UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

YAZMIN AIDEE MENDOZA MEDINA,	§	
	§	
Petitioner,	§	
	§	Civ. 5:25-cv-01834-OLG
vs.	§	
	§	
	§	
	§	
PAMELA BONDI, UNITED STATES ATTORNEY GENERAL, *et al.*,	§	
	§	
	§	
Respondents.	§	

PETITIONER'S TRAVERSE TO FEDERAL RESPONDENTS' ANSWER TO HABEAS PETITION

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I. INTRODUCTION

The Petitioner, Ms. Mendoza Medina, timely submits her traverse to Respondents' response to her habeas petition. On December 22, 2025, this Court ordered Respondents to respond within five days of service, and to consider the Orders of the Court in *Rahimi v. Thompson*, Order, No. SA-25-CV-1338-OLG (W.D. Tex. Dec. 4, 2025); and *Perez Puerta v. Johnson*, Order, No. SA-25-cv-01476-OLG (W.D. Tex. Dec. 15, 2025) and "identify any material differences that exist between the facts in this case and those presented in those cases."[1] Dkt. 3. Respondents filed their response on January 5, 2026, urging denial. Dkt. 5. Federal Respondents maintain generally that Petitioner's detention is lawful, that she is unlikely to succeed on the merits of her habeas claim, because they believe she is an applicant for admission. *Id.* at 1.The Respondents posit that there "no material differences exist between these cases and the one presented before the Court." Dkt. 5 at 10.

Petitioner urges the Court to grant her habeas and injunctive relief request, not least because her final removal hearing in immigration court is scheduled for February 9, 2026 before the Pearsall Immigration Court See Petitioner's Traverse Exh. 1, Notice of Removal Hearing.

Respondents in their Response present much that this Court has already rejected. Dkt. 5 at 2-9; *see* this Court's decisions in *Mendoza Euceda v. Noem*, Order, No. SA25-CV-1234-OLG (W.D. Tex. Nov. 17, 2025); in *Pereira-Verdi v. Lyons*, SA-25-CA-01187-XR (W.D. Tex. Oct. 10, 2025) ("[T]he Supreme Court has already explained that "§ 1226 applies to aliens already

[1] "[I]n preparing their response, Respondents must consider the attached orders and identify any material differences that exist between the facts in this case and those presented in those cases."

present in the United States." *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018). "[T]he language of §§ 1225(b)(1) and (b)(2) is quite clear." *Id.* "§ 1225(b) applies primarily to aliens seeking entry into the United States ('applicants for admission' in the language of the statute)." *Id.* at 297."); *Hernandez-Ramiro v Bondi,* SA-25-CA-01207-XR, W.D. (Tex. Oct. 15, 2025) ("[T]he Board's interpretation has been subject to criticism upon judicial review. *See Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *7 (W.D. Tex. Sept. 22, 2025) ("In recent weeks, courts across the country have held that this new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect."); *Liguicota-Mayancela v Karnes Sup't*, 5-25-CV-01038-OLG-RBF, Report and Recommendations, Nov. 18, 2025, Richard B. Farrer, adopted by District Judge Orlando Garcia in *Mayacela v. Superintendent of Karnes Cnty. Immigration Processing Center*, SA-25-CV-1038-OLG, 2025 WL 3540074, at *1 (W.D.Tex., Dec. 9, 2025) (noting Government's argument as "the parties disagree as to whether 8 U.S.C. § 1225(b)(2) or § 1226(a) controls in these circumstances.") Moreover, they do not address case law nationwide that almost without exception finds that persons situated as Ms. Mendoza is may not be subject to arbitrary arrest and mandatory detention without due process, see, e.g., *Martinez-Rodriguez v. Raycraft,* 1:25-cv-1504, 2025 WL 3511093 (W.D. Mich., Dec. 8, 2025) ("I]f Respondents did not follow the applicable statutory and regulatory requirements to properly revoke Petitioner's previously granted parole, then they did not have the authority to arrest and detain Petitioner, "unless there [wa]s some other valid reason to arrest him."). See also *Ramirez Tesara v. Wamsley*, where the District Court for the Western District of Washington rejected a similar argument: the court found that the government's "argument does not explain why [immigration authorities] found Petitioner to be eligible for parole [when they released him a year earlier], but not the following year even after he had established deep ties to the community . . .

and timely filed an asylum application." *Ramirez Tesara v. Wamsley, No. 2:25-CV-01723-MJP-TLF,* 2025 WL 2637663, at *3 *(W.D. Wash. Sept. 12, 2025)*. The Respondents here have no answer, but simply insist that their new statutory interpretation is the correct one. Dkt. 5 at 2-4. Indeed, the Respondents nowhere in their Answer point to any authority that would be persuasive, and cite the inapposite case of *Florida v United States,* 660 F.Supp. 3d 1239, 1270-77 (N.D. Fla. 2023), which pre-dates their own new interpretation of mandatory detention, where here in the interim the DHS released noncitizens under 8 U.S.C. § 1226(a) and subsequently re-arrested them based on an internal policy change.

Respondents now insist that their earlier argument was incorrect—namely as argued in *Mayacela,* that persons like Petitioner are subject to mandatory under that *8 U.S.C. § 1225(b)(2).* Dkt. 4 at 3-4. Now, they insist that a different provision, namely *1225(b)(1)(A)(iii)(II)* (persons apprehended within two years of entry") applies. Dkt. 5 at 2. This is a new rationale, one that was not put forward in the original internal guidance on the policy change ("Lyons Memorandum") (failing to mention "8 U.S.C. § 1225(b)(1)(A)(iii)(II)" as a basis for mandatory detention).[2] It is also one that has already been rejected within this district, see *Reyes-Perez v. Bondi*, SA-25-CV-1302-XR, November 25, 2025, slip Op. at 10-12; *Cruz-de-Cuadra v. Bondi*, 25-CV-1735-FB (W.D. Tex. January 7, 2026) sl. op. at 11-12; and outside this district, see e.g., *Coalition for Humane Immigrant Rights v. Noem*, 2025 WL 2192986 (D.D.C., 2025). In other words, not a single district court since their newly announced mandatory detention policy has adopted its new argument of 1225(b)(1)(A)(iii)(II) being applicable to those re-arrested within the interior of the

[2] ICE Memorandum: 2025.07.08 ICE - Interim Guidance Regarding Detention Authority for Applicants for Admission, available at Immigration Tracking Policy Project, https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/ (last checked December 29, 2025).

United States, while the vast weight of authority finds persons in her exact position merit a grant of habeas corpus, *see e.g., Iza By His Next Friend Iza v. Larocco*, 2:25-cv-6915 2025 WL *By His Next Friend Iza v. Larocco*, 2025 WL 3712274 (E.D.N.Y., Dec. 22, 2025) (parolee's re-detention likely violated his procedural due process rights under the Fifth Amendment when he was detained by ICE in the parking lot of Home Depot without "any notice, an opportunity to respond, or an individualized determination that he posed a flight risk or danger to the community" before he was detained.") The rationale identified for mandatorily re-arresting persons like Petitioner after being unsuccessful in nearly every district court on their former argument of *8 U.S.C. § 1225(b)(2)* casts doubt on the credibility now of their argument under section 1225(b)(1)(A)(iii)(II). Respondents here have presented their return do not meaningfully address their failure to show they have revoked Petitioner's parole, or to provide her an individual, case-by-case review in revoking her parole, as a violation of the parole statute and regulations. Dkt. 1 at 6-8, 23.

II. BRIEF SUMMARY OF FACTS

Petitioner is 19 years old, citizen of Mexico. She has been in the United States for over 6 years, since October 30, 2019, when at age 13 she surrendered to border agents and, it is undisputed, was released on parole [into the United States] "for urgent humanitarian reasons or significant public benefit," as set forth in 8 U.S.C. § 1182(d)(5)(A). Dkt. 1-1. She timely filed her Form I-589 application for asylum with the Immigration Court on April 8, 2021 when she was 15 years old shortly after removal proceedings had been initiated by DHS. The Immigration Court had scheduled her next individual calendar hearing for February 3, 2027 with her other six immediate family members where she is a derivative on her parents' asylum applications; however, now that she is detained, she is scheduled for her individual hearing alone on February

59 2026. She has employment authorization and has graduated from high school in San Antonio, Texas. Dkt. 1-3. She has developed close ties to the United States and has complied in every aspect with her release in 2019.

On or about November 16, 2025, in San Antonio, Texas, Petitioner was arrested in an ICE raid on San Pedro Ave. at a food truck eatery where approximately 143 individuals were taken. She was subsequently transferred to the South Texas Family Residential Center, where she remains detained. She has no criminal arrests or convictions.

DHS has detained her ever since, in Dilley, Texas, without any articulation of finding her to be a flight risk or danger. She retained an attorney, and she had been attending with her family their annual check-ins, and was awaiting her non-detained immigration court setting for 2027. She has never failed to appear for any appointment or court date in her removal proceedings since 2019. The Pearsall Immigration Court has now set her, alone, for a final hearing on her I-589 asylum application for February 9, 2026.

Under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025), the immigration judge cannot grant her a bond because that case says she is subject to mandatory under 8 U.S.C. § 1225(b)(2), and *Matter of Yajure-Hurtado* is itself binding precedent on the IJ, and any appeal of the IJ's decision to the same Board will be futile.

Petitioner is prima facie eligible for relief, namely, asylum under 8 U.S.C. § 1158(a). She has maintained to this Court that the respondents' unlawful detention of her impedes her defense by limiting access to counsel, witnesses, and evidence.

III. ARGUMENT

A. The Respondents Released Her on Parole, and the Parole Statute and 8 C.F.R. § 212.5(e)(2)(i) Require Respondents to Provide an Individualized, Case-by-Case review in Revoking a Non-Citizen's Parole

Persons like Petitioner start as "applicants for admission [who] may be temporarily released on parole [into the United States] 'for urgent humanitarian reasons or significant public benefit,' " as set forth in 8 U.S.C. § 1182(d)(5)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting 8 U.S.C. § 1182(d)(5)(A)). The decision to grant parole pursuant to 8 U.S.C. § 1182(d)(5)(A) is determined "on a case-by-case basis." 8 U.S.C. § 1182(d)(5)(A). Then, "when the purpose of the parole has been served," § 1182(d)(5)(A) provides that "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 previously granted parole, the agency must comply with the applicable regulatory and statutory requirements. As set forth in 8 C.F.R. § 212.5(e)(2)(i), which governs the "[t]ermination of parole":

> In cases not covered by paragraph (e)(1) of this section, upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole.

8 C.F.R. § 212.5(e)(2)(i). That is, "[u]nder the governing regulation, [§ 1182(d)(5)(A)] parole may be terminated only if the purpose of parole is accomplished, or humanitarian reasons and the public benefit no longer warrant parole." *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)).

Petitioner has argued to this Court that the Respondents have failed to follow the applicable statutory and regulatory provisions to terminate Petitioner's parole. Dkt. 1 at 6-8, 23. *Cf. Coal. for Humane Immigrant Rts. v. Noem*, No. 25-cv-872 (JMC), 2025 WL 2192986, at *2 (D.D.C. Aug. 1, 2025) (holding that the government failed to follow the applicable statutory and regulatory

provisions and that paroled noncitizens cannot be subject to expedited removal proceedings); *Salgado Bustos v. Raycraft*, No. 25-13202, 2025 WL 3022294, at *5–7 (E.D. Mich. Oct. 29, 2025) (same); *E.V. v. Raycraft*, No. 4:25-cv-2069, 2025 WL 2938594, at *10 (N.D. Ohio Oct. 16, 2025) (same). Dkt. 1 at 6, 23.

She has shown that it does not appear that the purpose of her parole has been accomplished. Dkt. 1-1 (her parole document showing parole for "pending removal hearing.") She fled with her family from Mexico, at age 13, seeking asylum in the United States, and Petitioner entered the United States at a port of entry. At that time, Petitioner was granted parole pursuant to 8 U.S.C. § 1182(d)(5)(A), which provides for parole into the United States "for urgent humanitarian reasons or significant public benefit," 8 U.S.C. § 1182(d)(5)(A). There is nothing in the record to suggest that the humanitarian reason or public benefit that justified Petitioner's parole no longer applies. Indeed, Respondents make no argument about whether the requirements for termination of parole in § 1182(d)(5)(A) and its regulations have been satisfied. Dkt. 5 at 1-11.

Further, district courts that have addressed the termination of § 1182(d)(5)(A) parole "have found that just as a grant of parole requires an individualized review, revocation of parole requires a case-by-case assessment to comply with the statute," and the Court finds the reasoning in these non-binding cases to be persuasive. *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 146 (W.D.N.Y. 2025) (citations omitted) (addressing this issue, and granting the petitioner's motion for preliminary injunction and ordering that the petitioner be released); *see, e.g.*, *Y-Z-L-H*, 792 F. Supp. 3d at 1137–47 (addressing this issue, and granting the petitioner's habeas petition and ordering that the petitioner be released from custody); *Loaiza Arias*, 2025 WL 3295385, at *2–4 (same); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149, at *10–13 (S.D. Cal. Oct. 1, 2025) (same); *Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), --- F. Supp. 3d ----, 2025

WL 2630826, at *14–17 (S.D.N.Y. Sept. 12, 2025) (same); *Gabriel B.M. v. Bondi*, No. 25-cv-4298 (KMM/EMB), 2025 WL 3443584, at *6–7 (D. Minn. Dec. 1, 2025) (addressing this issue, and granting the petitioner's request for a preliminary injunction and ordering the petitioner's release from custody); *Orellana v. Francis*, No. 25-cv-04212 (OEM), 2025 WL 2822640, at *2–3 (E.D.N.Y. Oct. 3, 2025) (addressing the issue in the context of a motion for reconsideration filed by the respondents, and affirming the court's grant of habeas relief to the petitioner and the court's order to release the petitioner). *But see Doe v. Noem*, 152 F.4th 272, 278–79, 285 (1st Cir. 2025) (reversing district court's grant of preliminary relief and vacating district court's stay of the termination notice for previously granted parole because "Plaintiffs ha[d] not demonstrated a strong likelihood of success in showing that under the statute, the Secretary must terminate these grants of parole under the [parole] program[s] on an individual basis"). Here, there is no indication in the record that any such case-by-case determination regarding the revocation of Petitioner's parole was made.[3]

Respondents do not dispute that they did not follow those requirements. As a result, they did not have the authority to arrest and detain Petitioner, "unless there [wa]s some other valid reason to arrest him." *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

[3] The *Doe v. Noem* case is distinguishable because, unlike here, the government in *Doe* did make a determination that the purpose of the plaintiffs' parole had been accomplished. The plaintiffs, non-citizens who entered into the United States through the Cuba, Haiti, Nicaragua, and Venezuela ("CHNV") parole program, lost parole status when the government, via a lengthy and thorough notice published in the Federal Register, decided to terminate the CHNV program altogether, determining that the program no longer served its implementing purpose. In contrast, for Petitioner's revocation, there is no evidence to suggest that such a determination or other finding was made *at all*, and the evidence in the record strongly suggests it wasn't.

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))). Respondents do not claim that they had any reason to arrest and detain Petitioner other than her status as a noncitizen. Indeed, Respondents argue that *any noncitizen*, regardless of whether they are already present and residing in the United States, is "an alien seeking admission" subject to mandatory detention under § 1225. Dkt. 5 at 2-9. This Court, and other courts throughout the country have rejected this argument. *Cf., e.g.*, *Inclan-Lopez v. Thompson*, 25-CV-1533-FB, 2025 WL 3766110 (W.D. Tex 2025); *Y-Z-L-H v. Bostock*, 792 F.Supp.3d 1123 (D.Or., 2025); *Salgado Mendoza v. Noem*, No. 1:25-cv-1252, 2025 WL 3077589, at *6 (W.D. Mich. Nov. 4, 2025); *Ruiz Mejia v. Noem*, No. 1:25-cv-1227, 2025 WL 3041827, at *5–6 (W.D. Mich. Oct. 31, 2025); *Gabriel v. Bondi*, 2025 WL 3443584, at *3 (D.Minn., 2025).

In fact, no person shall be removed from the United States without due process of law. See *A. A. R. P. v. Trump*, 605 U.S. 91, 95 (2025). Those who have entered our borders have a liberty interest in remaining, no matter how they entered. *See Yamataya v. Fisher*, 189 U.S. 86, 100–01 (1903) (noncitizens who enter the country illegally cannot be deprived of liberty without due process); *A.A.R.P.*, 605 U.S. at 94–95 (the Fifth Amendment applies to noncitizens in the context of removal proceedings); *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (same).

Even if Respondents' reliance on the expedited removal process were correct—notwithstanding its prior release of Petitioner on a parole—the second prong of 18 U.S.C. §

1225(b)(1)(A)(iii)(II), which states that the alien "has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility under this subparagraph" would not be applicable to Petitioner, as she has been continuously living in the United States for over six years. Dkt. 1-1. Section 1225(b)(1) requires detention for certain aliens undergoing *expedited* removal proceedings. 8 U.S.C. § 1225(b)(1), (b)(1)(B)(ii), (b)(1)(B)(iii)(IV). But Respondents admit that Petitioner is currently in "full" removal proceedings. Dkt. 5 at 2-7. Respondents have conceded in other cases that an alien cannot simultaneously be in both full and expedited removal proceedings. *See Patel v. Tindall*, No. 3:25-CV-373-RGJ, 2025 WL 2823607, at *5 (W.D. Ky. Oct. 3, 2025) (collecting cases). In short, even if Section 1225(b)(1) could apply to Petitioner, she is not subject to its detention provisions because she is not in expedited removal proceedings. Respondents cannot detain Petitioner based on expedited removal proceedings that do not exist.

Petitioner is challenging whether Respondents followed the procedures enumerated in the parole statute and 8 C.F.R. § 212.5(e)(2)(i) in revoking it. Petitioner challenges Respondents utter abandonment of any semblance of compliance with the '*procedure* surrounding the substantive decision' to revoke his parole.'" *Orellana v. Francis*, No. 25-cv-04212 (OEM), 2025 WL 2822640, at *2 (E.D.N.Y. Oct. 3, 2025)).

The consensus of circuit courts is that § 1252(a)(2)(B)(ii) does not preclude judicial review of questions of law arising from an agency's use of discretionary power. *See, e.g., Mantena v. Johnson*, 809 F.3d 721, 728 (2d Cir. 2015) ("Although the statute strips jurisdiction over a substantive discretionary decision, section 1252 does not strip jurisdiction over procedural challenges."); *Pinho v. Gonzales*, 432 F.3d 193, 204 (3d Cir. 2005); *Mireles-Valdez v. Ashcroft*,

349 F.3d 213, 215–16 (5th Cir. 2003); *Morales-Morales v. Ashcroft*, 384 F.3d 418, 423 (7th Cir. 2004); *Mejia Rodriguez v. U.S. Dep't of Homeland Sec.*, 562 F.3d 1137, 1143–44 (11th Cir. 2009) ("The statute requires us to look at the *particular* decision being made and to ascertain whether *that* decision is one that Congress has designated to be discretionary.").

Whether Respondents complied with mandatory procedures in exercising their discretionary power is not precluded from review by § 1252(a)(2)(B)(ii). As stated by the Eighth Circuit, "even if § 1252(a)(2)(B) otherwise bars review of a discretionary act, [federal courts] have jurisdiction to review a 'predicate legal question that amounts to a nondiscretionary determination underlying the denial of relief.' " *Abdelwahab v. Frazier*, 578 F.3d 817, 821 (8th Cir. 2009) (quoting *Ibrahimi v. Holder*, 566 F.3d 758, 764 (8th Cir. 2009). The same is true regarding review of an agency's compliance with its own regulations, at least where "the rules were intended primarily to confer important procedural benefits upon individuals in the face of otherwise unfettered discretion." *Rajasekaran*, 815 F.3d at 1099 (quoting *Am. Farm Lines v. Black Ball Freight Serv.*, 397 U.S. 532, 538–39 (1970)) (cleaned up).

Under § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e)(2)(i), those predicate legal questions are: (1) whether a determination or finding has been made that the purposes of the individual's parole have been accomplished or that there no longer exist humanitarian reasons or any public benefit justifying the continued presence of the person in the United States; and (2) whether the government has provided written notice of the determination to the parolee. While § 1252(a)(2)(B)(ii) precludes judicial review of a discretionary determination that a non-citizen's parole ought to be revoked, Respondents nonetheless must comply with the requirements of the governing statute and regulation before doing so. Because Petitioner here challenges whether these conditions were adhered to in revoking her parole status, judicial review of her Petition is

not precluded by § 1252(a)(2)(B)(ii). *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1136–41 (D. Or. 2025); *Orellana*, 2025 WL 2402780, at *3–4 (E.D.N.Y. Aug. 19, 2025), *affirmed on reconsideration in all relevant parts*, 2025 WL 2822640, at *2 (E.D.N.Y. Oct. 3, 2025); *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 141–42 (W.D.N.Y. 2025); *Villanueva v. Tate*, No. H-25-cv-3364, 2025 WL 2774610, at *5 (S.D. Tex. Sept. 26, 2025); *cf. Savane v. Francis*, No. 1:25-cv-6666-GHW, 2025 WL 2774452, at *3 n.4 (S.D.N.Y. Sept. 28, 2025).

The statute and the regulation impose specific procedural requirements on the Respondents. The parole statute and 8 C.F.R. § 212.5(e)(2)(i) required Respondents to determine that the purpose on which Petitioner was paroled into the United States for had been "served" (whether that was a specific purpose for her entry or, if not, because "neither humanitarian reasons nor public benefit warrants [her] continued presence" in the United States). In addition, 8 C.F.R. § 212.5(e)(2)(ii) required Respondents to serve written notice of any revocation on Petitioner. Respondents have not suggested that they complied with the requirements of the regulation. Dkt. 5 at 1-11. Indeed, the revocation clause in the parole statute gives the Secretary of Homeland Security the authority to revoke parole "when the purposes of such parole shall, in the opinion of the Secretary ..., have been served." If Respondents were not required to make such a determination to effect termination of parole, then there would be no reason for this language to have been included in the statute. A statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant." *Corley v. United States*, 556 U.S. 303, 314 (2009) (cleaned up). Instead, because the parole statute (and its implementing regulation) require such a pre-conditional determination to be made, this Court should enforce it here.

This accords with the virtually unanimous decisions from sister district courts considering parole revocations identical or very similar to the one here. *Y-Z-L-H*, 792 F. Supp. 3d at 1144–46; *Orellana*, 2025 WL 2402780, at *5–7, *affirmed on reconsideration in all relevant parts*, 2025 WL 2822640, at *2–3; *Mata Velasquez*, 794 F. Supp. 3d at 144–46; *Savane*, 2025 WL 2774452, at *8; *Salazar v. Casey*, No. 25-cv-2784 JLS (VET), 2025 WL 3063629, at *5–6 (S.D. Cal. Nov. 3, 2025); *Noori v. Larose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149, at *13 (S.D. Cal. Oct. 1, 2025).

Thus, Petitioner believes she has shown that the Respondents' failure to follow the law provides they may not subject her to mandatory detention, and her immediate release should be granted.

B. Scope of Relief

As to the appropriate remedy, Petitioner requests that she be immediately released from custody. This is because a bond hearing would only be an appropriate remedy where "the government has at least some articulable, legitimate interest in detaining the petitioner," but immediate release is appropriate where "the government had no or an insignificant interest in detaining the petitioner." *Santiago-Santiago v Noem*,EP-25-CV-361-KC, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025) at *13. Respondent

. Additionally, noncitizens released by the government into the country acquire a protected liberty interest in remaining out of custody and are entitled to procedural safeguards before being detained. *See Danierov v. Noem*, No. 2:25-cv-01215-KG-KRS, 2025 WL 3653925, at *2 (D.N.M. Dec. 17, 2025); *Santiago*, 2025 WL 2792588, at *11. The Supreme Court's *Mathews v. Eldridge* test provides the appropriate framework when determining what procedural safeguards are due, requiring courts to consider "(1) the private interest affected, (2) the risk of erroneous deprivation

through the procedures used and the probable value of additional safeguard; and (3) the Government's interest, including the fiscal and administrative burdens of additional procedures." *Danierov*, 2025 WL 3653925, at *2 (quoting *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)) (internal quotations omitted).

Indeed, many district courts have determined instead to order the immediate release of immigration habeas petitioners held in custody in violation of their due process rights. *See, e.g., J.U. v. Maldonado*, No. 25-cv-4836, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29, 2025); *Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496, at *11 (D.N.J. Sept. 26, 2025);*Sampiao v. Hyde*, No. 25-cv-11981, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025);*Rosado*, 2025 WL 2337099, at *19; *M.S.L.*, 2025 WL 2430267, at *15. In the majority of these cases, the Court found that the government had no or an insignificant interest in detaining the petitioner. *See J.U.*, 2025 WL 2772765, at *10; *Zumba*, 2025 WL 2753496, at *10; *Rosado*, 2025 WL 2337099, at *14, 18;*Sepulveda Ayala II*, 2025 WL 2209708, at *3.

IV.CONCLUSION

"[A] complaint 'does not need detailed factual allegations,' but must provide the plaintiff's grounds for entitlement to relief—including factual allegations that when assumed to be true 'raise a right to relief above the speculative level.' " *Cuvillier v. Taylor*, 503 F.3d 397, 401 (5th Cir. 2007) (quoting *Twombly*, 550 U.S. at 555).

Here, Petitioner has alleged viable causes of action, and she has sought injunctive relief from this Court, under the laws and the Constitution. The writ of habeas corpus should be granted. Her detention is illegal. The writ is reduced to a sham if the trial courts do not act within a reasonable time. *Rhueark v. Wade*, 540 F. 2d 1282, 1283 (5th Cir. 1976); *Jones v. Shell*, 572 F.2d 1278, 1280 (8th Cir. 1978); *Fay v. Noia*, 372 U.S. 391, 400 (1963) ("The writ must be

construed to afford "a swift and imperative remedy in all cases of illegal restraint or confinement.")

Respectfully submitted on this 8th day of January, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing RESPONSE OF PETITIONER TO THE RESPONDENTS' ANSWER TO THE PETITION FOR WRIT OF HABEAS CORPUS in the case of *Mendoza Medina v. Bondi*, et al.,, was sent to Deborah L. Fischer, Assistant United States Attorney, Western District of Texas, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216 through the District Clerk's electronic case filling system on thus the 8th day of January, 2026.

Dated this 8th day of January, 2026.

/s/ Stephen O'Connor
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