UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:25-cv-04620-KMM-LIB

HUSNI SHARIF ABDI,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

FEDERAL RESPONDENTS' ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Husni Sharif Abdi filed this petition for a writ of habeas corpus because he wants an immigration court to conduct a bond hearing in connection with his detention by the U.S. Immigration and Customs Enforcement ("ICE"). Respondents Pamela Bondi, Kristi Noem, Todd M. Lyons, and David Easterwood (collectively "the Federal Respondents") submit this response to the petition and respectfully request that the Court deny it on the merits for two reasons. First, Petitioner's detention is mandatory under 8 U.S.C. § 1225—he is not eligible for bond or a bond hearing. Second, Petitioner is not a member of the class that was certified in *Maldonado Bautista* v. *Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal. filed July 23, 2025).

BACKGROUND

The Federal Respondents draw the following background from Petitioner's petition, the Declaration of Deportation Officer Angela Minner ("Minner Decl."), and the accompanying exhibits.

Petitioner is a citizen of Ethiopia, who entered the United States in March 2024 without inspection or admission. Pet. ¶¶ 3, 23; Minner Decl. ¶ 4, Ex. A. Petitioner was

apprehended by the U.S. Border Patrol shortly after his illegal entry. Minner Decl. ¶ 5. At that point, Petitioner was issued a Form I-862, Notice to Appear, and then released on his own recognizance due to lack of available detention space. Minner Decl. ¶ 5, Ex. B. A few months later, Petitioner filed an application for asylum with the immigration court, and the application is still pending. Minner Decl. ¶ 6.

In December 2025, ICE officers conducted enforcement operations in Minneapolis and arrested Petitioner for the continuation of his removal proceedings. Pet. ¶ 23; Minner Decl. ¶ 7, Ex. C. The officers determined that Petitioner should be detained, and he is currently in custody at the Sherburne County Jail. Pet. ¶ 23; Minner Decl. ¶ 7.

Petitioner sought release on bond, but an immigration judge denied the request on December 9, 2025, after determining Petitioner was subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Minner Decl. ¶ 8, Ex. D. Petitioner's next hearing in immigration court is scheduled for January 16, 2026. Minner Decl. ¶ 9.

ARGUMENT

The parties' disagreement in this case comes down to whether Petitioner is detained under § 1225 or § 1226 of Title 8 of the U.S. Code. ICE says it's § 1225, which governs the detention of noncitizens who are "applicants for admission." 8 U.S.C. § 1225(a)(3). Congress says so as well, expressly directing that noncitizens like Petitioner who get into the United States without being inspected "shall be deemed for purposes of this chapter an applicant for admission" and then detained pursuant to § 1225(b)(1) or § 1225(b)(2). *Id.* § 1225(a)(1). Based on a straightforward reading of these statutes, Petitioner is subject to mandatory detention under § 1225(b)(2). Moreover, no matter how the Court resolves the

§ 1225/1226 issue in this case, the Court should conclude that Petitioner is not a member of the recently certified class in *Bautista*. He fails to satisfy all three of the definitional conditions for the class, and any proceedings in *Bautista* therefore do not affect Petitioner's current detention.

I. Mandatory Detention under § 1225

Counts Two, Three, and Four of the petition assert that Petitioner is subject to detention under § 1226 rather than under § 1225. Pet. ¶¶ 72-88. The Court is familiar with this issue by now and has already ruled on the government's arguments for holding that detention under these circumstances is appropriately characterized as mandatory detention pursuant to § 1225. *See, e.g.*, *Belsai D.S. v. Bondi*, 2025 WL 2802947 (D. Minn. Oct. 1, 2025). Although the Eighth Circuit is poised to weigh-in soon, *see Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025), the Federal Respondents acknowledge that—***with one exception discussed below***—this case presents similar legal and factual issues to prior habeas petitions.

Rather than belabor these proceedings further by re-arguing points that the Court has already considered and rejected, the Federal Respondents will: (1) offer additional authority that the Court may not have previously considered; (2) summarize the legal basis for the government's interpretation; and (3) explain how Petitioner's pursuit of asylum is a relevant consideration in this case. The Federal Respondents request that the Court note the arguments made below and in *Belsai* and hold that they are preserved for appeal.

A. Additional Authority

Courts across the country have agreed with the government's interpretation of § 1225 in factually similar cases. *See, e.g.*, *Calderon Lopez v. Lyons*, 2025 WL 3683918 (N.D. Tex. Dec. 19, 2025); *Urbina Zapata v. Chestnut*, 2025 WL 3687643 (E.D. Cal. Dec. 19, 2025); *E.R.J.B. v. Wofford*, 2025 WL 3683118 (E.D. Cal. Dec. 18, 2025); *Romero Rebolledo v. Chestnut*, 2025 WL 3683122 (E.D. Cal. Dec. 18, 2025); *Liang v. Almodovar*, 2025 WL 3641512 (S.D.N.Y. Dec. 15, 2025); *Pablo Coronado v. Secretary, DHS*, 2025 WL 3628229 (S.D. Ohio Dec. 15, 2025); *P.B. v. Bergami*, 2025 WL 3632752 (N.D. Tex. Dec. 13, 2025); *Yanyun Mo v. Chestnut*, 2025 WL 3539063 (E.D. Cal. Dec. 10, 2025); *Ugarte-Arenas v. Olson*, (E.D. Wis. Dec. 8, 2025); *Chen v. Almodovar*, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025); *Candido v. Bondi*, 2025 WL 7484932, (W.D.N.Y. Dec. 4, 2025); *Topal v. Bondi*, 2025 WL 3486894 (W.D. La. Dec. 3, 2025); *Hernandez Cruz v. Noem*, 2025 WL 3482630 (C.D. Cal. Dec. 2, 2025); *Maceda Jimenez v. Thompson*, 2025 WL 3265493 (S.D. Tex. Nov. 24, 2025); *Alves De Andrade v. Patterson*, 2025 WL 3252707 (W.D. La. Nov. 21, 2025); *Valencia v. Chestnut*, 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025); *Alonzo v. Noem*, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025); *Cabanas v. Bondi*, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Ramos v. Lyons*, 2025 LX 568700 (C.D. Cal. Nov. 12, 2025); *Oliveira v. Patterson*, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Sandoval v. Acuna*, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Rojas v. Olson*, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025); *Garibay-Robledo v. Noem*, 2025 WL 3264478 (N.D. Tex. Oct. 24, 2025); *Chavez v. Noem*, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Pipa-Aquise v. Bondi*, 2025 WL 2490657 (E.D. Va. Aug. 5, 2025).

Admittedly, these decisions reflect the minority position. But that minority has been growing since the BIA reached its conclusion in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025). *See Sandoval*, 2025 WL 3048926, at *6 (noting "many of the[] cases" taking the majority position did so "before—or soon after—the BIA issued its opinion in" *Hurtado*). And it is worth emphasizing that courts within the Eighth Circuit have agreed with the government's arguments. *See, e.g.*, *Melgar v. Bondi, et al.*, 2025 WL 3496721 (D. Neb. Dec. 5, 2025); *Suarez v. Noem*, 2025 WL 3312168 (E.D. Mo. Nov. 28, 2025); *Mejia Olalde v. Noem*, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Vargas Lopez v. Trump*, 2025 WL 2780351 (D. Neb. Sept. 30, 2025). In particular, the District of Nebraska's decision in *Melgar* comprehensively and persuasively analyzes the text of § 1225 and § 1226 before concluding that a habeas petition like the one filed in this case failed on the merits because the petitioner was properly detained under § 1225. The Federal Respondents contend that this authority justifies revisiting the Court's earlier decisions on the § 1225/1226 issue presented in this petition.

B. Mandatory Detention under § 1225

The Court should uphold Petitioner's mandatory detention under § 1225(b)(2). Petitioner does not dispute that he is a noncitizen present in the United States who entered without inspection. *See* Pet. ¶ 40. Thus, he is "deemed" to be an "applicant for admission" under § 1225(a)(1). Pursuant to the statute's "catchall provision"—paragraph (b)(2)—a noncitizen like Petitioner who is deemed an applicant for admission and who is not subject to paragraph (b)(1) must be detained during removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). The Court should reject Petitioner's arguments for a contrary

interpretation of § 1225 and § 1226, for multiple reasons that are evident from the text, context, and structure of these statutes.

First, Petitioner's argument is contrary to § 1225's plain text, which "deem[s]" people who are already "present in the United States" without admission to be applicants for admission. *See* 8 U.S.C. § 1225(a)(1). Although paragraph (b)(1) applies to those "arriving" in the United States and other more recent arrivals, paragraph (b)(2) is not so limited and applies instead to any "other" noncitizen "who is an applicant for admission." *Compare id.* § 1225(b)(1)(A)(i), *with id.* § 1225(b)(2)(A); *accord Jennings*, 583 U.S. at 287. The term "seeking admission" does not implicitly narrow this provision to just those applicants for admission who are "arriving" at the border. Such an interpretation would render paragraph (b)(2) essentially redundant of (b)(1). Rather, (b)(2) includes all people who Congress deemed to be applicants for admission who are not already covered by paragraph (b)(1).

Second, the context of § 1225's passage in a 1996 reform package shows Congress intended to place noncitizens who are present without admission on equal footing with those who are apprehended upon arrival. Before the current version of § 1225 was enacted, under the entry doctrine, inadmissible noncitizens who successfully evaded apprehension and gained entry enjoyed greater rights than those who were found inadmissible after appearing for inspection. *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc) (explaining history of § 1225), *declined to extend by United States v. Gambino-Ruiz*, 91 F.4th 981 (9th Cir. 2024). But Congress did away with the distinction by, among other changes, deeming both categories to be treated as applicants for admission in § 1225(a)

and treating them similarly in § 1225(b). Interpreting § 1225(b) to turn on physical entry rather than lawful admission after inspection would reinvigorate the entry doctrine, contrary to Congress's legislative efforts.

Third, Petitioner's approach contradicts the structure of the statute, both within § 1225 itself and between § 1225 and § 1226. Section 1225(b) divides applicants for admission between two subparagraphs: (b)(1) for those applicants for admission who are arriving, and (b)(2) for "other" applicants for admission. Section 1225(b) treats all "applicants for admission"—whether arriving or already present—as mandatory detainees under either (b)(1) or (b)(2), unlike admitted noncitizens who are subject to discretionary detention and allowed bond under § 1226.

Based on § 1225's plain text, context, and structure, the Court should hold Petitioner is properly subject to mandatory detention under § 1225(b)(2).

C. Petitioner's Pursuit of Asylum

This Court rejected the government's construction of § 1225 and § 1226 in *Belsai*, concluding that mandatory detention under § 1225(b) was not appropriate because the petitioner was "not 'seeking admission.'" 2025 WL 2802947, at *6. But the Court construed "seeking admission" to mean "presently attempting to gain admission into the United States." *Id.* And because the petitioner in *Belsai* was a DACA recipient who had been present in the United States since the 90s, this Court concluded that he had not done anything to qualify as "seeking admission" and did not come within § 1225(b)(2)'s mandatory detention provisions. *Id.* at *6-7.

This case is fundamentally different. By his own allegation, Petitioner is "seeking admission" through his pending asylum application. Pet. ¶¶ 3 (alleging a pending asylum application at the time of his arrest and detention in December 2025); *see also* Minner Decl. ¶ 6. By seeking asylum after he was first apprehended at the border—and by continuing to pursue that status to this day—Petitioner is unambiguously "seeking admission." If granted, an asylum application leads to the asylee obtaining an "asylum status" that includes a stay of removal, work authorization, and a travel document. 8 U.S.C. § 1158(c)(1). "Asylum status" is a form of lawful status that meets the INA's definition of "admission," which means "the lawful entry . . . into the United States after inspection and authorization by an immigration officer," but which does not include parole. *Id.* § 1101(a)(13)(A), (B), 1158(d)(5). In short, Petitioner is "presently attempting to gain admission into the United States," and is therefore "seeking admission" as this Court interpreted that phrase in *Belsai*.

The district court in *Chen* recently considered this issue and agreed that an asylum seeker was "seeking admission" under the narrower interpretation adopted by most courts. 2025 WL 3484855, at *6. The *Chen* court agreed with the government's interpretation of § 1225(b)(2) but went on to conclude that detention would be appropriate even under the narrower interpretation like the one this Court adopted in *Belsai*: "If actively 'seeking admission' is a distinct requirement for mandatory detention pursuant to 1225, seeking asylum *is* 'seeking admission,' within the meaning of the statute, since 'admission' is defined in terms of 'lawful' status, 8 U.S.C. § 1101(a)(13)(A), not physical presence on U.S. soil." *Id.* at *6 (original emphasis). Because Petitioner is currently "seeking

admission"—and because he was "seeking admission" at the time of his arrest and detention in December 2025—he is subject to mandatory detention under § 1225(b)(2).

II. *Bautista* Class

Count One of the petition seeks relief based on Petitioner's supposed membership in the *Bautista* class. Pet. ¶¶ 66-71. But Petitioner is not a member of that class, so he is not entitled to habeas relief on this basis.

The petition correctly recounts that a federal court in California recently certified a "Bond Eligible Class" comprised of immigration detainees whose detention turns on the interpretation of § 1225 and § 1226. *See* Pet. ¶¶ 43-49. The petition also correctly lists the three definitional conditions for class membership—the *Bautista* class includes all noncitizens who:

1. have entered or will enter the United States without inspection;
2. were not or will not be apprehended upon arrival; and
3. are not or will not be subject to detention under §§ 1225(b)(1), 1226(c), or 1231 at the time the Department of Homeland Security makes an initial custody determination.

Pet. ¶ 47 (correctly citing a November 25, 2025, order entered in *Bautista*).

Right after reciting these definitional conditions, the petition makes a confusing misstep. Petitioner says that he is a member of the *Bautista* class because he satisfies the first and third conditions, as well as a ***completely made-up*** second condition. Specifically, Petitioner alleges "he was not seeking admission when U.S. agents apprehended him in Minneapolis on December 2, 2025, more than one year and eight months after he arrived in the United States. Petitioner's current detention is therefore not 'upon arrival.'"

Pet. ¶ 48. Seeking admission upon arrest is not part of the class definition—either as described by the *Bautista* court or as recounted in Petitioner's pleadings. Petitioner obviously cannot wedge himself into a class just by satisfying random conditions that do not define that class.

Equally important, the record evidence is clear that Petitioner does not satisfy the second definitional condition. He was arrested by U.S. Boarder Patrol promptly after illegally entering the country in 2024. Minner Decl. ¶ 5, Ex. B. In fact, Petitioner's own exhibits include documentation from that encounter. Dkt. 1-2. Because Petitioner undisputedly is not a member of the *Bautista* class, the Court should explicitly refuse to grant habeas relief as to Count One.

III. Remedy

If the Court determines that Petitioner is detained under § 1226(a) and not under § 1225(b)(2), then the appropriate remedy is to order a custody redetermination hearing instead of immediate release. That approach would "comport[] with the general rule that 'the scope of injunctive relief is dictated by the extent of the violation established' and should be 'no more burdensome to the defendant than necessary to provide complete relief to the plaintiff.'" *Fuentes v. Olson*, 2025 WL 3524455, at *5 (D. Minn. Dec. 9, 2025) (alterations omitted) (quoting *Nebraska v. Biden*, 52 F.4th 1044, 1048 (8th Cir. 2022)); *see also Trump v. CASA, Inc.*, 606 U.S. 831, 861 (2025) (staying preliminary injunctions "to the extent that the injunctions are broader than necessary to provide complete relief to each plaintiff with standing to sue"). The result of this rule is that "[m]ost courts confronting claims analogous to" those raised by Petitioner "order a bond hearing, not immediate

release, as a remedy." *Fuentes*, 2025 WL 3524455, at *5 (collecting authority). Petitioner should not obtain a different outcome here.

Under Petitioner's theory, he is not subject to expedited removal proceedings and not subject to detention under any provision of section 1225. If he is correct, then he would have to be subject to discretionary detention under § 1226(a). But § 1226(a) does not grant "any *right* to release on bond." *Matter of D-J-*, 23 I. & N. Dec. 572, 575 (original emphasis) (citing *Carlson v. Landon*, 342 U.S. 524, 534 (1952)). Instead, the statute provides that the government "*may* release the [noncitizen] on . . . bond of *at least* $1,500" or on conditional parole. 8 U.S.C. § 1226(a)(2) (emphasis added). Under this plain text, posting bond of "at least $1,500" is a condition precedent to release. *Id.* And whether a person is entitled to release on bond in the first place depends on if he can prove he "is not a danger to the community or a flight risk." *Miranda v. Garland*, 34 F.4th 338, 347 (4th Cir. 2022). Petitioner is not entitled to immediate release, unmediated by the immigration court procedures ordinarily applicable to custody redetermination proceedings under § 1226(a).

IV. Evidentiary Hearing

Finally, the Federal Respondents believe that the Court can rule on this petition without holding an evidentiary hearing. The facts are not likely to be disputed, and the only issues before the Court are ones of legal interpretation that are capable of resolution on the parties' submission.

CONCLUSION

For the reasons discussed above, the Federal Respondents respectfully request that the Court deny this habeas petition.

Dated: December 23, 2025

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