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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 ESTEBAN QUIROGA-CHAPARRO,

12 Petitioner,

13 v.
14

15 WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, ET
AL.,
16

17 Respondents.
18

CASE NO. 1:25-CV-01731

RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS

19 On December 4, 2025, Petitioner Esteban Quiroga-Chaparro file a petition for writ
20 of habeas corpus. ECF No. 1. Petitioner is detained at the Golden State Annex in
21 McFarland, California. Based on his status as an applicant for admission, he is ineligible
22 for release. *See* 8 U.S.C. § 1225(b)(1). This Court should deny the Petition because
23 Petitioner's detention is proper under § 1225(b).

24 I. **BACKGROUND**

25 According to DHS Form I-213, the Petitioner was initially detained by border patrol
26 agents "in the brush in the Del Rio Sector area of operations" on April 14, 2023. *See*
27 Exhibit 1 to Petition ("Pet."), ECF No. 1-1, at 174. After determining he was unlawfully
28 present, they arrested him and transported him to a border patrol station for further

1 processing. *Id.* On May 1, 2023, the DHS granted Petitioner a one-year discretionary
2 period of parole. *Id.* at 213. By the agency’s own terms, this discretionary parole ended
3 automatically “at the end of the one-year period” absent a further extension. *Id.* On
4 October 22, 2025, ICE officers arrested the Petitioner at the San Francisco Intensive
5 Supervision Appearance Program (ISAP) office. Exhibit 2 to Pet., ECF 1-2, at 2.
6 According to ICE, Petitioner is mandatorily detained under 8 U.S.C. § 1225(b) as he is an
7 applicant for admission who entered without inspection.

8 **II. RELEVANT STATUTES**

9 **A. Detention under 8 U.S.C. § 1225**

10 Section 1225 applies to “applicants for admission,” who are defined as “alien[s]
11 present in the United States who [have] not been admitted” or “who arrive[] in the United
12 States.” 8 U.S.C. § 1225(a)(1). Applicants for admission “fall into one of two categories,
13 those covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*,
14 583 U.S. 281, 287 (2018).

15 Section 1225(b)(1) applies to arriving persons and “certain other” individuals
16 “initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid
17 documentation.” *Id.*; 8 U.S.C. § 1225(b)(1)(A)(i), (iii). These persons generally are subject
18 to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if the individual
19 “indicates an intention to apply for asylum . . . or a fear of persecution,” immigration
20 officers will refer the applicant for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii). A
21 person “with a credible fear of persecution” is “detained for further consideration of the
22 application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii). If the person does not indicate an
23 intent to apply for asylum, express a fear of persecution, or is “found not to have such a
24 fear,” he is detained until removed. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

25 Section 1225(b)(2) is “broader” and “serves as a catchall provision.” *Jennings*, 583
26 U.S. at 287. It “applies to all applicants for admission not covered by § 1225(b)(1).” *Id.*
27 Under § 1225(b)(2), an individual “who is an applicant for admission” shall be detained for
28 a removal proceeding “if the examining immigration officer determines that [the] alien

1 seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C.
2 § 1225(b)(2)(A); *see Pena v. Hyde*, 2025 WL 2108913, at *1 (D. Mass. July 28, 2025)
3 (“[§ 1225] authorizes the detention of any alien who 1) is ‘an applicant for admission’ to the
4 country and 2) is ‘not clearly and beyond doubt entitled to be admitted.’” (citing 8 U.S.C.
5 § 1225(b)(2)(A)); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) (“[F]or aliens arriving in
6 and seeking admission into the United States who are placed directly in full removal
7 proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention
8 ‘until removal proceedings have concluded.’”) (citing *Jennings*, 583 U.S. at 299). Still,
9 DHS has the sole discretionary authority to temporarily release on parole “any alien
10 applying for admission to the United States” on a “case-by-case basis for urgent
11 humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A); *see Biden v.*
12 *Texas*, 597 U.S. 785, 806 (2022).

13 **B. Detention under 8 U.S.C. § 1226**

14 Section 1226 provides for arrest and detention of a person “pending a decision on
15 whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a). Under
16 § 1226(a), the government may detain an individual during his removal proceedings,
17 release him on bond, or release him on conditional parole. By regulation, immigration
18 officers can release individuals if they demonstrate that they “would not pose a danger to
19 property or persons” and are “likely to appear for any future proceeding.” 8 C.F.R.
20 § 236.1(c)(8). An individual also can request a custody redetermination (i.e., a bond
21 hearing) by an immigration judge (“IJ”) at any time before a final order of removal is
22 issued. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), 1003.19.

23 At a custody redetermination, the IJ may continue detention or release the person
24 on bond or conditional parole. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d)(1). IJs have broad
25 discretion in deciding whether to release a person on bond. *In re Guerra*, 24 I. & N. Dec.
26 37, 39–40 (BIA 2006) (listing nine factors for IJs to consider).

27 **III. PETITION**

28 Petitioner argues that his detention violates his due process rights under the Fifth

1 Amendment. Pet. at 12. He asserts that Respondents detained him without “any
2 individualized determination of whether he is a safety or flight risk.” *Id.*

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4 **IV. ARGUMENT**

5 **A. This Court should deny the Petition because, under the plain text of**
6 **§ 1225, Petitioner is subject to mandatory detention pending the outcome**
7 **of his removal proceeding.**

8 This Court should reject Petitioner’s argument that § 1226(a) governs his detention,
9 instead of § 1225(b), and deny the Petition. When there is “an irreconcilable conflict in
10 two legal provisions,” then “the specific governs over the general.” *Karczewski v. DCH*
11 *Mission Valley LLC*, 862 F.3d 1006, 1015 (9th Cir. 2017). Section 1226(a) applies to
12 individuals “arrested and detained pending a decision” on removal. 8 U.S.C. § 1226(a). In
13 contrast, § 1225 is narrower. *See* 8 U.S.C. § 1225. It applies only to “applicants for
14 admission”; that is, as relevant here, individuals present in the United States who have
15 not been admitted. *See id.*; *see also Florida v. United States*, 660 F. Supp. 3d 1239, 1275
16 (N.D. Fla. 2023). Because Petitioner falls within that category, the specific detention
17 authority under § 1225 governs over the general authority found at § 1226(a).

18 As noted above, under 8 U.S.C. § 1225(a), an “applicant for admission” is defined as
19 an “alien present in the United States who has not been admitted or who arrives in the
20 United States.” Applicants for admission “fall into one of two categories, those covered by
21 § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings*, 583 U.S. at 287. Section
22 1225(b)(2) is the “broader” of the two. *Id.* It “serves as a catchall provision that applies to
23 all applicants for admission not covered by § 1225(b)(1) (with specific exceptions not
24 relevant here).” *Id.* And § 1225(b)(2) mandates detention. *Id.* at 297; *see also* 8 U.S.C. §
25 1225(b)(2); *Matter of Q. Li*, 29 I & N. Dec. at 69 (“[A]n applicant for admission who is
26 arrested and detained without a warrant while arriving in the United States, whether or
27 not at a port of entry, and subsequently placed in removal proceedings is detained under
28 section 235(b) of the INA, 8 U.S.C. § 1225(b), and is ineligible for any subsequent release
on bond under section 236(a) of the INA, 8 U.S.C. § 1226(a).”). Section 1225(b), therefore,

1 applies because Petitioner is present in the United States without being admitted.

2 The BIA has long recognized that “many people who are not *actually* requesting
3 permission to enter the United States in the ordinary sense are nevertheless deemed to be
4 ‘seeking admission’ under the immigration laws.” *Matter of Lemus-Losa*, 25 I. & N. Dec.
5 734, 743 (BIA 2012) (emphasis in original). Statutory language “is known by the company
6 it keeps.” *Marquez-Reyes v. Garland*, 36 F.4th 1195, 1202 (9th Cir. 2022) (quoting
7 *McDonnell v. United States*, 579 U.S. 550, 569 (2016)). The phrase “seeking admission” in
8 § 1225(b)(2)(A) must be read in the context of the definition of “applicant for admission” in
9 § 1225(a)(1). Applicants for admission are both those individuals present without
10 admission and those who arrive in the United States. *See* 8 U.S.C. § 1225(a)(1). Both are
11 understood to be “seeking admission” under §1225(a)(1). *See Lemus-Losa*, 25 I. & N. Dec.
12 at 743.

13 In sum, Petitioner’s detention is proper under § 1225(b), because he is an applicant
14 for admission who is not “clearly and beyond doubt” entitled to admission. *See Pena*, 2025
15 WL 2108913, at *1 (D. Mass. July 28, 2025) (“[§ 1225] authorizes the detention of any
16 alien who 1) is ‘an applicant for admission’ to the country and 2) is ‘not clearly and beyond
17 doubt entitled to be admitted.’” (citing 8 U.S.C. § 1225(b)(2)(A)).¹

18 **C. Due Process**

19 Petitioner argues his detention without a bond hearing violates his right to due
20 process. Pet. at 12. If this Court determines that Petitioner’s detention ultimately is
21 governed by § 1226, Respondents request that, as a remedy, this Court order Respondents
22 to provide Petitioner with a bond hearing to consider the merits of release under § 1226, as
23 he still would be subject to that statute’s discretionary review procedures.

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27 ¹ Respondents acknowledge that multiple district courts have disagreed with their interpretation of
28 § 1225 as relevant here. *See Romero v. Hyde*, 2025 WL 2403827 (D. Mass. August 19, 2025)
(collecting cases).

V. CONCLUSION

This Court should deny the Petition because Petitioner's detention is proper under § 1225(b). Finally, the United States does not request a hearing in this matter.

Dated: December 22, 2025

ERIC GRANT

United States Attorney

By: /s/ ADRIAN T. KINSELLA

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