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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Diana Laura Espinosa Castillo,
Petitioner,

vs.

v.

Kristi Noem, et al.
Respondents.

No. CV-25-04867-PHX-KML (MTM)

**RESPONSE TO ORDER
TO SHOW CAUSE (Doc. 5)
AND
HABEAS PETITION (Doc. 1)**

I. INTRODUCTION AND RELEVANT FACTS.

Respondents hereby respond to the Court’s Order to Show Cause (Doc. 5), and thus to the Petition for a Writ of Habeas Corpus (Doc. 1). Petitioner, Diana Laura Espinosa Castillo, is a native and citizen of Mexico. Doc. 1. She is thirty years old. *Id.* She entered the United States without inspection, admission or parole in September 2005. *Id.* She has resided in the United States since. *Id.* Plaintiff requested a bond hearing before an immigration judge (IJ) and, on December 16, 2025, the IJ deemed Petitioner subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and denied her bond request. *Id.*

II. RESPONDENTS’ PRESERVE THEIR LEGAL POSITION.

Respondents respectfully preserve their legal position that Petitioner is an applicant for admission as defined by 8 U.S.C. § 1225(a)(1) because she has never been lawfully

1 admitted to the United States, and that because she is in section 240 proceedings, she is
2 therefore subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). *See Rojas v. Olson*,
3 No. 25-CV-1437-BHL, 2025 WL 3033967, at *1 (E.D. Wis. Oct. 30, 2025); *Sandoval v.*
4 *Acuna*, No. 6:25-CV-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Oliveira v.*
5 *Patterson*, No. 6:25-CV-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde*
6 *v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Garibay-*
7 *Robledo v. Noem*, 1:25-cv-00177 (N.D. Tex. 2025); *Cabanas v. Bondi*, No. 4:25-CV-04830,
8 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Altamirano Ramos v. Lyons*, No. 2:25-CV-
9 09785-SVW-AJR, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025); *Alonzo v. Noem*, No. 1:25-
10 CV-01519 WBS SCR, 2025 WL 3208284, at *1 (E.D. Cal. Nov. 17, 2025). Respondents,
11 however, also acknowledge that its legal position has been squarely rejected in *Echevarria v.*
12 *Bondi*, 2025 WL 2821282 (D. Ariz. 2025).

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

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

19 Respondents further concede that Petitioner is a member of the Bond Eligible Class
20 certified in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, -- F.R.D. --, 2025 WL
21 3288403, at *9 (C.D. Cal. Nov. 25, 2025). On December 18, 2025, the Bautista Court entered
22 final judgment finding that section 1226(a), not section 1225(b)(2) governs the detention of
23 the Bond Eligible Class. *See Bautista*, ECF No. 94. A notice of appeal was then filed by the
24 *Bautista* respondents on December 18, 2025. *See Bautista*, ECF No. 95.

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

1 has appealed.

2 Therefore, if the Court determines that a bond hearing is warranted under section
3 1226(a), consistent with the reasoning in *Bautista* and *Castanon-Nava*, the Court will still
4 need to enter an order that a bond hearing be provided under 8 U.S.C. § 1226(a).

5 **IV. CONCLUSION.**

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

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RESPECTFULLY SUBMITTED this 31st day of December, 2025.

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District of Arizona

s/Theo Nickerson
THEO NICKERSON
Assistant United States Attorney