

In candor, Petitioner is unable to provide this Court with Fifth Circuit authority to challenge the Court's *Zuniga* decision but instead invites the Court to join most of the district courts that have rejected the "arriving alien" interpretation for those entering without inspection under 8 U.S.C. § 1182(a)(6)(A)(i). *See, e.g., Cruz Valera v. Baltazar et al.*, 1:25-cv-03744-CNS, 2025 U.S. Dist. LEXIS 251859*, 2025 WL 3496174, 2025 LX 3496174 (D. Colo. Dec. 5, 2025) (collecting cases).

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. Santacruz*, 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 the reasoning in *Zuniga* 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 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 at this time. 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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