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8 Case No. 2:25-cv-04773-SHD--DMF
9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF ARIZONA

11 Carlos Martin Lorenzana-Flores

12 Petitioner-Plaintiff,

13 v.

14 Pam Bondi, in her Official Capacity,
15 Attorney General of the United States; et
16 al.

17 Respondents-Defendants.
18

19 Case No. 2:25-cv-04773-SHD--
20 DMF

21 A- 

22 **REPLY TO RESPONSE TO**
23 **HABEAS AND ORDER TO**
24 **SHOW CAUSE**
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I. INTRODUCTION

1 Respondents unlawfully detain Petitioner under a mistaken assertion that INA
2 § 235(b)(2) requires mandatory detention of individuals who entered without
3 inspection. Because DHS has improperly invoked § 235(b)(2), Petitioner has been
4 deprived of the opportunity for an individualized bond hearing and remains in
5 unlawful detention in violation of the INA, the APA, and the Constitution.
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9 Petitioner is likely to succeed on the merits because his detention falls under
10 § 1226(a), which authorizes bond hearings for long-term residents residing in the
11 interior. Habeas relief is appropriate when a person “is in custody in violation of the
12 Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Mr.
13 Lorenzana seeks habeas relief because his detention violates the INA, the APA, and
14 his Fifth Amendment right to due process.
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17 The INA provides two distinct detention frameworks. Section 1225 governs
18 “applicants for admission” encountered at or near the border, and mandates detention
19 of individuals “seeking admission” until their admissibility is determined. 8 U.S.C.
20 § 1225(b)(2)(A). Individuals detained under this section are not entitled to bond
21 hearings. See *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018). Section 1226, by
22 contrast, governs the arrest and detention of individuals already present in the United
23 States. It establishes a discretionary framework authorizing release on bond or
24 conditional parole, except in narrow categories of mandatory detention defined in §
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1 1226(c). See 8 U.S.C. § 1226(a)(1)–(2). Under binding regulations, noncitizens
2 detained under § 1226(a) are entitled to individualized bond hearings before an
3 immigration judge. *Jennings*, 583 U.S. at 306 (citing 8 C.F.R. §§ 236.1(d)(1),
4 1236.1(d)(1)).
5

6 Mr. Lorenzana has resided in the United States for more than sixteen years.
7 He is not an “arriving alien” at the threshold of admission, but rather a long-term
8 resident in the interior whose detention is governed by § 1226. By misclassifying
9 him under § 1225(b)(2), Respondents have denied him the basic protections
10 Congress required and the Constitution guarantees.
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13 II. DISCUSSION

14 A. Section §1226, not §1225 governs Mr. Lorenzana’s Detention

15 Respondents’ argument that Mr. Lorenzana is subject to mandatory detention
16 under § 1225(b)(2) cannot withstand scrutiny in light of recent federal decisions that
17 have carefully examined the statutory scheme. Mr. Lorenzana entered the United
18 States in 2009 and has now resided here for more than sixteen years. He is not at
19 the threshold of entry, but instead is a long-term resident of the interior. Petitioner’s
20 detention falls squarely under § 1226.
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23 Respondents argue that Mr. Lorenzana should be subject to mandatory
24 detention. That argument is foreclosed by the growing consensus of federal courts
25 rejecting DHS’s novel interpretation of § 1225(b)(2).
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1 Mr. Lorenzana has resided in the United States since 2009, over sixteen years.
2 He is not an “arriving alien,” and under the statutory scheme, his detention properly
3 falls under § 1226. The U.S. District Court in *Maldonado Bautista* has also found
4 that this interpretation is controlling. *Maldonado-Bautista v. Noem*, 5:25-cv-1873
5 (C.D.Ca. Nov. 20, 2025). The Respondents cite to cases in which the District Courts
6 have found in Respondent’s favor, however, the majority of Courts have found in
7 favor of Petitioner’s argument. The cases are too voluminous to cite, however
8 Petitioner makes reference to a small number of those cases: *Chogllo Chafila v.*
9 *Scott*, 2025 WL 2688541 (D. Me. Sept. 2, 2025); *Chang Barrios v. Shepley*, 2025
10 WL 2772579 (D. Me. Sept. 29, 2025); *Chiliquinga Yumbillo v. Stamper*, 2025 WL
11 2783642 (D. Me. Sept. 30, 2025); *Aguilar Guerra v. Joyce*, 2025 WL 2986316 (D.
12 Me. Oct. 24, 2025); *Cesario; Souza v. Hyde*, 2025 WL 2997670 (D. Mass. Oct. 24,
13 2025); *Chanaguano Caiza v. Scott*, 2025 WL 3013081 (D. Me. Oct. 28, 2025); *Sena*
14 *Gomes v. Wesling*, 2025 WL 363712 (D. Mass Dec. 16, 2025); *Gomez Mejia v.*
15 *Woosley*, 2025 WL 2933852 (W.D. Ky. Oct. 15, 2025); *Martinez-Elvir v. Olson*,
16 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025); *Rodriguez Serrano v. Noem*, 2025
17 WL 3122825 (W.D. Mich. Nov. 7, 2025); *Macias v. Raycraft*, 2025 WL 3525262
18 (N.D. Ohio Dec. 9, 2025); *H.G.V.U. v. Smith*, 2025 WL 2962610 (N.D. Ill. Oct. 20,
19 2025); *Patel v. Crowley*, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025); *Campos Leon*
20 *v. Forestal*, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025); *Guaita Quinapanta v.*
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1 *Bondi*, 2025 WL 3157867, at *7 (W.D. Wis. Nov. 12, 2025); *Giron Reyes v. Lyons*,
2 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Garcia Picazo, v. Sheehan*, 2025
3 WL 3006188 (N.D. Iowa Oct. 27, 2025); *Santiago Helbrum v. Williams*, 2025 WL
4 2840273(S.D. Iowa Sept. 30, 2025); *Cortes Fernandez v. Lyons*, 2025 WL 2531539
5 (D. Neb. Sept. 3, 2025); *Vargas-Murillo v. Bondi*, 2025 WL 3280904 (D. Ariz. Nov.
6 25, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025)

9 This conclusion aligns with decades of agency practice, congressional
10 amendments through the Laken Riley Act, and other district court rulings. See, e.g.,
11 *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025).
12 Respondents’ reliance on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025),
13 is misplaced, as federal courts are not bound by BIA precedent and have repeatedly
14 declined to adopt that interpretation. Mr. Lorenzana therefore has a strong likelihood
15 of success on the merits.

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19 **B. The plain text of 1225 does not require Petitioner’s Detention because**
20 **he is not a new arrival, he is a long term resident.**
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22 Respondents rely on the plain text of § 1225 to claim mandatory detention.
23 But courts interpreting that text have reached the opposite conclusion. The title and
24 context of § 1225 “Inspection by immigration officers; expedited removal of
25 inadmissible arriving aliens”—show it governs inspections and arrivals, not long-
26 term residents. DHS’s effort to read “seeking admission” so broadly is inapposite,
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1 and would cover individuals who had lived in the country for over a decade.
2 Statutory interpretation requires giving meaning to every word; “seeking” implies
3 action. Long-settled residents like Mr. Lorenzana are not actively “seeking
4 admission.”
5

6 As the Supreme Court explained in *Jennings v. Rodriguez*, 583 U.S. 281
7 (2018), § 1225(b) mandates detention of “applicants for admission,” while § 1226(a)
8 establishes a discretionary system that allows arrest, detention, or release of
9 noncitizens already present in the United States. 583 U.S. 281, 288–89, 297–98
10 (2018).
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13 **C. Petitioner’s detention does violate Due Process.**
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15 Under *Mathews*, the due process analysis is straightforward. *Mathews v.*
16 *Eldridge*, 424 U.S. 319 (1976). First, Petitioner’s private interest is profound.
17 “[F]reedom from imprisonment from government custody, detention, or other forms
18 of physical restraint lies at the heart of the very liberty that [the Due Process Clause]
19 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioner has lived in
20 Arizona for over sixteen years, supports his family, and has strong community ties.
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22 Second, the risk of erroneous deprivation is substantial. The Immigration
23 Judge initially heard testimony and reviewed evidence regarding Petitioner’s
24 eligibility for bond. Yet under the automatic stay, DHS may unilaterally nullify that
25 decision, “usurping” the IJ’s role and rendering the bond hearing “an empty gesture.”
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1 *Ashley v. Ridge*, 288 F. Supp. 2d 662, 671 (D.N.J. 2003). Courts have consistently
2 recognized that such a scheme creates an intolerable risk of error.

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4 Third, the government’s interests do not outweigh Petitioner’s liberty. The
5 United States certainly has an interest in ensuring appearance at hearings and
6 protecting the community. But where an IJ has already determined after an
7 adversarial hearing that the noncitizen is not dangerous or a flight risk, those interests
8 are fully protected. As the Minnesota court put it, “existing statutory and regulatory
9 safeguards adequately serve the governmental interest in promoting public safety.”
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12 *Günaydin v. Trump*, 2025 WL 1459154, at 10 (D. Minn. May 21, 2025)

13 Thus, all three *Mathews* factors weigh heavily in Petitioner’s favor.
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15 **D. Petitioner faces irreparable harm from unlawful detention and asks**
16 **that the Court order a bond hearing.**
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19 Respondents’ unlawful civil detention inflicts irreparable injury. “One of the
20 most elemental of liberty interests is to be free from detention,” and “freedom from
21 imprisonment from government custody, detention, or other forms of physical
22 restraint lies at the heart of the liberty that the Due Process Clause protects.” *Hamdi*
23 *v. Rumsfeld*, 542 U.S. 507, 529 (2004); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
24
25 Mr. Lorenzana has lived in the United States since 2004, maintains deep family and
26 community ties, and remains confined without access to the individualized bond
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1 process Congress provided in § 1226(a). Each additional day of confinement
2 separates him from his family, disrupts employment and caregiving, and compounds
3 the constitutional harm in a way money damages cannot remedy.
4

5 The balance of equities tips sharply in Petitioner's favor. On one side is
6 Petitioner's fundamental liberty interest in freedom from prolonged civil detention
7 without a bond hearing, as well as the stability and wellbeing of his family who
8 depend on his daily presence and support. On the other side, the government has
9 only a minimal interest in continuing to detain a longtime resident without providing
10 the individualized custody review that Congress authorized in § 1226(a). Federal
11 courts have repeatedly recognized that when liberty interests are at stake, the equities
12 strongly favor release. See, e.g., *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004);
13 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
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18 Petitioner asks the Court to specifically order Respondents to provide a bond
19 hearing, where Respondents have jurisdiction to determine whether or not Petitioner
20 is a flight risk or danger to the community. *Matter of Guerra*, 24 I&N Dec. 37 (BIA
21 2006); *Matter of Patel*, 15 I&N Dec 666 (BIA 1976). Petitioner asks that this Court
22 not dismiss his Petition, because Respondents are not honoring the decision in
23 *Bautista and Echevarria*. Petitioner's counsel's colleagues report numerous bond
24 decisions by immigration judges in the past week, in which the immigration judge
25 denies bond under the tenant that they are bound by *Matter of Yajure Hurtado*, 29
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1 I&N Dec. 216 (BIA 2025).

2 **III. CONCLUSION**

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4 The public interest also favors granting relief. Upholding constitutional
5 protections and preventing unlawful detention reinforce public confidence in the
6 integrity of the immigration system. Far from undermining enforcement, requiring
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8 bond hearings promotes a fair and orderly process while ensuring that detention is
9 limited to those who genuinely pose a danger or flight risk. The government
10 routinely conducts such hearings, so requiring one here imposes no undue burden.
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12 By contrast, denying Petitioner this relief prolongs a deprivation of liberty that
13 cannot be undone.

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15 Dated: December 30th, 2025

Respectfully submitted,

16
17 /s/ Siovhan Ayala
18 Siovhan Ayala
19 Attorney for Petitioner-Plaintiff
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