

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Leonel J.,

Petitioner,

v.

Pamela Bondi, *et. al.*,

Respondents.

Civil Action No.: 26-cv-00045
(NEB/ECW)

**PETITIONER'S REPLY TO
RESPONDENTS ANSWER TO
PETITION FOR WRIT OF
HABEAS CORPUS**

Petitioner respectfully replies to Respondent's January 9, 2026, Response to Petition for Writ of Habeas Corpus (hereafter "Response"), Docket No. 4. In their Response, Respondents urge this Court to consider more recent authority which hadn't previously been considered. In support, Respondents cite to several recent cases throughout the United States where Courts have agreed with their interpretation of mandatory detention according to the plain text, context and structure of § 1225. The cases cited by Respondents all share a fatal flaw or are not relevant to this case.

The cases cited in Respondents ignore the temporal element of admission into the United States and erroneously conclude that because the parties were not

admitted, they are necessarily applicants for admission. *See, e.g., Chen v. Almodovar*, No. 1:25-cv-8350, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025); *Cabanos v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025). This reading conveniently skips over 8 U.S.C. § 1357(a), which limits the authority of officers to apprehend without a warrant based on proximity to port of entry, waterway, or 25 miles near the border who is attempting to enter or is in the act of entering the country. Petitioner’s Notice to Appear identifies him as an alien present in the United States who has not been admitted or paroled and not as an arriving alien. *See* Exhibit B at Docket No. 6. Petitioner was not “seeking admission” at the time of his apprehension, so he is not subject to mandatory detention under 8 U.S.C. § 1225.

The cases cited by Respondents create surplusage in 8 U.S.C. § 1225 by conflating aliens who are applications for admission, with aliens seeking admission. As courts must give independent meaning to every word and clause of the statute, these cases are clearly incorrect. *Williams v. Taylor*, 529 U.S. 362, 264 (2000). Furthermore, the Courts analysis in these cases seek to transform a noun – applicant – into a verb – applying. The operative verb that the Courts should consider is “seeking,” as it relates to the temporal understanding of when a person

seeks admission, i.e., at the time of arrival into the United States. The cases cited by Respondents do not engage with the definition of admission in the INA.

Some of the cases cited by Respondent's are not instructive here because they contain an incomplete analysis. For example, *Cirrus Rojas v. Olson*, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025), focuses the bulk of its analysis on issues Petitioner did not raise, such as the validity of an automatic stay and whether an alien who has been granted bond must be released from custody to serve due process. *Cirrus Rojas* also conflates seeking relief (asylum) with seeking admission. *Cirrus Rojas*, 2025 WL 3033967 at *8 ("His petition acknowledges that he has an application for asylum pending in the immigration court and he is thus presently seeking authorization to remain in this country.") Relief and admission are two distinct issues. One can seek relief from 30 miles away from the border, but not admission.

Therefore, this Court must grant the petition.

DATED: January 12, 2026

Respectfully submitted,

/s/ Maria Miller

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