UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

ENRIQUE CRUZ MENDOZA, Petitioner, v. PAMELA JO BONDI, United States Attorney General; KRISTI L. NOEM, Secretary of Homeland Security; DHS; EOIR; MIGUEL VERGARA, Field Office Director, ICE ERO Harlingen; and, JOAN MILNER, Warden, Port Isabel Detention Center; in their official capacities; Respondents.	)	Civil Action No. 1:25-cv-304

PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS AND IN OPPOSITION TO RESPONDENTS' MOTION FOR SUMMARY JUDGMENT

I. INTRODUCTION

Petitioner submits this Reply in response to the Government's Response to the Petition for Writ of Habeas Corpus and Motion for Summary Judgment. The Government asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) as an "applicant for admission," and

therefore is categorically ineligible for release or a bond hearing. Based on that premise, the Government seeks summary judgment as a matter of law.

Although the Government's position is supported by a recent Board of Immigration Appeals decision and by certain district court rulings, it is not the only reasonable interpretation of the statute, nor is it controlling on this Court. The Government's own briefing acknowledges a significant split in authority, including within the Southern District of Texas, on the precise legal question presented. That split alone precludes summary judgment and confirms that Petitioner's continued detention without bond is not compelled by clear statutory command.

Moreover, the Government's analysis fails to account for the statutory context in which § 1225 operates, the procedural posture of Petitioner's case, and the limits of agency adjudications when weighed against Article III judicial authority. For these reasons, the Petition should be granted and the Government's Motion for Summary Judgment denied.

II. RESPONSE TO THE GOVERNMENT'S SUMMARY OF ITS POSITION

The Government contends that Petitioner is subject to mandatory detention because he entered the United States without inspection and was never admitted or paroled, rendering him an "applicant for admission" under 8 U.S.C. § 1225(a)(1). According to the Government, that designation alone triggers mandatory detention under § 1225(b)(2), regardless of when or how Petitioner was apprehended, and regardless of the procedural framework under which removal proceedings are conducted.

That argument overstates both the clarity and the reach of § 1225(b)(2). While the statute requires detention of certain applicants for admission, it does not follow that every noncitizen who entered without inspection and is later apprehended in the interior of the United States must be detained indefinitely without bond. The Government's interpretation collapses the distinction between

inspection-based detention under § 1225 and post-arrest detention pending removal under § 1226, a distinction Congress deliberately preserved.

The Government's request for summary judgment thus depends on a legal conclusion that is actively disputed by multiple courts and is not resolved by binding precedent.

III. FACTUAL AND PROCEDURAL CONTEXT

The factual history is largely undisputed. Petitioner entered the United States in 2007 without inspection and was not apprehended at the border or subjected to expedited removal. He lived continuously in the United States for many years, during which his removal proceedings were administratively closed while he pursued relief through established legal channels. His recent detention arose from an interior encounter in 2025 and the resumption of standard removal proceedings under 8 U.S.C. § 1229a.

These facts are legally significant. Petitioner is not seeking admission at a port of entry, nor is he undergoing an inspection or admissibility determination under § 1225. He is defending against removal in the ordinary course, and his detention flows from that process. The statutory authority governing detention in this posture is § 1226(a), unless Congress has clearly stated otherwise. It has not.

IV. LEGAL STANDARDS GOVERNING SUMMARY JUDGMENT AND HABEAS RELIEF

Summary judgment is appropriate only where there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. In the habeas context, while the petitioner bears the burden of demonstrating unlawful detention, the Government must still establish that detention is authorized by statute.

Here, the dispute is not factual but legal: whether § 1225(b)(2) or § 1226(a) governs Petitioner's detention. The existence of conflicting judicial interpretations of these provisions

demonstrates that the law is not settled in the Government's favor. Where genuine issues of law remain, summary judgment is inappropriate.

V. ANALYSIS OF THE GOVERNMENT'S MANDATORY DETENTION ARGUMENT

The Government argues that § 1225(b)(2) applies to Petitioner because he is an "applicant for admission," and that the terms "seeking admission" and "applying for admission" are synonymous for purposes of detention authority. The Government further contends that § 1225(b)(2), as the more specific statute, overrides § 1226(a).

This reading is not compelled by the statute. Although § 1225(a)(1) defines "applicant for admission" broadly, that definition must be read in context. Section 1225 as a whole governs inspection and admissibility determinations, not detention following interior apprehension and placement into § 1229a proceedings. The Government's interpretation would extend § 1225(b)(2) far beyond its functional role, converting a provision designed for border processing into a mechanism for indefinite detention of long-term residents.

The Government's reliance on the Board's decision in Matter of Hurtado does not resolve this issue. While Hurtado reflects the agency's view, it is not binding on this Court, particularly in a habeas proceeding. Moreover, the existence of numerous district court decisions reaching contrary conclusions—including within this District—demonstrates that Hurtado does not reflect an uncontested or inevitable reading of the statute.

Indeed, the Government itself acknowledges that multiple courts have rejected its position and found similarly situated petitioners eligible for bond under § 1226(a). That acknowledgment undermines any claim that the statute is unambiguous or that summary judgment is warranted.

VI. TREATMENT OF CONTRARY AUTHORITY

The Government urges the Court to follow those district court decisions that have adopted its interpretation of § 1225(b)(2), while distinguishing or discounting contrary rulings. However, the presence of a recognized split in authority is precisely why summary judgment is inappropriate.

Where reasonable jurists disagree on the governing statute, the Court cannot conclude that the Government is entitled to judgment as a matter of law. At a minimum, the split confirms that Petitioner's detention without bond is not mandated by clear statutory text and that habeas relief remains available.

VII. REMEDY

The Government argues that, even if Petitioner prevails, the appropriate remedy is a bond hearing rather than immediate release. Petitioner agrees that a prompt bond hearing under § 1226(a) would cure the statutory violation. However, any such hearing must be ordered with a firm deadline, given the Government's continued insistence that Petitioner is categorically ineligible for bond.

VIII. CONCLUSION

The Government's reply and motion for summary judgment are not entitled to dispositive effect. Although supported by recent agency interpretation and certain district court rulings, the Government's position is not the only reasonable reading of the statute and is contradicted by substantial contrary authority. The acknowledged split in district court decisions confirms that genuine issues of law remain regarding the applicability of § 1225(b)(2) versus § 1226(a).

For these reasons, the Court should deny Respondents' Motion for Summary Judgment, grant the Petition for Writ of Habeas Corpus, and order Respondents to provide Petitioner a bond hearing under 8 U.S.C. § 1226(a) within a prompt and definite timeframe, or release him from custody.

Dated: January 13, 2026

Respectfully submitted,

By: */s/ Anthony Matulewicz*
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CERTIFICATE OF SERVICE

The undersigned certifies that on January 13, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Anthony Matulewicz
Anthony Matulewicz