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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS JESUS COLINA-MEIRA, Petitioner, v. LYONS, ET AL., Respondents.	CASE NO. 1:25-CV-01716-HC-CSK RESPONDENTS' OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS COURT: Hon. Chi Soo Kim

OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

On December 2, 2025, Petitioner Carlos Jesus Colina-Meira ("Petitioner") filed an *ex parte* petition for writ of habeas corpus. ECF 1 ("Pet."). The next day, on December 3, 2025, Petitioner also filed an *ex parte* motion for temporary restraining order and preliminary injunction. ECF 2 ("Mot."). On December 4, 2025, the Honorable United States District Judge Dena M. Coggins denied Petitioner's motion for temporary restraining order and preliminary injunction without prejudice and referred the matter to the Honorable United States Magistrate Judge Chi Soo Kim for further proceedings. ECF 4. On December 5, 2025, the Honorable United States Magistrate Judge Chi Soo Kim submitted an order directing Respondents to file an answer or motion to dismiss within 14 days of the order. ECF 6.

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ARGUMENT

This Court should deny the petition for writ of habeas corpus because Petitioner is not entitled to a bond hearing under 8 U.S.C. § 1226(a). The United States waives oral argument.

I. Defendant is Appropriately Detained as an Applicant for Admission

Petitioner is an alien who is present in the United States. *See* Declaration of Deportation Officer Marbello Pano, attached hereto as Exhibit 9 ("Decl.") at ¶ 6. Petitioner has not been admitted to the United States. *See* Notice to Appear dated October 7, 2025, attached hereto as Exhibit 1 ("Notice") at 1. Petitioner entered the United States pursuant to a grant of parole under Immigration and Nationality Act (I.N.A., hereinafter the "Act") § 212(d)(5). *See* Arrival/Departure Form I-94, dated October 3, 2022, attached hereto as Exhibit 2 ("I-94") at 1; *see also* Record of Inadmissible/Deportable Alien Form I-213, dated October 3, 2022, attached hereto as Exhibit 3 ("I-213 October 3, 2022").

Entry into the United States pursuant to a grant of parole is legally distinct from an admission. *See* 8 C.F.R. § 1.2 ("An arriving alien remains an arriving alien even if paroled pursuant to section 212(d)(5) of the Act, and even after any such parole is terminated or revoked.") Any alien who "is present" in the United States but "has not been admitted" to the United States is "an applicant for admission." 8 U.S.C. § 1225(a)(1*); see also Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) ("an alien who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' is treated as 'an applicant for admission.' 8 U.S.C. § 1225(a)(1)."); s*ee also Alonzo v. Noem, et. al*, No. 1:25-CV-01519-WBS-SCR (E.D. Cal. Nov. 17, 2025) (observing that courts in this circuit and elsewhere have recognized that the term "applicant for admission" functions as a legal designation describing an individual's status for purpose of removal, rather than a strict reference to an individual's pro-active engagement with the process of becoming a lawful entrant).

The fact that Petitioner is an applicant for admission resolves the dispute in this case because applicants for admission must be detained and are not entitled to bond hearings. "Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded." *Jennings*, 583 U.S. at 297. "And neither § 1225(b)(1) nor §1225(b)(2) says anything whatsoever about bond hearings." *Jennings*, 583 U.S. at 297. Because Petitioner is an

applicant for admission, petitioner is subject to detention under 8 U.S.C. § 1225(b)(2)(A) and is not entitled to a bond hearing.

Nor does Petitioner possess a procedural due process right to a bond hearing. For an alien who has not effected a legal entry, i.e., has not been admitted into the United States, "procedural due process is simply whatever the procedure authorized by Congress happens to be." *Angov v. Lynch*, 788 F.3d 893, 898 (9th Cir. 2015). The procedural due process afforded Petitioner is the procedure authorized by Congress in § 1225. Because neither § 1225(b)(1) nor § 1225(b)(2) provide for a bond hearing, Petitioner is therefore not entitled to one as a matter of procedural due process.

II. There is Insufficient Evidence that Petitioner Would be Classified Under § 236 of the Act

Petitioner asserts that he would have been classified under § 236 of the Act prior to July 8, 2025. ECF 1, at 6. Petitioner offers no support for this assertion. Nor is Petitioner's position consistent with Department of Homeland Security's treatment of Petitioner as an alien present in the United States. *See* Notice at 1; I-94 at 1; I-213 October 3, 2022. Even assuming arguendo that Petitioner were released October 2, 2022, on a prior exercise of discretion under § 1226, that exercise of discretion would not entitle Petitioner to force the Executive Branch's deployment of discretion. Petitioner is covered by § 1225 and therefore detention is mandatory and Petitioner is not entitled to a bond hearing[1].

CONCLUSION

For the above-stated reasons, the Court should deny the petition for writ of habeas corpus.

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[1] The United States acknowledges that this Court recently rejected similar arguments in cases involving other aliens detained under § 1225(b)(1). *See, e.g., Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at *8 (E.D. Cal. Mar. 3, 2025); *Castellon v. Kaiser et. al.*, No. 1:25-CV-00968-JLT-EPG (E.D. Cal. Aug. 14, 2025); *Sabi Polo v. Chestnut et al,* 1:25-cv-01342-JLT-HBK (E.D.Cal. Oct 17, 2025).

Dated: December 19, 2025

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By: /s/ NICHOLAS KARP
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