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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

BRYAN ALEXANDER)
NACIPUCHA PINEDA)
Agency )
)
 Petitioner,)
)
 v.)
)
 PAM BONDI, JR.,)
 Attorney General of the)
 United States of America, and,)
 KRISTI NOEM,)
 Secretary of the Department of)
 Homeland Security, (DHS) and,)
 TODD LYONS,)
 Acting Director,)
 United States Immigration and)
 Customs Enforcement (ICE), and,)
 RAYMOND THOMPSON,)
 Director,)
 Delaney Hall Detention Facility,)
 Respondents.)
)

Hon. Alfred H. Bennet
Civil Action No. 4:25-CV-05957

**PETITIONER’S RESPONSE IN OPPOSITION TO RESPONDENTS’ MOTION
FOR SUMMARY JUDGMENT AND CROSS-MOTION FOR SUMMARY
JUDGMENT AND IMMEDIATE RELEASE**

Petitioner Bryan Alexander Nacipucha Pineda respectfully submits this Response in Opposition to Respondents’ Motion for Summary Judgment and cross-moves for summary judgment in his favor pursuant to Federal Rule of Civil Procedure 56. Because there are no genuine disputes of material fact and Petitioner is detained solely due to Respondents’ erroneous legal position, this Court should deny the Government’s motion,

grant Petitioner's cross-motion, and order Petitioner's immediate release upon posting a \$10,000 bond.

I. MATERIAL FACTS RELEVANT TO DETENTION ARE UNDISPUTED

The following facts are not in dispute and are dispositive for purposes of summary judgment:

1. Petitioner entered the United States without inspection in or around February 2021 and was not apprehended upon entry.
2. Petitioner was first encountered by immigration authorities years later, in the interior of the United States, and placed in ordinary removal proceedings under 8 U.S.C. § 1229a.
3. Respondents assert that Petitioner is detained under 8 U.S.C. § 1225(b)(2), based on *Matter of Yajure-Hurtado* and therefore ineligible for bond.
4. On December 9, 2025, the Immigration Judge denied bond solely for lack of jurisdiction, expressly stating that if jurisdiction existed, the Court would set bond at \$10,000.
5. While this habeas action was pending, Petitioner filed a second bond request relying on the final judgment and nationwide class relief in *Maldonado Bautista*. The Immigration Judge again denied bond solely for lack of jurisdiction.
6. Petitioner remains detained solely because Respondents continue to apply § 1225(b)(2) to foreclose bond jurisdiction.

No factual development is required. The parties' dispute is purely legal and appropriate for resolution on cross-motions for summary judgment.

II. RESPONDENTS ARE NOT ENTITLED TO SUMMARY JUDGMENT AS A MATTER OF LAW

Respondents' motion asks this Court to hold, as a matter of law, that § 1225(b)(2) mandates Petitioner's detention and bars any bond hearing. That conclusion does not follow from the undisputed facts and is not compelled by binding authority.

Respondents acknowledge that multiple courts, including courts within this District, have rejected the same statutory interpretation they advance here. The Government's reliance on selected district court opinions and *Matter of Yajure-Hurtado* does not resolve the legal question definitively, nor does it entitle Respondents to judgment as a matter of law. In the contrary, the final judgment and nationwide Bond Eligible Class relief entered in *Maldonado Bautista v. Santacruz* affirmatively supports Petitioner's position and confirms that Respondents' interpretation cannot be sustained as a matter of law on summary judgment.

III. MALDONADO BAUTISTA CONFIRMS THE UNLAWFUL EFFECT OF RESPONDENTS' POSITION AND SUPPORTS IMMEDIATE RELIEF

Developments during the pendency of this case further supports Petitioner' request. In *Maldonado Bautista v. Santacruz/Noem*, the Central District of California granted partial summary judgment, certified a nationwide Bond Eligible Class, and entered final judgment declaring that DHS's categorical "no-bond" policy for individuals who entered without inspection is inconsistent with the INA and that such individuals are properly governed by § 1226(a). See *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025WL 3289861 (C.D. Cal. Nov. 20, 2025).

Petitioner invoked that final judgment in a renewed bond request. The Immigration Judge nonetheless denied bond again for lack of jurisdiction, based solely on Respondents' continued insistence in the application of *Matter of Yajure-Hurtado*, that § 1225(b)(2) applies.

Whether or not this Court views *Maldonado Bautista* as binding, it is highly persuasive and directly relevant for summary judgment purposes. It confirms that Respondents' interpretation produces the precise injury alleged here: the elimination of Immigration Judge bond jurisdiction for individuals in ordinary § 1229a proceedings who were not apprehended at the border. The Immigration Judge's repeated jurisdictional denials demonstrate that, absent habeas relief, Petitioner has no mechanism to obtain the bond determination Congress authorized.

IV. PETITIONER IS ENTITLED TO SUMMARY JUDGMENT AND HABEAS RELIEF

Because the only barrier to Petitioner's release is Respondents' legal position regarding § 1225(b)(2), and because that position is incorrect as applied to Petitioner, summary judgment should be entered for Petitioner.

As detailed in the Petition and incorporated here by reference, detention for individuals arrested in the interior and placed in § 1229a proceedings is governed by 8 U.S.C. § 1226(a), which confers bond jurisdiction on Immigration Judges. Respondents' contrary interpretation results in detention "not in accordance with law," remediable under 28 U.S.C. § 2241.

V. IMMEDIATE RELEASE ON THE \$10,000 BOND IS THE APPROPRIATE REMEDY

This Court has broad authority in habeas proceedings to “dispose of the matter as law and justice require.” 28 U.S.C. § 2243.

Here, further proceedings are unnecessary. The Immigration Judge has already made the relevant discretionary assessment and stated on the record that bond would be set at \$10,000 but for the asserted jurisdictional bar. Because that bar flows solely from Respondents’ unlawful statutory interpretation, remanding for yet another bond hearing would only prolong unlawful detention.

VI. ALTERNATIVE RELIEF

In the alternative, if the Court declines to order immediate release, it should order Respondents to provide Petitioner with a prompt bond hearing under 8 U.S.C. § 1226(a) before an Immigration Judge with jurisdiction.

VII. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court:

1. Deny Respondents’ Motion for Summary Judgment;
2. Grant Petitioner’s Cross-Motion for Summary Judgment;
3. Order Petitioner’s immediate release upon posting a \$10,000 bond; or
4. In the alternative, order Respondents to provide an immediate bond hearing under 8 U.S.C. § 1226(a).

Respectfully Submitted,

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Dated: 01/09/2026

CERTIFICATE OF SERVICE

I certify that, on January 9, 2026, the foregoing was filed and served on all attorneys of record via the District's ECF system.

/s/Kelly Bermudez
Kelly Bermudez
Attorney for Petitioner

Dated: 01/09/2026