

This is the order of denial my request
for bond hearing. I have not had that
copy before. My apologies.

My name:
Fayez Youssef, Rami

FILED
MAR 27 2026
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

Case: #5:26 - CV - 0032 - FB

Signature:
Rami Fayez

Date: 03/24/26



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PEARSALL IMMIGRATION COURT**

Respondent Name:

FAYEZ YOUSSEF, RAMI

To:

Henain, Monica Wasfi Matta

P.O. Box 1583

Culpeper, VA 22701

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/08/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☒ Denied, because

On 30 October 2025, Respondent admitted in removal proceedings he entered the United States without being admitted or paroled after inspection by an immigration officer. Respondent is an applicant for admission. Counsel for Respondent posits Respondent is a member of the certified class and eligible for a bond hearing pursuant to the order issued in *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al*. (Case No. 5:25-cv-01873-SSS-BFM).

This is the same case as *Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal.). Respondent entered the United States without being admitted or paroled after inspection by an immigration officer. Respondent is an applicant for admission.

The court in *Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal.), granted class certification and partial summary judgment for the plaintiffs in that case, but did not issue a class-wide declaratory judgment. The court also did not issue a class-wide injunction. Rather, the court set a January 9, 2026 joint status report deadline and January 16, 2026 status conference. Until and unless the *Bautista* court issues a class-wide declaratory judgment or injunction, the *Bautista* court's opinion and partial grant of summary judgment does not constitute a judgment and therefore does not alter or negate the BIA's determination in *Matter of Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025). See, e.g., Fed. R. Civ. P. 54(b).

While Respondent may be a member of the certified class, he is not entitled to a bond redetermination hearing. *Matter of Yajure Hurtado* applies to this case. Respondent is an applicant for admission and is subject to mandatory detention. "[A]n alien present

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in the United States who has not been admitted . . . ' is deemed 'an applicant for admission.'" DHS v. Thuraissigiam, 591 U.S. 103, 109 (2020) (quoting INA § 235(a)(1), 8 U.S.C. § 1225(a)(1)); see also Matter of Lemus, 25 I&N Dec. at 743 ("Congress has defined the concept of an 'applicant for admission' in an unconventional sense, to include not just those who are expressly seeking permission to enter, but also those who are present in this country without having formally requested or received such permission . . .").

Applicants for admission remains such unless an immigration officer determines that they are "clearly and beyond a doubt entitled to be admitted." INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A). Failing to clearly and beyond a doubt demonstrate that they are entitled to admission, such aliens "shall be detained for a proceeding under section 240." Id.; see also Jennings, 583 U.S. at 288. Aliens, like the respondent, who surreptitiously cross into the United States remain applicants for admission until and unless they are lawfully inspected and admitted by an immigration officer. Remaining in the United States for a lengthy period of time following entry without inspection, by itself, does not constitute an "admission." See INA § 101(a)(13)(A), 8 U.S.C. § 1101(a)(13)(A) (2018) (defining "admission"). Likewise, being arrested pursuant to a warrant and placed into removal proceedings does not constitute an admission.

- ☐ Granted. It is ordered that Respondent be:
 - ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:

- ☐ Other:



Immigration Judge: CROSSAN, THOMAS 12/08/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved
Appeal Due: 01/07/2026

Certificate of Service

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Respondent Name : FAYEZ YOUSSEF, RAMI | A-Number : 

Riders:

Date: 12/08/2025 By: Johnson, Briana, Court Staff