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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SALCEDO MARTINEZ, Adrian Petitioner, v. **NOEM, Kristi,** Secretary of the Department of Homeland Security, et al., Defendants.	Civil Case No.: 25-6170 **REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS** **28 U.S.C. § 2241**

I. INTRODUCTION

This case is controlled by binding class relief and presents no exhaustion bar. At bottom, this case is not a close statutory question nor a dispute over discretionary bond factors. It is a straightforward challenge to custody that is unlawful as a matter of law. Petitioner is detained under INA § 1225(b)(2) notwithstanding a Notice to Appear alleging entry at an unknown date and time, facts that place him squarely within the certified class in *Maldonado-Bautista v. Santacruz Jr. et al*.[1] That class certification is final and binding on DHS and EOIR, and it expressly forecloses the very detention theory the Government advances here.

[1] *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Dec. 18, 2025).

Because Petitioner is a class member challenging detention that is categorically unauthorized, no exhaustion requirement applies. The Fifth Circuit has long recognized that exhaustion is not required where a petitioner raises a pure question of law, challenges the agency's statutory authority, or where exhaustion would be futile. All three are present here. The Government's threshold arguments, therefore, fail before the Court ever reaches the merits.

II. THE NOTICE TO APPEAR IS DISPOSITIVE AND FORECLOSES § 1225 DETENTION

The Government's response collapses under the weight of its own charging document. The Notice to Appear ("NTA") served on Petitioner alleges that he entered the United States at an unknown date and time and at an unknown place, and charges removability solely under INA § 212(a)(6)(A)(i) as a noncitizen present without admission or parole. These allegations are not incidental; they are dispositive.

An NTA that pleads no temporal or geographic nexus to entry necessarily places a noncitizen outside the ambit of INA § 235, which governs inspection and admission. Section 1225 detention authority is tethered to the admission process and cannot be invoked against long-present individuals whose entry is neither recent nor alleged to be contemporaneous with apprehension. By alleging an unknown date and time of entry, DHS affirmatively disclaimed any factual basis for treating Petitioner as an arriving alien or an applicant for admission for detention purposes.

Accordingly, DHS's attempt to impose mandatory detention under § 1225(b)(2) is *ultra vires*. At most, Petitioner is subject to discretionary detention under INA § 236(a), with attendant statutory and constitutional protections.

III. PETITIONER IS A MEMBER OF THE MALDONADO-BAUTISTA CLASS, WHICH ELIMINATES ANY EXHAUSTION REQUIREMENT

Petitioner falls squarely within the certified class in *Maldonado-Bautista v. Santacruz Jr. et al.* The class includes noncitizens who:

1. Are detained under INA § 1225(b);
2. Were not apprehended at or near the time of entry;
3. Are charged in NTAs alleging entry at an unknown date or time; and
4. Are denied bond hearings based on DHS's assertion that § 1225 applies categorically.

Each criterion is met here. DHS charged Petitioner with entry at an unknown date and time; the Immigration Judge denied bond for lack of jurisdiction based on § 1225; and DHS continues to detain Petitioner under that provision. Class certification in *Maldonado-Bautista* is final and binding, and it expressly prohibits DHS and EOIR from applying § 1225 detention to class members.[2] Furthermore, the Court expressly "extend[ed] the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole." *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Dec. 18, 2025).

Because Petitioner is a class member, the Government's exhaustion argument fails as a matter of law. *Rosales v. ICE*, 426 F.3d 733, 736 (5th Cir. 2005); *Gallegos-Hernandez v. United States*, 688 F.3d 190, 194 (5th Cir. 2012). Class-wide injunctive relief obviates any requirement that individual class members exhaust administrative remedies that the class action has already

[2] The Court's analysis is further controlled by the entry of final judgment in *Maldonado-Bautista v. Santacruz*. On December 18, 2025, the Central District of California entered final judgment in favor of Petitioners and the Bond Eligible Class, expressly declaring that class members "are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2)," vacating DHS's contrary detention policy, and granting final judgment as to the class claims. *Maldonado-Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, Final Judgment at 1–2 (C.D. Cal. Dec. 18, 2025). That judgment is final, operative, and binding on DHS and EOIR unless and until reversed on appeal. DHS, therefore, may not relitigate § 1225 applicability against individual class members in collateral habeas proceedings, nor may it require exhaustion of administrative remedies to challenge detention that a federal court has already declared unlawful on a class-wide basis.

rendered unavailable or futile. Requiring exhaustion here would amount to an impermissible collateral attack on binding class relief and would elevate form over substance.

Moreover, Petitioner raises a pure question of law—whether DHS has statutory authority to detain him under § 1225—which is independently exempt from exhaustion requirements.

IV. DHS IS PRECLUDED FROM RELITIGATING § 1225 APPLICABILITY

The Government's response improperly seeks to relitigate an issue that has already been resolved on a class-wide basis. Under principles of issue preclusion and the supremacy of federal court injunctions, DHS is barred from reasserting § 1225 detention authority against class members covered by *Maldonado-Bautista*. Critically, the *Maldonado-Bautista* litigation has now proceeded to final judgment. On December 18, 2025, the Central District of California entered final judgment in favor of Petitioners and the Bond Eligible Class, expressly declaring that class members "are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2)," vacating DHS's contrary detention policy, and granting final judgment as to the class claims. *Maldonado-Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, Final Judgment at 1–2 (C.D. Cal. Dec. 18, 2025). That judgment is final, operative, and binding on DHS and EOIR nationwide, unless and until it is reversed on appeal. DHS, therefore, cannot relitigate § 1225 applicability against individual class members in collateral habeas proceedings.

Administrative decisions, including *Matter of Yajure Hurtado*, cannot override or narrow the scope of a federal district court's certified class injunction. EOIR and DHS are bound by that injunction regardless of subsequent agency interpretations or litigation positions. The Government's reliance on *Hurtado*, therefore, has no legal effect as applied to Petitioner.

Allowing DHS to relitigate § 1225 applicability in individual habeas proceedings would undermine the finality and purpose of class certification and invite inconsistent enforcement of federal law.

V. THIS COURT AND NUMEROUS COURTS IN THIS DISTRICT HAVE ALREADY REJECTED THE GOVERNMENT'S § 1225 THEORY — AND THE GOVERNMENT HAS NOT MET ANY STANDARD FOR RECONSIDERATION

Before turning to the Government's reliance on *Cabanas* and *Jimenez*, it bears emphasis that the Government itself concedes a critical point. This Court has already rejected DHS's interpretation of § 1225(b)(2) in prior cases. The Government now asks this Court to "reconsider" those rulings, citing *Camreta v. Greene*, 563 U.S. 692, 701 n. 7 (2011), for the unremarkable proposition that district court decisions are not formally binding precedent. The Government's request for reconsideration is especially improper where, as here, the precise detention theory it advances has since been rejected in a final judgment binding on the agency itself.

That observation misses the point. While a district court is not bound by its prior decisions in the strict precedential sense, reconsideration is not granted as a matter of course. In this Circuit, reconsideration is an extraordinary remedy, appropriate only where the movant identifies (1) an intervening change in controlling law, (2) newly discovered evidence, or (3) a clear error of law or manifest injustice. Mere disagreement with the Court's reasoning, or the existence of contrary out-of-district authority, is insufficient.

The Government has identified none of the required grounds. It does not point to any intervening Fifth Circuit or Supreme Court decision adopting its § 1225 theory. It offers no new facts—indeed, the dispositive facts here are fixed by the Government's own NTA. And it does not

demonstrate a clear error; instead, it simply reasserts the same statutory arguments this Court and others in this District have already rejected.

As the Government acknowledges, multiple judges in the Southern District of Texas—including this Court—have held that § 1225(b)(2) does not authorize mandatory detention of long-present individuals charged with entry at an unknown date or time. *See e.g., Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025) (rejecting § 1225 detention for noncitizens not apprehended at entry); *Fuentes v. Lyons*, No. 5:25-cv-153 (S.D. Tex. Oct. 16, 2025) (holding that § 1225 does not apply to long-present individuals and ordering § 236(a) bond hearings); *Ortiz v. Bondi*, No. 5:25-cv-132 (S.D. Tex. Oct. 15, 2025); *Baltazar v. Vasquez*, No. 25-cv-175 (S.D. Tex. Oct. 14, 2025); and *Covarrubias v. Vergara*, No. 5:25-cv-112 (S.D. Tex. Oct. 8, 2025).

In each case, the court rejected DHS's attempt to transform § 1225 into a sweeping mandatory detention statute for anyone who entered without inspection, recognizing that such a reading would unlawfully collapse § 1226(a) and contravene the statutory scheme Congress enacted. The Government's invocation of *Camreta* does not lower the bar for reconsideration, nor does it license perpetual re-litigation until a different judge agrees.[3] Absent any showing that reconsideration is warranted, the Court should adhere to its prior rulings—particularly where, as here, binding class relief independently forecloses the Government's position.

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[3] *Camreta v. Greene* addressed whether a prevailing party may seek Supreme Court review of adverse constitutional reasoning and clarified that district court opinions do not carry precedential force in the formal, hierarchical sense. 563 U.S. 692, 701 n.7 (2011). It did not purport to alter the settled standards governing motions for reconsideration, nor did it suggest that parties may repeatedly relitigate identical legal questions within the same district absent an intervening change in controlling law, new evidence, or clear error. To the contrary, courts within the Fifth Circuit routinely reject attempts to invoke *Camreta* as a vehicle for serial re-litigation, recognizing that such an approach would undermine finality, encourage forum shopping, and impose unnecessary burdens on the judiciary. See, e.g., *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004) (reconsideration is an "extraordinary remedy" that should be used "sparingly" and is not a mechanism for rehashing arguments previously rejected).

VI. THE GOVERNMENT'S § 1226 FALLBACK ARGUMENT FAILS BECAUSE THE IJ DID NOT CONDUCT A LAWFUL BOND DETERMINATION

The Government next argues that even if this Court concludes Petitioner is governed by INA § 1226(a), habeas relief is unavailable because the Immigration Judge has already found Petitioner ineligible for bond. That argument misstates both the record and the law.

The December 17, 2025, bond order reflects that the Immigration Judge denied bond primarily for lack of jurisdiction, expressly stating: "No jurisdiction since Respondent entered EWI." Only after disclaiming jurisdiction did the IJ add alternative statements that Petitioner was a flight risk and a danger to the community. Those alternative statements do not constitute a lawful bond determination under § 1226(a).

When an Immigration Judge erroneously concludes that she lacks jurisdiction, any purported alternative findings are necessarily tainted. *See United States v. Lopez*, 575 F.3d 490, 494 (5th Cir. 2009) (A judgment entered without jurisdiction is void). A court cannot both lack jurisdiction and simultaneously exercise discretion. The Fifth Circuit has made clear that decisions issued without jurisdiction are legal nullities and cannot be insulated from review by labeling them "alternative." Here, the IJ's threshold jurisdictional error foreclosed the individualized custody analysis that § 1226(a) and due process require.

Even setting aside the jurisdictional defect, the IJ's alternative statements fail as a matter of law. The bond order reflects no individualized weighing of factors under *Matter of Guerra*. Instead, the IJ relied on two categorical assumptions that courts repeatedly reject: (1) that denial of cancellation of removal establishes flight risk, and (2) that a single non-violent DWI conviction plus a pending charge establishes dangerousness per se. *See Bell v. Wolfish*, 441 U.S. 520, 535–36 (1979); and *Leocal v. Ashcroft*, 543 U.S. 1, 11 (2004) (DUI not a crime of violence).

Denial of discretionary relief does not demonstrate flight risk, particularly where— as here—Petitioner has a pending appeal before the Board of Immigration Appeals, decades of residence in the United States, strong family and community ties, and a history of compliance with proceedings. Likewise, a non-violent DWI conviction does not establish dangerousness as a matter of law, and a pending charge cannot be treated as proof of guilt. The IJ cited no evidence of violence, no pattern of dangerous conduct, and no individualized facts supporting continued detention.

Accordingly, even under § 1226(a), Petitioner has never received the bond hearing to which he is statutorily and constitutionally entitled. This Court is not being asked to reweigh discretionary factors, but to remedy the absence of a lawful custody determination in the first instance.

VII. CABANAS AND JIMENEZ ARE INAPPOSITE

The Government's reliance on *Cabanas v. Bondi* and *Jimenez v. Thompson* underscores the weakness of its position. A direct comparison illustrates why neither decision controls here.

In *Cabanas v. Bondi*, No. 4:25-CV-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025), the court addressed a petitioner whose detention posture did not implicate a Notice to Appear alleging entry at an unknown date or time and who was not a member of any certified class restricting DHS's detention authority. Likewise, *Jimenez v. Thompson*, No. 4:25-CV-05026, 2025 WL 3265493 (S.D. Tex. Nov. 24, 2025), followed *Cabanas* in a materially different factual and procedural context, again without an unknown-date NTA and without the overlay of binding class-wide injunctive relief.

By contrast, this case presents two dispositive features absent from *Cabanas* and *Jimenez*: (1) the Government's own NTA affirmatively alleges entry at an unknown date and time, foreclosing reliance on INA § 1225 as a matter of law; and (2) Petitioner is a member of the

Maldonado-Bautista class, which independently and preclusively bars DHS from applying § 1225(b)(2) detention. Neither *Cabanas* nor *Jimenez* considered—let alone resolved—either circumstance.

Accordingly, the Government's attempt to analogize this case to *Cabanas* and *Jimenez* ignores the facts that actually control the detention inquiry here and provides no basis for departing from this Court's prior rulings or from binding class relief.

VIII. THIS CASE CONCERNS UNLAWFUL CUSTODY, NOT BOND DISCRETION

Finally, the Government misframes Petitioner's claims as a challenge to discretionary bond determinations. They are not. Petitioner challenges the threshold legality of his custody—whether DHS has statutory authority to detain him under § 1225 at all.

When detention is unauthorized by statute, questions of bond discretion are irrelevant. A court need not, and should not, defer to agency discretion where the agency lacks custody authority in the first instance. Habeas corpus exists precisely to remedy such unlawful restraint.

Because Petitioner's detention under § 1225 is contrary to statute, binding class relief, and the Constitution, the Court should grant the writ and order his immediate release, or at a minimum, a prompt and lawful bond hearing under INA § 236(a).

IX. IMMEDIATE RELEASE IS THE PROPER REMEDY

Where the Government lacks statutory authority to detain a noncitizen, the appropriate remedy is immediate release, not remand for further administrative proceedings. A remand would merely prolong unlawful custody and invite the agency to repeat the same jurisdictional error under a different label. The Fifth Circuit has made clear that habeas relief is warranted where detention exceeds statutory bounds, and courts routinely order release where § 1225 detention is improperly imposed on individuals who are, at most, subject to § 1226(a).

Here, DHS has already exercised its asserted authority, the Immigration Judge has disclaimed jurisdiction, and further administrative proceedings cannot cure the legal defect identified by the binding *Maldonado-Bautista* class injunction. Because Petitioner's continued detention is ultra vires and unconstitutional, the Court should grant the writ and order Petitioner's immediate release. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); and *Santos v. Warden, ICE*, 965 F.3d 203, 210 (3d Cir. 2020). At an absolute minimum, the Court should order a prompt bond hearing under INA § 236(a) before an Immigration Judge who recognizes jurisdiction.

X. CONCLUSION

This case presents a narrow but fundamental question: whether DHS may continue to detain Petitioner under a statutory provision that does not apply to him, notwithstanding binding class-wide relief and the Government's own charging document. The answer is no.

The Notice to Appear alleges entry at an unknown date and time, placing Petitioner outside INA § 1225 as a matter of law. That defect alone renders his mandatory detention unlawful. Independently, Petitioner is a member of the certified *Maldonado-Bautista* class, which preclusively bars DHS and EOIR from applying § 1225(b)(2) detention to individuals in his posture and eliminates any exhaustion requirement. The Government's attempt to relitigate § 1225 applicability fails not only on the merits, but procedurally, as it has not met—and cannot meet—the demanding standard for reconsideration in this Circuit.

The Government's fallback position fares no better. The Immigration Judge's bond order was issued after disclaiming jurisdiction and therefore cannot constitute a lawful custody determination under INA § 1226(a). Even if considered, the IJ's alternative statements rest on categorical assumptions—denial of discretionary relief and a non-violent DWI conviction with a pending charge—that do not satisfy statutory or constitutional requirements for continued

detention. The Petitioner has never received the individualized, jurisdictionally valid bond hearing that the law requires.

This Court is not asked to second-guess discretionary judgments. It is asked to enforce statutory limits on executive detention and to give effect to binding federal court relief. Because Petitioner's continued custody is ultra vires and unconstitutional, the writ of habeas corpus should issue.

For all of these reasons, the Court should deny the Government's motion, grant the Petition for Writ of Habeas Corpus, and order Petitioner's immediate release. At a minimum, the Court should order a prompt bond hearing under INA § 236(a) before an Immigration Judge who recognizes jurisdiction.

Respectfully submitted,
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Date: 1/05/2025

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing Reply in Support of Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 with the Clerk of the Court using the CM/ECF system. I further certify that service was accomplished on all counsel of record through the Court's CM/ECF system, which will send notification of such filing to all registered CM/ECF users.

__*//s// Elizabeth Shaw*___

Date: 1/05/2025