

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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| DAGOBERTO CHUN AGUILAR, Petitioner, v. KEVIN RAYCRAFT, Acting Field Office Director of Enforcement and Removal Operations, Detroit, United States Immigration and Customs Enforcement, <i>et al.</i> , Respondents. | Case No. 1:25-cv-00965 District Judge Douglas R. Cole Magistrate Judge Elizabeth P. Deavers |
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PETITIONER’S REPLY TO RETURN OF WRIT

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INTRODUCTION

This Court should grant the Petitioner’s writ of habeas corpus. This Court should not require exhaustion of administrative remedies for the same reasons articulated in *Coronado v. Secretary, Department of Homeland Security*, No. 1:25-cv-831, 2025 U.S. Dist. LEXIS 258690 (S.D. Ohio Dec. 15, 2025), where this Court held that exhaustion was not required.

The Petitioner’s detention is governed by 8 U.S.C. § 1226(a) because Petitioner was already present within the United States at the time of his immigration detention. The Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), made it clear that § 1226 governs detention where a noncitizen is present inside the United States. The statutory language—particularly the phrase “seeking admission” in § 1225(b)(2)(A)—supports this interpretation, and the prevailing nationwide authority aligns with this reading of the statute. The statutory history, as well as the enactment of the Laken Riley Act, further demonstrates that Congress’s intended § 1226 to govern the detention of noncitizens already present in the country. By contrast, 8 U.S.C. § 1225(b)(2)(A) applies to noncitizens who arrive at a port of entry and are inspected by an immigration officer at the border.

Finally, the Petitioner respectfully requests that this Court reconsiders its interpretation of §1225 and §1226 in *Coronado v. Secretary, Department of Homeland Security*, No. 1:25-cv-831, 2025 U.S. Dist. LEXIS 258690 (S.D. Ohio Dec. 15, 2025) and recognizes the arguments presented not only by the Petitioner, but also by sister courts within the Sixth Circuit.

FACTUAL BACKGROUND

The Petitioner entered the country on February 7, 2005. Petitioner entered without inspection and since then has resided in the United States. Before his detention, Petitioner resided in Florence, KY. On October 27, 2025, the Respondent was detained while working at his job in Cincinnati, Ohio. Since then, the Respondent remained in detention in the Butler County Jail facility in Hamilton, Ohio. The Petitioner does not pose a danger to the community. The Petitioner is not a flight risk. Petitioner has strong ties with his community including, among others, a wife and children for whom he provides.

ARGUMENT

I. EXHAUSTION SHOULD NOT BE REQUIRED IN THE PRESENT CASE

Respondents argue that Petitioner must exhaust administrative remedies before seeking relief from this Court, asserting that other avenues for relief remain available. This argument is not grounded in practical reality since *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), deprived Immigration Judges of their ability to adjudicate bond requests from aliens in immigration detention. There are simply no alternative avenues that are left for the Petitioner to pursue. Finally, this Court has already addressed exhaustion in *Coronado* and found that no exhaustion was required.

First, Respondents contend that Petitioner failed to exhaust his remedies as he failed to petition Immigration Court for release on bond. That said, Petitioner's release on bond is not possible. Respondents contend that Petitioner is detained under 8 U.S.C. § 1225. The recent BIA decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), has stripped Immigration Judges of jurisdiction to hear bond requests for noncitizens present in the United States without

admission. The BIA held that, under a plain reading of § 1225(b)(2)(A), Immigration Judges lack authority to grant bond to aliens, who, like the Petitioner, are physically present in the United States without admission. *Matter of Yajure Hurtado*, 29 I&N Dec. at 225. As a result, requiring Petitioner to request a bond hearing from an Immigration Judge or the Board of Immigration Appeals (“BIA”) would be futile—both the Immigration Court and the BIA would reject bond requests citing the lack of jurisdiction imposed by *Matter of Yajure Hurtado*. *Flores v. Olson*, No. 25 C 12916, at 4–5 (N.D. Ill. Nov. 3, 2025) (“[T]here is no reason to believe that an immigration judge or the BIA will decide [Petitioner’s] case differently”). Therefore, Petitioner has no administrative avenue for release left, and the only practical remedy lies with this Court.

Second, Respondents’ argument is further internally inconsistent. Respondents simultaneously assert that Petitioner must exhaust administrative remedies while also claiming that his detention classification precludes him from obtaining a bond hearing. These positions cannot logically coexist.

Third, Respondents rely on *Alonso Portillo v. Bondi*, Case No. 1:25-cv-306, 2025 WL 2483393, at 6 (S.D. Ohio Aug. 28, 2025), suggesting it demonstrates the necessity of exhausting administrative remedies. But that case is materially distinguishable: it was decided prior to the decision in *Matter of Yajure Hurtado* which was issued on September 5, 2025, and the petitioner in *Portillo* actually had a bond hearing because the IJ never ceded jurisdiction as many others did post-*Matter of Yajure Hurtado*.

In contrast, Petitioner here faces a systemic bar imposed by the BIA’s precedent in *Matter of Yajure Hurtado*, further reinforced by the EOIR’s nationwide directive to continue denying bond jurisdiction, despite class action challenges in California, Washington, and Michigan. Given

these circumstances, requiring administrative exhaustion would serve no purpose other than to delay relief, as the administrative remedies are ultimately futile. Petitioner is therefore entitled to bypass administrative exhaustion and seek relief directly in this Court.

Finally, declarations from Ohio immigration practitioners confirm that the Cleveland Immigration Court continues to deny jurisdiction over bond hearings, underscoring the futility of any administrative effort. *See* Exhibit A, attorneys' affidavits of denied bonds because of jurisdiction.

Thus, administrative exhaustion is not required where, as here, the petitioner has no realistic possibility of obtaining relief through the administrative process. The futility of administrative remedies is clear, and judicial intervention is the only meaningful avenue for protecting Petitioner's right to a bond hearing.

II. PETITIONER'S DETENTION IS GOVERNED BY 8 U.S.C. § 1226(A)

The Respondents argue that the Petitioner's detention falls under 8 U.S.C. § 1225(b)(2). This Court should instead conclude that the Petitioner's detention is governed by 8 U.S.C. § 1226(a) based on the statutory text, the Supreme Court's interpretation in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), as well as multiple persuasive decisions from sister courts within the Sixth Circuit.

In *Coronado v. Secretary, Department of Homeland Security*, No. 1:25-cv-831, 2025 U.S. Dist. LEXIS 258690 (S.D. Ohio Dec. 15, 2025), this Court held that 8 U.S.C. § 1225(b)(2) governs detention in cases similar to the Petitioner's. For the reasons set forth below, however, the Petitioner respectfully disagrees with both this Court's and the Respondents' interpretation of the

Supreme Court's decision in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), as well as Respondents' reading of 8 U.S.C. §§ 1225(b)(2) and 1226(a).

a. The Supreme Court clarified in *Jennings* that § 1226 governs detention in Petitioner's case

From the outset of its decision, Justice Alito in *Jennings v. Rodriguez* drew a clear distinction between noncitizens who are *arriving* at the border and those who are *already present* within the United States. *Jennings v. Rodriguez*, 583 U.S. 281, 285 (2018). This distinction framed the Court's interpretation of the relevant statutory provisions. In Title I, Section A of the opinion, Justice Alito expressly divided the analysis into two categories: "(1) who may enter the country and (2) who may stay here after entering." *Id.* at 286.

When interpreting the statutory provisions governing those who may enter the country, Justice Alito turned to 8 U.S.C. § 1225 and clarified the circumstances under which § 1225 applies. Justice Alito explained that, "[u]nder (...) 8 U.S.C. § 1225, an alien who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' is treated as 'an applicant for admission.'" *Id.* at 287. Justice Alito further explained that applicants for admission fall into two categories: those governed by § 1225(b)(1) and those governed by § 1225(b)(2). *Id.* Section 1225(b)(1) applies to noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, whereas § 1225(b)(2) is broader in its functions and acts as a catchall provision for applicants for admission not covered by § 1225(b)(1). *Id.*

Up to this point, a surface reading of *Jennings* could suggest that the Petitioner's detention is governed by § 1225. However, the Supreme Court subsequently emphasized an important limitation on the scope of § 1225. Justice Alito noted that "§ 1225(b) applies primarily to aliens seeking entry into the United States." *Id.* at 297 (emphasis added). Before addressing what

“seeking entry” means and how that concept applies in the present case, it is necessary to examine the Court’s interpretation of 8 U.S.C. § 1226 in *Jennings*.

This Court in *Coronado*, LEXIS 258690 at 26 decided the following:

“The portion of *Jennings* on which [Petitioner] (and courts like those cited above) relies in fact refers only to those aliens who are in the country *lawfully*. (...) Consider the opening sentence to that section of the opinion: “Even once inside the United States, aliens do not have an absolute right to remain here.” Id. That phrasing—referring to aliens who do not have an “absolute right” to remain—suggests that the sentence is directed at aliens whose entry into this country at least created a contingent right to remain—i.e., those who were lawfully admitted.”

The Petitioner respectfully differs from this reading because it omits the lines that immediately follow the cited passage. Justice Alito in *Jennings* continued:

“For example, an alien present in the country may still be removed if he or she falls ‘within one or more . . . classes of deportable aliens.’ §1227(a). That includes aliens who were inadmissible at the time of entry or who have been convicted of certain criminal offenses since admission. See §§1227(a)(1), (2).” *Jennings*, 583 at 288 (emphasis added).

Justice Alito’s point in *Jennings* was that noncitizens who are already present in the United States—regardless of whether their entry to the United States was lawful or unlawful—may nonetheless have their continued presence curtailed through charges of deportability under 8 U.S.C. § 1227. Thus, Justice Alito did not strictly refer to lawful entries when discussing the applicability of § 1226. The scope of the discussion in *Jennings* covered all aliens present in the U.S., lawfully or unlawfully. Therefore, the limiting interpretation of *Jennings* in this Court’s decision in *Coronado* is in Petitioner’s view, incorrect.

This distinction ultimately led the Court in *Jennings* to differentiate between the detention authorities provided in 8 U.S.C. §§ 1225 and 1226:

“U.S. immigration law authorizes the Government to detain certain **aliens seeking admission into the country under §§1225(b)(1) and (b)(2)**. It also authorizes the Government to detain certain **aliens already in the country pending the outcome of removal proceedings under §§1226(a) and (c)**.” *Jennings*, 583 at 589 (emphasis added).

Additional support for this interpretation of *Jennings* is found in the government’s supplemental briefing in that case. See *Jennings*, Supplemental Brief for Petitioners, 2017 WL 430387, at 12. When addressing which noncitizens were eligible for bond, the government expressly stated:

Section 1226(a): Bond Hearings. **Section 1226(a) governs the detention and release of other aliens arrested inside the United States.** 8 U.S.C. 1226(a). This encompasses aliens in a wide variety of circumstances, including **those who are present after entering illegally**; aliens who were lawfully admitted but overstayed a visa; and aliens who committed a crime that rendered them removable (but not subject to mandatory detention). See 8 U.S.C. 1227. (Emphasis added).

These interpretations are not merely historical; they have been expressly adopted by sister district courts within the Sixth Circuit. *Sevilla v. Noem*, No. 1:25-cv-1325, 2025 U.S. Dist. LEXIS 225791, at 15 (W.D. Mich. Nov. 17, 2025) (citing *Jennings*, 583 U.S. at 289) (“Section 1226(a), on the other hand, “authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings.””). Similarly, in *Chavez v. Director of Detroit Field Office*, No. 4:25-cv-2061, 2025 U.S. Dist. LEXIS 224173 (N.D. Ohio Nov. 14, 2025), the court held that “[r]ather, as an immigrant arrested and detained while ‘already in the country[,]’ *Jennings*, 583 U.S. at 289, Chavez falls more aptly within § 1226(a)’s default rule.” *Id.* Finally, in *Roman v. Olson*, No. 25-169-DLB-CJS, 2025 U.S. Dist. LEXIS 230182 (E.D. Ky. Nov. 24, 2025), the court concluded that “[t]his supports this Court’s conclusion, and reaffirms the Supreme Court’s determination in *Jennings v. Rodriguez*, that § 1226(a) applies to aliens already present in the United States, while § 1225(b)(2)(A) applies to arriving aliens.”

Furthermore, as highlighted by the court in *Rodriguez v. Bostock*, No. 3:25-cv-05240, 2025 U.S. Dist. LEXIS 78395, at 1260 (W.D. Mich. Apr. 24, 2025), in discussing the congressional history underlying the enactment of IIRIRA, “[b]efore IIRIRA passed, the predecessor statute to Section 1226(a) governed deportation proceedings for all noncitizens arrested within the United States.” Upon the passage of IIRIRA, Congress explained that the new provision—now codified as § 1226(a)—restated the existing authority of the Attorney General to arrest, detain, and release on bond a noncitizen who is not lawfully present in the United States. *Rodriguez*, 2025 U.S. Dist. LEXIS 78395, at 1260 (citing H.R. Rep. No. 104-469, pt. 1, at 229); see also *Chavez*, 2025 U.S. Dist. LEXIS 224173, at 15–16. Thus, historically speaking, Congress intended § 1226(a) to govern detention of all aliens arrested within the United States.

Accordingly, the Supreme Court’s definition and differentiation of 8 U.S.C. §§ 1225 and 1226 in *Jennings*, as reinforced by persuasive authority from sister courts and confirmed by congressional history, squarely supports that § 1226(a) governs the detention of the Petitioner.

b. “Seeking admission” under the statutory context of 8 U.S.C. § 1225 excludes the Petitioner in this case

Having addressed the Petitioner’s interpretation of *Jennings* and explained why it diverges from both this Court’s analysis in *Coronado* and the Respondents’ position, it is essential to determine what the phrase “seeking admission” means in the context of 8 U.S.C. § 1225 and §1226.

In *Coronado*, this Court concluded that “the Court is not convinced that the term ‘alien seeking admission’ refers to a subset of the category ‘alien who is an applicant for admission.’ 8 U.S.C. § 1225(b)(2)(A). Rather, the Court concludes that the more natural reading is that the phrase ‘alien seeking admission’ is just another way of saying ‘alien who is an applicant for admission.’”

Coronado, 2025 U.S. Dist. LEXIS 258690, at 22. In reaching this conclusion, the Court relied on the interpretive guidance set forth in *Esquivel-Quintana v. Sessions*, 581 U.S. 385, 391 (2017), which instructs courts to begin statutory interpretation with the plain text. Applying that approach, the Court determined that “§ 1225(b)(2) and § 1226(a) ineluctably points to the conclusion that the former, rather than the latter, controls here.” *Coronado*, 2025 U.S. Dist. LEXIS 258690, at 22.

The Court’s interpretation of “seeking admission”, however, overlooks the ambiguity created when the relevant terminology is read in the context of the statute as a whole. *See Sevilla v. Noem*, No. 1:25-cv-1325, 2025 U.S. Dist. LEXIS 225791, at 16 (W.D. Mich. Nov. 17, 2025) (citing *King v. Burwell*, 576 U.S. 473, 486 (2015)). As the court in *Sevilla* explained, § 1225(b)(2) first refers to “applicant for admission” and then shifts to the distinct phrase of “alien seeking admission.” This “[r]eading of § 1225 would render the remaining qualifier of ‘an alien seeking admission’ entirely unnecessary.” *Sevilla*, 2025 U.S. Dist. LEXIS 225791, at 17. Moreover, where Congress deliberately uses different terms within the same statutory provision, it is reasonable to presume that it intended those terms to carry different meanings. *Id.* at 18; see also *Pulsifer v. United States*, 601 U.S. 124, 149 (2024) (“In a given statute, the same term usually has the same meaning and different terms usually have different meanings.”).

The Petitioner’s interpretation of 8 U.S.C. § 1225(b)(2) is consistent with Congress’s intent and is adopted by several sister courts. In the context of § 1225, the term “applicant for admission” requires that a noncitizen be actively requesting admission, because the statutory language uses the present participle “seeking.” *Sevilla v. Noem*, 2025 U.S. Dist. LEXIS 225791, at 18–19 (“The plain ordinary meaning of ‘seeking’ means ‘asking for.’ (...) It is a present participle, which ‘necessarily implies some sort of present-tense action.’ (...) However, [p]etitioner is not actively seeking to lawfully cross into the territorial limits of the United States because he already entered

the United States (...)" (citations omitted). Likewise, in *Roman v. Olson*, the court emphasized that "[t]he use of the present tense progressive term 'seeking' 'implies action.' (...) it could not be said that [p]etitioner, a noncitizen who was residing here for (...) years was 'actively seeking admission.'" *Roman*, 2025 U.S. Dist. LEXIS 230182, at 9 (citations omitted). Similarly, in *Lopez v. Raycraft*, the court observed that "Indeed, it would distort the words of the statute to state that one who has been in the United States since 1998 is seeking to enter it." *Lopez*, 2025 U.S. Dist. LEXIS 231264, No. 4:25CV2449, at 11 (N.D. Ohio Nov. 25, 2025). Therefore, 8 U.S.C. § 1225(b)(2) governs aliens who are actively looking for or are in the process of admission to the United States—the statute does not govern aliens who already arrived in the country and, like the Petitioner, have been residing here for decades.

This Court in *Coronado* previously rejected this interpretation, reasoning that "(...) the more natural reading is that the phrase 'alien seeking admission' is just another way of saying 'alien who is an applicant for admission.' After all, in normal usage, someone who is an 'applicant for admission' is also necessarily 'seeking admission.'" *Coronado*, 2025 U.S. Dist. LEXIS 258690, at 22. That interpretation, however, does not account for the Supreme Court's guidance in *Pulsifer*. Statutory construction does not always mirror the conventions of ordinary prose, and "normal usage" alone cannot resolve the meaning of § 1225(b)(2)(A). As *Pulsifer* makes clear, the Supreme Court has not only reaffirmed that different statutory terms usually carry different meanings, but it has also recognized that Congress is not expected to draft with perfect clarity and that statutes are "routinely construed (...) to have a particular meaning even as we acknowledge that Congress could have expressed itself more clearly." *Pulsifer v. United States*, 601 U.S. 124, 137–138 (2024) (citing *Luna Torres v. Lynch*, 578 U.S. 452, 472 (2016)).

To illustrate its interpretation, this Court in *Coronado* relied on an everyday analogy, reasoning that an “applicant for admission” to a university is necessarily “seeking admission” to that institution. *Coronado*, 2025 U.S. Dist. LEXIS 258690, at 22. That analogy, however, is inapposite. It presumes, at the outset, that the individual intends to be formally admitted and is actively pursuing that admission in the present tense. The analogy therefore assumes the very point in dispute—namely, that the individual is currently seeking admission.

By contrast, when the issue is framed through a more precise real-world comparison, courts have reached a different conclusion. In *Benitez v. Francis*, No. 12 Civ. 5937, 2025 U.S. Dist. LEXIS 157214, at 21 (S.D.N.Y. Aug. 13, 2025), the court employed the following example:

[S]omeone who enters a movie theater without purchasing a ticket and then proceeds to sit through the first few minutes of a film would not ordinarily then be described as “seeking admission” to the theater. Rather, that person would be described as already present there. Even if that person, after being detected, offered to pay for a ticket, one would not ordinarily describe them as “seeking admission” (or “seeking” “lawful entry”) at that point—one would say that they had entered unlawfully but now seek a lawful means of remaining there.

This reading of 8 U.S.C. § 1225(b)(2)(A) is further strengthened when the provision is considered in the context of the statute as a whole. The Supreme Court has recognized that section titles can provide insight into congressional intent. *Yates v. United States*, 574 U.S. 528, 539 (2015) (“While these headings are not commanding, they supply cues that Congress did not intend ‘tangible object’ (...).”). The same interpretive approach was applied by the court in *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 U.S. Dist. LEXIS 184356, at 8 (W.D. Ky. Sep. 19, 2025), which observed that “Section 1225 is titled: ‘Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.’ The added word of ‘arriving’ indicates that the statute governs ‘arriving’ noncitizens, not those present already.” Under this

reading, the expression “seeking admission” is neither a subset of nor a replacement for “applicant for admission.” Instead, “seeking admission” functions to distinguish an applicant for admission from other noncitizens who may be present in different circumstances, such as those already within the United States.

Coronado also reasoned that, under this reading of § 1225, immigration officers would be required to make two determinations: whether the noncitizen is “seeking admission” and whether the noncitizen is entitled to be admitted. *Coronado*, 2025 U.S. Dist. LEXIS 258690, at 23. While this interpretation aligns to some degree with the grammatical plain meaning, it overlooks the practical application of the statute. In real-world scenarios at a port of entry—the situations § 1225 is designed to govern—any noncitizen appearing before an immigration officer is, by definition, seeking admission. Therefore, no separate determination would be required by immigration officers.

Accordingly, the term “seeking admission” does not constitute a subset of “applicant for admission,” nor does it impose additional obligations on immigration officers conducting inspections under § 1225.

c. Laken Riley Act, 8 U.S.C. § 1226(c)(1) supports Petitioner’s reading of §§ 1225 and 1226

The Laken Riley Act added the following provisions under 8 U.S.C. § 1226(c)(1)(E)(i)-(ii): “The Attorney General shall take into custody any alien who—is inadmissible under paragraph (6)(A) (...) of section 1182(a) of this title; and is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts with (...)”. Section 1182(a)(6)(A)(i) provides that “An alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General, is

inadmissible.” If Congress had intended § 1226 to apply exclusively to lawfully admitted aliens, it would not have found it necessary to carve out a specific provision within § 1226 for unadmitted aliens. Under the Respondents’ and *Coronado*’s reading, § 1225 alone would suffice, since mandatory detention already applies to unadmitted aliens, regardless of the time or place of their detention. Therefore, under the view of the decision in *Coronado*, the modifications introduced by the recent Laken Riley Act to § 1226 would be superfluous. The fact that Congress specifically expanded § 1226 to further include aliens with specific criminal record unlawfully present in the U.S. only reinforces the notion that § 1226 governs the detention of aliens present in the country unlawfully.

Coronado rejected this interpretation, explaining that “1226(c) does not merely require detention. Instead, it affirmatively instructs the Attorney General to take into custody (as well as detain) any aliens who meet the two criteria.” *Coronado*, 2025 U.S. Dist. LEXIS 258690, at 29. This distinction, however, ignores the practical reality that in the immigration context, “detention” and “take into custody” have the same operative effect. Moreover, when discussing § 1226(c), the Supreme Court has consistently treated the Attorney General’s actions as detention, without distinguishing it from “take into custody” language. *Demore v. Hyung Joon Kim*, 538 U.S. 510, 517–518 (2003) (“Section 1226(c) mandates detention during removal proceedings for a limited class of deportable aliens (...)”). Notably, although *Demore* predates the enactment of the Laken Riley Act, the language “take into custody” was already a part of the statute.

Lastly, Respondents note that redundancies are common in statutory drafting. Return of Writ, ECF 5, PageID 58, citing *Barton v. Williams*, 590 U.S. at 239. That general principle, however, cannot be applied in isolation and must be evaluated in light of the statute’s structure as a whole. Here, Congress deliberately placed the provisions of the Laken Riley Act within § 1226,

a section that governs the detention of noncitizens who are already present in the United States. That placement reflects an intent to address a category of aliens defined by their presence in the country, regardless of their manner of entry.

Under Respondents' interpretation, however, the same class of unadmitted aliens already present in the United States would be fully governed by § 1225, rendering Congress's decision to amend § 1226 superfluous. If Congress had intended merely to regulate unadmitted aliens present in the country under the existing § 1225 framework, it would have enacted the Laken Riley Act's amendments there, rather than inserting them into § 1226. Statutory structure therefore confirms that Congress intended the Laken Riley Act to reach beyond the scope of § 1225 and to operate independently of Respondents' redundancy-based theory.

Accordingly, the enactment of the Laken Riley Act, and its modifications to 8 U.S.C. § 1226(c), provide additional support for the conclusion that Congress intended § 1226 to govern aliens already present in the United States, regardless of the manner in which they entered the country.

d. 1225(b)(2)(A) governs detention of applicants for admission at the U.S. ports of entry

The Petitioner recognizes that his interpretation of §§ 1225(b)(2)(A) and 1226(a) could question the situations in which § 1225(b)(2)(A) govern the detention of aliens—without such a clarification, the Petitioner's reading of 1226(a) might render § 1225(b)(2)(A) superfluous. That said, the § 1225(b)(2)(A) is supposed to apply to a narrow category of aliens, while § 1226(a) is supposed to act as the catch-all provision.

As discussed supra and in *Jennings*, arriving aliens are the category of noncitizens covered by § 1225(b)(2)(A). *Jennings*, 583 U.S. at 589 (“U.S. immigration law authorizes the Government to detain certain **aliens seeking admission into the country under §§1225(b)(1) and (b)(2).**”) (emphasis added). Under the Petitioner’s interpretation, § 1226(a) operates as the catch-all provision for non-admitted aliens already present in the United States, while § 1225(b)(2)(A) functions as the governing provision for those actively seeking admission at the border.

The Western District of Kentucky in *Ramirez v. Lewis*, No. 4:25-cv-143-RGJ, 2025 U.S. Dist. LEXIS 256601 (W.D. Ky. Dec. 11, 2025), further clarifies the scope of § 1225(b)(2)(A) while expressing disagreement with the interpretation adopted in *Mejia Olalde v. Noem*, No. 1:25-cv-00168-JMD, 2025 U.S. Dist. LEXIS 221830 (E.D. Mo. Nov. 10, 2025). As the court in *Ramirez* observed:

“The Olalde court ignores the text of the title, which supports a narrower view of the statute. (...) The reference to ‘arriving’ in the title, in conjuncture with the verb ‘seek’, in ‘seeking admission’ found in Section 1225(b)(2)(A) ‘reinforces what the text’s (...) verbs independently suggest.’ That is (...) [a] narrow application of Section 1225, primarily to ‘arriving’ noncitizens who are then ‘seeking’ admission.” *Ramirez*, 2025 U.S. Dist. LEXIS 256601, at 27.

This interpretation aligns with the Petitioner’s view that § 1225(b)(2)(A) applies narrowly to arriving aliens actively seeking admission, while § 1226(a) covers all other noncitizens already present in the United States.

Some real-life scenarios that fall within the scope of § 1225(b)(2)(A) include the following:

- Individuals seeking parole into the United States pursuant to 8 U.S.C. § 1182(d)(5);
- Noncitizens with approved visas (e.g., tourists or students) who are being inspected by an immigration officer;

- Aliens who do not possess any form of admission document and are not seeking parole, but who are attempting to enter the United States and are being inspected by an immigration officer.

In sum, § 1225(b)(2)(A) governs any person seeking admission into the United States who is under the review of an immigration officer, who must determine whether the person is “clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). Once a person has entered the country and is therefore outside the scope of § 1225(b)(2)(A), the applicable detention authority is § 1226(a).

III. SISTER CIRCUIT COURT PRECEDENTS SUPPORT GRANTING HABEAS RELIEF TO PETITIONER

As discussed throughout this brief, this Court, as reflected in *Coronado*, has not followed the overwhelming majority of district courts nationwide granting writs of habeas corpus to aliens present in the United States. *Coronado*, 2025 U.S. Dist. LEXIS 258690, at 19. The Petitioner respectfully requests that this Court reconsider its position in light of the decisions of sister district courts within the Sixth Circuit. The Petitioner’s interpretation not only reflects the more widely adopted view, but is also supported by multiple decision across different district courts, including, but not limited to: *Ramirez v. Lewis*, No. 4:25-cv-143-RGJ, 2025 U.S. Dist. LEXIS 256601 (W.D. Ky. Dec. 11, 2025); *Chavez v. Director of Detroit Field Office*, No. 4:25-cv-2061, 2025 U.S. Dist. LEXIS 224173 (N.D. Ohio Nov. 14, 2025); *Rodriguez v. Bostock*, No. 3:25-cv-05240, 2025 U.S. Dist. LEXIS 78395, at 1260 (W.D. Mich. Apr. 24, 2025); *Rodriguez v. Raycraft*, No. 2:25-cv-13606-TGB-KGA, 2025 U.S. Dist. LEXIS 257926 (E.D. Mich. Dec. 12, 2025); *Roman v. Olson*,

No. 25-169-DLB-CJS, 2025 U.S. Dist. LEXIS 230182 (E.D. Ky. Nov. 24, 2025); and *Lopez v. Ladwig*, No. 2:25-cv-02962-SHL-ATC (W.D. Tenn. Oct. 31, 2025).

CONCLUSION

For the foregoing reasons, this Court has jurisdiction to grant habeas relief and should either release the Petitioner or, alternatively, order the Respondent to provide a bond hearing.

Respectfully submitted,

___/s//Alisher Kassym//_____

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CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2026, I electronically filed the foregoing Petitioner's Reply to Return of Writ of Habeas Corpus and all accompanying exhibits with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record, including:

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