

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

Case No. 2:25-CV-1158-SPC-NPM

_____)
Germain Martinez Garcia,)
)
 Petitioner,)
 v.)
)
Pamela Bondi, et al.,)
)
 Respondents.)
_____)

PETITIONER’S REPLY TO RESPONDENTS’ OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Petitioner, by and through undersigned counsel, hereby files this reply to Respondent’s Opposition to Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, [ECF No. 7] and in support states the following:

INTRODUCTION

Respondents’ oppositional posture in this case rests on the following foundational, factual, and legal errors. Primarily, Respondents misstate the proceedings before the Immigration Judge by asserting that Petitioner “requested and received a bond redetermination hearing” at which the Immigration Judge concluded that Petitioner was subject to mandatory detention. [ECF No. 7 at 2.] Secondly, Respondents attempt to reframe this habeas petition as a challenge to a discretionary custody determination or to mandatory detention itself. [See ECF No. 7. at 1–3.]. Thirdly, Respondents’ merits argument relies on an overbroad interpretation of INA § 235(a)(1), 8 U.S.C. § 1225(a)(1), under which they contend that an individual charged under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), is categorically an applicant for admission subject to mandatory

detention under INA § 235(b)(2), 8 U.S.C. § 1225(b)(2). [ECF No. 7 at 6–9.] Fourthly, Respondents invoke exhaustion and jurisdictional limitations that do not apply where the agency declined to exercise statutory authority based solely on a legal interpretation. [See ECF No. 7 at 10–13.]. Finally, Respondents ask this Court to depart from a line of decisions within this District that have repeatedly rejected the same detention theory presented here, without finding any intervening statutory amendment or binding appellate precedent that would justify a different result. [See ECF No. 7 at 11–12.]

As previously stated, Petitioner does not ask this honorable Court to grant bond or to determine the terms of release. He asks only that the Court correct the legal error that prevented the Immigration Judge from exercising the authority Congress conferred under 8 U.S.C. § 1226(a), and remand the case so that a custody redetermination may be conducted in the first instance. Because Respondents’ opposition misstates the record, misreads the statute, and offers no basis to disregard this Court’s own precedent, it should be rejected.

LEGAL ARGUMENT

I. The Immigration Judge Did Not Conduct a Custody Redetermination

Respondents assert that Petitioner “requested and received a bond redetermination hearing before an immigration judge who concluded that Petitioner was subject to mandatory detention.” [ECF No. 7 at 2.] The Immigration Judge’s written custody order demonstrates that this characterization is incorrect. [See ECF No. 1, Ex. A]. The Immigration Judge did not adjudicate bond eligibility or conduct a discretionary custody redetermination under 8 U.S.C. § 1226(a). Instead, the Immigration Judge expressly declined jurisdiction and the request for custody redetermination solely on the ground that he “lack[ed] authority to redetermine Respondent’s custody status” because Respondent was deemed “an applicant for admission subject to mandatory

detention pursuant to section 235(b)(2)(A) of the INA.” This is clearly demonstrated by the fact that, in the order, the box for “other” is marked rather than “granted” or “denied.” [See ECF No. 1, Ex. A].

The Immigration Judge’s refusal to proceed was not based on any assessment of flight risk, danger to the community, or other custody factors ordinarily considered in a bond redetermination under *Matter of Guerra*, 24 I. & N. Dec. 37 (B.I.A. 2006). Nor did the Immigration Judge exercise discretion under § 1226(a). Rather, the Immigration Judge’s decision rested entirely on a threshold legal conclusion that he lacked statutory authority to conduct a custody redetermination—a conclusion driven by Respondents’ reliance on *Matter of Yajure Hurtado*, 28 I. & N. Dec. 605 (B.I.A. 2025). [ECF No. 1, Ex. A.] Therefore, there is no discretionary custody determination for this Court to review, defer to, or disturb, notwithstanding Respondents’ repeated framing of this case as a challenge to mandatory detention. [See ECF No. 7 at 1–3.]

Because no custody redetermination occurred, Petitioner does not ask this Court to review or substitute its judgment for any discretionary agency decision. He asks only that the Court determine whether Respondents’ legal classification of him as subject to mandatory detention under § 1225(b) improperly foreclosed the Immigration Judge’s authority to conduct a custody redetermination under § 1226(a). That legal question is addressed below.

II. This Case Presents a Pure Question of Statutory Authority

Due to the Immigration Judge declining to conduct a custody redetermination based solely on a legal conclusion regarding statutory authority, this case presents a pure question of law. The question is not whether Petitioner is a flight risk or a danger to the community, and it is not whether bond should be granted. The sole issue is whether Petitioner’s detention is governed by 8 U.S.C.

§ 1226(a), which authorizes custody redeterminations, or by 8 U.S.C. § 1225(b), which mandates detention for applicants for admission.

The relevant facts are undisputed. Petitioner entered the United States without inspection three decades ago, was arrested in the interior of the country, and was placed in removal proceedings under 8 U.S.C. § 1229a. Respondents do not contend that Petitioner was encountered at a port of entry, placed in expedited removal proceedings, or subjected to inspection or screening under § 1225. [See ECF No. 7 at 1–3.] Nor do Respondents dispute that Petitioner has been in the United States continuously since his entry or that his arrest occurred long after that entry.

The charges sustained in removal proceedings further confirm the statutory posture of this case. The Immigration Judge sustained only the charge under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), which applies to individuals present in the United States without having been admitted or paroled. The Immigration Judge did not sustain the document-based inadmissibility charge under INA § 212(a)(7), 8 U.S.C. § 1182(a)(7), which applies only to immigrants who lack valid entry documents at the time of application for admission. As a result, there is no finding—factual or legal—that Petitioner was seeking admission at the time of his arrest.

Despite this, Respondents argue that Petitioner is subject to mandatory detention under § 1225(b) based on a categorical interpretation of INA § 235(a)(1), 8 U.S.C. § 1225(a)(1), under which they contend that individuals charged under § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), are applicants for admission as a matter of law. [ECF No. 7 at 6–9]. That argument obscures the statutory distinction between inspection-stage detention under § 1225 and pre-order detention during removal proceedings under § 1226. By operation of law, that would render § 1226(a)'s bond framework futile for a broad class of interior arrests.

Where, as here, the Immigration Judge declined to exercise jurisdiction based on such a legal interpretation, habeas review is appropriate to determine whether the correct detention statute applies. The resolution of that question does not require factual development or discretionary judgment. It requires only interpretation of the statutory scheme Congress enacted and application of that scheme to undisputed facts.

III. Section 1225(b) Cannot Apply Where There Is No Application for Admission

Respondents' detention theory depends on the premise that Petitioner is an "applicant for admission" within the meaning of INA § 235(a)(1), 8 U.S.C. § 1225(a)(1), and therefore subject to mandatory detention under § 1225(b). That premise is incorrect. Section 1225 governs inspection-stage detention—i.e., the processing of individuals who present themselves for admission or are otherwise treated as seeking admission at or near the border. It does not authorize mandatory detention of noncitizens arrested in the interior decades after entry and placed in removal proceedings under 8 U.S.C. § 1229a.

The statutory text reads that an "alien present in the United States who has not been admitted ... shall be deemed for purposes of this chapter an applicant for admission." 8 U.S.C. § 1225(a)(1). That deeming provision must be read in context. Section 1225, taken as a whole, governs inspection, screening, and processing at the threshold of entry, including expedited removal and related procedures. It does not convert a long-term interior presence into a perpetual, ongoing application for admission untethered from any inspection or entry process.

Respondents' interpretation would eliminate the functional boundary between § 1225 and § 1226. Under their theory, any noncitizen charged under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), regardless of how long ago the entry occurred or whether the individual is encountered at the border, would be permanently subject to § 1225(b) mandatory detention.

Nothing in the statutory text nor congressional legislative history supports that result. In fact, Congress *expressly* provided a separate detention framework for individuals arrested after entry while removal proceedings are pending—§ 1226—and authorized discretionary release and custody redeterminations in that context.

The Immigration Judge’s rejection of the document-based inadmissibility charge under INA § 212(a)(7), 8 U.S.C. § 1182(a)(7), confirms that § 1225(b) cannot apply here. Section 212(a)(7) applies only to immigrants who lack valid documents “at the time of application for admission.” By not sustaining that charge, the Immigration Judge necessarily determined that Petitioner was not applying for admission at the time of his arrest. Without an application for admission—actual or constructive—there is no statutory basis to invoke inspection-stage mandatory detention under § 1225(b).

Again, Respondents rely on *Matter of Yajure Hurtado* to bridge this statutory gap, but *Hurtado* cannot supply authority that the statute itself does not provide. As this honorable Court has already stated, DHS’s post-*Hurtado* interpretation “flies in the face of the plain language and historical understanding of the INA” and would nullify Congress’s recent amendment to § 1226(c) through the Laken Riley Act. *Vasquez Carcamo v. Noem*, No. 2:25-cv-00922-SPC-NPM, 2025 WL 3119263, at 4 (M.D. Fla. 2025). If mere inadmissibility automatically triggered mandatory detention under § 1225(b), Congress’s amendment to § 1226(c) would have no operative effect. *Id.*

Summarily, § 1225(a)(1) cannot be read to convert a decades-old interior presence into an ongoing application for admission, and § 1225(b) cannot be used to displace § 1226(a)’s custody framework in removal proceedings under § 1229a. Because Petitioner was not seeking admission, was not sustained on any charge requiring an application for admission and was arrested long after

entry in the interior of the United States, mandatory detention under § 1225(b) is not authorized. The Immigration Judge's contrary conclusion rests on legal error.

IV. The Remedy Is Limited and Appropriate

Petitioner does not ask this Court to grant bond, to determine the amount of any bond, or to weigh custody factors in the first instance. Nor does Petitioner ask the Court to intrude on matters committed to the discretion of the immigration court. The requested relief is limited: an order correcting the legal error that prevented the Immigration Judge from exercising statutory authority and remanding the case so that a custody redetermination may be conducted under 8 U.S.C. § 1226(a).

Where an Immigration Judge declines to exercise jurisdiction based on an erroneous interpretation of the governing detention statute, the appropriate remedy is to restore the statutory framework Congress enacted. That is precisely the relief granted by courts in this District when DHS has improperly treated long-term interior residents as subject to mandatory detention under § 1225(b). See *Patel v. Hardin*, No. 2:25-cv-870-JES-NPM, 2025 WL 3442706, (M.D. Fla. 2025); *Vasquez Carcamo v. Noem*, 2025 WL 3119263.

Remanding for a custody redetermination under § 1226(a) respects the division of authority Congress established. The Immigration Judge—not this Court—conducts the bond hearing, considers the relevant custody factors, and determines whether continued detention is warranted. This Court's role is limited to ensuring that the correct statute governs that process.

Because Respondents' legal interpretation improperly foreclosed the Immigration Judge's authority to conduct a custody redetermination, habeas relief is warranted. The Court should grant the Petition and order Respondents to provide Petitioner with a custody redetermination hearing under § 1226(a) before an Immigration Judge.

V. Respondents Offer No Basis for This Court to Depart from Its Prior Decisions

Respondents acknowledge that courts within this District have repeatedly rejected the detention theory they advance here, yet they nevertheless ask this Court to reach a dissimilar conclusion. [ECF No. 7 at 11–12.] Respondents do not identify any intervening statutory amendment, binding appellate precedent, or material change in governing law that would justify such a departure. Instead, they ask the Court to revisit, and overturn settled conclusions based on the same arguments that have already been considered and rejected.

Additionally, Respondents do not provide any meaningfully distinguishable facts of this case from those previously before this Court. Respondents' backfooted posture depends not on factual distinctions, but on a renewed insistence that the Court should adopt an interpretation it has already rejected.

Absent an intervening change in the law, principles of consistency and judicial restraint direct against such a divergence. Respondents' disagreement with this Court's prior rulings does not supply a legal basis to disregard them. Because Respondents offer no reasoned justification for abandoning settled precedent within this District, their opposition falls well short of its desired request.

CONCLUSION

For the foregoing reasons, the Court should grant the Petition for Writ of Habeas Corpus. The Immigration Judge declined to conduct a custody redetermination based on an erroneous interpretation of the governing detention statute, leaving Petitioner without the custody review authorized by 8 U.S.C. § 1226(a). Petitioner respectfully requests that the Court order Respondents to provide a custody redetermination hearing under § 1226(a) before an Immigration Judge or grant such other relief as the Court deems just and proper.

Respectfully submitted on this day 18th of December, 2025.

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By his attorney,

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