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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 LOUIS GILBERTO LUYO CHAVEZ,

11 Petitioner,

12 v.

13 GURMEET SINGH, Warden, et al.

14 Respondents.  
15

CASE NO. 1:25-CV-01727-DAD-CSK

OPPOSITION TO MOTION FOR TEMPORARY  
RESTRAINING ORDER; ANSWER  
TO PETITION FOR WRIT OF  
HABEAS CORPUS; NO HEARING REQUESTED

16 I. INTRODUCTION

17 This Court should deny the petition because petitioner's detention is lawful as he is being  
18 detained pursuant to the mandatory detention statute, 8 U.S.C. § 1225(b). Because there is no  
19 regulatory, statutory, or constitutional requirement that Petitioner be afforded a bond hearing,  
20 Petitioner's claim that he must be afforded a bond hearing before an immigration judge at which the  
21 government bears the burden of proof should be denied. Because petitioner's detention is lawful, the  
22 Court should also deny the temporary restraining order.

23 II. FACTUAL BACKGROUND

24 Petitioner is a native and citizen of Peru who, on April 21 2024, entered the United States  
25 without admission or parole. *See* Attachment 1. That same day, Petitioner was enrolled into the ATD  
26 Intensive Supervision Appearance Program (ISAP) and released with a Notice to Appear and Form I-  
27 862 charging Petitioner with being an alien present in the United States without being admitted or  
28 paroled in violation of INA § 212(a)(6)(A)(i). *Id.* From September 9, 2024 to August 4, 2025 Petitioner

1 incurred eleven (11) violations of the ATD ISAP program. *See* Attachment 2. On October 2, 2025  
2 Petitioner was arrested and re-detained by ICE Enforcement and Removal Operations agents. *See*  
3 Attachment 1. Petitioner was and continues to be detained pursuant to 8 U.S.C. § 1225(b)(2) pending  
4 resolution of his immigration proceedings.

5 **III. STATUTORY BACKGROUND**

6 **A. “Applicants for Admission” Under 8 U.S.C. § 1225**

7 The Immigration and Nationality Act (“INA”) defines an “applicant for admission” as an “alien  
8 present in the United States who has not been admitted or who arrives in the United States (whether or  
9 not at a designated port of arrival . . .).” 8 U.S.C. § 1225(a)(1); *Thuraissigiam*, 591 U.S. at 140 (“an  
10 alien who tries to enter the country illegally is treated as an ‘applicant for admission’”) (citing 8 U.S.C.  
11 § 1225(a)(1)); *Matter of Lemus*, 25 I & N Dec. 734, 743 (BIA 2012) (“Congress has defined the concept  
12 of an ‘applicant for admission’ in an unconventional sense, to include not just those who are expressly  
13 seeking permission to enter, but also those who are present in this country without having formally  
14 requested or received such permission[.]”). However long they have been in this country, an alien who  
15 is present in the United States but has not been admitted “is treated as ‘an applicant for admission.’”  
16 *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

17 Under Section 212(a) of the INA, certain classes of aliens are inadmissible — and therefore  
18 ineligible to be admitted to the United States — including those “present in the United States without  
19 being admitted or paroled[.]” 8 U.S.C. § 1182(a)(6)(A)(i).

20 **B. Detention Under 8 U.S.C. § 1225**

21 Applicants for admission may be removed from the United States by expedited removal under §  
22 1225(b)(1), or full removal proceedings before an immigration judge under 8 U.S.C. § 1229a, pursuant  
23 to § 1225(b)(2). All applicants for admission “fall into one of two categories, those covered by §  
24 1225(b)(1) and those covered by § 1225(b)(2),” both of which are subject to mandatory detention.  
25 *Jennings*, 583 U.S. at 287 (“[R]ead most naturally, §§ 1225(b)(1) and (b)(2) mandate detention for  
26 applicants for admission until certain proceedings have concluded.”). Petitioner is subject to mandatory  
27 detention pending the outcome of those proceedings. 8 U.S.C. § 1225(b)(2)(A).  
28

1           **1. Section 1225(b)(2)**

2           Under Section 1225(b)(2), an alien “who is an applicant for admission” is subject to mandatory  
3 detention pending full removal proceedings “if the examining immigration officer determines that [the]  
4 alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. §  
5 1225(b)(2)(A) (requiring that such aliens “be detained for a proceeding under section 1229a of this  
6 title”); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) (proceedings under section 1229a are “full  
7 removal proceedings under section 240 of the INA”); *see also id.* (“[F]or aliens arriving in and seeking  
8 admission into the United States who are placed directly in full removal proceedings, [] 8 U.S.C. §  
9 1225(b)(2)(A)[] mandates detention ‘until removal proceedings have concluded.’”) (citing *Jennings*, 583  
10 U.S. at 299); 8 C.F.R. § 235.3(b)(3) (an alien placed into § 1229a removal proceedings in lieu of  
11 expedited removal proceedings under § 1225(b)(1) “shall be detained” pursuant to § 1225(b)(2)). DHS  
12 has the sole discretionary authority to temporarily release on parole “any alien applying for admission to  
13 the United States” on a “case-by-case basis for urgent humanitarian reasons or significant public  
14 benefit.” 8 U.S.C. § 1182(d)(5)(A); *see also Biden v. Texas*, 597 U.S. 785, 806 (2022).

15           **C. Detention Under 8 U.S.C. § 1226(a)**

16           A different statutory detention authority, 8 U.S.C. § 1226, applies to aliens who have been  
17 lawfully admitted into the U.S. but are deportable and subject to removal proceedings. Section 1226(a)  
18 provides for the arrest and detention of these aliens “pending a decision on whether the alien is to be  
19 removed from the United States.” 8 U.S.C. § 1226(a). Under § 1226(a), DHS may, in its discretion,  
20 detain an alien during his removal proceedings, release him on bond, or release him on conditional  
21 parole.<sup>1</sup> By regulation, immigration officers can release an alien if he demonstrates that he “would not  
22 pose a danger to property or persons” and “is likely to appear for any future proceeding.” 8 C.F.R. §  
23 236.1(c)(8). An alien can also request a custody redetermination (*i.e.*, a bond hearing) by an IJ at any  
24 time before a final order of removal is issued. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(d)(1),  
25 1236.1(d)(1), 1003.19. At a custody redetermination, the IJ may continue detention or release the alien

26  
27 <sup>1</sup> Being “conditionally paroled under the authority of § 1226(a)” is distinct from being “paroled  
28 into the United States under the authority of § 1182(d)(5)(A).” *Ortega-Cervantes v. Gonzales*, 501 F.3d  
1111, 1116 (9th Cir. 2007) (holding that because release on “conditional parole” under § 1226(a) is not a  
parole, the alien was not eligible for adjustment of status under § 1255(a)).

1 on bond or conditional parole. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d)(1). IJs have broad discretion in  
2 deciding whether to release an alien on bond. *In re Guerra*, 24 I. & N. Dec. 37, 39–40 (BIA 2006)  
3 (listing nine factors for IJs to consider).

4 Until recently, the government interpreted § 1226(a) to be an available detention authority for  
5 aliens present without being admitted or paroled who were placed directly in full removal proceedings  
6 under § 1229a. *See, e.g., Ortega-Cervantes*, 501 F.3d at 1116. In view of legal developments, the  
7 government has determined that this interpretation was incorrect and inconsistent with the plain text of  
8 the statute; 8 U.S.C. § 1225 is the sole applicable immigration detention authority for *all* applicants for  
9 admission. *See Jennings*, 583 U.S. at 297 (“Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate  
10 detention of applicants for admission until certain proceedings have concluded.”).

#### 11 IV. REQUEST FOR ABEYANCE

12 The 8 U.S.C. §§ 1225 and 1226 issue Petitioner raises is also arising in many immigration cases,  
13 including *Rodriguez Vazquez v. Bostock*, 779 F.Supp.3d 1239 (W.D. Wash. 2025), which is on an  
14 expedited appeal to the Ninth Circuit and appears to be set for argument on the February 2026 calendar  
15 (Ninth Circuit Docket No. 25-6842). The statutory analysis in that case may be dispositive of issues  
16 herein. Respondents therefore request that the court hold its ruling on the merits in abeyance pending  
17 the Ninth Circuit’s ruling in *Rodriguez Vazquez*. Such an abeyance would also serve the purpose of  
18 allowing Petitioner to properly exhaust his administrative remedies as discussed below.

#### 19 V. ARGUMENT

##### 20 A. This Court Should Dismiss the Petition or Stay Proceedings Based on Petitioner’s 21 Failure to Exhaust Administrative Remedies.

22 In the Petition, Petitioner admits he has not sought to avail himself of any administrative remedy  
23 to his detention. ECF 1 at 4. Petitioner merely states that he “has filed no other writ of habeas corpus,  
24 and he has no other adequate remedies.” *Id.* Petitioner’s request for release on bond has been heard by  
25 neither an Immigration Judge (IJ) nor the Board of Immigration Appeals (BIA). When an alien fails to  
26 exhaust administrative review, courts should “ordinarily” dismiss the habeas petition without prejudice  
27 or stay proceedings until he exhausts that process. *See Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th  
28 Cir. 2011). Bypassing review by an IJ and the BIA is an “improper” “short cut.” *Id.* The Ninth Circuit

1 identifies three reasons to require exhaustion before entertaining a habeas petition. *See Puga v. Chertoff*,  
2 488 F.3d 812, 815 (9th Cir. 2007). First, the agency’s “expertise” makes its “consideration necessary to  
3 generate a proper record and reach a proper decision.” *Id.* (quoting *Noriega–Lopez v. Ashcroft*, 335 F.3d  
4 874, 881 (9th Cir. 2003)). Second, excusing exhaustion encourages “the deliberate bypass of the  
5 administrative scheme.” *Id.* (quoting *Noriega–Lopez*, 335 F.3d at 881). Third, “administrative review is  
6 likely to allow the agency to correct its own mistakes and to preclude the need for judicial review.” *Id.*  
7 (quoting *Noriega–Lopez*, 335 F.3d at 881). Each reason applies here.

8 **1. Exhaustion is warranted in this case.**

9 As noted above, agency interpretation of § 1225 and § 1226 recently changed. Under current  
10 interpretation, Petitioner is an “applicant for admission” subject to mandatory detention under 8 U.S.C. §  
11 1225(b). Petitioner does not address this issue and instead makes a general argument that his arrest was  
12 “arbitrary” and “capricious.” ECF 1 at 2. This Court likely would benefit from an IJ’s and the BIA’s  
13 expertise interpreting the situation. *See Puga*, 488 F.3d at 815. After all, “the BIA is the subject-matter  
14 expert in immigration bond decisions.” *Aden v. Nielsen*, 2019 WL 5802013, at \*2 (W.D. Wash. Nov. 7,  
15 2019). And the BIA is well-positioned to assess how specific agency actions, such as a release on  
16 recognizance, affects the interplay between § 1225 and § 1226.

17 Moreover, the BIA exists to, among other things, resolve disputes such as that here. *See* 8 C.F.R.  
18 § 1003.1(d)(1). By regulation:

19 [T]he [BIA], through precedent decisions, shall provide clear and uniform guidance to DHS, the  
20 immigration judges, and the general public on the proper interpretation and administration of the  
[INA] and its implementing regulations.

21 *Id.*

22 Waiving exhaustion also would “encourage other detainees to bypass the BIA and directly  
23 appeal their no-bond determinations from the IJ to federal district court.” *Aden*, 2019 WL 5802013, at  
24 \*2. Individuals, like Petitioner, would have little incentive to seek relief before the BIA if this Court  
25 permits review here. This is doubly true for Petitioner, who appears to not even have taken the first step  
26 to have his detention administratively reviewed by an IJ, let alone an appeal to the BIA to adjudicate the  
27 issue. Allowing petitioners to employ the strategy of skipping the agency adjudicative system entirely  
28 and going straight to federal court would needlessly increase the burden on district courts. *See Bd. of Tr.*

1 of *Constr. Laborers' Pension Trust for S. Calif. v. M.M. Sundt Constr. Co.*, 37 F.3d 1419, 1420 (9th Cir.  
2 1994) (“Judicial economy is an important purpose of exhaustion requirements.”); *see also Santos-*  
3 *Zacaria v. Garland*, 598 U.S. 411, 418 (2023) (noting “exhaustion promotes efficiency”). This Court  
4 should allow the administrative process to play out, as Petitioner has taken no action to have his  
5 detention administratively reviewed.

6 **2. Petitioner’s reason to waive exhaustion would swallow the rule.**

7 Federal courts are “not free to address the underlying merits [of a habeas petition] without first  
8 determining the exhaustion requirement has been satisfied or properly waived.” *Laing v. Ashcroft*, 370  
9 F.3d 994, 998 (9th Cir. 2004). Discretion to waive exhaustion “is not unfettered.” *Id.* A petitioner  
10 bears the burden to show that an exception to the exhaustion requirement applies. *Leonardo*, 646 F.3d at  
11 1161; *Aden*, 2019 WL 5802013, at \*3. With only a single unsupported assertion that “appeal within the  
12 agency would be futile,” Petitioner has not done so here.

13 Detention alone is insufficient to excuse exhaustion. *See, e.g., Delgado*, 2017 WL 4776340, at  
14 \*2. Adopting such a rationale “would essentially mandate the release of all detainees while their appeals  
15 were pending and, thereby, stand the exhaustion requirement on its head.” *Meneses v. Jennings*, No. 21-  
16 CV-07193-JD, 2021 WL 4804293, at \*5 (N.D. Cal. Oct. 14, 2021), *abrogated on other grounds by Doe*  
17 *v. Garland*, 109 F.4th 1188 (9th Cir. 2024); *see also Bogle v. DuBois*, 236 F. Supp. 3d 820, 823 n.6  
18 (S.D.N.Y. 2017) (noting that “continued detention . . . is insufficient to qualify as irreparable injury  
19 justifying non-exhaustion”) (quotation marks omitted).

20 Nor has Petitioner alleged that he is suffering or will suffer irreparable harm if he followed the  
21 required course of putting the issue before an IJ and pursuing an appeal with the BIA in the event of an  
22 unfavorable outcome to Petitioner. While Petitioner would remain in custody pending such appeal, so  
23 too does every single individual who alleges unlawful detention, meaning every alien appealing their  
24 detention decision would meet an irreparable-harm standard if that standard is premised solely on  
25 continued detention. *See, e.g., Delgado*, 2017 WL 4776340, at \*2. The exception would swallow the  
26 rule. *See id.* (“Because all immigration habeas petitions could raise the same argument [that detention is  
27 irreparable injury], if it were decisive, the prudential exhaustion requirement would always be waived—  
28 but it is not.”). Therefore, the court should decline to waive exhaustion here and require Petitioner to

1 follow the proper course with an IJ adjudication and a BIA appeal before seeking relief in habeas before  
2 this court.

3 **B. Petitioner is Subject to mandatory detention under 8 U.S.C § 1225(b)**

4 If this court determines that exhaustion is waived and reaches the merits, it should still deny the  
5 petition and the motion for TRO. Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2)(A), which  
6 provides that Petitioner “shall” be detained. Because Petitioner is currently detained under 8 U.S.C. §  
7 1225(b)(2)(A), he is ineligible for release or bond hearing under 8 U.S.C. § 1226(a). He seeks to  
8 circumvent the detention statute under which he is rightfully detained to secure a custody  
9 redetermination hearing that he is not entitled to. Petitioner falls precisely within the statutory definition  
10 of aliens subject to detention pursuant to 8 U.S.C. § 1225(b)(2)(A) because he was and remains an  
11 applicant for admission.

12 Detention under this statute is thus mandatory, and the only mechanism for release is parole,  
13 which may be permitted under 8 U.S.C. § 1182(d)(5) as an exercise of the discretion of the Department  
14 of Homeland Security. Petitioner’s release in April 2024 is best understood as an exercise of that DHS  
15 discretion.<sup>2</sup> DHS then re-detained Petitioner subject to the same grant of discretion on October 2, 2025.  
16 Detentions under 8 U.S.C. § 1225(b) authority do not require warrants. *See Jennings*, 583 U.S. at 302  
17 (explaining that the government may detain an applicant for admission without a warrant under 8 U.S.C.  
18 § 1225(b), but must obtain a warrant under 8 U.S.C. § 1226(a) for other aliens).

19 **C. There is no Constitutional Right to an Immigration Court Bond Hearing and**  
20 **Petitioner’s Right to Due Process has not been Violated.**

21 Petitioner also argues that not providing a pre-re-detention hearing violates his due process  
22 rights. ECF 1 at 6-7. However, Petitioner is an applicant for admission originally apprehended near the  
23 border, so his due process rights are minimal. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103,  
24 107 (finding that an alien apprehended near the border “has no entitlement to procedural rights other  
25 than those afforded by statute”). “Applicants for admission,”—including Petitioner—“fall into one of

26 \_\_\_\_\_  
27 <sup>2</sup> Because the government previously interpreted 8 U.S.C. § 1226(a) as available to those in  
28 Petitioner’s position, Petitioner’s release likely made reference to that provision. Respondents assert  
any such reference was legal error, and the sole provision authorizing release for those in Petitioner’s  
position is discretionary parole under § 1182(d)(5).

1 two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2),” both of which are  
2 subject to mandatory detention. *Jennings*, 583 U.S. at 287 (“[R]ead most naturally, §§ 1225(b)(1) and  
3 (b)(2) mandate detention for applicants for admission until certain proceedings have concluded.”). They  
4 are not entitled to custody redetermination hearings, whether pre- or post-detention. *Jennings*, 583 U.S.  
5 at 297 (“[N]either § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings.”).  
6 Further, as the Supreme Court described in *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 582 (2022),  
7 unlike federal agencies, “[r]eviewing courts are generally not free to impose [additional procedural  
8 rights] if the agencies have not chosen to grant them.”

9 The fact that Petitioner is an applicant for admission resolves the dispute in this case because  
10 applicants for admission must be detained under statute, and they are not entitled to bond hearings. The  
11 court should not invent a due process right to a hearing where none exists in the governing statutory  
12 scheme.

13 While Petitioner correctly notes that due process applies to all persons within the United States,  
14 “due process is flexible and calls for such procedural protections as the particular situation demands.”  
15 *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). Petitioner was never granted admission to the United  
16 States. For immigration law purposes, he is treated as being stopped at the border, even though he has  
17 been physically present within the United States. *Barrera-Echavarria v. Rison*, 44 F.3d 1441, 1450 (9th  
18 Cir. 1995) (en banc); *Thuraissigiam*, 591 U.S. 103, 139 (2020).

19 “[A]pplicants for admission have virtually no constitutional rights regarding their applications.”  
20 *Valencia v. Mukasey*, 548 F.3d 1261, 1263 (9th Cir. 2008) (citing *Landon v. Plasencia*, 459 U.S. 21, 33-  
21 34 (1982)). “Whatever the procedure authorized by Congress is, it is due process as far as an alien  
22 denied entry is concerned.” *Shaughnessy*, 338 U.S. at 544. Thus, when it “involve[s] an asylum  
23 applicant who had not ‘technically entered the United States,’ [the Court] examine[s] only whether the  
24 government violated the statutory rights that Congress afforded such applicants.” *Grigoryan v. Barr*,  
25 959 F.3d 1233, 1241 (9th Cir. 2020) (citation omitted).

26 Immigration laws have long authorized immigration officials to charge aliens as removable from  
27 the country, to arrest aliens subject to removal, and to detain aliens for removal proceedings. *Demore v.*  
28 *Kim*, 538 U.S. 510, 523–26 (2003); *Abel v. United States*, 362 U.S. 217, 232–37 (1960) (discussing

1 longstanding administrative arrest procedures in deportation cases). In the Immigration and Nationality  
2 Act, Congress enacted a multi-layered statutory scheme for the civil detention of aliens pending a  
3 decision on removal, during the administrative and judicial review of removal orders, and in preparation  
4 for removal. *See generally* 8 U.S.C. §§ 1225, 1226, 1231. “Detention during removal proceedings is a  
5 constitutionally valid aspect of the deportation process.” *Velasco Lopez v. Decker*, 978 F.3d 842, 848  
6 (2d Cir. 2020) (citing *Demore*, 538 U.S. at 523 n.7) (“prior to 1907 there was no provision permitting  
7 bail for any aliens during the pendency of their deportation proceedings”); *Carlson v. Landon*, 342 U.S.  
8 524, 538 (1952) (“Detention is necessarily a part of [the] deportation procedure.”); *Reno v. Flores*, 507  
9 U.S. 292, 306 (1993) (“Congress eliminated any presumption of release pending deportation,  
10 committing that determination to the discretion of the Attorney General.”).

11 The government’s interest in protecting the public and preventing deportable non-citizens from  
12 fleeing are strong and compelling. *See e.g., Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1208 (9th Cir.  
13 2022) (government’s interests in “protecting the public from dangerous criminal aliens” and  
14 “increas[ing] the chance that, if ordered removed, the aliens will be successfully removed” are “interests  
15 of the highest order that only increase with the passage of time”).

16 The courts have recognized that “there is little question that the civil detention of [noncitizens]  
17 during removal proceedings can serve a legitimate government purpose, which is ‘preventing deportable  
18 ... [noncitizens] from fleeing prior to or during their removal proceedings, thus increasing the chance  
19 that, if ordered removed, the [noncitizens] will be successfully removed.’” *Prieto-Romero v. Clark*, 534  
20 F.3d 1053, 1065 (9th Cir. 2008) (citing *Demore v. Kim*, 538 U.S. 510, 528 (2003)).

21 The mandatory detention statute does not provide for bond hearings as demanded in the petition.  
22 Congress in the INA did provide for the possibility of parole in the discretion of the agency. 8 U.S.C.  
23 § 1182(d)(5). Due process requires no further relief than that already provided in the parole process  
24 authorized by Congress.

25 **D. Petitioner’s Administrative Procedures Act Claim Fails**

26 The APA is not available to challenge the validity of one’s detention. Instead, by the APA’s  
27 terms, it is available only for final agency action “for which there is no other adequate remedy in court.”  
28 5 U.S.C. § 704. The Supreme Court recently held that, for an action bringing claims for relief, under

1 statutes including the APA and the INA, that necessarily imply the invalidity of a detainee's  
2 confinement, such "claims fall within the 'core' of the writ of habeas corpus and *must be brought in*  
3 *habeas.*" *Trump v. J.G.G.*, 604 U.S. 670 (2025) (emphasis added). Here, Petitioner seeks immediate  
4 release from custody on his own recognizance, either outright or pending a pre-deprivation hearing. This  
5 is a core habeas claim, which fails on the merits for the reasons already discussed, and it is simply not  
6 cognizable under the APA. Petitioner's challenge to his detention cannot be premised on the APA.

7 Petitioner's APA complaints about being arrested at an ICE check-in meeting also lack merit and  
8 must be denied. With regard to review of agency policies, the Supreme Court has held that "[t]he scope  
9 of review under the 'arbitrary and capricious' standard is narrow and a court is not to substitute its  
10 judgment for that of the agency." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins.*  
11 *Co.*, 463 U.S. 29, 43 (1983). "Normally, an agency rule would be arbitrary and capricious if the agency  
12 has relied on factors which Congress has not intended it to consider, entirely failed to consider an  
13 important aspect of the problem, offered an explanation for its decision that runs counter to the evidence  
14 before the agency, or is so implausible that it could not be ascribed to a difference in view or the product  
15 of agency expertise." *Id.*

16 Congress has codified in the INA the Executive Branch's constitutional and inherent authority to  
17 investigate, arrest, and detain aliens who are suspected of being, or found to be, unlawfully present in or  
18 otherwise removable from the United States to effectuate their removal. *See* 8 U.S.C. §§ 1182, 1225,  
19 1226, 1231, 1357. Among other things—and in contexts not necessarily involved here—the INA  
20 authorizes federal immigration officials to make civil immigration arrests with an administrative  
21 warrant, 8 U.S.C. § 1226(a), and without a warrant, 8 U.S.C. § 1357(a); and it explicitly grants the  
22 federal government broad discretion when choosing locations to undertake enforcement actions,  
23 including courthouses, shelters, and visitation centers. 8 U.S.C. § 1229(e). Consistent with that authority  
24 and the Executive Branch's "broad" and "undoubted power" over the enforcement of this Nation's  
25 immigration laws, *Arizona v. United States*, 567 U.S. 387, 394 (2012), Petitioner's arrest at an  
26 adjustment of status interview was neither arbitrary nor capricious.

## 27 VI. CONCLUSION

28 For the foregoing reasons, it is respectfully requested that the Court deny Petitioner's petition for

1 writ of habeas corpus and the motion for a temporary restraining order.

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3  
4 Dated: December 30, 2025

ERIC GRANT  
United States Attorney

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6 By: /s/ ZACHARY MALINSKI  
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8 Assistant United States Attorney  
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