United States" who have rejected the arguments Respondents make here. *Barco Mercado v. Francis*, 25-cv-6582, 2025 WL 3295903 (S.D.N.Y. Nov. 26, 2025), at *4.

As the Court's Order to Show Cause suggested, "this case is virtually

indistinguishable from *Echevarria*, and [] Petitioners are entitled to a bond hearing." Dkt. 7 at 3. For the reasons below, the Court should reject Respondents' arguments again and grant the Petitioners' Petition for Writ of Habeas Corpus.

ARGUMENT

I. Respondents offer no compelling reason to depart from *Echevarria*, *Benitez-Cornejo*, and other cases in this district.

Respondents argue that because Petitioners entered the country without inspection, they were "never 'admitted' and thus unambiguously remain[] an 'applicant for admission' who is subject to mandatory detention." Dkt. 10 at 2. But "[e]ven assuming Petitioner is deemed an 'applicant for admission' by operation of law under § 1225(a)(1), it doesn't necessarily follow that § 1225(b)(2)(A) would govern the question of Petitioner's detention during a removal proceeding." *Echevarria*, 2025 WL 2821282, at *5. That is because, as *Echevarria* makes clear, in order to be subject to mandatory detention under § 1225(b), a petitioner must "have undergone an inspection by an 'examining inspection officer,' who in turn made a finding that Petitioner is 'not clearly and beyond a doubt entitled to be admitted." *Id.* Here, as in *Echevarria*, "Respondents' brief makes no effort to address these requirements." *Id.*

Respondents argue that Congress enacted IIRIRA in 1996 "with the goal of 'ensur[ing] that all immigrants who have not been lawfully admitted, regardless of their legal presence in the country, are placed on equal footing in removal proceedings under the INA." Dkt. 10 at 3-4 (citing *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc)). But in fact, courts have found that IIRIRA's legislative history supports

Petitioners' arguments, not Respondents'. *See, e.g., Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025) ("Because noncitizens like Rodriguez were entitled to discretionary detention under Section 1226(a)'s predecessor statute and Congress declared its scope unchanged by IIRIRA, this background supports Rodriguez's position that he too is subject to discretionary detention."). Moreover, as *Echevarria* makes clear, Respondents' reliance on *Torres* is misplaced: in that case, the en banc court explained that § 1225(a)(1)'s reference to an "applicant for admission" refers to a "particular point in time when a noncitizen submits an application to physically enter into the United States"; stretching the phrase "to refer to a period of years would push the statutory text beyond its breaking point." *Echevarria*, 2025 WL 2821282, at *6 (citing *Torres*, 976 F.3d at 924, 926). In other words, according to the Ninth Circuit, it is not tenable to consider petitioners who have lived in this country for decades (like Petitioners Reyes and Camacho) as though they are presently submitting an application seeking admission into the United States. Respondents also cite *Torres* for the proposition that "Congress passed IIRIRA to correct 'an anomaly whereby immigrants who were attempting to lawfully enter the United States were in a worse position than persons who had crossed the border unlawfully.'" Dkt. 10 at 10 (citing *Torres*, 976 F.3d at 928). But nowhere in *Torres* does the court discuss detention; instead, the court's comments dealt with the burden of proof in removal proceedings. *Torres*, 976 F.3d at 928 (noting that under IIRIRA, lawfully admitted noncitizens benefit from an advantageous burden-shift in removal proceedings).

The other cases relied upon by Respondents are similarly inapposite. *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) involved whether noncitizens detained at the border were subject to mandatory detention and had nothing to do with individuals who had been present in the country for years or decades. In *Q. Li*, the respondent was arrested the same day she crossed the border, at a location about 100 yards from the border. *Id.* at 67, 70. The following day, she was released on parole; however, when her parole was terminated by service of a notice to appear, "she [was] restored to the status that … she had at the time of parole," *i.e.*, as an arriving noncitizen subject to mandatory detention under § 1225(b). *Id.* at 70. Her case, in other words, is wholly unlike that of Petitioners, who were not arrested while crossing the border, or paroled into the United States. "This distinction matters because […] immigration parole into the United States employs a legal fiction whereby noncitizens are physically permitted to enter the country but are nonetheless treated, for legal purposes, as if stopped at the border." *Martinez*, 792 F. Supp. 3d at 216 (citing *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (2020) (internal quote marks omitted)). When Ms. Li's parole was terminated, "it was as if she had never entered the country at all. Non-citizens fictively paroled into the United States are in a fundamentally different and less protected position than those who are within the United States after an entry, irrespective of legality." *Id.* (citing *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958)) (internal quote marks omitted); *see also Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("The distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law … once an

alien enters the country, the legal circumstance changes … whether their presence here is lawful, unlawful, temporary, or permanent.").

Florida v. United States, 660 F. Supp. 3d 1239 (N.D. Fla. 2023), also involved noncitizens apprehended at the border and whether the government had "the discretion not to detain [noncitizens] notwithstanding the mandatory language in § 1225(b)(1) and (b)(2)" by "releasing [noncitizens] arriving at the Southwest Border into the country *en masse* through various 'non-detention policies,' including … the exercise of 'prosecutorial discretion' under 8 U.S.C. § 1226(a)." *Florida*, 660 F. Supp. 3d at 1249. The court held that the government was violating the INA by "releasing more than a million [noncitizens] into the country … pursuant to the exercise of 'prosecutorial discretion' under a wholly inapplicable statute – without even initiating removal proceedings." *Id.* This case has nothing to do with the issue here, which is whether individuals who have been in the country for years or decades – as opposed to people detained at the border – are subject to mandatory detention.

Respondents' reliance on *Matter of Lemus-Losa* is similarly misplaced. Dkt. 10 at 9. The statutes discussed in *Lemus-Losa* were 8 U.S.C. § 1182(a)(9)(B) and 8 U.S.C. § 1182(a)(9)(C), which contain the phrases "seeks admission" and "seeking admission," respectively. 25 I&N Dec. 734, 742-45 (BIA 2012). Those statutes apply to noncitizens seeking admission after having previously departed the United States and who are attempting to return. *See* 8 U.S.C. § 1182(a)(9)(B)(i)(I) (applying to those who were unlawfully present for more than 180 days but less than a year, departed and again "seeks

admission" within 3 years of the date of departure); 8 U.S.C. § 1182(a)(9)(B)(i)(II) (applying to those who were unlawfully present for one year or more, who again "seeks admission" within 10 years of the date of departure or removal); 8 U.S.C. § 1182(a)(9)(C)(ii) (applying to those "seeking admission" more than 10 years after the date of the noncitizen's last departure from the United States). Congress's use of "seeking admission" in the context of those who have departed the United States in these other provisions of the INA reinforces Petitioners' position that those "seeking admission" under § 1225 are those who are at the border, not those who are already present in the United States. *See, e.g., Martinez-Elvir v. Olson*, -- F. Supp. 3d --, 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025), at *10 ("Because Petitioner … was not actively, presently, or affirmatively attempting to enter the United States and was not on parole, *Matter of Lemus-Losa* does not support his detention under § 1225"); *Mosqueda v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025), at *5 (also rejecting Government's reliance on *Lemus-Losa*).

Puzzlingly, Respondents "acknowledge[]" Judge Lanza's opinion in *Echevarria* and a District of Massachusetts case, *Martinez*, but not any of the hundreds of other cases that weigh against their position, including many from this district. Dkt. 10 at 12. And after grudgingly acknowledging those two cases, Respondents cite twelve cases they claim support their position, creating a distorted impression that substantial support exists for their position. Instead, the consensus of courts has been overwhelmingly lopsided in favor of Petitioners, and the disproportionate nature of that lopsidedness grows by the day. *Compare Demirel v. Fed. Detention Ctr. Philadelphia*, 2025 WL 3218243 (E.D. Pa. Nov.

18, 2025), at *1 (noting that 282 of 288 district court decisions favor Petitioners' position) *with Barco Mercado*, 2025 WL 3295903 (S.D.N.Y. Nov. 26, 2025), at *4 (citing 350 of 362 cases favoring petitioners, an increase of 68 cases in eight days). And in fact, a number of the cases cited by Respondents are either inapplicable or have been distinguished by other courts. For example, *Pipa-Aquise v. Bondi*, 2025 WL 2490657 (E.D. Va. Aug. 5, 2025), involved a noncitizen detained at the border who had been paroled into the country, as in *Q. Li*. And courts have found *Chavez v. Noem*, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025), *Vargas Lopez v. Trump*, 2025 WL 2780351 (D. Neb. Sept. 30, 2025), and *Pena v. Hyde*, 2025 WL 2108913 (D. Mass. July 28, 2025) to be distinguishable or unpersuasive. *See, e.g., Alonso v. Tindall*, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025), at *7; *Alejandro v. Olson*, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025), at *6.

In sum, this Court should follow its own prior decisions and the overwhelming tide of other cases that have rejected Respondents' arguments.

II. The courts' decisions in the *Rodriguez* and *Maldonado Bautista* class actions provide further support for granting Petitioners habeas relief.

In their Petition, Petitioners argue that they are part of the Bond Denial Class in *Rodriguez v. Bostock*, -- F. Supp. 3d --, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025), *6, because they were initially detained at the Northwest ICE Processing Center in Washington. Respondents argue that they are not part of the class "because they are no longer detained in proceedings before the Tacoma Immigration Court or detained at the Northwest ICE Processing Center." Dkt. 10 at 13. While it is obviously true that Petitioners are no longer detained in Tacoma, one of them (Mr. Aldana) has an alternative bond order

from the Tacoma immigration court under *Rodriguez*, and the other two would as well, had Respondents not moved them outside the Western District of Washington before they could seek relief. Dkt. 1 at ¶ 30, Dkt. 1-1 at 1, 7. The Court should reject Respondents' argument that *Rodriguez* does not apply to them, given that it was Respondents who moved the Petitioners outside that court's jurisdiction, thus frustrating their ability to receive the bond hearings to which they were entitled. To hold otherwise would allow Respondents simply to wait until a *Rodriguez* class member requests a bond hearing and then spirit him away to a distant detention center and claim that the court's order no longer applied.

Respondents further argue that even if *Rodriguez* applies, "the habeas petition should be dismissed to the extent [petitioners'] claims are already being considered in the *Rodriguez* litigation." Dkt. 10 at 13. As an initial matter, Petitioners note that the Tacoma immigration court has simply been ignoring the court's decision in *Rodriguez*, continuing to find a lack of jurisdiction over bond requests, despite the court's declaratory judgment. *See, e.g., Corrales Castillo v. Wamsley*, 2025 WL 3204370 (W.D. Wash. Nov. 17, 2025), at *1. Thus it is not apparent how dismissing this case and leaving Petitioners to rely on *Rodriguez* is likely to result in effective relief. In any event, it is unclear how Petitioners could seek the *Rodriguez* court's intervention in obtaining a bond hearing, given that the Supreme Court has held that the proper respondent in a habeas action is "the warden of the facility where the prisoner is being held." *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Requiring Petitioners to pursue relief through the court in the Western District of Washington would put them in a jurisdictional limbo in which no court would have

jurisdiction over their habeas claim. In an analogous case, the court in *Nguyen v. Scott*, -- F. Supp. 3d --, 2025 WL 2419288 (W.D. Wash. Aug. 21, 2025) allowed a petitioner's habeas case to proceed despite his inclusion in a class action in the District of Massachusetts, noting that "without that opportunity, Petitioner would be left 'powerless to petition the courts for redress' until the *D.V.D.* class action has been 'fully resolved.'" *Id.* at *21 (citing *Pride v. Correa*, 719 F.3d 1130, 1137-38 (9th Cir. 2013)). Here, given that there appears to be no other avenue by which Petitioners could enforce their rights under the *Rodriguez* class action, the court should hear and decide those claims here.

With regard to the nationwide class in *Maldonado Bautista v. Santacruz*, 5:25-cv-1873, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025), Respondents' arguments appear in at least one respect not to be entirely accurate. Respondents contend that, "Critically, however, neither of the [c]ourt's orders in *Bautisa* [*sic*] entered any declaratory judgment as to the certified class or otherwise provided for class-wide relief." Dkt. 10 at 15. In fact, though, the *Maldonado Bautista* court "extend[ed] the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole." *Maldonado Bautista*, 2025 WL 3288403, at *9. Thus, contrary to Respondents' assertion, partial summary judgment has been entered classwide with respect to the claim for a declaratory judgment that Petitioners are being wrongly denied a bond hearing.

While Respondents appear to be correct that a final judgment has not yet been entered in that case pursuant to Fed. R. Civ. P. 54, courts have nonetheless cited *Maldonado Bautista* as additional grounds for granting habeas petitions in cases like this

one. *See, e.g., Rodriguez v. Larose*, 2025 WL 3456475 (S.D. Cal. Dec. 2, 2025), at *5, n.4 ("Petitioner is a member of this class and entitled to the same relief"); *Santuario v. Bondi*, 2025 WL 3469577 (D. Minn. Dec. 2, 2025), at *2, n.4 ("the Court also concludes that Petitioner qualifies as a class member pursuant to the order in *Bautista*, and is entitled to his habeas petition being granted on those alternative grounds").

CONCLUSION

The Court should grant the petition and order Petitioners' immediate release unless:

1) Respondents provide Petitioners Reyes and Camacho with bond hearings pursuant to 8 U.S.C. § 1226(a) within 7 days, at which Respondents bear the burden of justifying Petitioners' continued detention by clear and convincing evidence, and
2) Respondents immediately comply with Petitioner Aldana's alternative bond order.

Dated: December 8, 2025

Respectfully submitted,

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