

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRY JOEL MENDIETA CHAVEZ, :

Petitioner, :

v. :

Civil Action No. 25-6968

Warden of Federal Detention Center
Philadelphia; BRIAN MCSHANE, in
his official capacity as Field Office
Director of the Immigration and
Customs Enforcement and Removal
Operations, Philadelphia Field Office;
TODD LYONS, in his official capacity
as Acting Director of U.S. Immigration
and Customs Enforcement; and
KRISTI NOEM, in her official capacity
as Secretary of the Department of
Homeland Security,

Respondents.

PETITIONER'S REPLY TO RESPONDENTS OPPOSITION BRIEF

The Government states on page two of their brief "This legal question has been considered by numerous courts in the wake of the Board of Immigration Appeals' ("BIA") decision in *Matter of Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). The vast majority—including all decisions in this district (more than 50 to date)—have rejected the government's position". The Government cites a litany of District Court Decisions rejecting the Governments arguments.¹

¹ See, e.g., *Patel v. McShane*, Civ. 25-cv-5975 (E.D. Pa. Nov. 20, 2025) (Brody, J.); *Ndiaye v. Jamison*, No. 25-cv-6007, 2025 WL 3229307 (E.D. Pa. Nov. 19, 2025) (Sánchez, J.); *Demirel v. Fed. Det. Ctr. Philadelphia*, No. 25-cv-5488, 2025 WL 3218243 (E.D. Pa. Nov. 18, 2025) (Diamond, J.); *Kashranov v. Jamison*, No. 25-cv5555, 2025 WL 3188399, at *4-7 (E.D. Pa. Nov. 14, 2025) (Wolson, J.); *Cantu-Cortes v. O'Neill, et al.*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Centeno Ibarra v. Warden of the Federal Detention Center, et al.*, No.

25-cv-6312 (E.D. Pa. Nov. 25, 2025) (Rufe, J.); *Buele Morocho v. Jamison, et al.*, No. 25-cv-5930 (E.D. Pa. Nov. 26, 2025) (Gallagher, J.); *Diallo v. O'Neill, et al.*, No. 25-cv-6358 (E.D. Pa. Nov. 26, 2025) (Savage, J.); *Espinal Rosa v. O'Neill, et al.*, No. 25-cv-6376 (E.D. Pa. Nov. 25, 2025) (Weilheimer, J.); *Wu v. Jamison, et al.*, No. 25-cv-6469 (E.D. Pa. Dec. 1, 2025) (Gallagher, J.); *Flores Obando v. Bondi*, No. 25-cv-6474 (E.D. Pa. Dec. 1, 2025) (Brody, J.); *Valdivia Martinez v. FDC*, No. 25-cv-6568 (E.D. Pa.

Dec. 1, 2025) (Savage, J.); *Soumare v. Jamison*, No. 25-cv-6490 (E.D. Pa. Dec. 2, 2025) (Henry, J.); *Yilmaz v. Warden, FDC*, No. 25-cv-6572 (E.D. Pa. Dec. 2, 2025) (Rufe, J.); *Nogueira-Mendes v. McShane*, No. 25-cv-5810 (E.D. Pa. Dec. 3, 2025) (Slomsky, J.); *Juarez Velazquez v. O'Neill, et al.*, No. 25-cv-6191 (E.D. Pa. Dec. 3, 2025) (Henry, J.); *Perez-Suspes v. Rose, et al.*, No. 25-cv-6608 (E.D. Pa. Dec. 5, 2025) (Brody, J.); *Delgado Villegas v. Bondi, et al.*, No. 25-cv-6143 (E.D. Pa. Dec. 4, 2025) (Diamond, J.); *Hidalgo et al. v. O'Neill, et al.*, No. 25-cv-6775 (E.D. Pa. Dec. 5, 2025) (Diamond, J.); *Conde v. Jamison, et al.* No. 25-cv-6551 (E.D. Pa. Dec. 5, 2025) (Brody, J.); *Rodrigues Pereira v. O'Neill, et al.*, No. 25-cv-6543 (E.D. Pa. Dec. 8, 2025) (Marston, J.); *Bhatia v. O'Neill, et al.*, No. 25-cv-6809 (E.D. Pa. Dec. 8, 2025) (Rufe, J.); *Anirudh v. McShane, et al.*, No. 25-cv-6458 (E.D. Pa. Dec. 8, 2025) (Bartle, J.); *Acosta-Cibrian*, No. 25-cv-6650 (E.D. Pa. Dec. 9, 2025) (Gallagher, J.); *Picon v. O'Neill, et al.*, No. 25-6731 (E.D. Pa. Dec. 15, 2025) (Perez, J.). There have been many additional adverse decisions since December 15, 2025; and not including the already-decided petitions, there are approximately 25 pending habeas petitions confronting the same legal issue in this District.

Petitioner lists three (3) general arguments including three (3) subparagraphs A through C for why the Court should dismiss the Habeas Corpus Petition as follows;

- I. **The District Court lacks jurisdiction to intervene in removal proceedings.**
 - A. **8 U.S.C. § 1252(g) bars Petitioner's claim because he challenges the government's action to commence removal proceedings.**
 - B. **8 U.S.C. § 1252(b)(9) deprives this Court of jurisdiction because Petitioner challenges the government's interpretation of a statutory provision arising from actions taken to remove him from the United States.**

C. 8 U.S.C. § 1252(a)(2)(B)(ii) shields from judicial review discretionary decisions, such as charge determinations regarding inadmissibility.

II. Petitioner is lawfully in detention pursuant to 8 U.S.C. § 1225(b)(2).

III. Petitioner's detention does not violate Constitutional due process requirements.

The Government also references the District Court Judge in the Central District of California regarding the class action lawsuit issuing the judgement certifying the class. On December 18, 2025, the district court judge in the Central District of California class action relating to section 1225 detainees issued a final judgment certifying the class. *See Maldonado Bautista, et al. v. Santacruz Jr., et al.*, No. 25-cv-01873, Doc. No. 94.

ARGUMENT

Counsel has been an attorney for thirty (30) years and has never seen an opening statement of the Government's Brief admitting that overwhelmingly the resulting Decisions from sister Courts, including this one, have rejected the Government's position. Counsel understands presumable that the Government's expectation is to keep pushing it's arguments into oblivion with the hope that one Judge might rule against the weight of current authority. We ask the Court to accept the reasons set forth in *Kashranov*, 2025 WL 3188399, *Demirel*, 2025 WL 3218243, and *Ndiaye*, 2025 WL 3229307. We also ask the Court adopt *Maldonado Bautista, et al. v. Santacruz Jr., et al.*, No. 25-cv-01873, Doc. No. 94. Further, we ask the Court to also adopt those Decisions in this District also rejecting the Government's contention that this Court lacks jurisdiction and in holding that Petitioners in factually analogous cases are not required to exhaust administrative remedies before seeking Habeas relief.

CONCLUSION

Counsel on behalf of Petitioner asserts by the Government's own admission their arguments have been routinely rejected. Counsel asserts the weight of authority Habeas Corpus Petition. Petitioner cannot get a fair Bond Hearing. Immigration Judges are denying any Asylum applicant as a flight risk. Counsel requests the immediate release of Petitioner Henry Joel Mendieta Chavez.

Respectfully submitted,

/s/Frank B. Lindner, Esq.

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Counsel for Petitioner

Dated: January 13, 2026

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I filed the foregoing Petitioner's Reply to Respondents Opposition Brief via the Court's Case Management/Electronic Case Filing System, thereby making it available for viewing and download by all parties to the case.

Dated: January 13, 2026

/s/ Frank B. Lindner
Frank B. Lindner
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