UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Geiser Ramirez Mejia,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of Homeland Security,

Department of Homeland Security,

Todd M. Lyons, Acting Director of Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

Daren K. Margolin, Director for Executive Office for Immigration Review,

Executive Office for Immigration Review,

and,

David Easterwood, Acting Director, St. Paul Field Office, Immigration and Customs Enforcement.

Respondents.

0:25-cv-04564-NEB-ECW

COMBINED REPLY IN SUPPORT OF TRO AND WRIT OF HABEAS CORPUS

INTRODUCTION

This Court should rule consistently with its previous determinations in this District and sister districts. The facts here are indistinguishable. Petitioner was detained in the interior of the United States years after entering without inspection. Over 200 district court decisions have validated the Court's previous conclusion. The Court should grant the requested relief and order a bond hearing within seven days or Petitioner's immediate release.

REPLY ARGUMENT

I. LIKELIHOOD OF SUCCESS ON THE MERITS

As articulated above, hundreds of cases have exercised jurisdiction and subsequently found that the detention of individuals in materially identical positions with Petitioner—i.e., a person initially detained at the border, released on recognizance under 8 U.S.C. § 1226(a) according to DHS records, and then re-detained on a warrant at some later point—was improper under 8 U.S.C. § 1225(a)(2)(B). Those individuals, like Petitioner, were entitled to bond hearings under 8 U.S.C. § 1226(a). Respondents point to a few contrary decisions. The weight of the authority, consistent with the record, plain text, context, congressional intent, and long held practice all illustrate why this writ must issue.

a. The Plain Text Illustrates that 8 U.S.C. § 1225(b)(2)(A) Cannot Apply as Petitioner Was Not "Seeking Admission" When He Was Detained on December 6, 2025.

The government raises three arguments. None is availing. First, they argue that all "applicants for admission" are perpetually "seeking admission." ECF No. 19, at 9. The government neglects that these two terms are separated by the word "or" in 8 U.S.C. § 1225(a)(3). The word "or" "is almost always disjunctive, that is, the words it connects are to 'be given separate meanings.'" *United States v. Woods*, 571 U.S. 31, 45 (2013) (citing *Reiter v. Sonotone Corp.*, 442 U.S. 330, 339 (1979)). In other words, "or" is generally disjunctive and here, some "applicants for admission" are "seeking admission" and some who are not "applicants for admission" may be "otherwise seeking admission," and all those people are subject to inspection. However, only those who are both an "applicant for admission" and "seeking admission … shall be detained." 8 U.S.C. § 1225(b)(2)(A). This was explained beautifully in *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025) (illustrative graph). Moreover, 8 U.S.C. § 1225(a)(3) defines who "shall be inspected by immigration officers." It does not define who "shall be detained." Ultimately, only those who are both an "applicant for admission" and "seeking admission … shall be detained." 8 U.S.C. § 1225(b)(2)(A). The provisions are different and address different things. The Court must ensure it gives each an independent meaning.

Admission as an action act refers to seeking lawful entry. It is unavoidable that this comports with a section identified as inspection and refers to individuals as

applicants for admission. There is no doubt that at the time of Petitioner's apprehension, he was not trying to enter lawfully. This conflicts with "admission," which is "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1182(a)(13)(A). "The word 'entry' by its own force implies a coming from outside." *U.S. ex rel. Claussen v. Day*, 279 U.S. 398, 401 (1929). "Seeking" means "to try to acquire or gain." *Seek*, MERRIAM WEBSTER'S ENGLISH DICTIONARY (11th Ed. 2020). When Petitioner was detained, he was not seeking lawful admission from outside. Respondents never explain how § 1101(a)(13)(A) supports the notion that a person continues in perpetuity to seek lawful entry from within the United States. It is illogical.

Second, Respondents argue that Petitioner manufactures a "third category of applicants for admission[.]" ECF No. 9, at 11. He does not. Under the plain language of 8 U.S.C. § 1225(b)(2)(A), an alien must be an "applicant for admission" and actively "seeking admission" for mandatory detention to apply. Petitioner appears to be an "applicant for admission," but he is not, and was not at the time of his apprehension, "seeking admission." Respondent's position, on the other hand, would write the "seeking admission" requirement out of the statute by treating it identically to "applicant for admission." That is improper as the terms are separately defined. *Compare* 8 U.S.C. § 1225(a), *with* 8 U.S.C. § 1101(a)(13)(A). Mandatory detention requires both, *see* 8 U.S.C. § 1225(b)(2)(A), yet Respondents would collapse them

into one. That would render "seeking admission" "inoperative or superfluous, void or insignificant." *Corley v. United States*, 556 U.S. 303, 314 (2009). That is improper.

The more significant surplusage issue is Respondents' wholescale abrogation of the Laken Riley Act. As a rule, courts do not "adopt an interpretation of a congressional enactment which renders superfluous another portion of that same law." *Sudan v. Harrison*, 139 S. Ct. 1048, 1058 (2019). In fact, this "canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme." *Chicago v. Fulton*, 141 S. Ct. 585, 591 (2021) (quoting *Yates v. United States*, 574 U.S. 528, 543 (2015)). As previously briefed, Respondents' reading would render the entire LRA surplusage. It would swallow the narrow mandatory detention provisions aimed at some people present without admission or parole whole, *see* 8 U.S.C. § 1226(c)(E), by subjecting all such individuals to mandatory detention. That is obviously improper.

Third, Respondents point to *Florida v. United States,* 660 F.Supp.3d 1239 (N.D. Fla. 2023). ECF No. 9, at 11. That case is in no way instructive. There, the court limited its inquiry to "aliens arriving at the Southwest Border into the country *en masse*." 2025 WL 2108913, at 1249. In that case, where individuals were caught crossing the southwest border of the United States, that is "seeking entry" into the United States. Those people were properly categorized under 8 U.S.C. § 1225(b),

but Petitioner was apprehended inside the country, hundreds of miles from any border. The case is totally dissimilar.

The final cases to which Respondents point are equally unconvincing. As for *Pena v. Hyde*, there, a district court refused to unconditionally release a petitioner who failed to ask for bond and argued that an approved I-130 was a visa. 2025 WL 2108913, at *1 (D. Mass. July 28, 2025). The petition was based on a fundamental misunderstanding of the law and asked for relief that was unavailable to the petitioner. In *Sandoval v. Acuna*, the court selectively read *Jennings*, focusing only on the two classes of people in 8 U.S.C. 1225 but failing to engage in the language of "seeking admission," "inspection," and "examination." No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025). The court failed to acknowledge that 8 U.S.C. 1226(a) specifically discusses apprehension. *Chen v. Almodovar*, 2025 WL 3484855 (S.D.N.Y Dec. 4, 2025), reflects the flaw in the few adverse decisions that exist. *Chen* and others do not engage what constitutes "seeking," nor do they acknowledge the administrative record that shows that Respondents apprehended, and sometimes initially released, a person under § 1226. *Chen*, for example, tries to suggest that the vast majority of courts have contrived a third requirement in which a person has to be seeking an admission consistent with the definition of admission set forth in 8 U.S.C. § 1101(a)(13)(A). *Cabanas v. Bondi*, 2025 WL 3171331 (S.D.

Tx. Nov. 13, 2025), merges the actor and the action as if they are one in the same. Petitioner's opening memorandum rebuts this position.

Furthermore, *Chen*, *Cabanas*, and cases like them maintain that § 1225(b)(2) becomes meaningless. There is a bevy of case law demonstrating that § 1225(b)(2) applies to numerous individuals who are not arriving aliens, however. Most notably, it applies to lawful permanent residents who do not qualify or satisfy the returning resident exemption. Section 1225(b)(2) requires the detention of such individuals until an immigration court determines whether the person is a returning resident or not. This is a very large population of individuals. It includes people who have been abroad for too long, criminality, national security concerns, and other grounds. *Chen* lastly makes the fatal mistake of making an application for relief, such as asylum, into some form of seeking admission. This is contrary to law and Board of Immigration Appeals precedent. Several forms of relief are not tantamount to admission. "TPS does not come with a ticket of admission." *Sanchez v. Mayorkas*, 593 U.S. 409, 416 (2021). Adjustment of status is not "admission." *See Matter of J-H-J-*, 26 I. & N. Dec. 563, 565 (BIA 2015). A grant of asylum is not an "admission." 8 U.S.C. § 1158(b)(1)(A). Relief is not admission. *Chen* and others simply fail to recognize that precedent and statute contradict their supposition.

There is a constant theme in the few negative cases of not engaging with the positive caselaw and maintaining tunnel vision. An applicant for admission has to

be fulfilling the condition of seeking admission for 8 U.S.C. 1225(b) to apply. None of these negative cases engage in the definition of admission, which is defined in the Act. None of the cases that Respondents cite move the needle. The Court must continue to see that there is a difference from fitting the mold as an applicant for admission and doing something to seek admission. There is no action here that invokes § 1225(b)(2). In fact, the only action is the government apprehending consistent with § 1226.

b. Legislative History Cuts Against Respondents.

Respondents lean on platitudes about the intent behind IIRIRA but avoid the entire legislative record. Respondents cite out of circuit caselaw for the proposition that IIRIRA was "intended to replace *certain* aspects of the [then-]current 'entry doctrine.'" ECF No. 9, at 14 (citing *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020)). Notably, Respondents also cite the same House Report that specifically indicated how "the Attorney General [was empowered] to arrest, detain, and release on bond an alien who is not lawfully in the United States." *See* H.R. Rep. No. 104-469, pt. 1, at 229 (1996); ECF No. 9, at 14. Contemporaneous House Reports note how the detention authority that now lives at 8 U.S.C. § 1226(a) merely "restates the [then] current provisions in section 242(a)(1) [8 U.S.C. § 1252(a)] regarding the authority of the Attorney General to arrest, detain, and release on bond an alien who is not lawfully in the United States." H.R. Rep. No. 104-469, pt. 1, at 229 (1996).

Since bond was available then, it is now too. Congress could not have been clearer. If, as Respondents contend, that "a specific provision applying with particularity to a matter should govern over a more general provision encompassing that same matter[,]" ECF no. 9, at 11 (citing *Hughes v. Canadian Nat'l Ry. Co.*, 105 F.4th 1060, 1067 (8th Cir. 2024)), then the specific determination that noncitizens present without admission like Petitioner are eligible for bond controls over contentions that certain, though not all, aspects of the entry doctrine were to be replaced.

c. Prior Conduct is Still Relevant

"The contemporaneous construction of those who were called upon to act under the law, and were appointed to carry its provisions into effect, is entitled to very great respect," particularly "when an Executive Branch interpretation was issued roughly contemporaneously with enactment of the statute and remained consistent over time." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 386 (2024). Here, Respondents' long-held agency practice was first articulated precisely when the law was codified. The position remained uniform for 29 years. This reinforces Petitioner's position and, in light of all the arguments made *supra*, he is eligible for bond.

II. REMAINING *DATAPHASE* FACTORS

Respondents make no arguments regarding the harm of ongoing illegal detention absent a bond hearing. Nor could they as "[f]reedom from imprisonment

lies at the heart of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001). Indeed, "a loss of liberty … is perhaps the best example of irreparable harm." *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018). Irreparable harm has been established.

As for the equities, the government overturned the apple cart after 29 years. This is an erratic departure. As for the status quo, Petitioner was out of custody until Respondents detained him, and moreover, accepting illegal detention as an acceptable status quo is anathema to the very principle of habeas corpus and ordered liberty. Finally, the government has cemented this position at the administrative level through the publication of *Matter of Yajure Hurtado*, 29 I. & N. Dec. 2016 (BIA 2025); 8 C.F.R. § 1003.1(g)(1). This, despite over 200 adverse district court rulings. Whatever "compelling interest" the government has in this matter has been forfeited.

CONCLUSION

Petitioner has demonstrated that his detention absent a bond hearing is illegal. A writ must issue. If the Court requires additional time to mull the matter, he has illustrated a strong likelihood of success on the merits, will suffer significantly and irreparably in the absence of a TRO, and the equities weigh in his favor. As such, either a writ or a TRO must be granted ordering Respondents to provide Petitioner with a bond hearing within seven days.

DATED: December 16, 2025

Respectfully submitted,

/s/ *David Wilson*
David Wilson
MN Attorney Lic. No. 0280239
Wilson Law Group
3019 Minnehaha Avenue
Minneapolis, MN
(612) 436-7100 / dwilson@wilsonlg.com

/s/ *Gabriela Anderson*
Gabriela Anderson
MN Attorney Lic. No. 0504395
Wilson Law Group
3019 Minnehaha Avenue
Minneapolis, MN 55406
(612) 436-7100 / ganderson@wilsonlg.com

Attorneys for Petitioner