UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IRAHETA MORALES, Rafael Antonio,
Petitioner,

v.

KRISTI NOEM, Secretary of the United States Department of Homeland Security, in her official capacity; **U.S. Department of Homeland Security**; **TODD LYONS**, Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement, in his official capacity; **U.S. Immigration and Customs Enforcement**; **Daren K. Margolin**, Director of the Executive Office for Immigration Review, in his official capacity; **Executive Office for Immigration Review**; **GARRETT RIPA**, Field Office Director for ICE's Enforcement and Removal Operations Field Office in Miami, Florida, in his official capacity; **Warden**, Broward Transitional Center, Broward County, Florida, in their official capacity; **PAMELA BONDI**, U.S. Attorney General,
Respondents.

Case No. 25-62598-AHS

Agency No.

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner Rafael Antonio Iraheta Morales, through undersigned counsel, files this Reply in support of his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 and responds to Respondents' Return in Opposition. The Return presents a single flawed theory: that Petitioner's detention is governed by 8 U.S.C. § 1225(b)(2)(A) because Petitioner is "present in the United States" and "has not been admitted," making him an "applicant for admission" under § 1225(a)(1). That reading has been repeatedly rejected by federal courts, including this District, because it ignores the operative text and structure of the detention scheme Congress enacted and the narrow inspection-context function of § 1225(b). Properly construed, § 1226(a) governs detention of noncitizens already in the country pending the outcome of removal proceedings under § 1229a, entitling Petitioner to an individualized custody determination and bond hearing.

LEGAL ARGUMENT

I. The Government's framing misstates the statutory scheme and collapses distinct detention regimes

Respondents treat § 1225(a)(1)'s "deemed . . . an applicant for admission" clause as if it automatically triggers § 1225(b)(2)(A)'s mandatory detention for any noncitizen who entered without inspection and is later encountered anywhere in the country at any time. That is the interpretive error. Section 1225(a)(1) is a definitional deeming provision "for purposes of this chapter," but § 1225(b) is not a free-floating detention mandate for all "deemed" applicants in all contexts. It is a specific inspection-and-processing provision keyed to an examining immigration

officer's admissibility determination in the inspection context. The question is not whether Petitioner is "inadmissible" under § 1182 or "present without admission," but which detention statute Congress made applicable to custody pending § 1229a proceedings for persons apprehended in the country long after any entry event. Indeed, § 1225(b)(1)(A)(iii)II) expressly excludes from its scope any individual who "has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility under this subparagraph."

The Supreme Court has repeatedly recognized the functional distinction: § 1225 addresses detention tied to the border/inspection process for those seeking admission as arriving noncitizens; § 1226 addresses detention pending removal proceedings for those already in the country. See Jennings v. Rodriguez, 583 U.S. 281 (2018). Jennings described that structure at the outset: § 1225 governs detention of certain noncitizens "seeking admission into the country," while § 1226 governs detention of certain noncitizens "already in the country pending the outcome of removal proceedings." Id. at 288–89. Respondents' approach makes that distinction meaningless by transforming § 1225(b)(2)(A) into a nationwide, perpetual mandatory-detention rule for any long-present EWI (entrant without inspection) placed in § 1229a proceedings, thereby swallowing § 1226(a) for a large category of cases Congress expressly contemplated under § 1226.

From the outset, DHS itself proceeded under § 1226. Petitioner's NTA did not classify him as an "arriving alien." Instead, it charged him as "present in the United States without admission or parole." This classification places him squarely within § 1226. See Pizarro Reyes v. Raycraft, No. 25-cv-12546, 2025 WL 2609425, at *8 (E.D. Mich. Sep. 9, 2025) (emphasizing ICE's selection of "present" rather than "arriving" on the notice to appear as evidence that § 1226

applied); Hyppolite v. Noem, No. 25-4304, 2025 WL 2829511, *8 (E.D.N.Y. Oct. 6, 2025) (respondent's initial classification of petitioner "certainly is relevant to the Court's assessment of the credibility and good faith of 'Respondents' new position as to the basis for [Hyppolite's] detention, which was adopted post hoc and raised for the first time in this litigation.'") (citation omitted); Perez v. Berg, No. 25-cv-494, 2025 WL 2531566, at *2 (D. Neb. July 24, 2025) ("The Court notes that the government itself charged Petitioner as an alien present in the United States who has not been admitted or paroled rather than an arriving alien.") (quotations omitted).

II. The text of section 1225(b)(2)(A) is inspection-context specific and does not apply to the detention of noncitizens already in the country, like Petitioner's

A. The "examining immigration officer" and "alien seeking admission" language is operative, not surplus

Section 1225(b)(2)(A) provides that "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 a proceeding under section 1229a[.]" Respondents attempt to treat "alien seeking admission" as a mere synonym for "applicant for admission," and they argue that no "separate affirmative act" is required. But the operative clause does not ask whether a noncitizen is "deemed" an applicant in the abstract; it ties mandatory detention to an examining officer's determination at the inspection stage. That is how § 1225 functions as a procedural gateway: inspection, examination, and admissibility determination by an immigration officer, followed by either admission, "expedited" removal processing, parole, or detention for § 1229a proceedings.

Petitioner was not apprehended during inspection, at a port of entry, or as part of a border screening process where an "examining immigration officer" made the § 1225(b)(2)(A) determination contemplated by the statute. He was encountered and taken into custody outside his residence in Margate, Florida and later served with an NTA commencing § 1229a proceedings. Respondents' reading effectively strips the phrases "examining immigration officer determines" and "alien seeking admission" of any operative meaning, recasting § 1225(b)(2)(A) as a categorical detention mandate triggered solely by the later service of an NTA charging inadmissibility. That is not statutory interpretation; it is statutory revision. See United States v. Smith, 967 F.3d 1196, 1212 (11th Cir. 2020) ("We have recognized repeatedly that courts have no authority to amend, improve, or remodel statutes. And neither do litigants."); T-Mobile S., LLC v. City of Milton, 728 F.3d 1274, 1284 (11th Cir. 2013) ("We are interpreting a statute, not designing one. . . . Our duty is to say what statutory language means, not what it should mean, and not what it would mean if we had drafted it."); Wright v. Sec'y for Dep't of Corr., 278 F.3d 1245, 1255 (11th Cir. 2002) ("Our function is to apply statutes, to carry out the expression of the legislative will that is embodied in them, not to 'improve' statutes by altering them."); Harris v. Garner, 216 F.3d 970, 976 (11th Cir. 2000) (en banc) ("We will not do to the statutory language what Congress did not do with it, because the role of the judicial branch is to apply statutory language, not to rewrite it.").

Respondents themselves acknowledge the INA establishes a comprehensive framework governing removal proceedings and detention authority. See Return at 10. That framework, of course, draws a critical distinction between noncitizens processed under § 1225 and those detained under § 1226, a distinction Respondents' argument completely ignores. Section 1225 governs inspection and "expedited removal;" noncitizens processed under § 1225 are not issued Notices to

Appear and are instead mostly placed into expedited removal proceedings without the opportunity to appear before an Immigration Judge. See 8 U.S.C. § 1225(b)(1) ("If an immigration officer determines that an alien . . . who is arriving in the United States . . . is inadmissible under section 1182(a)(6)(C) or 1182(a)(7) of this title, the officer shall order the alien removed from the United States without further hearing or review[.]").

By contrast, detention under § 1226 applies only once the Government has commenced "formal removal proceedings" by issuing a Notice to Appear under § 1229a, thereby triggering the jurisdiction of the immigration court and affording the noncitizen the opportunity to contest removability before an immigration judge. See 8 U.S.C. § 1229(a)(1) ("In removal proceedings under section 1229a of this title, written notice (in this section referred to as a 'notice to appear') shall be given to the [noncitizen.]"); 8 U.S.C. § 1229a(a)(1) ("An immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of an alien."); 8 U.S.C. § 1226(a) ("On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States."); 8 C.F.R. § 1003.14(a) ("Jurisdiction vests, and proceedings before an Immigration Judge commence, when a charging document is filed with the Immigration Court[.]").

That is precisely what occurred here. DHS issued Petitioner an NTA and placed him into § 1229a proceedings, rather than subject him to expedited removal under § 1225. At that moment, the Government invoked the § 1226 detention framework—not § 1225—and vested the immigration judge with authority over Petitioner's case, including custody determinations. Had § 1225 applied, DHS would have had authority to proceed via expedited removal without issuing an NTA or presenting Petitioner before an immigration judge at all. The Government's own

procedural actions thus confirm that Petitioner is detained under § 1226(a), and its post hoc attempt to recharacterize that detention as arising under § 1225(b)(2)(A) is inconsistent with the statutory scheme it chose to invoke.

Respondents' position is not only inconsistent with the statutory text and structure discussed above, but also flatly contradicts Respondents' own custody determination in this case. DHS's Notice of Custody Determination, attached to the NTA, expressly states that Petitioner is detained pursuant to INA § 236, 8 U.S.C. § 1226.[1] Having affirmatively invoked § 1226 as the legal basis for custody, Respondents cannot now recharacterize that detention as mandatory under § 1225(b)(2)(A). Respondents' repeated emphasis on Petitioner's current lack of admission status conflates admissibility with detention authority. The relevant question is not whether Petitioner is presently entitled to admission, but whether DHS possesses lawful authority to detain him without bond while his § 1229a removal proceedings remain pending. Under the INA, that authority arises, if at all, under § 1226—not § 1225—and Respondents' own charging and custody decisions confirm as much.

B. Respondents' reliance on "redundancy is common" does not permit rewriting the statute's scope

Respondents argue that any redundancy between "applicant for admission" and "alien seeking admission" is permissible and that courts should not use surplusage concerns to "avoid clear language." But Petitioner is not asking the Court to invalidate an otherwise clear command based on a minor redundancy. Petitioner is pointing to the statute's structure and operative

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[1] See Exhibit 1.

triggers: the mandatory detention in § 1225(b)(2)(A) is keyed to an examining officer's admissibility determination in the inspection framework. That is not surplusage; it is the mechanism by which § 1225(b) operates. Even if "redundancy" can exist within a clause, it does not follow the redundancy can be used to erase limiting context that Congress plainly included. Federal courts do not treat context-setting terms (like "examining officer," "seeking admission," and the inspection framework of § 1225 as a whole) as expendable. See Cadwell v. Kaufman, Englett & Lynd, PLLC, 886 F.3d 1153, 1158 (11th Cir. 2018) ("We disfavor interpretations of statutes that render words or clauses superfluous."); Roberts v. Sea-Land Services, Inc., 566 U.S. 93, 101 (2012) ("Statutory language, however, 'cannot be construed in a vacuum. It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.'" (quoting Davis v. Michigan Dept. of Treasury, 489 U.S. 803, 809 (1989))); In re W. States Wholesale Nat. Gas Antitrust Litig., 715 F.3d 716, 731 (9th Cir. 2013) ("[S]tatutory provisions should not be read in isolation, and the meaning of a statutory provision must be consistent with the structure of the statute of which it is a part."); Jennings, 583 U.S. at 287–89 (distinguishing detention of noncitizens seeking admission at the border under § 1225 from detention of noncitizens already present in the United States under § 1226).

C. The Government's "continuing application" theory conflicts with the INA and controlling appellate authority

Respondents contend that once an individual is "deemed" an applicant for admission, the person is continuously "seeking admission" while remaining in the United States and litigating § 1229a proceedings, effectively making the "application" perpetual. That theory is inconsistent

with how courts interpret the concept of "application for admission" and with the statutory design distinguishing inspection from adjudication.

Courts have rejected the notion that a person can remain in a perpetual state of "applying for admission" for years after an entry event. The Ninth Circuit, sitting en banc, has explained that "application for admission" occurs at a "distinct point in time," and that stretching the phrase "to refer to a period of years would push the statutory text beyond its breaking point." Torres v. Barr, 976 F.3d 918, 926 (9th Cir. 2020) (en banc). Related Ninth Circuit precedent likewise rejects "the view that an alien remains in a perpetual state of applying for admission." United States v. Gambino-Ruiz, 91 F.4th 981, 989 (9th Cir. 2024). Respondents' Return tries to sidestep those holdings by redefining "seeking admission" to mean merely "seeking legal authority to remain." But Congress did not draft § 1225(b) as a general legalization-seeking provision; it drafted it as an inspection and screening statute.

Respondents' reliance on Matter of Lemus-Losa does not save their position. See Matter of Lemus-Losa, 25 I & N. Dec. 734, 743 (BIA 2012). Lemus-Losa addressed the scope of "seeking admission" in a different doctrinal context and cannot transform § 1225(b)(2)(A)'s inspection-based detention mechanism into a blanket detention regime for arrests of noncitizens already in the country. Nor can a BIA statement override the statutory separation Congress created between § 1225 and § 1226.

D. Section 1225(a)(4) does not support Respondents' theory

Respondents cite § 1225(a)(4), which permits a noncitizen to "withdraw" an application for admission and "depart immediately," as proof that an application continues while the person is in

the United States. That provision is part of the inspection/entry framework and presupposes an admission/inspection encounter in which withdrawal is a realistic alternative to further inspection or removal processing. It does not plausibly describe, and Congress did not intend it to govern, a noncitizen already in the country and placed in § 1229a removal proceedings.

III. Section 1226(a) is the default detention statute for noncitizens already in the country pending section 1229a removal proceedings

A. The INA's structure assigns different jobs to sections 1225 and 1226

Section 1226(a) applies "[o]n a warrant issued by the Attorney General" to arrest and detain a noncitizen "pending a decision on whether the alien is to be removed from the United States," and authorizes release on bond or conditional parole after an individualized assessment. That is the default custody framework for removal proceedings under § 1229a. By contrast, § 1225 governs "inspection" and detention tied to that inspection process.

Respondents argue that § 1226(a) governs a "significant group" (e.g., overstays) and argue there is "overlap" between the statutes. But their interpretation converts the "overlap" into near-total displacement for inadmissibility charges in § 1229a proceedings: if every EWI already in the country charged under § 1182(a)(6)(A)(i) must be detained under § 1225(b)(2)(A), then § 1226(a) becomes functionally unavailable for a large category of § 1229a respondents—exactly the group that, for decades under the correct statutory framework, received bond hearings under § 1226(a) and the implementing regulations.

B. Respondents' reading makes section 1226(a) superfluous for a major class of cases

A basic canon of interpretation is that courts should avoid construing statutes in a way that renders another provision superfluous where a coherent reading is available. See Cadwell, 886 F.3d at 1158. Respondents' reading does precisely that: anyone charged as "inadmissible" and "present without admission" becomes mandatorily detained under § 1225(b)(2)(A), leaving § 1226(a) to do little to no work beyond "purported" overstays and other admitted categories. That collapse is not what Congress enacted. Congress created two principal detention regimes—one for inspection/arrival processing, one for detention pending removal proceedings for persons already in the country. The Government's interpretation eliminates the latter for many of the very cases § 1226(a) is designed to cover.

C. The Government's attempt to harmonize with the Laken Riley Act underscores the flaw

Respondents invoke the Laken Riley Act's addition of § 1226(c)(1)(E) and argue there is no redundancy because § 1225 detainees may be eligible for humanitarian parole while § 1226(c) detainees are not. But that argument concedes the key point: Congress deliberately placed a mandatory detention rule for certain EWIs in § 1226, reflecting Congress's understanding that EWIs in removal proceedings can be within § 1226's detention framework. If § 1225(b)(2)(A) already mandated detention for all EWIs in § 1229a proceedings, Congress would not need to add a targeted mandatory detention category in § 1226(c) keyed to specific criminal conduct to ensure mandatory detention for that subset. The far more natural reading is the one courts have adopted nationwide: § 1226(a) governs apprehensions of those already in the country by default; Congress carved out mandatory categories in § 1226(c), and § 1225(b) remains tied to inspection/arrival and

expedited/inspection-based processing. See Burcham v. J. P. Stevens & Co., 209 F.2d 35, 40 (4th Cir. 1954) ("It is elementary, of course, that statutes are to be given a reasonable construction and not one which is absurd.").

IV. Respondents' "congressional intent" argument cannot override the statute's text, structure, and proper implementing history

Respondents contend Illegal Immigration Reform and Immigration Responsibility Act ("IIRIRA") was enacted to prevent "greater privileges" for those who entered without inspection compared to those who present at a port of entry. Whatever broad policy motivations existed, Congress implemented them through specific text. That text does not authorize the Department to extend § 1225(b)(2)(A)'s inspection-based mandatory detention to long-present noncitizens arrested years after entry.

Moreover, the implementing history cuts against Respondents. After IIRIRA, the agencies issued guidance recognizing that persons "present without having been admitted or paroled (formerly referred to as [those] who entered without inspection) will be eligible for bond and bond redetermination." Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10, 321–23 (Mar. 6, 1997). That contemporaneous implementation reflects the longstanding interpretation of the statute that § 1226(a) bond authority applies to those already in the country pending § 1229a proceedings. Respondents' reading would require the Court to conclude that the agencies, immigration courts, and federal courts misunderstood the detention framework for nearly three decades—until DHS's recent shift—despite the statute's stable text.

Respondents' reliance on selective legislative history cannot override the Supreme Court's repeated instruction that courts interpret statutes primarily by text and structure. Here, text and structure point to § 1226(a) as the governing detention statute for Petitioner.

V. Jennings does not decide the question presented here and does not support Respondents' expansion of section 1225(b)(2)(a)

Respondents attempt to invoke Jennings as though it held that § 1225(b)(2) applies to any "applicant for admission" wherever found. It did not. Jennings addressed whether courts could impose a six-month time limit and periodic bond hearings as a matter of constitutional avoidance across detention statutes. It did not resolve whether noncitizens already in the country arrested on warrants and placed into § 1229a proceedings are governed by § 1225(b) or § 1226(a). Jennings' introductory description of § 1225(b)(2) as a "catchall" for "applicants for admission not covered by § 1225(b)(1)" is consistent with the inspection/arrival framework of § 1225, not a holding that § 1225(b)(2)(A) governs detention for all arrests of noncitizens already in the country.

Indeed, Jennings' own framing reinforces Petitioner's position: § 1225 concerns noncitizens seeking admission as arriving noncitizens; § 1226 concerns those already in the country pending removal proceedings. See Jennings, 583 U.S. at 287–89. Petitioner falls in the latter category.

VI. Respondents do not dispute—and cannot avoid—Petitioner's entitlement to relief under Maldonado Bautista v. Santacruz

Respondents' Return is notably silent as to the dispositive effect of Maldonado Bautista v. Santacruz, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.), notwithstanding that Petitioner is a member of the nationwide Bond Eligible Class certified in that action. That omission is telling. As the

Central District of California has now made unequivocally clear, class members—like Petitioner—are detained pursuant to 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), and therefore may not be categorically denied consideration for release on bond.

On November 20, 2025, the Maldonado Bautista court granted partial summary judgment, holding that DHS's policy reclassifying noncitizens arrested in the country and charged under § 1182(a)(6)(A)(i) as "applicants for admission" subject to mandatory detention under § 1225(b)(2)(A) violates the INA. The court concluded that § 1226(a) governs detention of noncitizens already in the United States when apprehended and that DHS's contrary interpretation unlawfully collapses the statutory detention framework and renders § 1226(a) superfluous. The court further rejected jurisdictional defenses under 8 U.S.C. §§ 1252(a), 1252(b)(9), and 1252(e), confirming the availability of habeas review for unlawful detention claims. Respondents do not challenge this Court's jurisdiction.

On November 25, 2025, the court certified a nationwide Rule 23(b)(2) class—the Bond Eligible Class—and expressly extended the declaratory relief granted to the named petitioners to all class members. On December 18, 2025, following motions for reconsideration and clarification, the court entered an amended consolidated order and final judgment[2] under Rule 54(b). That final judgment confirms that:

> (1) class members are detained under § 1226(a);
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> (2) DHS's July 8, 2025 detention guidance is vacated; and
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> (3) Immigration Judges cannot not deny class members bond consideration on the theory that § 1225(b)(2)(A) applies.

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2 See Exhibit 2.

Although the court did not vacate Matter of Yajure Hurtado under the APA because it was not specifically named in the operative complaint, the court squarely held that Yajure Hurtado is no longer controlling and that "the legal conclusion underlying the decision is no longer tenable." In other words, while the BIA decision technically remains on the books, its reasoning has been repudiated by a federal court exercising independent judgment under Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 398–99 (2024), and it cannot lawfully be relied upon to deny bond hearings to class members. Respondents do not argue—because they cannot—that Petitioner falls outside the Bond Eligible Class. Nor do they contend that the Maldonado Bautista declaratory judgment is inapplicable. The final judgment binds Respondents nationwide. See 28 U.S.C. § 2201(a).

Accordingly, Respondents' continued detention of Petitioner under § 1225(b)(2)(A), and their reliance on Yajure Hurtado to deny bond jurisdiction, directly contravene binding declaratory relief already entered by a federal district court. Habeas relief is therefore not only appropriate but necessary to enforce Petitioner's due process rights under the Constitution and statutory rights under the INA and to prevent ongoing unlawful detention in defiance of Maldonado Bautista.

VII. This District has already granted materially identical relief; Respondents' concession underscores that their position is not viable

Respondents acknowledge that this District have rejected the same statutory argument and granted habeas relief, including in Cerro Perez v. Parra, Case No. 25cv24820 (S.D. Fla.).[3] The reasoning in those cases is on point and should be followed here for the same reasons: (1) Petitioner

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[3] See Exhibit 3.

was apprehended while already in the country long after any entry event, (2) he is in § 1229a proceedings, and (3) he therefore falls within § 1226(a)'s custody framework and is entitled to a bond hearing before an immigration judge exercising § 1226(a) authority. The Court should not adopt Respondents' invitation to depart from the growing consensus—including within this District—particularly where Respondents offer no textual mechanism to convert an arrest of noncitizen already in the country into the § 1225(b)(2)(A) "examining officer" determination that triggers mandatory detention. "In the absence of supervening case authority from the Supreme Court or the Court of Appeals, this Court is bound, under the doctrine of *stare decisis,* to follow decisions of its own judges." Kerr v. Hurd, 694 F. Supp. 2d 817, 843 (S.D. Ohio 2010). Thus, Cerro Perez is binding precedent on this point.

VIII. The appropriate remedy is immediate relief: release and bond hearing under section 1226(a)

Because Petitioner is detained under an erroneous statutory theory that strips him of the bond process Congress provided under § 1226(a) and the implementing regulations, the Court should immediately grant the writ and order Respondents to release Petitioner and provide him an individualized bond hearing under § 1226(a) within a short, definite period. This Court and countless others have uniformly rejected Respondents' expansive interpretation of § 1225. See Gil-Paulino v. Sec'y of the U.S. Dep't of Homeland Sec., 25-cv-24292, DE 41, (S.D. Fla. Oct. 10, 2025) (respondent's interpretation of the INA "directly contravenes the statute" and "disregards decades of settled precedent"); Pizarro Reyes v. Raycraft, No. 25-cv-12546, 2025 WL 2609425, at *7 (E.D. Mich. Sep. 9, 2025) ("Finally, the BIA's decision to pivot from three decades of consistent statutory interpretation and call for Pizarro Reyes' detention under § 1225(b)(2)(A) is

at odds with every District Court that has been confronted with the same question of statutory interpretation."); Puga v. Assistant Field Dir., Krome N. Serv. Processing Ctr., No. 25-24535, 2025 WL 2938369, at *3–6 (S.D. Fla. Oct. 15, 2025); Merino v. Ripa, No. 25-23845, 2025 WL 2941609, at *3 (S.D. Fla. Oct. 15, 2025); Lopez v. Hardin, No. 25-cv-830, 2025 WL 2732717, at *2 (M.D. Fla. Sep. 25, 2025); Harsh Patel v. Crowley, No. 25-11180, 2025 U.S. Dist. LEXIS 209958, at *9–12 (N.D. Ill. Oct. 24, 2024); Esquivel-Ipina v. Larose, No. 25-cv-2672, 2025 U.S. Dist. LEXIS 210275, at *9–12 (C.D. Cal. Oct. 24, 2025); Carmona v. Noem, No. 25- cv-1131, 2025 U.S. Dist. LEXIS 209629, at *14–17 (W.D. Mich. Oct. 24, 2025); Lopez v. Hyde, 25-12680, 2025 U.S. Dist. LEXIS 209916, at *4–5 (D. Mass. Oct. 24, 2025); Guerra v. Joyce, No. 25-cv-00534, 2025 WL 2986316, at *3 (D. Me. Oct. 23, 2025); Lomeu v. Soto, 25-cv-16589, 2025 WL 2981296, at *7–8 (D.N.J. Oct. 23, 2025); Maldonado v. Cabezas, No. 25-13004, 2025 WL 2985256, at *4 (D.N.J. Oct. 23, 2025); Aparicio v. Noem, 2025 U.S. Dist. LEXIS 208898, at *12–13 (D. Nev. Oct. 23, 2025); Loa Caballero v. Baltazar, No. 25-cv-03120, 2025 WL 2977650, at *5–6 (D. Colo. Oct. 22, 2025); Soto v. Soto, No. 25-cv-16200, 2025 U.S. Dist. LEXIS 207818, at *16–19 (D.N.J. Oct. 22, 2025); Garcia v. Noem, 25-cv-02771, 2025 U.S. Dist. LEXIS 209286, at *10–15 (C.D. Cal. Oct. 22, 2025); Aguiar v. Moniz, No. 25-cv-12706, 2025 WL 2987656, at *3 (D. Mass. Oct. 22, 2025); Rivera v. Moniz, 25-cv-12833, 2025 WL 2977900, at *1–2 (D. Mass. Oct. 22, 2025); Avila v. Bondi, No. 25-3741, 2025 WL 2976539, at *5–7 (D. Minn. Oct. 21, 2025); Contreras-Lomeli v. Raycraft, No. 25-cv-12826, 2025 U.S. Dist. LEXIS 207162, at *22 (E.D. Mich. Oct. 21, 2025); Maldonado de Leon v. Baker, No. 25-3084, 2025 WL 2968042, at *7 (D. Md. Oct. 21, 2025); Casio-Mejia v. Raycraft, No. 25-cv-13032, 2025 U.S. Dist. LEXIS 207165, at *12, 16–17 (E.D. Mich. Oct. 21, 2025); Miguel v. Noem, 25-11137, 2025 WL 2976480, at *6 (N.D. Ill. Oct. 21, 2025); Pineda v. Simon, No. 25-cv-01616, 2025 WL 2980729, at *2 (E.D. Va. Oct. 21, 2025);

Matheus Araujo DA Silva v. Bondi, No. 25-cv- 12672, 2025 WL 2969163, at *2 (D. Mass. Oct. 21, 2025); Barahona v. Hyde, No. 25-cv- 12551, 2025 U.S. Dist. LEXIS 205964, at *4–5 (D. Mass. Oct. 20, 2025); H.G.V.U. v. Smith, No. 25-cv-10931, 2025 WL 2962610, at *4–6 (N.D. Ill. Oct. 20, 2025); Gonzalez v. Hyde, No. 25-8250, 2025 U.S. Dist. LEXIS 208578, at *10–11 (S.D.N.Y. Oct. 19, 2025); Polo v. Chestnut, No. 25-cv-01342, 2025 WL 2959346, at *11 (E.D. Cal. Oct. 17, 2025); Sanchez v. Minga Wofford, Warden, Mesa Verde Immigr. Processing Ctr., No. 25-cv-01187, 2025 WL 2959274, at *3 (E.D. Cal. Oct. 17, 2025); Gutierrez v. Juan Baltasar, Warden, Denver Cont. Det. Facility, No. 25-cv-2720, 2025 U.S. Dist. LEXIS 208448, at *12–27 (D. Colo. Oct. 17, 2025); Alvarez v. Noem, No. 25-cv-1090, 2025 WL 2942648, at *4–6 (W.D. Mich. Oct. 17, 2025); Zamora v. Noem, No. 25-12750, 2025 WL 2958879, at *1 (D. Mass. Oct. 17, 2025); Pacheco Mayen v. Raycraft, 25-cv-13056, 2025 WL 2978529, at *6–9 (E.D. Mich. Oct. 17, 2025); Diaz Sandoval v. Raycraft, No. 25-cv-12987, 2025 WL 2977517, at *6–9 (E.D. Mich. Oct. 17, 2025); Contreras-Cervantes v. Raycraft, No. 25-cv-13073, 2025 WL 2952796, at *6–8 (E.D. Mich. Oct. 17, 2025); Ochoa v. Noem, No. 25-10865, 2025 WL 2938779, at *4–6 (N.D. Ill. Oct. 16, 2025); Hernandez v. Crawford, No. 25-cv-01565, 2025 WL 2940702, at *2 (E.D. Va. Oct. 16, 2025); Piña v. Stamper, No. 25-cv-00509, 2025 WL 2939298, at *3 (D. Me. Oct. 16, 2025); Tut v. Noem, No. 25-cv-02701, 2025 U.S. Dist. LEXIS 204616, at *9 (C.D. Cal. Oct. 16, 2025); Sequen v. Albarran, No. 25-cv-06487, 2025 WL 2935630, at *8 (N.D. Cal. Oct. 15, 2025); Teyim v. Perry, No. 25-cv-01615, 2025 WL 2950184, at *2–3 (E.D. Va. Oct. 15, 2025); Singh v. Lyons, 25-cv-01606, 2025 WL 2932635, at *2–3 (E.D. Va. Oct. 14, 2025); Alejandro v. Olson, 25-cv-02027, 2025 WL 2896348, at *7–9 (S.D. Ind. Oct. 11, 2025); Rico-Tapia v. Smith, No. 25-00379, 2025 U.S. Dist. LEXIS 206547, at *21 (D. Haw. Oct. 10, 2025); Chavez v. Kaiser, No. 25-cv-06984, 2025 WL 2909526, at *5 (N.D. Cal. Oct. 9, 2025); Donis v. Chestnut, No. 25-01228, 2025

WL 287514, at *11 (E.D. Cal. Oct. 9, 2025); Eliseo A.A. v. Olson, No. 25-3381, 2025 WL 2886729, at *2–4 (D. Minn. Oct. 8, 2025); Covarrubias v. Vergara, No. 25-cv-112, 2025 WL 2950097, at *3 (S.D. Tex. Oct. 8, 2025); Buenrostro-Mendez v. Bondi, No. 25-3726, 2025 WL 2886346, at *3 (S.D. Tex. Oct. 7, 2025); S.D.B.B. v. Johnson, No. 25-cv-882, 2025 WL 2845170, at *5 (M.D.N.C. Oct. 7, 2025); Gonzalez v. Bostock, 25-cv-01404, 2025 WL 2841574, at *3–4 (W.D. Wash. Oct. 7, 2025); Hyppolite v. Noem, No. 25-4304, 2025 WL 2829511, *12 (E.D.N.Y. Oct. 6, 2025); Artiga v. Genalo, No. 25-5208, 2025 WL 2829434, at *7 (E.D.N.Y. Oct. 5, 2025); Cordero Pelico v. Kaiser, No. 25-cv-07826, 2025 WL 2822876, at *15 (N.D. Cal. Oct. 3, 2025); Orellana v. Moniz, 25-cv-12664, 2025 WL 2809996, at *5 (D. Mass. Oct. 3, 2025); Elias Escobar v. Hyde, No. 25-cv-12620, 2025 WL 2823324, at *3 (D. Mass. Oct. 3, 2025); Belsai D.S. v. Bondi, No. 25-cv-3682, 2025 WL 2802947, at *5–6 (D. Minn. Oct. 1, 2025); Silva v. United States Immigr. & Customs Enf't, No. 25-cv-284, 2025 U.S. Dist. LEXIS 191101, at *6–7 (D.N.H. Sep. 29, 2025); Barrios v. Shepley, No. 25-cv-00406, 2025 WL 2772579, at *10 (D. Me. Sep. 29, 2025); Lepe v. Andrews, No. 25-cv-01163, 2025 WL 2716910, at *4 (E.D. Cal. Sep. 23, 2025); Chogllo Chafla v. Scott, Nos. 25-cv-00437, 25-cv-00438, 25-cv-00439, 2025 WL 2688541, at *6–9 (D. Me. Sep. 22, 2025); Barrera v Tindall, No. 25-cv-541, 2025 WL 2690565, at *5 (W.D. Ky. Sep. 19, 2025); Pablo Sequen v. Kaiser, No. 25-cv-06487, 2025 WL 2650637, at *6–8 (N.D. Cal. Sep. 16, 2025); Salcedo Aceros v. Kaiser, No. 25-cv-06924, 2025 WL 2637503, at *8–12 (N.D. Cal. Sep. 12, 2025); Lopez Santos v. Noem, No. 3:25-cv-01193, 2025 WL 2642278, at *3–5 (W.D. La. Sep. 11, 2025); Jimenez v. FCI Berlin, No. 25-cv-326, 2025 WL 2639390, at *5–10 (D.N.H. Sep. 8, 2025); Doe v. Moniz, 25-cv-12094, 2025 WL 2576819, at *5 (D. Mass. Sep. 5, 2025); Garcia v. Noem, No. 25-cv-01180, 2025 WL 2549431, at *5–7 (S.D. Cal. Sep. 3, 2025); Francisco v. Bondi, No. 25-cv-03219, 2025 WL 2629839, at *2–4 (D. Minn. Aug. 29, 2025); Lopez-Campos

v. Raycraft, No. 25-cv-12486, 2025 WL 2496379, at *5–8 (E.D. Mich. Aug. 29, 2025); Diaz v. Mattivelo, No. 25-cv-12226, 2025 WL 2457610, at *3 (D. Mass. Aug. 27, 2025); Kostak v. Trump, No. 25-1093, 2025 WL 2472136, at *2–3 (W.D. La. Aug. 27, 2025); Benitez v. Noem, No. 25-cv-02190, 2025 U.S. Dist. LEXIS 171945, at *8–12 (C.D. Cal. Aug. 25, 2025); Romero v. Hyde, No. 25-11631, 2025 WL 2403827, at *11–13 (D. Mass. Aug. 19, 2025); Maldonado v. Olson, No. 25-cv-3142, 2025 WL 2374411, at *11–12 (D. Minn. Aug. 15, 2025); dos Santos v. Noem, 25-cv-12052, 2025 WL 2370988, at *6–8 (D. Mass. Aug. 14, 2025); Lopez Benitez v. Francis, No. 25-cv-5937, 2025 WL 2371588, at *4–9 (S.D.N.Y. Aug. 13, 2025); Rosado v. Figueroa, No. 25-12157, 2025 WL 2337099, at *6–11 (D. Ariz. Aug. 11, 2025) *report and recommendation adopted by*, 2025 WL 2349133 (Aug. 13, 2025); Bautista v. Santacruz, No. 25-cv-01873, 2025 U.S. Dist. LEXIS 171364, at *13–16 (C.D. Cal. July 28, 2025); Martinez v. Hyde, No. 25-11613, 2025 WL 2084238, at *5–9 (D. Mass. July 24, 2025); Gomes v. Hyde, No. 25-cv-11571, 2025 WL 1869299, at *5–8 (D. Mass. July 7, 2025); Rodriguez v. Bostock, 779 F. Supp. 3d 1239, 1256–61 (W.D. Wash. 2025).

Respondents have simply failed to provide any reason to depart from these decisions.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court immediately grant the Petition and order Respondents to immediately release Petitioner and provide him an individualized bond hearing under 8 U.S.C. § 1226(a) within a time certain (e.g., seven days), together with such other and further relief the Court deems just and proper.

Respectfully submitted this 4th Day of January, 2026.

By: */s/ Luis A. Guerra*
Luis A. Guerra[4]
Guerra Saenz PL
3111 N. University Dr., Suite 429
Coral Springs, FL 33065
Tel: (954) 434-5800
Fax: (954) 518-4268
luis@guerralegal.com

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner Rafael Antonio Iraheta Morales and submit this verification on his behalf. I certify that the factual statements set forth in the foregoing Reply in Support of Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Dated this 4th of January, 2026.

Guerra Saenz PL

By: */s/ Luis A. Guerra*

[4] The undersigned acknowledges and appreciates the assistance of Muhammad Usman, Esq., in the preparation of the petition and all related pleadings.

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2026, I electronically filed the foregoing document with the Clerk of Court using CM/ECF.

Guerra Saenz PL

By: */s/ Luis A. Guerra*