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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Daycy Noemi Contreras-Barraza,

Petitioner,

vs.

v.


Kristi Noem, et al.

Respondents.

No. CV-25-04796-PHX-KML (DMF)

**RESPONSE TO ORDER
TO SHOW CAUSE (Doc. 4)
AND
HABEAS PETITION (Doc. 1)**

I. INTRODUCTION AND RELEVANT FACTS.

Respondents hereby respond to the Court’s Order to Show Cause (Doc. 3), and thus to the Petition for a Writ of Habeas Corpus (Doc. 1). Petitioner, Daycy Noemi Contreras-Barraza, is a native and citizen of Guatemala, born on  Doc. 1. She entered the United States without inspection, admission or parole and was released on an order of recognizance in 2005. *Id.* She has resided in the United States since. *Id.* On April 1, 2025, Petitioner was taken into immigration custody by U.S. Immigration and Customs Enforcement (“ICE”) and is detained at the Eloy Detention Center. *Id.* On December 11, 2025, Petitioner requested a bond hearing noting that she was a *Bautista* class member. *Id.* On December 16, 2025, Petitioner had a bond hearing but was deemed subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and denied bond. *Id.*

1 **II. RESPONDENTS' PRESERVE THEIR LEGAL POSITION.**

2 Respondents respectfully preserve their legal position that Petitioner is an applicant
3 for admission as defined by 8 U.S.C. § 1225(a)(1) because she has never been lawfully
4 admitted to the United States, and that because she is in section 240 proceedings, she is
5 therefore subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). *See Rojas v. Olson*,
6 No. 25-CV-1437-BHL, 2025 WL 3033967, at *1 (E.D. Wis. Oct. 30, 2025); *Sandoval v.*
7 *Acuna*, No. 6:25-CV-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Oliveira v.*
8 *Patterson*, No. 6:25-CV-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde*
9 *v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Garibay-*
10 *Robledo v. Noem*, 1:25-cv-00177 (N.D. Tex. 2025); *Cabanas v. Bondi*, No. 4:25-CV-04830,
11 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Altamirano Ramos v. Lyons*, No. 2:25-CV-
12 09785-SVW-AJR, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025); *Alonzo v. Noem*, No. 1:25-
13 CV-01519 WBS SCR, 2025 WL 3208284, at *1 (E.D. Cal. Nov. 17, 2025). Respondents,
14 however, also acknowledge that its legal position has been squarely rejected in *Echevarria v.*
15 *Bondi*, 2025 WL 2821282 (D. Ariz. 2025).

16 **III. BAUTISTA AND CASTANON-NAVA.**

17 Respondents acknowledge that on December 11, 2025, the Seventh Circuit concluded
18 the Government was “not likely to succeed on the merits of their argument” regarding
19 “mandatory detention under § 1225(b)(2)(A)” —the same argument Respondents respectfully
20 maintain here. *Castanon-Nava v. U.S. Dep’t of Homeland Sec.*, No. 25-3050, 2025 WL
21 3552514, at *9 (7th Cir. Dec. 11, 2025).

22 Respondents further concede that Petitioner is a member of the Bond Eligible Class
23 certified in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, -- F.R.D. --, 2025 WL
24 3288403, at *9 (C.D. Cal. Nov. 25, 2025). On December 18, 2025, the Bautista Court entered
25 final judgment finding that section 1226(a), not section 1225(b)(2) governs the detention of
26 the Bond Eligible Class. *See Bautista*, ECF No. 94. A notice of appeal was then filed by the
27 *Bautista* respondents on December 18, 2025. *See Bautista*, ECF No. 95.

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1 Critically, however, the *Bautista* Court has not granted anything beyond declaratory
2 relief, such as ordering bond hearings for the certified class members. It has only extended its
3 previous finding that section 1226(a) rather than section 1225(b)(2) governs the named
4 Plaintiffs' claims to the entire class, entering a final judgment from which the Government
5 has appealed.

6 Therefore, if the Court determines that a bond hearing is warranted under section
7 1226(a), consistent with the reasoning in *Bautista* and *Castanon-Nava*, the Court will still
8 need to enter an order that a bond hearing be provided under 8 U.S.C. § 1226(a).

9 **IV. CONCLUSION.**

10 In light of the above, Respondents respectfully request the Court deny Petitioner's
11 Petition for Writ of Habeas Corpus. If the Court grants the Petition, the Court should order
12 that Petitioner be given a bond hearing by the immigration court under 8 U.S.C. § 1226(a),
13 not direct Petitioner's immediate release from immigration detention.

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RESPECTFULLY SUBMITTED this 29th day of December, 2025.

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s/Theo Nickerson
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Assistant United States Attorney