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UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Franklin HERNANDEZ HERNANDEZ,

Petitioner

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

TODD LYONS, in his official capacity as
Acting Director of Immigration and Customs
Enforcement,

ARTHUR WILSON, in his official capacity as
ICE Field Officer Director,

JOHNNY CHOATE, in his official capacity as
the warden of the Aurora Immigration
Detention Facility,

PAMALA BONDI, in her official capacity as
the United States Attorney General,

The Executive Office for Immigration Review

United States Immigration and Customs
Enforcement.

The Board of Immigration Appeals

Respondents

Civil No.: **1:25-cv-03983-DDD-NRN**

REPLY TO THE RESPONDENTS'
RESPONSE TO THE ORDER TO SHOW
CAUSE

IMMIGRATION HABEAS CASE

1 On December 30, 2025, Respondents responded the this Court’s order to show cause, Petitioner
2 now, by and through undersigned counsel, enters this reply to the Respondents’ response. Respondents’
3 approach to mandatory detention has been rejected by a majority of courts around the United States.¹
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9 ¹ See *Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY 2025 WL 3205356 (D. Nev. Nov. 17, 2025); *Herrera v.*
10 *Knight*, No. 2:25-CV-01366-RFB-DJA, 2025 WL 2581792 (D. Nev. Sept. 5, 2025); *Vazquez v. Feeley*, No. 2:25-CV-
11 01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Roman v. Noem*, No. 2:25-CV-01684-RFB-EJY, 2025 WL
12 2710211 (D. Nev. Sept. 23, 2025); *Carlos v. Noem*, No. 2:25-CV-01900-RFB-EJY, 2025 WL 2896156 (D. Nev. Oct. 10,
13 2025); *E.C. v. Noem*, No. 2:25-CV-01789-RFB-BNW, 2025 WL 2916264 (D. Nev. Oct. 14, 2025); *Perez Sanchez v.*
14 *Bernacke*, No. 2:25-CV-01921-RFB-MDC (D. Nev. Oct. 17, 2025); *Aparicio v. Noem*, No. 2:25-CV-01919-RFB-DJA, 2025
15 WL 2998098 (D. Nev. Oct. 23, 2025); *ominguez-Lara v. Noem*, No. 2:25-CV-01553-RFB-EJY, 2025 WL 2998094 (D.
16 Nev. Oct. 24, 2025); *Bautista-Avalos v. Bernacke*, 2:25-CV-01987-RFB-BNW (D. Nev. Oct 27, 2025); *Arce-Cervera v.*
17 *Noem*, No. 2:25-CV-01895-RFB-NJK, 2025 WL 3017866 (D. Nev. Oct. 28, 2025); *Alvarado Gonzalez v. Mattos*, No. 2:25-
18 CV-01599-RFB-NJK (D. Nev. Oct. 30, 2025); *Rodriguez Cabrera v. Mattos*, No. 2:25-cv-01551-RFB-EJY, 2025 WL
19 3072687 (D. Nev. Nov. 3, 2025); *Berto Mendez v. Noem*, No. 2:25-cv-02602-RFB-MDC, 2025 WL 3124285 (D. Nev.
20 Nov. 7, 2025); *Cornejo-Mejia v. Bernacke*, No. 2:25-cv-02139-RFB-BNW, 2025 WL 3222482 (D. Nev. Nov. 18, 2025);
21 *Lucero Ortiz v. Bernacke*, No. 2:25-cv-01833-RFB-NJK, 2025 WL 3237291 (D. Nev. Nov. 19, 2025); *Perez Sales v.*
22 *Mattos*, No. 2:25-cv-01819-RFB-BNW, 2025 WL 3237366 (D. Nev. Nov. 19, 2025); *Hernandez Duran v. Bernacke*, No.
23 2:25-cv-02105-RFB-EJY, 2025 WL 3237451 (D. Nev. Nov. 19, 2025); *Cabrera-Cortes v. Knight*, No. 2:25-cv-01976-
24 RFB-MDC, 2025 WL 3240971 (D. Nev. Nov. 20, 2025); *Jacobo Ramirez v. Noem*, No. 2:25-cv-02136-RFB-MDC, 2025
25 WL 3270137 (D. Nev. Nov. 24, 2025); *Garcia-Arauz v. Noem*, No. 2:25-cv-02117-RFB-EJY, 2025 WL 3470902 (D. Nev.
26 Dec. 3, 2025); *Silva Hernandez v. Noem*, No. 2:25-cv-02304-RFB-EJY, 2025 WL 3470903 (D. Nev. Dec. 3, 2025); *Reyes*
27 *Cristobal v. Bernacke*, No. 2:25-cv-02231-RFB-EJY, 2025 WL 3485770 (D. Nev. Dec. 4, 2025); *Carrillo Fernandez v.*
28 *Knight*, No. 2:25-cv-02221-RFB-BNW, 2025 WL 3485800 (D. Nev. Dec. 4, 2025); *Pilar Torres v. Bernacke*, No. 2:25-cv-
02270-RFB-EJY, 2025 WL 3514615 (D. Nev. Dec. 8, 2025); *Nolasco-Gomez v. Noem*, No. 2:25-cv-02217-RFB-DJA,
2025 WL 3514758 (D. Nev. Dec. 8, 2025); *Ramirez-Contreras v. Noem*, No. 2:25-cv-02218-RFB-EJY, 2025 WL 3514681
(D. Nev. Dec. 8, 2025); *Rodas v. Noem*, No. 2:25-cv-02216-RFB-BNW, 2025 WL 3514680 (D. Nev. Dec. 8, 2025);
Perdomo-Gonzalez v. Noem, No. 2:25-cv-02121-RFB-EJY, 2025 WL 3514758 (D. Nev. Dec. 8, 2025); *Hernandez Isidoro*
v. Bernacke, No. 2:25-cv-02312-RFB-NJK, 2025 WL 3524773 (D. Nev. Dec. 8, 2025); *Serrano Gonzalez v. Knight*, No.
2:25-cv-02081-RFB-BNW, 2025 WL 3524774 (D. Nev. Dec. 9, 2025); *Morales Rondon v. Bernacke*, No. 2:25-cv-01979-
RFB-BNW, 2025 WL 3527246 (D. Nev. Dec. 9, 2025); *Marquez v. Knight*, No. 2:25-cv-02203-RFB-NJK, 2025 WL
3527244 (D. Nev. Dec. 9, 2025); *Flores-Garcia v. Bernacke*, No. 3:25-cv-00688-RFB-CSD, 2025 WL 3527247 (D. Nev.
Dec. 9, 2025); *Garcia Soto v. Knight*, No. 2:25-cv-02138-RFB-BNW, 2025 WL 3537405 (D. Nev. Dec. 10, 2025);
Quinonez Orosco v. Lyons, No. 2:25-cv-02240-RFB-EJY, 2025 WL 3539275 (D. Nev. Dec. 10, 2025); *Gallegos Rangel v.*
Knight, No. 2:25-cv-02161-RFB-BNW, 2025 WL 3539303 (D. Nev. Dec. 10, 2025); *Salguero v. DHS*, No. 2:25-cv-02328-
RFB-NJK, 2025 WL 3539276 (D. Nev. Dec. 10, 2025); *Mejia Soto v. DHS*, No. 2:25-cv-02281-RFB-EJY (D. Nev. Dec.
11, 2025); *Perez Gonzalez v. Noem*, No. 2:25-cv-02137-RFB-DJA (D. Nev. Dec. 11, 2025); *Ramirez v. Noem*, No. 2:25-
cv-02110-RFB-DJA (D. Nev. Dec. 12, 2025); *Reyes v. Henkey*, No. 2:25-cv-02206-RFB-NJK (D. Nev. Dec. 12, 2025);
Rodriguez Vazquez v. Bostock, No. 3:25-cv-05240 (W.D. Wash.); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK (D. Mass.);
Diaz Martinez v. Hyde, No. CV 25-11613-BEM (D. Mass.); *Sarmiento v. Perry*, No. 1:25-cv-01644 (E.D. Va.); *Salazar v.*
Dedos, No. 1:25-cv-00835-DHU-JMR (D.N.M.); *Nava Hernandez v. Baltazar*, No. 1:25-cv-03094-CNS (D. Colo.);
Ernesto Gonzalez Ramos v. Dedos, No. 1:25-cv-00975-MLG-KRS (D.N.M.); *Pu Sacvin v. De Anda-Ybarra*, No. 2:25-cv-
01031 (D.N.M.); *Espinoza Ruiz v. Baltazar*, No. 1:25-cv-03642-CNS (D. Colo.); *Arauz v. Baltazar*, No. 1:25-cv-03260-
CNS (D. Colo.); *Garcia Cortes v. Noem*, No. 1:25-cv-02677-CNS (D. Colo.).

1 **I. Respondents' Interpretation of § 1225(b)(2)(A) Is Incorrect and Inconsistent with the**
2 **Statutory Scheme**

3 Respondents argue that Petitioner is “subject to § 1225(b)(2)(A)” because, in their view, he is
4 an “applicant for admission” and therefore must be detained without bond. But as the Court recognized
5 in *Garcia Cortes v. Noem*, No. 1:25-cv-02677-CNS (D. Colo.), this analysis misunderstands both the
6 text of § 1225 and the statutory detention framework Congress adopted in the INA.

7
8 a. The Phrase “Applicant for Admission” Does Not Automatically Invoke Mandatory
9 Detention

10 It is true that § 1225(a)(1) defines an “applicant for admission” to include an alien who is
11 “present in the United States who has not been admitted,” and that the term of art applies at the
12 threshold of entry. But § 1225(b)(2)(A)’s mandatory detention provision applies only to those
13 noncitizens who are *seeking admission* and have been determined not “clearly and beyond a doubt
14 entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). Courts in this District and elsewhere have held that
15 *being “an applicant for admission” and actively “seeking admission” are distinct concepts*, and that
16 the latter requires some present-tense action to gain lawful entry.

17
18 Here, Petitioner has been present in the United States for over a decade, has long-standing ties
19 through family and community, and — as in *Garcia Cortes* — was *not apprehended while seeking*
20 *entry at a port of entry or otherwise taking active steps to gain admission*. Such individuals are not
21 “seeking admission” in the sense required by § 1225(b)(2)(A), even if they lack lawful status.
22 Accordingly, Petitioner does not fall within § 1225(b)(2)(A)’s mandatory detention provision.

23
24 b. Rejecting Respondents' Interpretation Avoids Redundancy and Preserves the Statutory
25 Scheme

26 Respondents' position would effectively erase the distinction between § 1225 and § 1226. If
27 any noncitizen “present in the United States who has not been admitted” were automatically subject to
28 § 1225(b)(2)(A), then § 1226(a)’s general detention authority — which authorizes arrest, detention,

1 and discretionary release on bond — would be rendered superfluous. Congress would not have created
2 a separate discretionary detention system for non-arriving noncitizens only to have it swallowed by §
3 1225’s mandatory framework. This is precisely the line of reasoning adopted by the *Garcia Cortes*,
4 No. 1:25-cv-02677-CNS, decision and other courts considering similar challenges.

5
6 Moreover, the statutory text itself supports this distinction. Section 1225(b)(1) contains explicit
7 temporal and contextual qualifications — for example, the expedited removal provisions that apply
8 only to recent arrivals encountered at or near the border. This signals that when Congress intended §
9 1225 to govern detention beyond the initial entry context, it knew how to do so. It did not do so in §
10 1225(b)(2)(A).

11
12 c. The Supreme Court’s Discussion in *Jennings* Does Not Compel Respondents’
13 Interpretation

14 Respondents rely on *Jennings v. Rodriguez*, 583 U.S. 281 (2018), to argue that § 1225(b)(2) is
15 a “catchall” provision. But *Jennings* did not hold that § 1225(b)(2)(A) governs the detention of all
16 aliens present in the United States indefinitely, nor did it suggest that § 1225 displaces § 1226(a) once
17 removal proceedings have been initiated. To the contrary, *Jennings* acknowledged the distinct statutory
18 regimes for aliens “seeking admission” under § 1225 and those “already in the country” under § 1226
19 — an observation many courts have since interpreted as supporting the natural statutory boundary
20 between inspection-stage detention and detention during removal proceedings.

21
22 d. Petitioner’s Detention Is Governed by § 1226(a), Not § 1225(b)(2)(A)

23 Because Petitioner was apprehended in the interior after years of residence and because he is
24 charged as present without admission or parole, § 1226(a)’s general detention authority governs his
25 custody. Section 1226(a) expressly authorizes the government to arrest and detain individuals pending
26 removal proceedings and to grant bond or parole based on individualized custody determinations —
27 which is precisely the relief Petitioner seeks. Respondents’ attempt to reframe Petitioner’s status as one
28

1 of an “applicant seeking admission” is legally unfounded and contrary to the statutory structure upheld
2 in *Garcia Cortes* and similar cases.

3 **II. Respondents Err in Claiming That Detention Without a Bond Hearing Satisfies Due**
4 **Process**

5 Respondents argue that Petitioner has received all the process he is due because Congress
6 mandated detention under § 1225(b)(2)(A) and because Petitioner, as an alleged “applicant for
7 admission,” possesses only the rights Congress has conferred. That argument misstates the governing
8 law, misapplies Supreme Court precedent, and ignores the critical distinction between procedures
9 governing admissibility and procedures governing prolonged civil detention.
10

11 a. Due Process Protects Against Prolonged Civil Detention Without Individualized
12 Review

13 The Fifth Amendment applies to all “persons” within the United States, including noncitizens
14 physically present in the country, regardless of admission status. *Zadvydas v. Davis*, 533 U.S. 678, 693
15 (2001). While Congress has broad authority over immigration, that authority does not extend to
16 authorizing prolonged civil detention without meaningful procedural safeguards. *Id.* at 690; *Jennings*
17 *v. Rodriguez*, 583 U.S. 281, 304–05 (2018).
18

19 Petitioner does not challenge Congress’s power to establish removal procedures. He challenges
20 his continued physical detention without any opportunity for individualized custody review. Courts
21 have repeatedly recognized that detention implicates a “core liberty interest” distinct from the merits
22 of admissibility or removability. *Zadvydas*, 533 U.S. at 690. The government’s assertion that statutory
23 authorization alone satisfies due process conflates these distinct inquiries.
24

25 b. Thuraissigiam Does Not Govern Prolonged Immigration Detention

26 Respondents’ reliance on *DHS v. Thuraissigiam*, 591 U.S. 103 (2020), is misplaced.
27 *Thuraissigiam* concerned the scope of habeas review available to a recent border crosser subjected to
28

1 expedited removal under § 1225(b)(1). The Court addressed procedural limits on reviewing an
2 expedited removal order, not the constitutionality of prolonged detention without bond under §
3 1225(b)(2).

4 Critically, *Thuraissigiam* did not involve extended civil detention, nor did it hold that Congress
5 may detain a noncitizen indefinitely without individualized custody review simply by labeling the
6 individual an “applicant for admission.” Indeed, the Court emphasized that it was not deciding the
7 constitutional limits of detention. 591 U.S. at 126–27. Extending *Thuraissigiam* to justify prolonged,
8 bondless detention of interior noncitizens would dramatically expand its holding beyond its narrow
9 context and contradict longstanding due-process precedent.

10 As the District of Colorado has recognized, constitutional analysis of detention must focus on
11 the nature and duration of the restraint on liberty, not solely on statutory labels. *See Garcia Cortes v.*
12 *Noem*, No. 1:25-cv-02677-CNS (D. Colo. Sept. 16, 2025).

13 c. Petitioner Need Not Show Deprivation of a Statutory Right to Establish a Due Process
14 Violation

15 Respondents incorrectly assert that Petitioner must identify the denial of a statutory right to
16 establish a procedural due-process violation. That is not the law. The Constitution independently
17 requires adequate procedures where government action results in a significant deprivation of liberty.
18 *Mathews v. Eldridge*, 424 U.S. 319, 332–33 (1976).

19 Here, Petitioner’s claim is straightforward: he has been subjected to prolonged civil detention
20 without any opportunity to seek release based on individualized factors such as flight risk or danger.
21 The absence of a bond hearing is itself the constitutional injury. Courts have consistently held that due
22 process may require procedural protections beyond those expressly enumerated by statute. *Zadvydas*,
23 533 U.S. at 690; *Jennings*, 583 U.S. at 305–06.

1 Respondents’ prejudice argument fails for the same reason. Petitioner does not allege error in
2 the conduct of his removal proceedings; he challenges the lack of any mechanism to contest the
3 necessity of his continued detention. A bond hearing would address a fundamentally different
4 question—whether detention remains justified—not whether removal is ultimately warranted.
5 Requiring Petitioner to show that a bond hearing would alter the outcome of his removal case
6 misunderstands the nature of the due-process claim.
7

8 d. Demore v. Kim Does Not Justify Petitioner’s Detention

9 Respondents’ reliance on *Demore v. Kim*, 538 U.S. 510 (2003), is likewise misplaced. *Demore*
10 upheld mandatory detention under § 1226(c) for a narrow class of noncitizens convicted of certain
11 serious crimes, and it did so based on two critical assumptions: (1) that detention would be brief, and
12 (2) that the detainees had already been afforded substantial procedural protections through the criminal
13 process. *Id.* at 528–30.
14

15 Neither assumption applies here. Petitioner is not subject to criminal mandatory detention, has
16 not been convicted of any qualifying offense, and is detained solely under a civil immigration statute.
17 Moreover, subsequent Supreme Court decisions have clarified that *Demore* does not authorize
18 prolonged detention without individualized review. *Jennings*, 583 U.S. at 304–05; *Zadvydas*, 533 U.S.
19 at 690.
20

21 Respondents’ assertion that detention here has a “definite termination point” fares no better. As
22 courts repeatedly recognize, removal proceedings—particularly where noncitizens pursue statutorily
23 authorized relief—often last many months or years. The speculative prospect of eventual removal does
24 not cure the constitutional infirmity of prolonged detention without a bond hearing. See *Jennings*, 583
25 U.S. at 315 (Breyer, J., dissenting).
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1 e. Due Process Requires an Individualized Bond Hearing

2 Because Petitioner has been subjected to prolonged civil detention without any opportunity for
3 individualized custody review, due process requires a bond hearing before a neutral decisionmaker at
4 which the government bears the burden of justifying continued detention. This conclusion is consistent
5 with the overwhelming weight of district-court authority, including decisions within this Circuit, and
6 with the fundamental principle that civil detention must bear a reasonable relation to its purpose.
7 *Zadvydas*, 533 U.S. at 690.

9 Respondents' position would permit categorical detention based solely on manner of entry,
10 untethered from any individualized assessment of necessity. The Constitution does not permit such a
11 result.

12
13 **III. Respondents' Refusal to Honor Bautista Violates the Full Faith and Credit Clause**

14 Respondents' argument that this Court should disregard the declaratory judgment entered in
15 *Bautista v. DHS*, No. 5:25-cv-01873 (C.D. Cal. Dec. 18, 2025), is fundamentally inconsistent with the
16 Full Faith and Credit Clause of the United States Constitution and its implementing statute, 28 U.S.C.
17 § 1738. The government's position—inviting this Court to treat a final federal judgment as a nullity
18 because Respondents disagree with it—cannot be reconciled with settled constitutional principles
19 governing the respect owed to judgments of coordinate federal courts.

20
21 a. Full Faith and Credit Applies to Final Federal Judgments

22 Article IV, § 1 of the Constitution requires that “Full Faith and Credit shall be given in each
23 State to the public Acts, Records, and judicial Proceedings of every other State.” Congress has
24 implemented that mandate through 28 U.S.C. § 1738, which requires courts to give judicial proceedings
25 “the same full faith and credit ... as they have by law or usage in the courts of such State.” Although §
26 1738 speaks in terms of state proceedings, the Supreme Court has long recognized a parallel and equally
27
28

1 mandatory rule of federal common law requiring federal courts to give binding effect to final judgments
2 of other federal courts. *Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 507–08 (2001);
3 *Taylor v. Sturgell*, 553 U.S. 880, 891 (2008).

4 This obligation is not discretionary. Once a court of competent jurisdiction enters a final
5 judgment, other courts may not refuse to honor it simply because they would have decided the issue
6 differently. *Federated Dep't Stores, Inc. v. Moitie*, 452 U.S. 394, 398 (1981).

8 b. Bautista Is a Final Declaratory Judgment Entitled to Nationwide Effect

9 The *Bautista* court entered declaratory judgment as part of a partial final judgment under Rule
10 54(b), expressly resolving the legality of detention under § 1225(b)(2) as to a certified nationwide class.
11 Declaratory judgments are judgments for full faith and credit purposes and are entitled to the same
12 respect as coercive relief.

13 Respondents do not dispute that *Bautista* was final as to the issues decided. Nor do they contend
14 that the judgment has been stayed. Absent a stay, a final judgment has res judicata consequences
15 pending decision of the appeal. Respondents' request that this Court disregard *Bautista* because it is on
16 appeal directly contravenes this rule and would render federal judgments unenforceable nationwide
17 whenever the government files a notice of appeal.

18 c. Respondents' Jurisdictional Argument Is an Impermissible Collateral Attack

19 Respondents' claim that the *Bautista* court "lacked jurisdiction" is a textbook collateral attack
20 on a final judgment. Even if Respondents believed the Central District of California erred in exercising
21 jurisdiction, that alleged error must be raised on direct appeal—not relitigated in collateral proceedings
22 across the country. *Chicot Cnty. Drainage Dist. v. Baxter State Bank*, 308 U.S. 371, 376–77 (1940).

23 A judgment is not void—and therefore not exempt from full faith and credit—simply because
24 the issuing court may have misconstrued jurisdictional doctrines. *United Student Aid Funds, Inc. v.*
25

1 *Espinosa*, 559 U.S. 260, 270–71 (2010). Here, the *Bautista* court plainly had subject-matter jurisdiction
2 under 28 U.S.C. § 1331 and § 2201 to adjudicate the legality of DHS’s nationwide detention policy.
3 Whether habeas might also have been available does not divest a district court of jurisdiction to issue
4 declaratory relief concerning the legality of agency action.

5
6 Allowing Respondents to avoid compliance with *Bautista* by relitigating jurisdiction in every
7 district would eviscerate the Full Faith and Credit Clause and invite precisely the inter-court chaos it
8 was designed to prevent.

9
10 d. *Mendoza and Parklane Do Not Override Full Faith and Credit*

11 Respondents’ reliance on *United States v. Mendoza*, 464 U.S. 154 (1984), is misplaced.
12 *Mendoza* limits nonmutual offensive collateral estoppel against the federal government; it does not
13 authorize the government to ignore a binding judgment in a certified nationwide class action to which
14 it was a party. Class-wide judgments bind the government precisely because the government has had a
15 full and fair opportunity to litigate the issue. *Hansberry v. Lee*, 311 U.S. 32, 43 (1940).

16 Nor does *Parklane Hosiery* support Respondents’ position. That case concerns discretionary
17 issue preclusion in subsequent litigation, not the constitutional obligation to honor an existing judgment
18 governing the parties’ conduct. Here, Petitioner does not seek to estop the government offensively in a
19 new dispute; he seeks recognition of a judgment that already governs the legality of his detention.

20
21 e. *Allowing DHS to Disregard Bautista Would Undermine Judicial Authority*

22 Respondents’ position would create a regime in which the federal government may selectively
23 comply with adverse judgments based on geography, litigation strategy, or disagreement with the
24 issuing court. That outcome is irreconcilable with the constitutional structure. The Full Faith and Credit
25 Clause exists precisely to prevent sovereign actors from treating judicial determinations as advisory.
26 *Baker v. Gen. Motors Corp.*, 522 U.S. 222, 233 (1998). Unless and until *Bautista* is stayed or reversed
27
28

1 on appeal, it remains binding law as to the parties and the certified class. This Court is constitutionally
2 obligated to give it full effect.

3 f. Petitioner Is Entitled to Relief Consistent with *Bautista*

4 Because Petitioner falls within the *Bautista* class, and because Respondents have identified no
5 lawful basis to disregard that judgment, continued detention without a bond hearing violates both the
6 declaratory judgment entered by the Central District of California and the Constitution's command of
7 full faith and credit. This Court should reject Respondents' invitation to ignore a sister court's final
8 judgment and should grant relief accordingly.
9

10 **IV. Conclusion**

11 For the foregoing reasons, Petitioner respectfully requests that this Court reject Respondents'
12 misinterpretation of § 1225(b)(2)(A), recognize that Petitioner's detention is governed by § 1226(a),
13 and hold that continued detention without a bond hearing violates the Fifth Amendment's Due Process
14 Clause. Additionally, this Court must honor the declaratory judgment entered in *Bautista v. DHS*, No.
15 5:25-cv-01873 (C.D. Cal. Dec. 18, 2025), consistent with the Full Faith and Credit Clause and
16 longstanding principles of federal judicial comity. Petitioner therefore requests that the Court grant
17 relief by ordering a bond hearing before a neutral decisionmaker, at which the government bears the
18 burden of justifying continued detention, and provide any further relief consistent with the law and the
19 *Bautista* judgment.
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21

22
23 DATED: December 30, 2025

24
25 Respectfully submitted,

26 /S/ ALEC S. BRACKEN
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