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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MIANELA INGRID CHANCO SERRANO, Petitioner, v. CHRISTOPHER CHESTNUT, et al.,[1] Defendants.	CASE NO. 1:25-CV-01723-DJC-EFB OPPOSITION TO PETITIONER'S HABEAS CORPUS PETITION

I. INTRODUCTION

Petitioner Mianela Ingrid Chanco Serrano ("Petitioner") is a citizen and national of Peru who entered the United States illegally. She is thus an "applicant for admission" who is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2)(A). *See generally Cortes Alonzo v. Noem et al.*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D. Cal. Nov. 17, 2025). The Court should therefore deny Petitioner's petition for writ of habeas corpus.[2]

[1] Respondent moves to strike and to dismiss all unlawfully named officials under § 2241. A petitioner seeking habeas corpus relief is limited to name only the officer having custody of him as the respondent to the petition. 28 U.S.C. § 2242; *Rumsfeld v. Padilla,* 542 U.S. 426, 430 (2004); *Doe v. Garland,* 109 F.4th 1188, 1197 (9th Cir. 2024) (holding, that the warden of the private detention facility at which a non-citizen alien was held was the proper § 2241 respondent).

[2] Because this petition poses a mere question of law that is well-known to the Court, Respondent believes a hearing is not necessary and waives oral argument.

II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioner filed her § 2241 petition on December 2, 2025. ECF 1. In that petition, Petitioner challenges her detention as "arbitrary, capricious, an abuse of discretion, and in violation of the law." ECF 1, ¶ 2. Petitioner requests an order that she be released on her own recognizance or a reasonable bond. ECF 1, ¶ 2.

On December 9, 2025, the Court ordered Respondent to show cause why the § 2241 petition should not be granted within 14 days of the Court's order, i.e., December 3, 2025. ECF 5.

Attorneys for U.S. Immigration and Customs Enforcement have confirmed that Petitioner is currently subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2).

III. LEGAL STANDARDS

"[A]n 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.'" *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (quoting 8 U.S.C. § 1225(a)(1)). This definition applies to "all immigrants who have not been lawfully admitted, regardless of their physical presence in the country." *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020).

If an "examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a [removal] proceeding." 8 U.S.C. § 1225(b)(2)(A). Section 1225(b)(2)(A) "applies to an alien who is physically present in the United States but not lawfully admitted, regardless of how long they have been physically present here." *Altamirano Ramos v. Lyons*, No. 2:25-CV-09785-SVW-AJR, 2025 WL 3199872, at *8 (C.D. Cal. Nov. 12, 2025) (collecting cases). Pursuant to this statutory scheme, detention pending removal proceedings is mandatory. *See Jennings*, 583 U.S. at 299 (holding that "§ 1225(b)(2) requires detention 'for a [removal] proceeding'" (alteration in original)); *In re Li*, 29 I. & N. Dec. 66, 68 (B.I.A. 2025) (noting that for applicants for admission "who are placed directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention 'until removal proceedings have concluded'" (quoting *Jennings*, 583 U.S. at 299)). The only relevant statutory exception to such mandatory detention is that "the Attorney General may 'for urgent humanitarian reasons or significant public benefit' temporarily parole aliens detained under §§ 1225(b)(1) and (b)(2)." *Jennings*, 583 U.S. at 300.

IV. ARGUMENT

The Court should deny Petitioner's § 2241 petition. As an applicant for admission, petitioner is subject to mandatory detention and thus ineligible for a bond hearing. Therefore, the Petitioner's petition for writ of habeas corpus should be denied.

To the extent Petitioner was previously released at the discretion of DHS, even if the release document cited 8 U.S.C. § 1226, this does not have the effect of having converted petitioner's presence in the United States into an "admission." As discussed above, "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.'" *Id.* at 87. Accordingly, Petitioner is subject to mandatory detention under statutory immigration law. 8 U.S.C. § 1225(b)(2)(A); *but see generally Dominguez v. Noem*, No. 1:25-CV-1577-JDP, 2025 WL 3268507 (E.D. Cal. Nov. 24, 2025) (finding § 1226 to be applicable statutory section in case of petitioners detained pending removal proceedings); *but see Ortiz Donis v. Chestnut*, No. 1:25-CV-01228-JLT-SAB, 2025 WL 2879514, at *6–*11 (E.D. Cal. Oct. 9, 2025) (holding § 1225(b)(2)(A) inapplicable to aliens living in United States for years).

Counsel for the government notes that the 8 U.S.C. §§ 1225 and 1226 issue is arising in many immigration cases, including *Rodriguez Vazquez v. Bostock*, 779 F.Supp.3d 1239 (W.D. Wash. 2025), which is on an expedited appeal to the Ninth Circuit and appears to be set for argument on the February 2026 calendar (Ninth Circuit Docket No. 25-6842). Because the issues in *Rodriguez* are likely to be dispositive of the issues in this case, Respondents ask that any further briefing deadlines be held abeyance until the resolution of the *Rodriguez* case.

V. CONCLUSION

For the foregoing reasons, Petitioner's Habeas Corpus Petition should be denied.

Dated: December 22, 2025

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United States Attorney

By: /s/ SHEA J. KENNY
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