

I. BACKGROUND

Petitioner is a native and citizen of Cuba. (Dkt. No. 2-2 at p. 1). He entered the United States without inspection. (Dkt. No. 1 at ¶ 35). He was neither admitted nor granted parole. (Dkt. No. 2-2 at p. 1). He is currently detained at Montgomery Processing Center in Conroe, TX. (Dkt. No. 1 ¶ 2).

On December 4, 2025, Petitioner sought a writ of habeas corpus, challenging the legality of his detention. (Dkt. No. 1). He specifically alleges that 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2), governs his detention and consequently, he should be released, amongst other relief requested. (*See generally* Dkt. No. 1).

II. APPLICABLE LAW

In a petition for a writ of habeas corpus, the petitioner is challenging the legality the restraint or imprisonment. *See* 28 U.S.C. § 2241. The burden is on the petitioner to show the confinement is unlawful. *Walker v. Johnston*, 312 U.S. 275, 286 (1941). When it comes to detention during removal proceedings, it is well-understood that the authority to detain is elemental to the authority to deport, as “[d]etention is necessarily a part of th[e] deportation procedure.” *Carlson v. Landon*, 342 U.S. 524, 538 (1952); *see Wong Wing v. United States*, 163 U.S. 228, 235 (1896) (“Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the inquiry into their true character, and while arrangements were being made for their deportation.”). As the Supreme Court has stated, “[d]etention during removal proceedings is a constitutionally permissible part of that process.” *Demore v. Kim*, 538 U.S. 510, 531 (2003).

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROBERT LIAN MATOS MATOS,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL NO. 4:25-cv-05821
	§	
KRISTI NOEM, <i>et al.</i> ,	§	
	§	
Respondents.	§	
	§	

**RESPONSE TO THE PETITION FOR WRIT OF HABEAS CORPUS
AND MOTION FOR SUMMARY JUDGMENT**

The Government¹ responds to Petitioner’s habeas petition and respectfully requests that this Court deny his petition under 28 U.S.C. § 2241 and grant summary judgment for the Government under Federal Rule of Civil Procedure 56.

Petitioner fails to show his detention is unlawful. Based on the 8 U.S.C. § 1225’s plain language and structure, he is subject to mandatory detention. *See* 8 U.S.C. § 1225(a),(b)(2). Additionally, the Board of Immigration Appeals (BIA) decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) and persuasive district court decisions, including the recent decision in *Cabanas v. Bondi*, No. 4:25-CV-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025) (J. Eskridge), further show why Petitioner’s detention is mandatory. Accordingly, this Court should deny Petitioner’s habeas petition and grant summary judgment for the Government.

¹ The proper respondent in a habeas petition is the person with custody over the petitioner. 28 U.S.C. § 2242; *see also* § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). That said, it is the originally named federal respondents, not the named warden in this case, who make the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.

III. ARGUMENT

A. SUMMARY

Petitioner fails to meet his burden to show his detention is unlawful. he is an “applicant for admission” and consequently subject to mandatory detention.

When deciding whether 8 U.S.C. § 1225(b)(2) or 8 U.S.C. § 1226(a) is the applicable statute, the underlying, dispositive issue is whether Petitioner is an “applicant for admission.” *Compare* 8 U.S.C. § 1225(a),(b)(2) *with, id.* § 1226(a). If he is not, then 8 U.S.C. § 1226(a) is applicable and he would be entitled to a bond hearing. However, if he is considered an “applicant for admission” then 8 U.S.C. § 1225(b)(2) applies and his detention is not only lawful, but mandated. *See id.* § 1225(b)(2)(A) (using “shall”).

Based on the plain language and structure of 8 U.S.C. § 1225, as well as other persuasive authorities, Petitioner is an “applicant for admission.” Consequently, 8 U.S.C. § 1225(b)(2) is the applicable statute, which mandates his detention. Thus, Petitioner fails to show his detention is unlawful.

B. PETITIONER IS SUBJECT TO MANDATORY DETENTION UNDER 8 U.S.C. § 1225

1. The Plain Language and Statutory Structure of the INA

“As usual, we start with the statutory text.” *Restaurant Law Center v. U.S. Dep’t of Labor*, 120 F.4th 163, 177 (5th Cir. 2024). And the text of 8 U.S.C. 1225 unambiguously provides Petitioner is an “applicant for admission,” subject to mandatory detention. 8 U.S.C. § 1225(a),(b)(2).

First, 8 U.S.C. § 1225(a)(1)’s clear meaning demonstrates Petitioner is an “applicant for admission.” The statute defines an such an applicant as “an alien present in the United States who has not been admitted.” *Id.* § 1225(a)(1). This includes aliens that arrive “whether or not

at a designated port of arrival.” *Id.* Here, as Petitioner concedes, he was not previously admitted into the United States and is present in the United States. (Dkt. No. 1 at ¶ 35). He is an “applicant for admission.”

Second, 8 U.S.C. § 1225(b)(2) provides that unless an alien seeking admission “is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for [removal proceedings].” Here, Petitioner—who is pending a removal proceeding—is not clearly and beyond a reasonable doubt entitled to be admitted and “shall” be detained.

Thus, based on the statutory text of 8 U.S.C. § 1225(a)(1),(b)(2) and its clear meaning Petitioner is an “applicant for admission” and “shall” be detained until his removal proceeding concludes.

Petitioner erroneously argues for a separate requirement to 8 U.S.C. § 1225(b)(2); the mandatory-detention provision only applies to an alien who (1) arrived at a port of entry or (2) recently entered the United States. (Dkt. No. 1, ¶¶ 32, 34). The argument follows that because Petitioner did not enter through a port of entry, escaped into the United States without an inspection, and avoided apprehension until after he was residing in the United States, he is not “seeking admission” and, thus, 8 U.S.C. § 1225(b)(2) is not applicable. (Dkt. No. 1, ¶¶ 32-34). So according to Petitioner, an alien who lawfully enters, through a port of entry, must be detained. But an alien who avoids a port of entry is not required to be detained. Except aliens who “recently entered” must be detained regardless of whether they entered at a port of entry. (Dkt. No. 1, ¶ 32).

Juxtapose that illogical argument with a contrary, logical argument. In the context of the statute, “seeking admission” and “applying for admission” are synonymous. Congress has

linked these two variations of the same phrase in 8 U.S.C. § 1225(a)(3), which requires all aliens “who are applicants for admission or otherwise seeking admission” to be inspected by immigration officers. The word “or” here “introduce[s] an appositive—a word or phrase that is synonymous with what precedes it (‘Vienna or Wien,’ ‘Batman or the Caped Crusader’).” *United States v. Woods*, 571 U.S. 31, 45 (2013). Read properly, a person “seeking admission” is another way of describing a person applying for admission, which includes both those individuals arriving in the United States and those already present without admission. *See* 8 U.S.C. § 1225(a)(1).

A comparison of 8 U.S.C. § 1225’s mandatory-detention provisions against the discretionary detention provisions of 8 U.S.C. § 1226 also supports the Government’s interpretation. A basic canon of statutory construction is that a specific provision should govern over a more general provision encompassing that same matter. *See Matter of GFS Indus., L.L.C.*, 99 F.4th 223 (5th Cir. 2024). Here, 8 U.S.C. § 1226(a) is the general provision, applicable to aliens “arrested and detained pending a decision” on removal. Section 1225, by contrast, is more specific, applying particularly to aliens who are “applicants for admission”—a specially defined subset of aliens that explicitly includes those “present in the United States who ha[ve] not be admitted.” 8 U.S.C. § 1225(a). So while the general rule might be that aliens detained pending removal may be detained, the specific rule for aliens who have not been admitted is that this subset of aliens must be detained.² Because Petitioner falls squarely within the definition of individuals deemed to be “applicants for admission,” the specific detention

² To be clear, there remains a large population of aliens who remain subject to § 1226 discretionary detention (and not § 1225 mandatory detention). For example, aliens who were admitted to the United States via a tourist visa, but who overstayed that visa, are subject to § 1226 detention.

authority under 8 U.S.C. § 1225(b)(2) governs over the general authority found at 8 U.S.C. § 1226(a).

2. The BIA's Decision in *Matter of Hurtado*

The text of the INA requires that aliens like Petitioner already present in the United States are applicants for admission and thus subject to mandatory detention under 8 U.S.C. § 1225(b)(2). To be sure, while this interpretation is straightforward, that is not to say there are no colorable counterarguments. (See Dkt. No. 1, ¶¶ 25-26 (citing cases presenting such counterarguments)). However, the BIA's decision in *Hurtado* thoughtfully and meticulously considered and rejected a myriad of counterarguments. See 29 I. & N. at 221–27 (discussing and rejecting no fewer than six distinct legal counterarguments). *Hurtado* is a unanimous, published decision from the BIA and binding on immigration courts. Here, the BIA utilized its immigration expertise and gave a lengthy, comprehensive account as to why the Government's position in this case is not only correct, but comfortably so.

3. Persuasive decisions from other district courts

In the absence of controlling authority, other district courts' decisions—decisions applying the plain language of the INA and finding aliens like Petitioner subject to mandatory detention under 8 U.S.C. § 1225(b)(2)—are persuasive. Although the Government acknowledges that there are district court decisions that hold to the contrary,³ several district courts have adopted the Government's and the BIA's interpretation. See, e.g., *Vargas Lopez v.*

³ This includes decisions from other courts in the Southern District of Texas. See, e.g., *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025)(on appeal); *Fuentes v. Lyons*, 5:25-cv-153 (S.D. Tex. October 16, 2025); *Ortiz v. Bondi*, 5:25-cv-132 (S.D. Tex. October 15, 2025); *Baltazar v. Vasquez*, 25-cv-175 (S.D. Tex. October 14, 2025); *Covarrubias v. Vergara*, 5:25-cv-112 (S.D. Texas October 8, 2025).

Trump, No. 8:25-CV-00526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, No. 3:25-CV-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025).

Recently, a district court in the Western District of Louisiana agreed with the BIA's reading of the INA. *See Sandoval v. Acuna*, No. 6:25-CV-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025). In denying the habeas petition, the court held that "[b]ecause Petitioner crossed the United States-Mexico border without being inspected by an immigration officer, [Petitioner was] therefore also appropriately categorized as an inadmissible alien . . . [and thus concluded] that § 1225(b)(2)'s plain language and the 'all applicants for admission language' of *Jennings* permits [DHS] to detain Petitioner under § 1225(b)(2)." *Id.*; *see Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). The court dismissed the same argument raised by Petitioner—that 8 U.S.C. 1225(b)(2) only applies to aliens who recently entered the United States or entered through a port of entry—providing:

"[T]o conclude that an alien who has unlawfully entered the United States and managed to remain in the country for a sufficient period of time is entitled to a bond hearing, while those who seek lawful entry and submit themselves for inspection are not, not only conflicts with the unambiguous language of the governing statutes, but would also seemingly undermine the intent of Congress in enacting the IIRIRA."

Sandoval, 2025 WL 3048926, at *6.

Additionally, another court from the Southern District of Texas found the same. *See Cabanas v. Bondi*, No. 4:25-CV-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025) (J. Eskridge). In denying the habeas petition and granting the Government's motion for summary judgment, the *Cabanas* Court held "[t]he text of § 1225(b)(2)(A) supports the Government's position." The *Cabanas* Court reasoned that "[t]he statutory definition of *applicant for admission* is broad and, indeed, so broad that Petitioner doesn't dispute that he is such a person

That factual determination itself resolves the question as to whether 8 U.S.C. § 1225(b)(2)(A) applies.” *Id.* at *4 (emphasis in original). Thus, the *Cabanas* Court held that the plain language of the INA required a ruling in the Government’s favor, explaining why it was not persuaded by the other district court decisions deciding to the contrary. *Id.* at *5.

Thus, both *Sandoval* and *Cabanas*—and their application of 8 U.S.C. § 1225(a),(b)(2)—further demonstrate that Petitioner is an “applicant for admission” and subject to mandatory detention.⁴

IV. CONCLUSION

For the foregoing reasons, the Government respectfully request that this Court deny Petitioner’s request for habeas relief and grant the instant motion. This Court should enter judgment as a matter of law finding that Petitioner is lawfully subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2).

⁴ The Court should be aware that a court in the Central District of California recently certified a class of aliens who are being detained under § 1225(b)(2). *Maldonado v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The *Maldonado* court granted class certification and partial summary judgment for the plaintiffs in that case, but did not issue a class-wide declaratory judgment. The court also did not issue a class-wide injunction. As such, although the matter is still being reviewed by the Department of Justice, the *Maldonado* court’s decision is not controlling on the legal issues before the Court, but it may require dismissal of this action if Petitioner is a *Maldonado* class member. See *Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988).

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on December 8, 2025, the foregoing was filed and served on all attorneys of record via the District's ECF system.

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