

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

GLEINER SOSA-MUJICA,
MARYELI SOSA-MARQUINA,
K.S-R., a minor
A.P-S., a minor

Case No. 5:25-cv-1722-XR

Petitioners,

v.

SYLVESTER M. ORTEGA, Acting Field Office
Director of Enforcement and Removal Operations,
San Antonio Field Office, Immigration and Customs
Enforcement; KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; PAMELA
BONDI, U.S. Attorney General; JOSE
RODRIGUEZ, JR., Facility Administrator, Dilley
Immigration Processing Center;

Respondents.

**PETITIONER'S REPLY TO FEDERAL RESPONDENTS'
RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

Comes now Petitioners Gleiner Sosa-Mujica, minor K.S-R., Maryeli Sosa-Marquina, and minor A.P-S. and file this their response filed by the Federal Respondents. In support of their reply, Petitioners would show as follows:

1. As it concerns Petitioners Gleiner Sosa-Mujica and his minor child K.S-R., Federal Respondents wrongly assert that Petitioners are detained under 8 U.S.C. § 1225(b)(2). When the Department of Homeland Security (DHS) first encountered Petitioners on September 23, 2023, the DHS elected to exercise its detention authority under 8 U.S.C. § 1236(a). The DHS detained

Petitioners pursuant to an arrest warrant and released them § 1236(a). That is what the historical record establishes. Exhs. B, C, E, and F to ECF Dkt. No. 1 *Petition for Writ of Habeas Corpus*.

2. More than two years later, Federal Respondents seek to revise the historical record to the detriment of Petitioners' rights. More specifically, after detaining and releasing Petitioners under § 1236(a), Respondents now suggest that in fact Petitioners are applicants for admission under § 1225(b)(2). That is not what the documentation shows. And at this stage, it is patently unfair to change the rules without a legitimate and bona fide reason. *See Flores-Ledezma v. Gonzales*, 415 F.3d 375, 382 (5th Cir. 2005) (the Attorney General has discretion to choose whether to place noncitizens in expedited rather than general removal proceedings and such decision is lawful so long as a legitimate and bona fide reason exists). No such reason has been presented in this case. Petitioners are subject to § 1226(a) and thus, they entitled to be released on bond.

3. As it concerns Petitioners Maryeli Sosa-Marquina and her minor child A.P-S., it is true that they arrived in the United States and were then paroled into the United States. However, it is not true that they are completely without any rights and that Federal Respondents may re-detain them without due process. As an initial matter, Mr. Sosa-Mujica and Ms. Sosa-Marquina are not married and do not have children together. The Immigration and Customs Enforcement (ICE) indiscriminately and arbitrarily arrested these two families in Michigan and shipped to Texas.

4. On information and belief, Petitioners were served with a Notice to Appear and then paroled pending their removal proceedings.¹ Their parole is valid until April 2, 2026. Thus, Federal Respondents are not correct that the service of the Notice to Appear resulted in termination of the parole as allowed by 8 C.F.R. § 212.5(e)(2)(i). Petitioners are entitled to

¹ Undersigned counsel does not have complete documentation from Petitioners because they were living in Michigan. Advocates and family from Petitioners' Michigan community reached out to undersigned counsel to provide assistance to these two families and representation is being provided on a pro bono basis.

minimal due process of notice of such termination. 8 C.F.R. § 212.5(e)(1)(ii). Petitioners have not committed any crimes or violated the terms of their parole. Thus, their detention is unlawful and this Court should restore Petitioners' status and order their release as has been done by other courts. *See, e.g., Dadfar v. Arnott et al.*, 2025 WL 3452372 (W.D. Mo. Dec. 1, 2025) (ordering the noncitizen's release where the DHS violated 8 C.F.R. § 212.5(e)); *J-C-R-M v. Wamsley et al.*, 2025 WL3527108 (D. Or. Dec. 9, 2025) (same); *Quintero-Martinez v. Raycraft et al.*, 2025 WL 3649515 (W.D. Mich. Dec. 17, 2025) (same); *Khogiani v. Raycraft et al.*, 2025 WL 3684539 (E.D. Mich. Dec. 18, 2025) (ordering release of habeas petitioner who had been paroled and re-detained); *Afghan v. Noem et al.*, 2025 WL 3723732 (D. Md. Dec. 23, 2025) (same). *Qasemi v. Francis*, 2025 WL 3654098 (S.D.N.Y. Dec. 17, 2025) (ordering release of petitioner who was initially in 1225(b)(1) proceedings, passed his credible fear and then released on parole because at the conclusion of his parole he was not longer in arriving alien status but was subject to 1226(a)).

5. As one court explained:

District courts that have addressed the termination of § 1182(d)(5)(A) parole 'have found that just as a grant of parole requires an individualized review, revocation of parole requires a case-by-case assessment to comply with the statute,' and the Court finds the reasoning in these nonbinding cases to be persuasive. *Mata Velasquez v. Kurzdorfer*, 794 F.Supp.3d 128, 146 (W.D.N.Y. 2025) (citations omitted) (addressing this issue, and granting the petitioner's motion for preliminary injunction and ordering that the petitioner be released); *see, e.g., Y-Z-L-H [v. Bostock]*, 792 F.Supp.3d [1123,] 1137-47 (addressing this issue, and granting the petitioner's habeas petition and ordering that the petitioner be released from custody); *Loaiza Arias [v. LaRose]*, 2025 WL 3295385, at *2-4 (same); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149, at *1013 (S.D. Cal. Oct. 1, 2025) (same); *Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), ___ F.Supp.3d ___, 2025 WL 2630826, at *14-17 (S.D.N.Y. Sept. 12, 2025) (same); *Gabriel B.M. v. Bondi*, No. 25-cv-4298 (KMM/EMB), 2025 WL 3443584, at *6-7 (D. Minn. Dec. 1, 2025)

(addressing this issue, and granting the petitioner's request for a preliminary injunction and ordering the petitioner's release from custody); *Orellana v. Francis*, No. 25-cv04212 (OEM), 2025 WL 2822640, at *2-3 (E.D.N.Y. Oct. 3, 2025) (addressing the issue in the context of a motion for reconsideration filed by the respondents, and affirming the court's grant of habeas relief to the petitioner and the court's order to release the petitioner). *But see Doe v. Noem*, 152 F.4th 272, 278-79, 285 (1st Cir. 2025) (reversing district court's grant of preliminary relief and vacating district court's stay of the termination notice for previously granted parole because "Plaintiffs ha[d] not demonstrated a strong likelihood of success in showing that under the statute, the Secretary must terminate these grants of parole under the [parole] program[s] on an individual basis").

6. Petitioners urge this Court to reject the Federal Respondents' arguments and order their release from detention.

Dated: December 29, 2025

Respectfully submitted,

/s/ Javier N. Maldonado

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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

On December 29, 2025, undersigned counsel electronically filed the instant pleading and all counsel of record will receive copies of the pleading.

Respectfully submitted,

/s/ Javier N. Maldonado
Javier N. Maldonado

ATTORNEY FOR PETITIONER