

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAIME SOLAYA CLAVERO,)
)
 Petitioner,)
)
 v.)
)
 JACOB WELSH, Sheriff, Chase County,)
 SAMUEL OLSON, ICE Field Office)
 Director, TODD LYONS, ICE Acting)
 Director, KRISTI NOEM, DHS Secretary,)
 PAMELA BONDI, Attorney General, and)
 EXECUTIVE OFFICE FOR)
 IMMIGRATION REVIEW,)
)
 Respondents.)

Case No. 25-cv-3278-JWL

NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to D. Kan. Rule 7.1(f), Respondent respectfully informs the Court of the Fifth Circuit’s recent decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026) as a supplemental authority in support of the Response to Petitioner’s Petition for Habeas Corpus. In the Response, Respondent argued that Petitioner is not entitled to any relief because he remains an “applicant for admission” under 8 U.S.C. 1225(a), and therefore subject to mandatory detention under 8 U.S.C. § 1225(b). *See* (Doc. 6, pgs. 11-12; 14-18). As the Respondent argued, an alien’s status as an “applicant for admission” does not turn on where or how long ago the alien *entered* the United States because the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) made *admission* to the United States the relevant question for mandatory detention. *See* (Doc. 6, pg. 6). Respondent also argued that the Supreme Court’s decision in *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) does not undermine the government’s statutory interpretation. *See* (Doc. 6, pgs. 18-19).

In *Buenrostro-Mendez*, the Fifth Circuit held as follows: Under the IIRIRA, aliens present in the United States without having been admitted are deemed “applicants for admission” under § 1225(a), regardless of the length of their physical presence in the United States or whether they were apprehended at the border. *Buenrostro-Mendez*, 2026 WL 323330, at *4-7. An individual deemed an “applicant for admission” under § 1225(a) is necessarily “seeking admission” within the meaning of § 1225(b)(2)(A) as long as they have not been admitted. *Id.* The Fifth Circuit also addressed *Jennings*, explaining that *Jennings* does not limit § 1225(b)(2)(A) to arriving aliens or otherwise narrow the IIRIRA’s definition of “applicant for admission.” *Id.* at * 7-8.

The Fifth Circuit published *Buenrostro-Mendez* on February 6, 2026. Accordingly, Respondent did not have knowledge of this authority at the time that the Response was filed on January 28, 2026. Consistent with D. Kan. Rule 7.1(f), this notice does not exceed 350 words.

Respectfully submitted,

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s/ Brian E. Vanorsby

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2026, the foregoing document was electronically filed by using the CM/ECF System, which will send notification of such filing to the following ECF registrants:

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