UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Praveen Singu, Petitioner	§ §	
v.	§ §	No. SA-25-CV-1819-FB
Pamela Bondi, *et. al.*, Respondents	§ §	

REPLY OF PETITIONER TO RESPONDENT'S RESPONSE

Petitioner, Praveen Singu, timely submits his reply to *Federal Respondents' Response to Petitioner for Writ of Habeas Corpus* no later than 7 days as ordered by this Court's Order for Service and to Show Cause, dated December 19, 2025.

The Court's order required Respondents "must consider prior court orders issued in the San Antonio Division of the Western District of Texas [...] if the case concerns, in whole or in part, the applicability of 8 U.S.C. § 1225 or § 1226 to the petitioner, and identify any material factual differences between facts in this case and the facts presented in those cases ." ECF No. 2 at 2 (citations omitted). The Court noted its prior decisions in *Granados v. Noem*, No. SA-25-CA-01464-XR, 2025 WL 3296314 (W.D. Tex. Nov. 26, 2025); *Tinoco Pineda v. Noem*, No. SA-25-CA-01518-XR, 2025 WL 3471418 (W.D. Tex. Dec. 2, 2025). *Id.* Respondents' Response makes no citation to the above cases, nor does it factually distinguish those cases from Petitioner's. *See generally* ECF No 5.

Respondents allege that Petitioner's case "is squarely covered by *Matter of M-S -*, 27 I&N Dec. 509, 510 (2019) and *Matter of Q. Li-*, 29 I&N Dec. 66 (2025)". ECF

No. 5 at 1. However, this Court does not owe any deference to the holdings in those cases under *Loper-Bright Enters. v. Raimondo*, 603 U.S. 369 (2024), and are unpersuasive much like the BIA's recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See e.g., Perez v. Noem*, SA-25-CV-01534-XR, 2025 WL 3654262 (W.D. Tex. Dec. 5, 2025); *Cardona-Lozano v. Noem*, No. 1:25-CV-1784-RP, 2025 WL 3218244 (W.D. Tex. Nov. 14, 2025); *Buenrostro v. Bondi*, Case No. H-25-3726, 2025 WL 2886346, (S.D. Tex. Oct. 7, 2025). As the district courts have routinely held recently, these cases are all departures from the statutory text itself and previous interpretations of the statute by the BIA. *Id.*

Respondents assert that Petitioner is detained solely under 8 U.S.C. § 1225(b)(1), not § 1225(b)(2) or § 1226. ECF No. 5 at 2-4. Federal Respondents presented similar arguments in *Tinoco Pineda v. Noem*, before District Judge Xavier Rodriguez. *See* SA-25-CA-01518-XR, 2025 WL 3471418 (W.D. Tex. Dec. 2, 2025). *Tinoco-Pineda* entered the United States unlawfully and was charged with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) and was placed in 8 U.S.C. § 1229a "full" removal proceedings. *See Tinoco Pineda v. Noem*, No. SA-25-CA-01518-XR, 2025 WL 3471418, Slip Op. at *1-2 (W.D. Tex. Dec. 2, 2025). She was released on her own recognizance and "Respondents explicitly stated that this release was pursuant to 8 U.S.C. § 1226." *Id.* at *1. She was rearrested at a routine check-in by ICE three years later. *Id.* at 2. The district court ultimately found that § 1225(b)(1) and (b)(2) did not apply to petitioner, § 1226(a) did. *Id.* at *6- *10. As a result, petitioner was

ordered to be released because Respondents did not assert detention authority under § 1226. *Id.* at *10-*11.

Section § 1225(b)(1) requires detention of certain aliens undergoing expedited removal proceedings. *Id.* at *7. Here, as in *Tinoco Pineda,* Respondents admit that Petitioner is in "full" removal proceedings under 8 U.S.C. § 1229a but have previously conceded that a noncitizen cannot be in both full and expedited removal proceedings. *See Tinoco-Pineda*, at Slip Op. *6-7 (citing *Patel v. Tindall*, No. 3:25-CV-373-RGJ, 2025 WL 2823607, at *5 (W.D. Ky. Oct 3, 2025)(collecting cases)). "[E]ven if § 1225(b)(1) could –as a general matter – apply to [p]etitioner, she is not currently subject to expedited removal proceedings and thus is not subject to § 1225(b)(1)'s detention provisions. Respondents cannot detain [p]etitioner in connection with expedited removal proceedings that do not exist." *Tinoco-Pineda*, at *7.

Even if this Court were to ultimately hold that Petitioner was at some point subject to § 1225(b)(1), it no longer applies when considering Petitioner's re-detention. A noncitizen is not amenable to the detention authority under § 1225(b)(1)(A) if inadmissible under 8 U.S.C. §. 1182(a)(6)(A)(i). *See* 8 U.S.C. § 1225(b)(1)(A)(i)("[A]n alien [...] is inadmissible under section 1182(a)(6)(C) or 1182(a)(7)"). Respondents' response includes evidence by way of a superseding NTA that ICE has charged Petitioner with being admissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and (a)(7)(A)(i)(I). ECF No 5-1 at 1-3. The superseding NTA was filed with EOIR on December 22, 2025, and Petitioner is scheduled for his initial removal hearing on March 18, 2026. ECF No. 5-1 at 1.

Nor can the text of § 1225(b)(1) cannot be read to authorize expedited removal and detention of paroled aliens such as Petitioner. *See* Rodriguez-Acurio v. Almodovar, Case No. 25-CV-06065-NJC, 2025 WL 3314420, Slip Op. at *40-41 (E.D.N.Y. Nov. 28, 2025) (collecting cases); *see also* ECF No. 1-2 at 10. The statutory text of § 1225(b)(1)(A)(iii) states that expedited removal cannot apply to an alien who has paroled into the United States. *Rodriguez-Acurio*, at *40-44. The statutory text does not require the alien to be "currently on parole" or that the parole must be active and current. *See id.* at *44 (citing *Coal. For Humane Immigrant Rts. v. Noem*, No. 25-CV-872, 2025 WL 2192986, at *22 (D.D.C. Aug. 1, 2025)). If Petitioner was indeed paroled under § 1182(d)(5)(A), then he is no longer amenable to expedited removal proceedings under 8 U.S.C. § 1225(b)(1)(A)(iii). And as highlighted, *supra*, Respondents have deemed Petitioner inadmissible under § 1182(a)(6)(A)(i), a ground of inadmissibility not amenable to expedited removal.

Nor can it be said that, as an applicant for admission, Petitioner was "seeking admission" pursuant to 8 U.S.C. § 1101(a)(13)(A) at the time of his re-detention. *See Tinoco Pineda*, at *9. In *Tinoco-Pineda*, the Court held that 8 U.S.C. § 1225(b)(2) did not apply because when ICE detained her in 2025 she was not seeking entry. *See Tinoco Pineda v. Noem*, No. SA-25-CA-01518-XR, 2025 WL 3471418, Slip Op. at *9 (W.D. Tex. Dec. 2, 2025). The Court in *Granados*, held that at the time of his detention, petitioner was not "seeking admission" or lawful entry when he was detained by ICE and therefore, he was not detained under 8 U.S.C. § 1225(b)(2). *See Granados v. Noem*, No. SA-25-CA-01464-XR, 2025 WL 3296314, Slip Op. at *11-12

(W.D. Tex. Nov. 26, 2025). Nor was he "arriving in the United States" at the time of his re-detention under 8 U.S.C. § 1225(b)(1)(A)(i)-(ii).

Importantly, if the Court were to decide § 1225(b) still applies, noncitizens detained under § 1225 may be released only through DHS's parole authority under § 1182(d)(5)(A). *See Granados v. Noem*, No. SA-25-CA-1464-XR (citing *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018)). The decision to grant parole is determined on a case-by-case basis, and "when the purpose of the parole has been served, [...] the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States." *Jennings*, 583 U.S. at 288 (quoting 8 U.S.C. § 1182(d)(5)(A). To terminate the previous grant of parole, DHS must follow its own regulations, as set forth in 8 C.F.R. § 212.5(e)(2)(i). Parole may be terminated when its purpose is accomplished, or humanitarian reasons and the public benefit no longer warrant it. See *Loaiza Arias v. LaRose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025)(citing 8 C.F.R. § 212.5(e)). Presumably, the purpose of the parole was to permit Petitioner to participate in removal proceedings from within the United States which DHS intended to initiate with the NTA dated October 9, 2025. *See* ECF No. 1-2 at 4, 9-10; ECF No. 5 at 3-4 ("Here, Petitioner arrived at a port of entry and subsequently placed in removal proceedings. Thereafter, Petitioner was paroled[.]"). Those removal proceedings have not yet been concluded, and in fact, are only just beginning since

DHS initiated the proceedings over a year later by filing the superseding NTA. *See* ECF 5-1 at 1.

Various district courts have held that as a grant of parole requires a case-by-case determination, the termination of a § 1182(d)(5)(A) parole also requires individualized review. *See Infante Rodriguez v. Raycraft*, No. 1:25-CV-1560-RJJ, Slip Op. at 9-10 (W.D. MI Dec. 18, 2025) (collecting cases). By failing to do so, "then they did not have the authority to arrest and detain Petitioners, 'unless there was some other valid reason to arrest them." *Id.* at *11 (*Mata Velasquez*, 794 F. Supp. 3d at 145; *cf. Norfolk S. Ry. Co. v. U.S. Dep't of Lab.*, No. 21-3369, 2022 WL 17369438, at*6 (6th Cir. Dec. 2, 2022) (discussing that "an agency's action that fails to observe the procedures required by its own regulations should be set aside" (citation omitted)); *Wilson v. Comm'r of Soc. Sec.*, 378 F.3d 541,545 (6th Cir. 2004) ("It is an elemental principle of administrative law that agencies are bound to follow their own regulations[,] . . . [and] '[a]n agency's failure to follow its own regulations tends to cause unjust discrimination and deny adequate notice and consequently may result in a violation of an individual's constitutional right to due process.'" (additional internal quotation marks omitted) (quoting *Sameena, Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998)))(cleaned up). Respondents have not claimed any other reason to detain Petitioner, and in fact claim *any noncitizen* is an applicant for admission subject to being detained under § 1225(b). *Id.* at *11-12; *see also Tinoco-Pineda*, at *2. *7. As such, Petitioner's Fifth Amendment's Due Process rights have been violated. *See also Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 WL 2792588,

at *20-*29 (W.D. Tex. Oct. 1, 2025) (distinguishing facts of petitioner, an arriving alien with a significant presence in the country challenging detention without an order of removal, to those of *Thuraissigiam*, who challenged his detention despite never have been released from custody and seeking another change to remain in the U.S. despite a final order of removal).

Petitioner agrees with the statutory analysis and ultimate result in *Tinoco-Pineda*. But another approach already identified by Petitioner would have led to the same result: DHS initially elected to release Petitioner conditional parole pursuant to their § 1226(a) authority. Federal Respondents' response does not dispute that the Form I-286, Notice of Custody Determination, explicitly states that Petitioner's detention and subsequent release was pursuant to § 1226. *See* ECF No. 5 at 1-2; ECF No. 1-2 at 7. It was only until now that Petitioner filed his habeas petition that Federal Respondents have asserted their detention authority under § 1225(b)(1). "A 'post-hoc rationalization' first articulated in litigation, however, carries little weight." *Qunjie Yao v. Almodovar*, No. 25-CV-9982-PAE, 2025 WL 3470073, (S.D.N.Y. Dec. 17, 2025) (citing *Dep't of Homeland Sec. v. Regents of Univ. of Cal.*, 591 US 1, 21 (2020)). This is a violation of Petitioner's due process rights when ICE failed to exercise any discretion at all in re-detaining Petitioner. A bond hearing after the fact "is appropriate where, unlike here, the government has at least some articulable, legitimate interest in detaining the petitioner". *Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 WL 2792588, at *39-*40 (W.D. Tex. Oct. 1, 2025) (granting immediate

release for an arriving alien after finding a violation of petitioner's due process rights).

Petitioner seeks declaratory and injunctive relief to remedy his unlawful detention by Respondents. Given the Court's more recent holdings regarding the violations of the INA, Petitioner here believes that the remedy provided there is the more appropriate one: release from custody as Petitioner's detention is unlawful because Respondents only assert detention pursuant to 8 U.S.C. § 1225(b)(1). *See* ECF No 5 at 2-4. Federal Respondents contend that Petitioner's detention stems from 8 U.S.C. §. 1225(b)(1)(A) and do not invoke any other statutory authority to authorize his continued detention. *See generally* ECF No. 5. Nor could they rely on § 1226 as that would turn their novel statutory interpretation on its end as they contend § 1226(a) only applies to noncitizens who were lawfully admitted and are now deportable pursuant to 8 U.S.C. § 1227(a). *See* ECF No. 4 at 5. Additionally, any reliance on § 1226 as the Respondent's detention authority would give Petitioner the right to an individualized bond hearing before an IJ as authorized by § 1226(a) and the corresponding regulations.

Should this Court reach the same conclusion that Petitioner's detention is unlawful under 8 U.S.C. § 1225(b)(1), then Petitioner agrees with Respondents' that "the only relief available to Petitioner through habeas is release from custody". ECF No. 5 at 2 (citing 28 U.S.C. § 2241). As such, Petitioner believes an outcome similar to the Court's recent holdings is appropriate: that Petitioner be released from custody immediately to a public place, with sufficient practicable notice to counsel

before her release, that he not be removed or transferred under this present detention, and if he is re-detained pursuant to 8 U.S.C. § 1226, that he be afforded a bond hearing as authorized by statue and regulation.

The Court should grant Petitioner's application for writ of habeas corpus and order his release from custody as his detention pursuant to 8 U.S.C. § 1225(b)(1) is unlawful. Petitioner, an applicant for admission already in the country, is not presently seeking admission as understood by 8 U.S.C. § 1101(a)(13) and as such § 1225(b)(1) does not apply. Should the Court believe that Petitioner has instead been deprived of procedural due process, then Petitioner requests this Court order Federal Respondents to release him from custody under reasonable conditions of supervision since Respondents have "no or an insignificant interest in detaining the petitioner" and the circumstances have not changed from Petitioner's previous release under parole to indicate he is a flight risk or danger to the community. *See Santiago v. Noem,* at *39-40.

Respectfully submitted this 12th day of January 2026 by:

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