



Petitioner a is “an applicant for admission” under Section 12245(b)(2)(A) and therefore subject to mandatory detention without a bond. ECF No. 9 at 7-15.

United State District Courts in Texas<sup>2</sup> and across the country<sup>3</sup> have overwhelmingly rejected this interpretation. *See, e.g., Cruz Valera v. Baltazar et al.*, 1:25-cv-03744-CNS,

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<sup>2</sup> *Chang v. Noem*, No. SA-25-CV-1259-FB (HJB), 2025 U.S. Dist. LEXIS 260525 (W.D. Tex. Dec. 17, 2025); *Kusi v. Noem*, No. 3:25-cv-527-KC, at \*2-3 (W.D. Tex. Nov. 25, 2025); *Aragones v. Noem*, No. 3:25-cv-590-KC (W.D. Tex. Dec. 5, 2025); *Garcia-Peralta v. Noem*, No. 3:25-cv-690-KC (W.D. Tex. Dec. 23, 2025); *Porrás-García v. Noem*, 3:25-cv-692-KC (W.D. Tex. Dec. 23, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 U.S. Dist. LEXIS 188232 (W.D. Tex. Sep. 21, 2025); *Martinez v. Noem*, No. 3:25-cv-430-KC, 2025 WL 2965859, at \*1–5 (W.D. Tex. Oct. 21, 2025); *Lala Barros v. Noem*, No. 3:25-cv-488-KC, 2025 WL 3154059, at \*1–6 (W.D. Tex. Nov. 10, 2025); *Erazo Rojas v. Noem*, No. 3:25-cv-443-KC, 2025 WL 3038262, at \*1–5 (W.D. Tex. Oct. 30, 2025); *Santiago v. Noem*, No. 3:25-cv-361-KC, 2025 WL 2792588, at \*1–14 (W.D. Tex. Oct. 2, 2025).

<sup>3</sup> *Lepe v. Andrews*, --- F.Supp.3d ---, No. 1:25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Hernandez Lopez v. Hardin*, 1:25-cv-830, (M.D. Fla. Sept. 25, 2025); *Roa v. Albarran*, No. 25-cv-7802, 2025 WL 2732923, at \*1 (N.D. Cal. Sept. 25, 2025); *Rivera Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496 (D. N.J. Sept. 26, 2025); *Savane v. Francis*, 1:25-cv-6666-GHW, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025); *Luna Quispe v. Crawford*, 1:25-cv-1471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *da Silva v. ICE*, 1:25-cv-00284, 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *Santiago Helbrum v. Williams*, 4:25-cv-00349, WL (S.D. Iowa, Sept. 30, 2025); *Belsai D.S. v. Bondi*, 0:25-cv-3682, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Rocha v. Hyde*, 25-cv-12584, 2025 WL 2807692 (D. Mass. Oct. 2, 2025); *Guzman Alfaro v. Wamsley*, 2:25-cv-01706, 2025 WL 2822113 (W.D. Wash. Oct. 2, 2025); *Ayala Casun v. Hyde*, 25-cv-427, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); *Guerrero Orellana v. Moniz*, 25-cv-12664-PBS, 2025 WL 2809996 (D. Mass. Oct. 3, 2025); *Elias Escobar v. Hyde*, 25-cv-12620-IT, 2025 WL 28233324 (D. Mass. Oct. 3, 2025); *Echevarria v. Bondi*, 25-cv-03252, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Cordero Pelico v. Kaiser*, 25-cv-07286-EMC, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025); *Artiga v. Genalo*, 25-cv-5208, 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025); *S.D.B.B. v. Johnson*, 1:25-cv-882, 2025 WL 2845170 (M.D.N.C. Oct. 7, 2025); *Ledesma Gonzalez v. Bostock*, 2:25-cv-01401, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025); *Mena Torres v. Wamsley*, C25 5772-TSZ, 2025 WL 2855739 (W.D. Wash. Oct. 8, 2025); *B.D.V.S. v. Forestal*, 25-cv-01968, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); *Eliseo A.A. v. Olson et al.*, 25-cv-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Ortiz Donis v. Chestnut*, 1:25-cv-01228, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *Mugliza Castillo v. Lyons*, 25-cv-16219, 2025 WL 2940990 (D. N.J. October 10, 2025); *Alejandrov Olson*, 1:25-cv-02027, 2025 WL 2896348 (S.D. Ind.); *Singh v. Lyons*, 1:25-cv-01606, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025); *Teyim v. Perry*, 1:25-cv-01615, 2025 WL 2950183 (E.D. Va. Oct. 15, 2025); *Hernandez Hernandez v. Crawford*, 1:25-cv-01565-AJT-WBP, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025);

2025 U.S. Dist. LEXIS 251859\*, 2025 WL 3496174, 2025 LX 3496174 (D. Colo. Dec. 5, 2025) (collecting cases throughout the country rejecting nearly identical arguments for mandatory detention under § 1225(b)(2)(A)). This Court should join that overwhelming majority and order Respondents to immediately provide a bond hearing to Petitioner before an Immigration Judge.

The *Maldonado Bautista* Class Action

On December 18, 2025, the District Court for the Central District of California granted class certification, declaratory relief and vacatur of federal policies denying bond hearings for the certified class in *Maldonado Bautista v. Santaacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 262265 (C.D. Cal. Dec. 18, 2025). The government filed a notice of appeal with the Ninth Circuit in *Bautista v. United States Department of Homeland Security*, No. 25-7958 (Dec. 18, 2025).

The United States District Court's decision in *Maldonado Bautista* is part of the "overwhelming" body of district court authority rejecting Respondents' arguments for the categorical denial of bond hearings to individuals charged with removability under 8 U.S.C. § 1182(a)(6)(A)(i). ECF Doc. 1 at 29. Petitioner cites *Maldonado Bautista* as additional persuasive

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*Menjivar Sanchez v. Wofford*, 2025 WL 2959274 (C.D. Cal. Oct. 17, 2025); *Gonzalez v. Joyce*, 25-cv-8250 (AT), 2025 WL 2961626 (W.D.N.Y. Oct. 19, 2025); *SanchezAlvarez v. Noem et al.*, 1:25-cv-1090, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025); *Polo v. Chestnut et al.*, 1:25-cv-01342 JLT HBK, 2025 WL 2959346 (E.D. Ca. Oct. 17, 2025); *Chavez v. Director of Detroit Field Office et al.*, 4:25-cv-02061-SL, 2025 WL 2959617 (N.D. Ohio Oct. 20, 2025); *HGVU v. Smith et al.*, 25-cv-10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2025) *Da Silva v. Bondi*, No. 25-cv-12672-DJC, 2025 WL 269163 (D. Mass. Oct. 21, 2025); *Buestan v. Chu*, No. 25-16034 (MEF), 2025 WL 2972252 (D. N.J. Oct. 21, 2025); *Maldonado v. Baker*, No. 25-3084-TDC (D. Md. Oct. 21, 2025); *Gonzalez; Miguel v. Noem*, 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025); *Loa Caballero v. Baltazar et al.*, 25-cv-03120 2025, WL 2977650 (D. Colo Oct. 22, 2025); *Lopez Lopez v. Soto*, 2:25-cv-16303, 2025 WL 2987485 (D.N.J. Oct. 23, 2025); *Nava Hernandez v. Baltazar*, 1:25-cv-030904, 2025 WL 2996643 (D. Colo. Oct. 24, 2025.)

authority supporting the grant of relief here, *supra* n. 2, 3, not as a basis for claiming prospective class membership in the *Maldonado Bautista* litigation. Accordingly, and for the reasons stated by Respondents, Petitioner concurs that “the *Maldonado* court’s decision does not have preclusive effect on this matter.” ECF Doc. 9 at 22.

**CONCLUSION**

FOR THESE REASONS and in the Petition, the Court has jurisdiction. Petitioner is not properly detained under 8 U.S.C. § 1225(b)(2)(A). Respondents violated the Immigration and Nationality Act, the Administrative Procedure Act, and the Due Process Clause. The Court should order Respondents to immediately grant Petitioner a bond hearing. Petitioner respectfully requests all relief at law and in equity.

Date: Dec. 31, 2025

Respectfully submitted,

*/s/ Stephen W. Spurgin*

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**CERTIFICATE OF SERVICE**

I electronically submitted on December 31, 2025 the foregoing document with the Clerk of the Clerk of the Court for the U.S. District Court, Northern District of Texas using the CM/ECF system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

*/s/ Stephen W. Spurgin*  
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