UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MISAEL CRUZ LAGUNES, Petitioner, v. BRIAN ACUNA, et al., Respondents.	Case No. 5:25-cv-00151-DCB-BWR Hon. Judge David Bramlette III

PETITIONER'S REPLY IN SUPPORT OF THEIR PETITION FOR *HABEAS CORPUS*

Petitioner, **MISAEL CRUZ LAGUNES**, by and through counsel, **WILLIAM QUICENO**, is a noncitizen detained by Immigration and Customs Enforcement ("ICE"), petitions this Honorable Court for a Writ of *Habeas Corpus* under 28 U.S.C. §2241, alleging his arrest and subsequent detention is illegal and that defendants have violated his right to due process guaranteed by the Fifth Amendment.

I. BACKGROUND

Misael Cruz Lagunes is a 51-year-old native and citizen of Mexico. He entered the United States without inspection in 1993 when he was 19 years old and he has lived continuously in the United States for more than thirty years. He lives in Carpentersville, Illinois with his long-term domestic partner, who is a legal permanent resident, and their two U.S. citizen daughters. On October 9, 2025, he was detained by Immigration and Customs Enforcement ("ICE") while he was picking up scrap metal. ICE did not have any warrant to

arrest Mr. Cruz Lagunes at the time of his arrest and did not issue a Notice to Appear ("NTA") for almost a month following his initial arrest. *See NTA*, Document 7-1, Page 1. He was processed at Broadview Processing Center in Illinois before being transferred to Adams County Correctional center in Natchez, Mississippi. Mr. Cruz Lagunes filed the present habeas petition under 28 U.S.C. § 2241 before this Court on December 11, 2025.

II. CASE DISCLAIMER

Mr. Cruz Lagunes's case does not arise in isolation. Over the past several months, ICE and the Department of Homeland Security have repeatedly advanced the same unprecedented theory of mandatory detention under § 1225(b)(2) - a theory that federal courts across multiple jurisdictions have consistently rejected. Despite consistent rulings from districts across the United States finding that such individuals are properly detained, if at all, under § 1226(a) and entitled to bond hearings, Respondents continue to relitigate the issue as though those decisions do not exist.

The result is a troubling pattern: immigrants are detained or re-detained without lawful authority, forced to seek habeas relief, and then the Government simply repeats the same arguments in the next case. This recycling of losing positions wastes judicial resources, undermines public confidence, and, most critically, perpetuates unlawful arrest and unnecessary detention of individuals like Mr. Cruz Lagunes, who have families, homes, and longstanding community ties. His case is not an outlier, but part of a broader pattern of aggressive and arguably unlawful enforcement across this United States that has upended hundreds of lives in recent months and torn families apart. Against that backdrop, and despite Respondents' effort to repackage their same arguments as "plain" statutory interpretation and

settled precedent, Petitioner's response is as follows:

III. DISCUSSION

A district court may grant a writ of habeas corpus to any person who demonstrates he is "in custody in violation of the Constitution or laws . . . of the United States." 28 U.S.C. §2241. The individual in custody bears the burden of proving that his detention is unlawful. *See, e.g. Walker v. Johnston*, 312 U.S. 275, 286 (1941).

Mr. Cruz Lagunes claims violations of the Nava Settlement (Count I); the Immigration and Nationality Act ("INA") (Count II), and the Due Process clause of the Fifth Amendment (Count III). In opposition to Mr. Cruz Lagunes's petition, Respondents have raised three substantive arguments supported by their brief: (1) Mr. Cruz Lagunes has not exhausted his administrative remedies; and (2) Mr. Cruz Lagunes is properly classified as an "arriving alien" under 8 U.S.C. §1225 with no right to a bond hearing; and (3) Mr. Cruz Lagunes has no right (or at least very limited rights) to Due Process under the Fifth Amendment because he has no legal status here.

A. EXHAUSTION OF ADMINISTRATIVE REMEDIES

While the Eighth Circuit has not conclusively ruled on way or the other when it comes to administrative exhaustion for these types of petitions, sister courts within the Sixth, Seventh, and Ninth Circuit have applied a three-factor test, set forth in *United States v. California Care Corp.*, 709 F.2d 1241 (9th Cir. 1983), to determine whether prudential exhaustion should be required. Thus, courts may require prudential exhaustion when:

> (1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision;
> (2) relaxation of the requirement would encourage the deliberate bypass of the

> administrative scheme; and
> (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review.

Id. (citing *Shweika v. Dep't of Homeland Sec.*, No. 1:06-cv-11781, 2015 WL 6541689, at *12 (E.D. Mich. Oct. 29, 2015)).

Respondents' arguments are unconvincing when it comes to requiring Mr. Cruz Lagunes to exhaust his administrative remedies before raising his petition. *Respondents' Brief ("Resp. Br.")*, Doc. 7, at 1, 9, 10. Upon consideration of those factors, prudential exhaustion should not be required in Mr. Cruz Lagunes's case. First, the central question presented by Petitioner's § 2241 petition is whether 8 U.S.C. § 1225 or 8 U.S.C. § 1226 applies to Petitioner. That determination relies upon a purely legal question of statutory interpretation and does not require the record that would be developed should the Court require Mr. Cruz Lagunes to exhaust his administrative remedies. Moreover, this Court is not bound by and is not required to give deference to any agency interpretation of a statute. *See Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 413 (2024) (noting that "courts need not and under the [Administrative Procedure Act (APA)] may not defer to an agency interpretation of the law simply because a statute is ambiguous.").

Second, Mr. Cruz Lagunes's constitutional challenge to his detention does not require exhaustion. Sister circuits have noted that due process challenges, such as the one raised by Mr. Cruz Lagunes, generally do not require exhaustion because the BIA cannot review constitutional challenges. See *Sterkaj v. Gonzalez*, 439 F.3d 273, 279 (6th Cir. 2006).

Finally, the fact that Respondents have clearly set forth their belief that § 1225(b)(1)(A) applies to all aliens who have resided within the United States prior to their arrest and

detention makes it is doubtful that BIA review of Mr. Cruz Lagunes's custody would preclude the need for judicial review. The BIA recently proclaimed that any individual who has ever entered the United States unlawfully and was later detained is no longer eligible for bond and is subject to mandatory detention under § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 229 (2025). Because any pursuit of administrative remedies by Mr. Cruz Lagunes would be futile in light of *Yajure Hurtado*, this Court should choose to waive the exhaustion requirement. *See Sanchez Alvarez v. Noem et al.*, No. 1:25-CV-1090, 2025 WL 2942648, at *3 (W.D. Mich. Oct. 17, 2025) (finding that because "[i]t is unlikely that any administrative review by the BIA would lead to the Government changing its position" regarding the question of which statutory framework applies to the petitioner, exhaustion was not required).

Moreover, the waiver of exhaustion here should be warranted because bond denial appeals "typically take six months or more to be resolved at the BIA." *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1245 (W.D. Wa. 2025). And such a timeline for an administrative remedy is unreasonable or indefinite, such that courts may waive the exhaustion requirement. *See Pizarro Reyes*, 2025 WL 2609425, at *3 (citing *United States v. Alam*, 960 F.3d 831, 836 (6th Cir. 2020)). Indeed, the "delays inherent" in the BIA's administrative process "would result in the very harm that the bond hearing was designed to prevent[:]" prolonged detention without due process. *Jimenez Garcia*, Doc. 6, at 7 (citing *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019) (citation omitted)). Requiring Mr. Cruz Lagunes to exhaust his administrative remedies through a BIA appeal would force him to spend unnecessary months in prison. It is unmistakable that "depriving [Petitioner] of [his] liberty

while awaiting a BIA appeal decision certainly equates to hardship. And any delay results in the very harm [Petitioner] is trying to avoid . . . –detention." *Sanchez Alvarez*, Doc.8, at 7 (quoting *Lopez-Campos*, 2025 WL 2496379, at 5). As such, this Court should waive any exhaustion requirements and review the merits of Mr. Cruz Lagunes's habeas petition.

B. BASIS FOR DETENTION

Immigration detention is governed by two statutory sections: 8 U.S.C. §§ 1225 and 1226. Section 1225 "authorizes the Government to detain certain aliens *seeking admission into the country*," while §1226 "authorizes the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings," including noncitizens "who were inadmissible at the time of entry." *Jennings*, 583 U.S. at 288-289 (emphasis added). Respondents, via their response, have stated that Mr. Cruz Lagunes is being detained under §1225. *Resp. Br.*, Doc.7, at 10-11. Mr. Cruz Lagunes argues, and this Court and case precedent would agree, that if he is detained at all, he should be detained pursuant to 8 U.S.C. §1226(a).

Section 1226(a) sets out a "default rule" for the discretionary detention of noncitizens "already present in the United States." *Jennings*, 583 U.S. at 303. Under §1226(a), immigration authorities may make an initial determination as to detention, but noncitizens may then request a bond hearing before an Immigration Judge. 8 C.F.R. §1236.1(c)(8), (d)(1). At that hearing, the noncitizen "may secure his release if he can convince the officer or immigration judge that he poses no flight risk and no danger to the community." *Nielsen v. Preap*, 586 U.S. 392, 397-98 (2019)(citing 8 C.F.R. §§1003.19(a), 1236.1(d); *Matter of Guerra*, 24 I. & N. Dec. 37 (BIA 2006)).

By contrast, § 1225 governs the detention of those "seeking admission." An applicant

for admission is defined as a noncitizen "present in the United States who has not been admitted or who arrives in the United States," § 1225(a)(1), and "fall[s] into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings*, 583 U.S. at 288. The second category creates a catchall mandatory detention provision: "if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for [full removal proceedings under § 1229]." 8 U.S.C. § 1225(b)(2)(A). Unlike noncitizens detained under § 1226(a), those detained under § 1225 may only be released "for urgent humanitarian reasons or significant public benefit." *Jennings*, 583 U.S. at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)).

Respondents' argument that § 1225(b)(2)(A) applies to all noncitizens present in the United States without admission, fails. It cites no binding authority and does not grapple with Jennings. As many other district courts have concluded, "Respondents' interpretation of the statute (1) disregards the plain meaning of § 1225(b)(2)(A); (2) disregards the relationship between §§ 1225 and 1226; (3) would render a recent amendment to § 1226(c) superfluous; and (4) is inconsistent with decades of prior statutory interpretation and practice." *Alejandro v. Olson*, 2025 WL 2896348, at *6 (S.D. Ind. Oct. 11, 2025); see, e.g., *Lopez Benitez v. Francis*, 2025 WL 2371588, at *8 (S.D.N.Y. Aug. 13, 2025) ("[T]he line historically drawn between sections 1225 and 1226, which makes sense of their text and the overall statutory scheme, is that section 1225 governs detention of non-citizens 'seeking admission into the country,' whereas section 1226 governs detention of non-citizens 'already in the country.'") (cleaned up) (citing *Jennings*, 583 U.S. at 288-89); *Diaz Martinez v. Hyde*, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) ("The idea that a different detention scheme would apply to non-citizens

'already in the country,' as compared to those 'seeking admission into the country,' is consonant with the core logic of our immigration system.") (cleaned up) (citing *Jennings*, 583 U.S. at 289). *See also, e.g., Gonzalez De Jesus v. Noem et al.,* No. 1:25-cv-13333 (N.D. Ill. November 4, 2025); *Corona Diaz v. Olson et al,* No. 1:2025cv12141 (N.D. Ill. October 29, 2025); *Singh v. Lyons*, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025); *Sanchez Ballestros v. Noem*, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025); *D.S. v. Bondi*, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Lepe v. Andrews*, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, 2025 WL 2712417 (N.D. Iowa Sept. 23, 2025); *Hasan v. Crawford*, No. 25-cv-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Velasquez Salazar v. Dedos*, 2025 WL 2676729 (D. N.M. Sept. 17, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Aguilar Maldonado v. Olson*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Dos Santos v. Noem*, 2025 WL 2370988 (D. Mass. Aug. 14, 2025).

According to Respondents, § 1225(b)(2) authorizes Mr. Cruz Lagunes's detention since he meets its three plain-text elements as (1) an "applicant for admission" who (2) remains "seeking admission" and (3) is in "a proceeding under section 1229a." *Resp. Br.*, Doc.7, at 13. This is simply not true.

As to the first term, Respondents state that Mr. Cruz Lagunes is an "applicant for

admission" because "aliens placed in removal proceedings under 8 § 1229a are applicants for admission" *Resp. Br.*, Doc.7, at 11. Since both §§ 1225 and 1226 discuss the detention of noncitizens who have not been admitted—for instance, those who inadmissible and subject to mandatory detention under § 1226(c) as an exception to § 1226(a)—the term "applicant for admission" alone does not mean that § 1225 governs detention here. *See Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. Apr. 24, 2025) (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)) ("When Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies."); see also, e.g., *Gomes v. Hyde*, 2025 WL 1869299, at *6 (D. Mass. July 7, 2025) (noting that without the criminal conduct criterion, "inadmissibility on one of the three grounds specified in Section 1226(c)(1)(E)(i) is not by itself sufficient to except [a noncitizen] from Section1226(a)'s discretionary detention framework".

Second, and most importantly, "'seeking' implies action and that those who have been present in the country for years are not actively 'seeking admission.'" *Beltran Barrera v. Tindall*, 2025 WL 2690565, at *4 (W.D. Ky. Sept. 19, 2025); see also *Ochoa Ochoa*, 2025 WL 6324179. Here, Mr. Cruz Lagunes entered the United States in the 1990s, over 30 years **before** his detention in Chicago, over 1,200 miles away from the southern border.

Respondents argue that because Mr. Cruz Lagunes has not been admitted to the United States, he continues to be a noncitizen "seeking admission." *Resp. Br.*, Doc.7, at 13. But this interpretation would render the phrase "seeking admission" in § 1225(b)(2)(A) mere surplusage by equating it to "applicant for admission." See *United States, ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023)("[E]very clause and word of a statute should

have meaning."); *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) ("[N]o clause, sentence, or word shall be superfluous, void, or insignificant.") (quoting *Duncan v. Walker*, 533 U.S. 167, 174 (2001)). Moreover, "the phrase 'seeking admission[,]' [though] undefined in § 1225(b)(2)(A)[,] necessarily implies some sort of present-tense action." *Diaz Martinez*, 2025 WL 2084238, at *4; see *Matter of M-D-C-V-*, 28 I. & N. Dec. 18, 23 (B.I.A. 2020) ("The 'use of the present progressive, like use of the present participle, denotes an ongoing process.'") In agreement with other district courts, this court rejects Respondents' expanded reading of § 1225(b)(2) and the term "seeking admission." See, e.g., *Ochoa Ochoa*, 2025 WL 6324179 (October 16, 2025); *Garcia Cortes v. Noem*, 2025 WL 2652880, at *3 (D. Colo. Sept. 16, 2025); *Salcedo Aceros v. Kaiser*, 2025 WL 2637503, at *8 (N.D. Cal. Sept. 12, 2025). Because Mr. Cruz Lagunes is not, nor was he at the time he was detained, "seeking admission," § 1225(b)(2)(A)'s mandatory detention provision does not apply.

Respondents have also referenced *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 225 (BIA 2025), a non-binding BIA decision issued on September 5, 2025, holding that IJs lack jurisdiction to hold bond hearings or grant bond to individuals charged with entering the country without inspection. 29 I&N Dec. 216 (BIA 2025). *Resp. Br.*, Doc.7, at 13. This decision is not binding on this Court, nor is it particularly persuasive considering that BIA's view "has not remained consistent over time." *Loper Bright Enters.*, 603 U.S. at 386. This court's conclusion is supported by a longstanding agency practice of providing § 1226(a) bond hearings to noncitizens like Mr. Cruz Lagunes who entered without inspection and have lived in the United States for many decades. *See also, e.g., Alejandro*, 2025 WL 2896348; *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025). As he is neither in expedited

proceedings nor a noncitizen "seeking admission," Mr. Cruz Lagunes cannot be lawfully detained under § 1225(b).

C. DUE PROCESS

Given that Mr. Cruz Lagunes's detention is discretionary and not mandatory, the final question comes down to whether the detention violates due process. "Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the very liberty that [the Due Process Clause] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

To support its argument that Mr. Cruz Lagunes has limited due process rights in the detention context, Respondents rely on *Dep't of Homeland Sec. v. Thuraissigiam*, where the Supreme Court held that a petitioner who was still "at the threshold of initial entry," though technically in the country, could still be treated as "an alien seeking initial entry." 591 U.S. 103, 114 (2020) (holding that a noncitizen detained "within 25 yards of the border" is treated as if stopped at the border and had not acquired due process protections). Resp. Br., Doc.7, at 15. Contrary to Respondents' position, *Thuraissigiam* held only that noncitizens detained close to the border "shortly after unlawful entry" have not yet "effected an entry." *Thuraissigiam*, 591 U.S. at 140; *see also Shaughnessy v. United States*, 345 U.S. 206, 212 (1953) (explaining that noncitizens "on the threshold of initial entry stand[] on a different footing" than those who have "passed through our gates").

Here, Mr. Cruz Lagunes was "already in the country." *See Jennings*, 583 U.S. at 289. The Fifth Amendment's Due Process Clause applies to noncitizens, "whether their presence is lawful, unlawful, temporary, or permanent," I*d.* at 679, and immigration detention may violate due process unless "a special justification . . . outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" *Id.*

Applying the three-part balancing test set forth in *Mathews*, 424 U.S. 319, Mr. Cruz Lagunes's detention without a bond hearing violates procedural due process. Mr. Cruz Lagunes has a cognizable private interest in being freed from unlawful detention without any opportunity for a bond hearing; there is a severe risk of erroneous deprivation based on the factual record and explained above; and the government's interest is slight insofar as Mr. Cruz Lagunes has been detained without an individualized custody determination evaluating dangerousness and flight risk. As other courts have concluded in cases involving similar factual circumstances, his detention without a bond hearing amounts to a due process violation. *See, e.g., Lopez Benitez*, 2025 WL 2371588, at *13; *Ochoa Ochoa*, 2025 WL 6324179; *Doe v. Moniz*, 2025 WL 2576819, at *11 (D. Mass. Sept. 5, 2025) ("In sum, the Mathews factors weigh in favor of Petitioner, and the court finds that his detention without a bond hearing violates his Due Process rights."

E. IMPLICATIONS OF CASTANON NAVA

The Northern District of Illinois has already found, in *Castanon Nava,* that ICE's pattern of unlawful arrests in this District violates both the Fourth and Fifth Amendments and cannot serve as a lawful basis for detention. The Government's attempt to brush aside Mr. Cruz Lagunes's arrest in Illinois, unsupported by a signed warrant or NTA, is precisely why

this case exists and has been extended and expanded. Mr. Cruz Lagunes's arrest is squarely within the unlawful practices *Nava* sought to remedy. It is true that the Seventh Circuit has held, an "arrest made pursuant to an invalid warrant" may nonetheless be a "valid arrest if probable cause justifies the arrest as though it were warrantless." *Taylor v. Henson*, 61 F.3d 906, 1995 WL 411879, at *4 (7th Cir. 1995) (citing *United States v. Fernandez-Guzman*, 577 F.2d 1093, 1098–99 (7th Cir. 1978)); *Arrington v. Rowley*, No. 3:07-CV-27-JTC, 2009 WL 10699360, at *3–4 (N.D.Ga. Mar. 12, 2009) (citing cases). However, the Seventh Circuit has made clear that 8 U.S.C. §1357(a)(2)'s likelihood of escape limitation "is always seriously applied," United States v. Cantu, 519 F.2d 494, 496–97 (7th Cir. 1975), and courts have held that "'[t]he flight-risk determination is not mere verbiage.'" *Bautista-Ramos*, 2018 WL 5726236, at *8, quoting *Pacheco-Alvarez*, 227 F.Supp.3d at 889. *Nava* reaffirms that simply claiming someone is a flight risk is not sufficient justification for arrest.

The *Nava* class is a Rule 23(b)(2) injunctive class, defined as: All current **and future persons** arrested without a warrant for a civil violation of U.S. Immigration Law within the ICE Chicago Field Office's Area of Responsibility. *Castañon Nava*, 2025 WL 2842146, at 9 (emphasis added). Because that class is already certified, membership is automatic for anyone who meets the definition, and no separate judicial finding from this Court is required for class membership. It remains in effect and continues to govern ICE's conduct within Illinois.

This Court need only review the extent that Mr. Cruz Lagunes's arrest mirrors those already adjudicated in *Nava* to determine if his detention falls within the scope of that ongoing injunctive relief. Respondents have provided no I-213 in support of his arrest and detention. Mr. Cruz Lagunes would acknowledge that he is a foreign national; he had entered the United

States illegally in 2002; lived here for over twenty years; he has no criminal history, is married and he and his wife have three U.S. citizen children. Even if an I-213 had been done, there is nothing to justify the likelihood of escape. These facts do not constitute probable cause that Mr. Cruz Lagunes would have been likely to escape before a warrant could be obtained for his arrest. Accordingly, this Court should find that Mr. Cruz Lagunes was subjected to warrantless arrest in violation of the *Nava* Agreement. The remedy for this violation is prompt release or, if Mr. Cruz Lagunes is released on bond and no longer in ICE custody, bond payment is to be promptly reimbursed, and all imposed conditions of release should be lifted. *Castañon Nava*, 2025 WL 2842146, at 42.

III. CONCLUSION

For the reasons stated above, Mr. Cruz Lagunes's petition for writ of habeas corpus should be granted. Defendants should immediately release Mr. Cruz Lagunes from custody, or in the alternative, provide him with a bond redetermination hearing under 8 U.S.C. § 1226(a) within 5 days. If Respondents intend to pursue a new bond redetermination, this Court should expressly preserve Mr. Cruz Lagunes's due process claim to permit renewal should bond again be denied. Furthermore, Mr. Cruz Lagunes requests that this Court order Respondents to file a status report within six business days of the date of this Court's opinion and accompanying order and judgment to certify compliance with this opinion. The status report shall include if and when the bond hearing occurred, if bond was granted or denied, and if bond was denied, the reasons for the denial. In light of the fact that this Court and others have already found Respondents' recycled arguments meritless, Respondents effectively concede that they have no lawful basis for continued detention. The Court should not permit the Government to relitigate

settled issues at the expense of Mr. Cruz Lagunes's liberty. Immediate release is the only appropriate remedy; anything less would reward the Respondents' disregard for binding precedent and enable an unlawful deprivation of liberty that this Court has already condemned.

Dated: January 15, 2026
Chicago, Illinois

_/s/William Quiceno
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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2026, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Southern District of Mississippi by using the CM/ECF system. All parties to this case are registered CM/ECF users and will be served through the CM/ECF system.

Dated: January 15, 2026
Chicago, Illinois

Respectfully submitted,

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