

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

JUAN MIGUEL AYALA AYALA,

Petitioner

v.

MARTIN L. FRINK, *et al.*,

Respondents.

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Civil Action No. 4:25-CV-05832

**PETITIONER'S RESPONSE IN OPPOSITION TO RESPONDENTS' MOTION FOR
SUMMARY JUDGMENT**

Respectfully submitted,
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PETITIONER’S RESPONSE IN OPPOSITION TO RESPONDENTS’ MOTION FOR SUMMARY JUDGMENT

I. INTRODUCTION AND SUMMARY OF THE ARGUMENT

Respondents’ Motion for Summary Judgment should be denied. The Government seeks judgment as a matter of law based on a statutory interpretation that this Court—and other courts in this District—have already rejected after full merits briefing. See *Pedraza Aradillas v. Frink*, No. H-25-5331, slip op. at 9–15 (S.D. Tex. Nov. 17, 2025); *Cruz Gutierrez v. Thompson*, No. 4:25-cv-04695, slip op. at 6–14 (S.D. Tex. Nov. 14, 2025). Rule 56 does not permit summary judgment where the movant seeks to relitigate a pure question of law that reasonable jurists—and this Court—have already resolved against it. See *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

Respondents contend that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) as an alleged “applicant for admission.” See Respondents’ Motion for Summary Judgment, ECF No. 10. That contention fails as a matter of law. Section 1225(b)(2) applies only to noncitizens “seeking admission,” a present-tense concept tied to inspection and entry at the

border. See 8 U.S.C. § 1225(b)(2)(A); *Lopez-Benitez v. Francis*, 2025 WL 2371588, at *6 (S.D.N.Y. Aug. 13, 2025). It does not apply to long-term residents apprehended in the interior years after entry. See *Cruz Gutierrez*, *slip op.* at 10–11.

Petitioner entered the United States in 2008, lived here continuously for nearly two decades, and was encountered during a routine traffic stop in 2025. See Petition for Writ of Habeas Corpus ¶¶ 38–39, ECF No. 1. His detention is therefore governed by 8 U.S.C. § 1226(a), the default detention statute for noncitizens arrested in the interior, which expressly authorizes release on bond or conditional parole. See 8 U.S.C. § 1226(a); *Demore v. Kim*, 538 U.S. 510, 531 (2003).

Respondents’ motion rests on the premise that once detention is authorized, it may continue without temporal limitation or individualized process. Neither the INA nor the Constitution permits such indefinite civil confinement. See *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001).

Under the Government’s interpretation, a noncitizen apprehended in the interior could be detained for the duration of removal proceedings without a bond hearing, based solely on agency interpretation and without clear congressional authorization. That position rests primarily on *Matter of Yajure Hurtado* and an expansive reading of § 1225(b)(2) that neither the statute nor binding precedent supports. See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). After *Loper Bright Enterprises v. Raimondo*, agency interpretations of statutes receive no deference, and courts must independently determine the scope of detention authority. See 144 S. Ct. 2244, 2261–63 (2024).

Respondents further attempt to dispose of Petitioner’s due-process claim by asserting that detention during the pendency of removal proceedings is categorically constitutional. That assertion misstates the law. Courts must first construe the INA and avoid constitutional questions where the statute provides a clear answer, and Supreme Court precedent makes clear that civil

immigration detention is subject to temporal and procedural limits. See *Clark v. Martinez*, 543 U.S. 371, 381–82 (2005); *Zadvydas*, 533 U.S. at 690.

Jennings v. Rodriguez did not decide whether § 1225(b)(2) applies to long-term residents apprehended in the interior, nor did it relieve courts of their obligation to construe detention statutes narrowly where liberty is at stake. See *Jennings v. Rodriguez*, 583 U.S. 281, 296–97 (2018). Accepting the Government’s theory would permit detention without bond, without individualized assessment, and without temporal limitation, raising serious constitutional concerns. See *Zadvydas*, 533 U.S. at 690. Where such concerns are present, courts must adopt the narrower, constitutionally permissible construction. See *Clark v. Martinez*, 543 U.S. 371, 381–82 (2005). Summary judgment must therefore be denied.

The INA’s text, structure, longstanding application, and controlling intra-district authority confirm that § 1226(a) governs Petitioner’s detention, and Respondents’ motion therefore fails as a matter of law.

II. SUMMARY JUDGMENT STANDARD

Summary judgment is appropriate only where the movant demonstrates that there is no genuine dispute of material fact and that it is entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986). Where a court’s decision turns on statutory interpretation that directly affects physical liberty, courts must exercise heightened caution before resolving the matter summarily. *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001) (recognizing freedom from physical restraint as a core liberty interest protected by due process). When a detention statute is subject to competing reasonable interpretations, federal courts must conduct an independent analysis rather than adopt an agency’s interpretation by default. *Jennings v. Rodriguez*, 583 U.S. 281, 296–97 (2018).

Statutory ambiguity in the detention context must be construed narrowly to avoid serious constitutional concerns. See *Clark v. Martinez*, 543 U.S. 371, 381–82 (2005); *Clark v. Johnson*, 202 F.3d 760, 764 (5th Cir. 2000). Consistent with these principles, courts confronting the same statutory detention question presented here have denied summary judgment where the law is unsettled and liberty interests are implicated. *Cruz Gutierrez v. Thompson*, No. 4:25-cv-04695, slip op. at 1–2 (S.D. Tex. Nov. 14, 2025). Accordingly, where courts have reached conflicting conclusions on a statutory detention question affecting physical liberty, summary judgment is inappropriate as a matter of law. *Celotex*, 477 U.S. at 322–23; *Zadvydas*, 533 U.S. at 690–91.

III. SECTION 1226(A), NOT SECTION 1225(B)(2), GOVERNS PETITIONER'S DETENTION

The Immigration and Nationality Act (“INA”) establishes distinct and mutually exclusive detention regimes that correspond to a noncitizen’s procedural posture. Congress deliberately separated detention authority into three principal provisions: (1) detention during inspection and admission at the border, 8 U.S.C. § 1225; (2) detention pending removal proceedings conducted under 8 U.S.C. § 1229a, governed by 8 U.S.C. § 1226; and (3) detention following a final order of removal, governed by 8 U.S.C. § 1231. This statutory structure reflects Congress’s intent to tie detention authority to where an individual is in the removal process.

Section 1226(a) applies by default to noncitizens who are “pending a decision on whether the alien is to be removed from the United States,” a status that exists only in full removal proceedings under § 1229a. Petitioner was apprehended in the interior of the United States and placed in § 1229a removal proceedings, not inspection or expedited removal proceedings. (Dkt. 1 ¶¶ 38–41; Dkt. 10 at 2–3). His detention therefore falls squarely within § 1226(a), which authorizes release on bond or conditional parole.

Section 1225(b)(2), by contrast, governs a fundamentally different procedural moment: the inspection and admission of individuals who are “seeking admission” at a port of entry or the border. Its text, structure, and placement within the INA presuppose an inspection-based determination of admissibility—not post-entry detention following interior apprehension. As the Supreme Court has explained, § 1225 applies “at the Nation’s borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Nothing in the INA authorizes DHS to treat a person who entered the United States years earlier, lived in the interior, and is now in § 1229a proceedings as perpetually “seeking admission.” Extending § 1225(b)(2) beyond the border context severs the provision from its inspection-based function and collapses the INA’s carefully calibrated detention scheme. That reading contradicts both statutory structure and common sense.

Jennings does not support DHS’s position. The Supreme Court in *Jennings* repeatedly emphasized that § 1225(b) applies at the border and ports of entry, not to individuals apprehended in the interior long after entry. See *Jennings*, 583 U.S. at 287. Nothing in *Jennings* suggests that § 1225(b)(2) authorizes mandatory detention of noncitizens placed in full removal proceedings under § 1229a. See *Rosado v. Figueroa*, 2025 WL 2337099, at *6 (D. Ariz. Aug. 11, 2025); *Diaz Martinez v. Hyde*, 2025 WL 2084238, at *5–6 (D. Mass. July 24, 2025).

Courts consistently reject DHS’s attempt to transform *Jennings* into a license for indefinite interior detention, recognizing that such a reading divorces § 1225 from its inspection-based purpose and improperly expands mandatory detention beyond what Congress authorized. See, e.g., *Pizarro Reyes v. Raycraft*, 2025 WL 2609425, at *4–6 (E.D. Mich. Sept. 9, 2025).

Respondents' reliance on the purported "evolution" of the INA's detention provisions does not salvage their position. Although Congress amended the immigration statutes through IIRIRA, it preserved distinct detention regimes tied to a noncitizen's procedural posture, including inspection and admission at the border under § 1225 and detention pending removal proceedings under § 1226. Nothing in IIRIRA—or any subsequent amendment—authorized DHS to convert § 1225(b)(2), an inspection-based provision, into a roving detention authority applicable years after entry and following interior apprehension. To the contrary, the Supreme Court has repeatedly cautioned that detention statutes must be construed narrowly and in a manner that avoids serious constitutional concerns, even where Congress has expanded enforcement authority. See *Zadvydas v. Davis*, 533 U.S. 678, 689–91 (2001); *Clark v. Martinez*, 543 U.S. 371, 381–82 (2005); *Jennings v. Rodriguez*, 583 U.S. 281, 296–97 (2018).

IV. SECTION 1226(C)(1)(E) CONFIRMS THAT INADMISSIBLE NONCITIZENS ARE DETAINED UNDER § 1226(A) BY DEFAULT

The statutory text of § 1226 itself squarely refutes the Government's position. Section 1226(c)(1)(E) mandates detention of certain noncitizens who are "inadmissible" under 8 U.S.C. § 1182(a)(2), confirming that Congress expressly contemplated inadmissible noncitizens as falling within § 1226's detention framework. See 8 U.S.C. § 1226(c)(1)(E). Congress's decision to impose mandatory detention only on a defined subset of inadmissible noncitizens necessarily presupposes that inadmissible noncitizens are otherwise governed by § 1226(a). See *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025).

That structure reflects a settled principle of statutory interpretation: when Congress creates specific exceptions or carveouts within a statute, it confirms that the statute applies in all other circumstances. As courts have explained, "when Congress creates specific exceptions to a statute's applicability, it proves that absent those exceptions, the statute generally applies." *Id.* (quoting

Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 559 U.S. 393, 400 (2010)); see also *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025).

Under DHS's interpretation, § 1226(c)(1)(E) would be rendered largely meaningless, as inadmissible noncitizens would never be detained under § 1226 in the first place. That reading violates the fundamental rule that courts must give effect to every provision Congress enacted and avoid interpretations that reduce statutory text to surplusage. See *Shady Grove*, 559 U.S. at 400.

The inclusion of inadmissible noncitizens within § 1226(c) therefore confirms that § 1226(a) governs detention by default, with mandatory detention imposed only in the narrow circumstances Congress expressly specified. DHS's attempt to reroute all inadmissible noncitizens into § 1225(b) cannot be reconciled with the statute's text, structure, or basic canons of construction. See *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257.

V. DHS'S NEW INTERPRETATION CONFLICTS WITH DECADES OF PRACTICE AND THE INA'S PLAIN TEXT

Following the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), the agency expressly acknowledged that noncitizens who entered without inspection and were placed in full removal proceedings are detained under 8 U.S.C. § 1226(a)—not § 1225. See *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). That contemporaneous interpretation reflected the agency's understanding that § 1225 governs inspection and admission at the border, while § 1226 governs detention once removal proceedings under § 1229a have commenced. *Id.*

For decades thereafter, individuals situated like Petitioner routinely received bond hearings unless subject to mandatory detention under § 1226(c). In July 2025, DHS abruptly repudiated that settled statutory understanding through internal policy guidance, asserting for the first time that all

individuals who entered without inspection are subject to mandatory detention under § 1225(b)(2), regardless of how long they have resided in the United States or where they were apprehended. That position marks a sharp departure from the agency's own longstanding construction of the INA and is unsupported by any intervening act of Congress. See *Buenrostro-Mendez v. Bondi*, No. H-25-3726, 2025 WL 2886346, at *2–3 (S.D. Tex. Oct. 7, 2025).

Courts nationwide have overwhelmingly rejected DHS's revised interpretation as incompatible with the INA's text, structure, and historical application. See, e.g., *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *6–8 (D. Mass. July 7, 2025); *Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2337099, at *5–7 (D. Ariz. Aug. 11, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425, at *4–6 (E.D. Mich. Sept. 9, 2025). Those courts consistently hold that § 1226(a)—not § 1225(b)(2)—governs the detention of noncitizens apprehended in the interior and placed in removal proceedings under § 1229a. See *id.*

Courts have further explained that DHS's interpretation collapses the INA's carefully tiered detention scheme by transforming § 1225(b)(2)—a provision designed for border inspection—into a detention authority untethered from any temporal or geographic limitation. See *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1254–58 (W.D. Wash. 2025). That reading not only contradicts statutory structure but would effectively nullify § 1226(a) for noncitizens charged as inadmissible. *Id.*

Such a result cannot be reconciled with Congress's express inclusion of inadmissible noncitizens within the mandatory-detention provision of § 1226(c). See 8 U.S.C. § 1226(c)(1)(E). If DHS were correct, § 1226(c)(1)(E) would be rendered largely meaningless—an outcome courts

reject because Congress does not enact superfluous provisions. See *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010).

VI. MATTER OF YAJURE HURTADO IS NOT BINDING AND DOES NOT SAVE THE GOVERNMENT'S MOTION

The Government's reliance on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), is misplaced. Decisions of the Board of Immigration Appeals are not binding on Article III courts in habeas proceedings and cannot control the interpretation of federal detention statutes. See *INS v. St. Cyr*, 533 U.S. 289, 312–13 (2001). Nor does *Yajure Hurtado* carry persuasive force. The decision attempts to collapse the INA's carefully structured detention framework by authorizing mandatory detention where the statute does not permit it. District courts nationwide have declined to apply *Yajure Hurtado* for that reason, recognizing that it conflicts with the text, structure, and longstanding application of 8 U.S.C. §§ 1225 and 1226. See *Buenrostro-Mendez v. Bondi*, No. H-25-3726, 2025 WL 2886346, at *3 n.3 (S.D. Tex. Oct. 7, 2025) (collecting cases).

Courts within this District have likewise refused to follow *Yajure Hurtado*. See *Pedraza Aradillas v. Frink*, No. H-25-5331, slip op. at 3–4 (S.D. Tex. Nov. 17, 2025). Those courts have recognized that a BIA decision cannot override statutory text, long-settled agency practice, or the requirement that detention statutes be construed narrowly where liberty is at stake. See *id.*; see also *Buenrostro-Mendez*, 2025 WL 2886346, at *3–4.

To the extent the Government suggests that *Yajure Hurtado* warrants deference, that argument fails as well. Federal courts independently interpret statutes, and agency adjudications cannot expand detention authority beyond what Congress has prescribed. See *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 412–13 (2024); *Kisor v. Wilkie*, 588 U.S. 558, 573 (2019).

In short, *Matter of Yajure Hurtado* does not bind this Court, does not supply persuasive authority, and does not authorize detention beyond the limits Congress established in the INA. See *Loper Bright*, 603 U.S. at 412–13; *St. Cyr*, 533 U.S. at 312–13.

VII. INTRA-DISTRICT AUTHORITY STRONGLY FAVORS APPLYING § 1226(A)

Courts within the Southern District of Texas have already considered—and rejected—the Government’s interpretation of the INA’s detention provisions. See *Buenrostro-Mendez v. Bondi*, No. H-25-3726, 2025 WL 2886346, at *1–4 (S.D. Tex. Oct. 7, 2025). Those courts have held that 8 U.S.C. § 1226(a), not § 1225(b)(2), governs the detention of noncitizens apprehended in the interior of the United States and placed in full removal proceedings under § 1229a. *Id.*

In *Pedraza Aradillas v. Frink*, Senior United States District Judge Lee H. Rosenthal squarely rejected DHS’s reliance on § 1225(b)(2) and declined to follow *Cabanas v. Bondi*. No. H-25-5331, slip op. at 3–4 (S.D. Tex. Nov. 17, 2025). The court held that “as a matter of plain-text reading, it is § 1226(a) that applies to people situated like the Petitioner, not § 1225(b)(2)(A).” *Id.* (quoting *Buestan v. Chu*, No. 25-cv-16034, 2025 WL 2972252, at *1 (D.N.J. Oct. 21, 2025)). That conclusion rested on the statutory text, the structure of the INA, and Congress’s deliberate distinction between border-inspection detention and post-entry removal detention. *Id.* at 2–4.

Judge Rosenthal further recognized that DHS’s position represents a recent and abrupt departure from decades of settled agency practice and would result in mandatory detention without bond for individuals who historically and statutorily fell within § 1226(a). *Id.* at 2–4. The court concluded that continued detention while appellate courts resolve the statutory dispute “is not supported by the statute,” and ordered the Government to provide a bond hearing under § 1226(a) or release the petitioner. *Id.* at 4. That holding directly undermines Respondents’ position here and

confirms that § 1226(a) governs Petitioner’s detention. See *id.*; *Buenrostro-Mendez*, 2025 WL 2886346, at *4.

Other federal courts within Texas have reached the same conclusion. See *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337, 2025 WL 2691828, at *10–12 (W.D. Tex. Sept. 22, 2025). The *Lopez-Arevelo* court described the “comfortable majority position” as requiring a bond hearing under § 1226(a) for noncitizens apprehended in the interior. *Id.* at 12. Courts within the Fifth Circuit have likewise rejected DHS’s attempt to extend § 1225(b)(2) beyond the border context. See *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136, at *5–7 (W.D. La. Aug. 27, 2025).

Courts nationwide have overwhelmingly rejected DHS’s interpretation and concluded that § 1226(a) governs detention in cases like this one. See *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1254–58 (W.D. Wash. 2025). Those courts have explained that applying § 1225(b)(2) to individuals apprehended long after entry collapses the INA’s detention framework and renders § 1226 largely superfluous. *Id.*; see also *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *6–8 (D. Mass. July 7, 2025).

Additional courts have reached the same conclusion through plain-text analysis and structural reasoning. See *Diaz Martinez v. Hyde*, No. CV-25-11613-BEM, 2025 WL 2084238, at *5–6 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2337099, at *5–7 (D. Ariz. Aug. 11, 2025). These courts have also declined to defer to *Matter of Yajure Hurtado*, recognizing that agency adjudication cannot expand detention authority beyond the statute’s plain meaning. See *Rodriguez Vazquez*, 779 F. Supp. 3d at 1258; *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425, at *4–6 (E.D. Mich. Sept. 9, 2025).

In light of this substantial intra-district, statewide, and nationwide authority, Respondents' reliance on § 1225(b)(2) represents a clear outlier position. The weight of authority confirms that § 1226(a) governs Petitioner's detention and entitles him to an individualized bond hearing.

Respondents' reliance on *In re Guerra*, 24 I. & N. Dec. 37 (BIA 2006), see Respondents' Motion at 6, does not alter that conclusion. *Guerra* does not address which detention statute governs individuals apprehended in the interior; instead, it presupposes that detention is governed by § 1226(a) and addresses only the factors an immigration judge may consider when exercising bond discretion under that provision. *Id.* at 40–41. Far from supporting Respondents' reliance on § 1225(b)(2), *Guerra* confirms that noncitizens situated like Petitioner fall within § 1226(a)'s detention framework. *Id.*

VIII. DETENTION WITHOUT A BOND HEARING VIOLATES THE FIFTH AMENDMENT'S DUE PROCESS CLAUSE

When the Government applies the wrong detention statute, the resulting denial of a bond hearing is not a discretionary error but a constitutional violation. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Respondents' assertion that detention during the pendency of removal proceedings is categorically constitutional misstates the law, as the Supreme Court has repeatedly held that civil immigration detention is subject to due process constraints and becomes unconstitutional when it is prolonged or untethered from its regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690–92 (2001); *Demore v. Kim*, 538 U.S. 510, 531–33 (2003); *Jennings v. Rodriguez*, 583 U.S. 281, 300–01 (2018).

Even where Congress has authorized mandatory detention, the Supreme Court has made clear that such detention is constitutionally permissible only when it is strictly limited in duration and justified by narrowly defined governmental interests. *Demore v. Kim*, 538 U.S. 510, 531–33 (2003). In *Demore*, the Supreme Court upheld mandatory detention under 8 U.S.C. § 1226(c) only

because Congress authorized detention of a narrow class of noncitizens for a brief and finite period. *Id.* at 528–30. The Court expressly relied on statistical evidence demonstrating that detention under § 1226(c) generally lasts “roughly a month and a half” and, even for individuals who pursue administrative appeals, “about five months.” *Id.* at 529–30. The Supreme Court emphasized that its holding did not extend to prolonged or indefinite detention and cautioned that extended confinement without individualized process would raise serious constitutional concerns. *Id.* at 532–33.

The facts underlying *Demore* further underscore the narrowness of its holding. The detainee in that case was a lawful permanent resident with multiple criminal convictions, including burglary and theft offenses, and the Court relied heavily on Congress’s findings regarding the risks posed by criminal noncitizens when evaluating the Government’s interest in categorical detention. *Id.* at 513–14, 518–21. Petitioner has no criminal convictions and does not fall within the class of noncitizens whose detention Congress deemed presumptively necessary to protect public safety or ensure appearance at removal proceedings. *Id.* The Government’s interest in categorical detention is therefore materially weaker here than in *Demore*, while Petitioner’s liberty interest remains at its apex. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

More recently, the Supreme Court confirmed that although the immigration statutes do not themselves require periodic bond hearings, noncitizens retain the right to bring as-applied constitutional challenges to prolonged detention. *Jennings*, 583 U.S. at 300–01. Judicial review therefore remains available where detention exceeds constitutionally permissible limits. *Id.* at 301.

Accepting Respondents’ position would carry serious real-world consequences. Under the Government’s theory, a noncitizen apprehended in the interior—regardless of how long he has lived in the United States and regardless of whether he has any criminal history—could be detained

for the entire duration of removal proceedings without a bond hearing, without an individualized assessment, and without any temporal limitation. Such a regime would convert civil immigration detention into potentially indefinite confinement based solely on agency interpretation, a result the Supreme Court has repeatedly warned raises grave constitutional concerns. *Zadvydas*, 533 U.S. at 690–91; *Demore*, 538 U.S. at 531–33.

Here, Petitioner has resided continuously in the United States since on or about 2008 and was arrested by ICE on November 9, 2025. His continued detention has already extended well beyond the brief period relied upon by the Supreme Court in *Demore*. *Demore*, 538 U.S. at 529–30. Detention of this length bears no resemblance to the temporary confinement upheld in that case and instead mirrors the type of prolonged detention the Court has repeatedly cautioned may violate due process. *Id.* at 532–33; *Zadvydas*, 533 U.S. at 690–92.

Under these circumstances, continued detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment, and Respondents are not entitled to summary judgment as a matter of law. *Jennings*, 583 U.S. at 300–01; *Zadvydas*, 533 U.S. at 690.

IX. CONCLUSION AND REQUEST FOR RELIEF

For the foregoing reasons, Respondents’ Motion for Summary Judgment should be denied. The Immigration and Nationality Act does not authorize Petitioner’s detention under 8 U.S.C. § 1225(b)(2); rather, 8 U.S.C. § 1226(a) governs his custody and entitles him to an individualized bond hearing. Even if detention were otherwise authorized, continued confinement without a bond hearing and without temporal limitation violates the Due Process Clause of the Fifth Amendment.

Petitioner respectfully requests that the Court deny Respondents’ Motion for Summary Judgment and grant the Petition for Writ of Habeas Corpus. Petitioner further requests that the Court order Respondents to provide an individualized bond hearing under 8 U.S.C. § 1226(a)

within a specified period, or, in the alternative, order Petitioner's immediate release from custody.

Petitioner requests any additional relief the Court deems just and proper.

Respectfully submitted,
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