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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 AMIT SHARMA,

12 Petitioner,

13 v.

14 MINGA WOFFORD, Mesa Verde ICE
15 Processing Center Facility Administrator,

16 Respondent.
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No. 1:25-cv-01793-DAD-SCR

**RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS AND OPPOSITION TO
MOTION FOR TEMPORARY RESTRAINING
ORDER**

1 Petitioner has filed a petition for writ of habeas corpus and now moves for a temporary
2 restraining order. On December 22, 2025, the Court set Respondent's deadline to respond to the motion
3 for a restraining order and further ordered that Respondent "shall substantively address whether any
4 provision of law or fact in this case would distinguish it from this court's decision in *Perez v. Albarran*,
5 No. 1:25-CV-01540-DAD-CSK (HC), 2025 WL 3187578 (E.D. Cal. Nov. 14, 2025), and other similar
6 cases previously decided by this court[.]" ECF 8. Counsel for the government has reviewed the case
7 cited in the Court's minute order (ECF 8) and there are no factual or legal issues in this case that render
8 it distinct from the court's prior order in *Perez*, 2025 WL 3187578.¹ Nevertheless, for the reasons set
9 forth below, Respondent respectfully requests that the Court deny Petitioner's motion.

10 Petitioner is a citizen and national of India who entered the United States illegally. He is an
11 "applicant for admission" within the meaning of 8 U.S.C. § 1225(a) and subject to mandatory detention
12 by Immigration and Customs Enforcement under 8 U.S.C. § 1225(b)(2)(A) during the pendency of his
13 removal proceedings. *See, e.g., Cortes Alonzo v. Noem et al.*, 1:25-cv-01519-WBS-SCR (E.D. Cal.
14 Nov. 17, 2025) (Docket No. 14).

15 Several district courts within the Ninth Circuit have recently denied motions for temporary
16 restraining orders and preliminary injunctions for individuals, like the petitioner, who have been
17 detained under section 1225(b)(2) following release on conditional parole. *See Altamirano Ramos v.*
18 *Lyons*, No. 25-cv-09785, 2025 WL 3199872, at *4 (C.D. Cal. Nov. 12, 2025) (acknowledging that the
19 court had previously rejected the government's interpretation of § 1225(b)(2), but "after additional
20 research and analysis, the court has concluded that Petitioner is subject to mandatory detention under §
21 1225(b)(2)(a), and that Petitioner is not eligible for a bond hearing under 8 U.S.C. § 1226(a)"); *Sixtos*
22 *Chavez v. Noem*, No. 25-cv-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025), *appeal docketed*, No.
23 25-7077 (9th Cir. Nov. 7, 2025); *Valencia v. Chestnut*, No. 25-cv-01550, 2025 WL 3205133 (E.D. Cal.
24 Nov. 17, 2025); *Alonzo v. Noem*, No. 25-cv-01519, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025).

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27 ¹ The government does wish to bring to the Court's attention that the Ninth Circuit will likely
28 address the application of section 1225(b)(2) in *Rodriguez v. Bostock*, 9th Cir. No. 25-6842, an appeal
that is being considered for the oral argument calendar in March 2026.

Respondent further relies upon *In re Matter of Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025).

There, the BIA examined the plain language of § 1225, the INA's statutory scheme, Supreme Court and BIA precedent, the legislative history of the INA and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub L. No. 104-208, and DHS's prior practices. After doing so, the BIA held that "under a plain language reading of section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to aliens, like the respondent, who are present in the United States without admission." 29 I & N Dec. at 225. This Court should rule the same. Petitioner's prior release in the discretion of DHS, even if the release document cited 8 U.S.C. § 1226, does not have the effect of having converted petitioner's presence in the United States into an "admission." "[A]n alien who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' is treated as 'an applicant for admission.'" *Jennings v. Rodriguez*, 583 U.S. 281 (2018). As an applicant for admission, Petitioner is subject to mandatory detention and thus ineligible for a bond hearing.

Therefore, the Petitioner's petition for writ of habeas corpus and motion for a temporary restraining order should be denied.

Dated: December 22, 2025

Respectfully submitted,

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United States Attorney

By: /s/ W. Dean Carter
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Assistant United States Attorney

Attorneys for Respondent