UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

NELSON HERNANDEZ HERRERA,

Petitioner,

v. Case No. 25-cv-1994

SAM OLSON, et al.,

Respondents.

ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

In accordance with the Court's order dated December 22, 2025 (ECF 3), the United States, appearing on behalf of respondents through the undersigned counsel, hereby answers the Petition for Writ of Habeas Corpus (ECF 1) ("Petition") filed by the petitioner, Nelson Hernandez Herrera ("Petitioner").[1]

INTRODUCTION

Petitioner is a foreign national who has never been legally admitted to the United States but has lived here for about three years.[2] On September 23, 2025, the Department of Homeland Security ("DHS") arrested Petitioner and charged him with not being in possession of a valid travel document. (*Id. at* ¶ 4.) He is now detained at the Dodge

[1] The Office of the United States Attorney for the Eastern District of Wisconsin does not represent Petitioner's jail custodians, including Respondent Scott Smith, who are employees of the State of Wisconsin. However, counsel for the jail custodians have authorized the undersigned to state they join in this answer and do not intend to submit a separate response.

[2] The term "foreign national" is used in this answer, although the equivalent statutory term of "alien" is used in the Immigration and Nationality Act. ("INA").

County Jail in Juneau, Wisconsin during the administrative removal process. (ECF 1 at ¶ 1.)

In accordance with the provisions of 8 U.S.C. § 1225(b)(2), Petitioner has not been released on conditional parole or bond since being placed into administrative removal proceedings. Petitioner now seeks habeas relief from detention, alleging that 8 U.S.C. § 1225(b)(2)—providing for mandatory detention—is inapplicable to foreign nationals who entered the United States without inspection and resided in this country for a period. (ECF 1, at ¶ 6.) Instead, Petitioner alleges that 8 U.S.C. § 1226(a), which generally entitles a foreign national to a bond hearing at the outset of their detention, is applicable. (*Id.*)

The Government's position is that, because he was never lawfully admitted into the United States, Petitioner meets the Immigration and Nationality Act's (INA) definition of an "applicant for admission," 8 U.S.C. § 1225(a)(1), and therefore his detention is mandatory under 8 U.S.C. § 1225(b)(2)(A). Because Petitioner meets the unambiguous statutory definition of an "applicant for admission"—and because such treatment effectuates Congress's policy choices in amending the INA in 1996—8 U.S.C. § 1225(b)(2)(A) governs his detention. Therefore, Petitioner's detention pending resolution of his immigration proceedings is mandatory and does not violate his due process rights. For these reasons, as further explained below, Respondents respectfully ask that the Court deny the Petition and dismiss this action with prejudice.

BACKGROUND

I. Factual and Procedural Background

Petitioner is a citizen of Colombia who entered the United States without inspection on June 14, 2022 (*Id.* at ¶¶ 2, 16.) On September 23, 2025, Petitioner was arrested by U.S. Immigration and Customs Enforcement ("ICE") personnel during a regularly scheduled check-in at the agency's Milwaukee, Wisconsin location. (*Id.* at ¶ 3.) Following a positive credible fear screening, Petitioner was served with a Notice to Appear ("NTA") in which he was charged with inadmissibility under 8 U.S.C. § 1182(a)(7)(A)(i)(I) as an immigrant not in possession of a valid travel document. (*Id.* at ¶ 24; ECF 1-3, at p. 4.) On December 16, 2025, the Court denied Petitioner's bond request based upon a finding that it lacked jurisdiction to grant such a request. (ECF 1, ¶ 26; ECF 1-5, at p. 1.)

The petition indicates that Petitioner intends to seek asylum before the Immigration Court through an I-589 application previously filed with United States Citizenship and Immigration Services ("USCIS") on or around June 14, 2023. (ECF 1-2, at p. 1.)

II. Legal Background

All foreign nationals seeking admission into the United States must be inspected by immigration officials. 8 U.S.C. § 1225(a)(3). Foreign nationals who are "present in the United States without being admitted or paroled" are deemed "inadmissible" and subject to removal from the country. 8 U.S.C. § 1182(a)(6)(A)(i).

Immigration officials are authorized to arrest foreign nationals who are in the country illegally and detain them during removal proceedings. *See Abel v. United States*, 362 U.S. 217, 232–37 (1960) (noting the "impressive historical evidence of acceptance of the validity of statutes providing for administrative deportation arrest from almost the beginning of the Nation"); *see also Demmore v. Kim*, 538 U.S. 510, 523 (2003) (explaining that detention during removal proceedings "is a constitutionally valid aspect of the process").

Congress has enacted a statutory framework for the civil detention of foreign nationals during the administrative removal process under the INA. *See generally* 8 U.S.C. §§ 1225, 1226, 1231. The INA establishes rules governing when certain foreign nationals may be detained or removed, with different detention provisions applying to different categories of foreign nationals. *See id.*

a. Applicants for Admission

Title 8 U.S.C. § 1225 governs the detention and removal of applicants for admission. This section defines an "applicant for admission" as any "alien present in the United States who has not been admitted or who arrives in the United States." 8 U.S.C. § 1225(a)(1) (emphasis added). The INA defines "admission" and "admitted" as "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." *Id.* at § 1101(a)(13)(A). To have been "admitted" to the United States therefore requires that the foreign national must have lawfully entered the country "after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). An

"applicant for admission" under 8 U.S.C. § 1225 is therefore a foreign national who either is either present in the United States who has not lawfully entered the country or one who is arriving. *See Dep't of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 140 (2020) (a foreign national "who tries to enter the country illegally is treated as an 'applicant for admission'"). As explained by 8 U.S.C. § 1225(a)(3), all applicants for admission are subject to inspection by immigration officers to determine if they are admissible.

The Supreme Court has explained that "applicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Section 1225(b)(1) applies to aliens who are "determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation," while section 1225(b)(2) "is broader" and "serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1)." *Ibid.*

Applicants for admission who fall under 8 U.S.C. § 1225(b)(1) are subject to expedited removal proceedings and "shall be detained" until removed (or until the end of asylum or credible-fear proceedings). 8 U.S.C. §§ 1225(b)(1)(B)(ii), (iii)(IV). With respect to applicants for admission subject to 8 U.S.C. § 1225(b)(2)'s catchall provision, if an immigration officer determines that they are "not clearly and beyond a doubt entitled to be admitted" then they "shall be detained" during removal proceedings. 8 U.S.C. § 1225(b)(2)(A). None of the provisions of 8 U.S.C. § 1225 provide a bond process whereby applicants for admission may be released pending resolution of their removal proceedings, so detention is mandatory. *See Jennings*, 583 U.S. at 302 ("In sum,

§§ 1225(b)(1) and (b)(2) mandate detention of aliens throughout the completion of applicable proceedings and not just until the moment those proceedings begin.").

b. Other Removable Foreign Nationals

The INA also provides procedures for the arrest, detention, and removal of foreign nationals who do not meet the criteria of an "applicant for admission." Section 1226 is not limited to applicants for admission, but instead, broadly applies to foreign nationals who have been admitted but are now pending removal decisions. *See* 8 U.S.C. § 1226.

Section 1226 also provides procedures for the detention of these individuals. *Id.* However, immigration officials are expressly authorized to release them on bond pending the adjudication of their removal proceedings. 8 U.S.C. § 1226(a)(2)(A). DHS regulations provide for the bonded release of foreign nationals falling under this provision if they "would not pose a danger to property or persons" and are "likely to appear for any future proceeding." 8 C.F.R. § 236.1(c)(8). In sum, Section 1225(b) governs the detention of "applicants for admission" – which Congress has defined to include any foreign national "present in the United States who has not been admitted" – while Section 1226(a) governs the detention of foreign nationals who have been previously admitted but are subject to removal proceedings. Section 1225(b) does not provide for release on bond during the removal process, while Section 1226(a) does.

LEGAL STANDARD

A petition for a writ of habeas corpus challenges the legality or constitutionality of the Government's restraint or imprisonment of the petitioner. 28 U.S.C. § 2241.

A petitioner bears the burden to demonstrate that his detention is unlawful. *Walker v. Johnston*, 312 U.S. 275, 286 (1941).

When reviewing a habeas petition, the court may consider affidavits and documentary evidence, such as records from any underlying proceeding. *Amponsah v. Beth*, No. 18-cv-199, 2018 WL 2944546, at *2 (E.D. Wis. June 12, 2018) (citing 28 U.S.C. §§ 2246, 2247). The court is not required to hold an evidentiary hearing when the petition and answer present only issues of law. *Toe v. Schmidt*, No. 24-cv-13, 2024 WL 493289, at *2 (E.D. Wis. Jan. 18, 2024) (citing 28 U.S.C. § 2243).

ARGUMENT

The plain text of the INA states that a foreign national in the United States is an "applicant for admission" until they are admitted into the United States by an immigration officer. 8 U.S.C. § 1225(a)(1). Section 1225 is the statutory provision that governs the processes for arresting, detaining, and removing applicants for admission. And the statute says that an "applicant for admission ... shall be detained" pending removal proceedings "if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A).

Nowhere in his Petition does Petitioner allege he has ever been lawfully admitted into the United States. Indeed, Petitioner acknowledges that he lacks any legal status in the United States. And Petitioner is obviously present in the United States, as he was arrested by immigration officers in Milwaukee, Wisconsin and remains detained. Thus,

Petitioner is an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

Petitioner nevertheless asserts that 8 U.S.C. § 1225 applies to people arriving at U.S. borders and ports of entry. If this is correct, an undocumented immigrant who evades detection upon arrival in the United States and travels into the interior of the country is no longer an "applicant for admission" subject to mandatory detention. But the statute defines that term to include any foreign national "present in the United States who has not been admitted **or** who arrives in the United States," with no temporal or geographic limitations. 8 U.S.C. § 1225(a)(1) (emphasis added). While judges in this district have split on their interpretations of the applicability of Sections 1225 and 1226 to unadmitted foreign nationals present in the United States, *see infra*, only one interpretation of the INA is supported by the statutory text and the legislative history.

I. No Violation of the INA

a. The Statutory Text

Both the plain text of the INA and its legislative history supports the Government's interpretation of the mandatory detention statute. The statutory text defines foreign nationals who have not been admitted to the United States, but who are physically present inside the United States, as "applicants for admission," 8 U.S.C. § 1225(a)(1), regardless of extraneous factors such as proximity to the border, length of time present, or subjective intent to apply for admission. And it mandates that applicants for admission "shall be detained" pending removal proceedings (without the potential for release on bond) if an immigration officer determines that the applicant cannot show that he is "clearly and

beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). This is exactly what Congress intended when it passed the Illegal Immigration Reform and Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-546, 3009-579 (IIRIRA), amending the INA.

Petitioner points to prior agency practice of applying § 1226(a) to foreign nationals like himself but that argument is unpersuasive. Under *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), the plain language of the statute and *not* prior practice controls. *cf. Yajure-Hurtado*, 29 I. & N. Dec. at 225–26. *Loper Bright* recognized that agencies often change precedents and "correct [their] own mistakes." 603 U.S. at 411 (overturning *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837 (1984)). This is precisely what DHS did when it modified its detention policy to conform to the plain language and intent of § 1225(b)(2)(A).

b. Legislative History

Given that the statutory text is clear, the Court need not consider legislative history, but that history only further supports the Government's position. *See Mohamad v. Palestinian Authority*, 566 U.S. 449, 459 (2012) ("Indeed, although we need not rely on legislative history given the text's clarity, we note that the history only supports our interpretation... ."). Congress enacted both 8 U.S.C. § 1225(b)(2) and 8 U.S.C. § 1226(a) as part of the IIRIRA in 1996. Before passage of that Act, the INA only provided for inspection of foreign nationals when they arrived at ports of entry. *See* former 8 U.S.C. § 1225(a) (1994). If, after inspection, immigration officers at a port of entry determined the foreign national was inadmissible, they would be placed into "exclusion" proceedings and were subject to mandatory detention. *See* former 8 U.S.C. § 1182(d)(5) (1994). By

contrast, under this former statutory regime, foreign nationals who entered the United States illegally and were later discovered were placed into "deportation" proceedings and were eligible to request release on bond. *See* former 8 U.S.C. § 1252(a)(1) (1994).

This structure led to an incongruous result: foreign nationals who had lawfully appeared at a port of entry for inspection but were deemed inadmissible were ineligible for release on bond, while those who surreptitiously entered the country without inspection were entitled to request release on bond. *See Matter of Yajure Hurtado*, 29 I.&N. Dec. 216, 2025 WL 2674169, at *6–8 (BIA Sept. 5, 2025) (discussing statutory history); *see also Hing Sum v. Holder*, 602 F.3d 1092, 1100 (9th Cir. 2010) ("This so-called 'entry doctrine' resulted in an anomaly. Under this regime, non-citizens who had entered without inspection could take advantage of the greater procedural and substantive rights afforded in deportation proceedings, while non-citizens who presented themselves at a port of entry for inspection were subjected to more summary exclusion proceedings."); *Chavez*, 2025 WL 2730228, at *4 ("Prior to IIRIRA, an 'anomaly' existed 'whereby immigrants who were attempting to lawfully enter the United States were in a worse position than persons who had crossed the border unlawfully.") (quoting *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020)).

Congress found this unintended and undesirable result to be unacceptable. It chose to amend the INA through the IIRIRA to replace the previous term "entry" with the term "admission" and to replace the former "exclusion" and "deportation" proceedings with more general "removal" proceedings. *See Martinez v. Att'y Gen. of the*

U.S., 693 F.3d 408, 413 n.5 (3d Cir. 2012). The House Report on the IIRIRA explained Congress's logic as follows:

> This subsection is intended to replace certain aspects of the current "entry doctrine," under which illegal aliens who have entered the United States without inspection gain equities and privileges in immigration proceedings that are not available to aliens who present themselves for inspection at a port of entry. Hence, the pivotal factor in determining an alien's status will be whether or not the alien has been lawfully admitted.

H.R. Rep. No. 104-469(I), 1996 WL 168995, at 225 (Leg. Hist. Mar. 4, 1996).

In essence, Petitioner's attempt to graft geographic and/or temporal limitations onto the definition of "applicants for admission" provided in 8 U.S.C. § 1225(a)(1) seeks to override Congress's deliberate legislative choice in passing the IIRIRA and restore the former immigration regime that Congress determined was unacceptable. *Cf. Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (explaining that Congress's addition of 8 U.S.C. § 1225(a)(1) "ensures that all immigrants who have not been lawfully admitted, regardless of their physical presence in the country, are placed on equal footing in removal proceedings under the INA—in the position of an 'applicant for admission'"). As shown in this case, Petitioner's interpretation would afford foreign nationals who illegally enter the country and evade detection by immigration officers greater procedural protections than those available to foreign nationals who lawfully present themselves for inspection at a port of entry. Yet the plain text of the statute and its legislative history fails to support this inharmonious result.

c. This Court's Recent Decisions

This Court recently addressed a substantively identical case in *Cirrus Rojas v. Olson*, No. 25-cv-1437-bhl, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025), *appeal filed*, Nov. 25, 2025, which should be followed here. Like this case, the petitioner in *Cirrus Rojas* was "an unregistered alien and citizen of Mexico who has lived in the United States without authorization for [a number] of years." *Id.* at *1. The petitioner in *Cirrus Rojas* was arrested pursuant to an administrative arrest warrant this past summer, placed into removal proceedings, and ordered released on bond by an immigration judge, which DHS appealed, triggering the automatic stay of 8 C.F.R. § 1003.19(i)(2). *Ibid.* The petitioner in *Cirrus Rojas* filed a habeas petition that argued that his detention pending his removal proceedings was governed by 8 U.S.C. § 1226 rather than 8 U.S.C. § 1225 and, thus, the immigration judge's bond order was proper under 8 U.S.C. § 1226(a)(2) and DHS's continued detention of him was unlawful. *Id.* at *7.

This Court conducted a thorough analysis of the text of 8 U.S.C. § 1225 and 8 U.S.C. § 1226, walking through the various provisions of the respective statutes. *Id.* at *5–10. While the Court acknowledged that "the statutory language and interplay between [Section 1225 and Section 1226] could certainly be more clear," it concluded "[b]ased on the text" that the respondents' position was correct and held that 8 U.S.C. § 1225(b)(2)(A) applies to unadmitted foreign nationals found inside the United States and mandates their detention throughout the pendency of removal proceedings. *Id.* at *8. After carefully reviewing the language of 8 U.S.C. § 1225(a)(1) and considering the INA as a whole, the Court determined that it could "not find a statutory basis to exclude [the petitioner] from

the definition of 'applicant for admission' in Section 1225(a)(1)." *Ibid. See also Ugarte-Arenas v. Olson*, 2025 WL 3514451 (E.D. Wis. Dec. 8, 2025) (Griesbach, J.) (following *Cirrus Rojas* and ruling that petitioner was "applicant for admission" under Section 1225 where petitioner had lived in United States without authorization for a number of years).

Finally, this Court rejected the argument that the historical practice of federal immigration agencies permitting unadmitted foreign nationals living in the United States to seek release on bond under 8 U.S.C. § 1226(a)(2) should override the plain text of 8 U.S.C. § 1225. *See Cirrus Rojas*, 2025 WL 3033967, at *9. As this Court noted, "[p]rior administrations' generous interpretations of these laws, while relevant to understanding that text, do not and cannot rewrite it." *Ibid.* The Supreme Court has recently explained that while "the longstanding practice of the government—like any other interpretive aid—can inform a court's determination of what the law is... the interpretation of the meaning of statutes, as applied to justiciable controversies, [i]s exclusively a judicial function." *Loper Bright*, 603 U.S. at 386–87 (internal punctuation and citations omitted).[3]

Respondents acknowledge that several federal district courts have addressed this same issue recently and reached the opposite conclusion—that 8 U.S.C. § 1226 rather than 8 U.S.C. § 1225 governs the detention of unadmitted foreign nationals living in the United States. This Court recently so held in *Ramirez Valverde v. Olson*, No. 25-cv-1502-bbc, 2025

[3] Cases from other districts supporting the Government's position include *Cheema v. Swearingen*, Case No. 25-cv-609, Doc. 17 (S.D. Ind. December 16, 2025); *Oliveira v. Patterson*, No. 25-cv-01463, (W.L.A. Nov. 4, 2025); *Sandoval v. Acuna*, No. 25-cv-01467, (W.L.A. Oct. 31, 2025); *Vargas v. Lopez*, No. 25-CV-526, 2025 WL 2780351 at *4–9 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, No. 25-CV-23250CAB-SBC, 2025 WL 2730228 at *4–5 (S.D. Cal. Sept. 24, 2025).

WL 3022700 (E.D. Wis. Oct. 29, 2025) (Conway, J.), *Rivas-Alonso v. Olson*, 2025 WL 3240928 (E.D. Wis. Nov. 20, 2025)(Adelman, J.), and *Lopez De La Cruz v. Schmidt*, Case No. 25-cv-1562, at Doc. 18 (E.D. Wis. Nov. 19, 2025)(Adelman, J.) Respectfully, Respondents submit that this line of nonbinding decisions is unpersuasive for the reasons explained by this Court in *Cirrus Rojas* and *Ugarte Arenas*.[4]

II. No Due Process Violation

Beyond alleging that his detention pending removal violates the INA, Petitioner asserts that his detention violates his due process rights under the Fifth Amendment to the United States Constitution. (ECF 1, ¶¶ 68-76.) As noted above, Congress has specifically authorized immigration officers to arrest and detain foreign nationals for purposes of removing them from the country, and such procedures have consistently withstood due process challenges. *See, e.g., Jennings*, 583 U.S. at 323 ("This Court has never held that detention during removal proceedings is unconstitutional. To the contrary, this Court has repeatedly recognized the constitutionality of that practice.") (Thomas, J.,

[4] On December 11, 2025, a Seventh Circuit Court of Appeals motions panel issued *Castanon-Nava v. U.S. Dep't of Homeland Security*, No. 25-3050, ---F.4th---, 2025 WL 3552514 (7th Cir. 2025). In that decision, the panel considered whether Section 1225(b)(2) "covers any noncitizen who is unlawfully already in the United States as well as those who present themselves at its border." *Id.* at *8. The panel tentatively concluded that the Government is "not likely to succeed on the merits" of its interpretation of 8 U.S.C. § 1225(b)(2)(A). *Id.* at *8-10. However, that decision is not binding precedent: "Decisions by motions panels are summary in character, made often on a scanty record, and not entitled to the weight of a decision made after plenary submission." *Johnson v. Burken*, 930 F.2d 1202, 1205 (7th Cir. 1991). Indeed, *Castanon-Nava* repeatedly emphasized the tentative nature of its conclusions. 2025 WL 3552514, at *8-10. Therefore, *Castanon-Nava* is not controlling. And for the reasons set forth in this response and the Respondent's Opposition to the Emergency Motion for Release Pending Appeal in *Rojas v. Olson*, Appeal No. 25-3217, at Doc. 13 (7th Cir. De. 19, 2025), the Seventh Circuit's tentative conclusions should not be found persuasive.

concurring in part and concurring in the judgment) (citations omitted); *see also Denmore*, 538 U.S. at 523 ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings. At the same time, however, this Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process."); *Wong Wing v. United States*, 163 U.S. 228, 235 (1896) (explaining that deportation proceedings "would be vain if those accused could not be held in custody pending the inquiry into their true character").

Petitioner remains in removal proceedings, which continue to progress. Given this procedural posture, Petitioner's detention has neither been prolonged, nor indefinite, and he cannot demonstrate that there exists "no reasonable likelihood of his removal in the foreseeable future." *Zadvydas v. Davis*, 533 U.S. 678, 702 (2001). As the Court summarized in *Cirrus Rojas*:

> Given the caselaw and the well-defined procedures governing (and limiting) Cirrus Rojas's detention, the Court rejects his due process challenge. Consistent with *Zadvydas* and *Denmore*, Cirrus Rojas has a recognizable liberty interest in connection with his pre-removal detention. But as *Denmore* held, and *Parra* explains, that liberty interest is limited. Cirrus Rojas is an alien who was found in the United States without authorization and is subject to removal proceedings. Consistent with federal law, he is being provided with the opportunity to oppose removal and using that opportunity to pursue an asylum claim. As explained in *Parra*, Cirrus Rojas's liberty interest is limited, and he has the key to his release in his own pocket; he can choose to accept removal to his homeland under Section 1229a.

Cirrus Rojas, 2025 WL 3033967, at *12 (citing *Parra v. Perryman*, 172 F.3d 954, 958 (7th Cir. 1999)).

Petitioner has not submitted any evidence that he is being detained for any purpose beyond the resolution of his removal proceedings. Petitioner is receiving the process to which he is due through his removal proceedings under 8 U.S.C. § 1229a(b)(4). The United States has "a powerful interest in maintaining the detention in order to ensure that removal actually occurs." *Parra*, 172 F.3d at 958. The Petition fails to show that the deprivation of Petitioner's liberty—as an unadmitted foreign national with no status in the United States—while he awaits the conclusion of his removal proceedings violates due process. *Denmore*, 538 U.S. at 531 (no due process violation in detaining foreign national pending removal proceedings); *Parra*, 172 F.3d at 958 ("The private interest here is not liberty in the abstract, but liberty *in the United States* by someone no longer entitled to remain in this country but eligible to live at liberty in his native land[.]"). The Court should deny any relief sought pursuant to an argument that Petitioner's right to due process has been violated.

CONCLUSION

For all these reasons, Respondent respectfully requests that the Court deny Petitioner's habeas petition, grant him judgment as a matter of law, and dismiss this case with prejudice.

Dated at Milwaukee, Wisconsin this 30th day of December 2025.

Respectfully submitted,

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