

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

BETTY YADIRA CONTENTO ANDRADE,

Petitioner,

v.

PETER BERG, in his official capacity as the  
St. Paul Field Office Director for U.S.  
Immigration and Customs Enforcement;  
TODD LYONS, in his official capacity as  
Acting Director, U.S. Immigration and  
Customs Enforcement; KRISTI NOEM, in  
her official capacity as Secretary of the  
United States Department of Homeland  
Security, and PAMELA BONDI, Attorney  
General of the United States,

Respondents.

Case No. 0:26-cv-00075

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

**ARGUMENT**

On January 7, 2026, Petitioner filed a Petition for Writ of Habeas Corpus. *See* ECF No. 1. The Court ordered Respondents to explain whether the detention issues involved in Petitioner's case are materially different from those in the cases of *Eliseo A.A. v. Olson*, No. 25-CV-3381(JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025), or *Mayamu K. v. Bondi*, No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025). *See* ECF No. 3.

Respondents filed an Answer on January 9, 2026, in which they "acknowledge" that Petitioner's case is not materially different from *Eliseo A.A.* or *Mayamu K.* ECF No. 10 at 4-5. Still, Respondents ask this Court to convert Petitioner's detention under § 1226 into § 1225 and ask this Court to "reject Petitioner's attempt to recast her present

detention as arising under § 1226, for reasons that are evident from the text, context, and structure of the statutes at issue[ ].”<sup>1</sup> See ECF No. 10 at 8. Petitioner is subject to § 1226<sup>2</sup> and Respondents’ arguments are without merit.

**I. Petitioner Is Not Subject to Mandatory Detention under § 1225**

Respondents’ insistence that Petitioner is subject to mandatory detention under § 1225 is perplexing given that Respondents’ own exhibits clearly establish that Respondents classified Petitioner’s detention as falling under § 1226 and not § 1225. See ECF No. 11-2 (“In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance . . .”) (emphasis added). The Notice of Appear (“NTA”) submitted by Respondents also confirms that Petitioner is subject to § 1226 and not § 1225. ECF No. 11-3 at 1; *Beltran v. Bondi*, et al., No. 25-04604 (MJD/DTS), 2025 WL 3719856, at \*3 (D. Minn. Dec. 23, 2025) (explaining that where the NTA does not specify that a noncitizen is an “arriving alien,” the noncitizen is not “seeking admission” “thus not subject to Section 1225(b)”); see also *Fernando F.P.D. v. Brott*, No. 25-CV-4455 (ECT/ECW), 2025 WL 3675151, at \*2 (D. Minn. Dec. 17, 2025) (pointing to NTA as ‘showing box checked for ‘alien present in the United States who has not been admitted

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<sup>1</sup> Petitioner notes that Respondents do not dispute that the Court has jurisdiction to review Petitioner’s case.

<sup>2</sup> Petitioner disagrees with Respondents’ conclusion that she is not a member of the class recently certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal. filed July 23, 2025). See ECF No. 10 n. 3. Although Petitioner was initially arrested at her entry to the United States, as the exhibits and arguments in this case establish, she was initially arrested pursuant to § 1226 and her rearrest does not convert her detention into § 1225. She is therefore a member of the *Maldonado Bautista* Class.

or paroled’ and not the box for ‘arriving alien’ and finding petitioner to be subject to § 1226 and not § 1225.); *Mayamu K.*, No. 25-3035 (JWB/LIB), 2025 WL 3641819, at \*3; *accord Victor F.M.v. Bondi*, et al., No. 25-CV-4778 (ECT/SGE), 2026 WL 25968, at \*1 (D. Minn. Jan. 5, 2026). Additionally, the Warrant of Arrest that Respondents issued to Petitioner at the time of her initial arrest provides that she is “liable to being taken into custody *as authorized by section 236 of the Immigration and Nationality Act.*”) (emphasis added). *See* Petitioner’s Exh. 1-2; *see also* ECF No. 11-1 at 3 (“DISPOSITION: The subject was served with a *Warrant of Arrest/Notice to Appear* and will be referred to the ICE/ERO El Paso, Texas.”) (emphasis added).

**A. This Court and the Overwhelming Majority of Courts Across the United States Disagree with Respondents’ Position**

Respondents offer additional authority arguing that it supports their position because “[d]ozens of courts . . . agreed with . . . “ their interpretation. *See* ECF No. 10 at 5. However, there have now been countless number of similar cases where courts have continued to disagree with Respondents’ interpretation of section § 1225 including this District as recently as January 2026. *See Victor F.M.*, No. 25-CV-4778 (ECT/SGE), 2026 WL 25968; *Ahmed M. v. Bondi*, et. al., No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at \*1 (D. Minn. Jan. 5, 2026); *see also Savane v. Francis*, No. 1:25-cv-6666, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025); *Artiga v. Genalo*, No. 25-CV-5208, 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025); *J.U. v. Maldonado*, No. 25-CV-04836, 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Guerrero Lepe v. Andrews*, No. 1:25-cv-01163, 2025 WL

2716910 (E.D. Cal. Sept. 23, 2025); *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Jose Andres R.E. v. Bondi*, No. 25-CV-3946 (NEB/DLM), 2025 WL 3146312, (D. Minn. Nov. 4, 2025); *Edward Ted Luna Quispe v. Crawford*, No. 1:25-CV-1471-AJT-LRV, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Echevarria v. Bondi*, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Ozuna Carlon v. Kramer*, No. 4:25CV3178, 2025 WL 2624386, at \*2-3 (D. Neb. Sept. 11, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado Vazquez v. Feeley*, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Rodriguez Vazquez v. Bostock*, 2025 WL 2782499 (W.D. Wash Sept. 30, 2025); *Guzman Alfaro v. Wamsley*, 2025 WL 2822113 (W.D. Wash. Oct. 2, 2025); *Garcia Cortes v. Noem*, No. 1:25-cv-02677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Mena Torres v. Wamsley*, No. C25-5772 TSZ, 2025 WL 2855379 (W.D. Wash. Oct. 8, 2025); *Jimenez v. FCI Berlin, Warden*, No. 1:25-cv-00326, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Kostak v. Trump*, No. 3:25-cv-01093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425, at \*4-5 (E.D. Mich. Sept. 9, 2025); *Hernandez Marcelo v. Trump*, No. 3:25-cv-00094, 2025 WL 2741230 (S.D. Iowa Sept. 10, 2025); *Zaragoza Mosqueda et al. v. Noem*, No. 5:25-cv-02304 CAS (BFM), 2025 WL 2591530, at \*4–5, 7 (C.D. Cal. Sep. 8, 2025); *Quispe-Ardiles v. Noem*, No. 1:25-cv-01382-MSN-WEF, 2025 WL 2783800, at \*1, 10 (E.D. Va. Sep. 30, 2025); *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Aguilar Lares v. Bondi*, No. 1:25-cv-1562 (ED VA,

Oct. 19, 2025); *Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at \*2 (D. Neb. Sept. 3, 2025); *Hasan v. Crawford*, No. 1:25-cv-1408 (LMB/IDD), 2025 WL 2682255, at \*1, 13 (E.D. Va. Sep. 19, 2025); *Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 2732717, at \*2 (M.D. Fla. Sept. 25, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Singh v. Andrews*, No. 1:25-cv-00801-KES-SKO (HC), 2025 WL 1918679, at \*1, 10 (E.D. Cal. July 11, 2025); *Singh v. Lewis*, No. 4:25-cv-96-RGJ, 2025 WL 2699219, at \*3, \*5 (W.D. KY. Sept. 22, 2025); *J.A.M. v. Streeval*, No. 25-cv-342, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *Rojano Gonzalez v. Sterling*, No. 1:25-cv-6080, 2025 WL 3145764 (N.D. Ga. Nov. 3, 2025); *Aguirre Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025) (R&R), report and recommendation adopted (Nov. 14, 2025); *Jose Augusto Alves da Silva v. U.S. Immigr. & Customs Enf't*, No. 25-CV-284-LMTSM, 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *Merino v. Ripa*, No. 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025); *Alvarez Puga v. Assistant Field Office Director*, No. 25-24535-CIV, 2025 WL 2938369 (S.D. Fla. Oct. 15, 2025); *Giron Reyes v. Lyons*, No. C25-4048-LTS-MAR, 2025 WL 2712427, at \*6 (N.D. Iowa Sept. 23, 2025); *Roman v. Noem*, No. 2:25-CV-01684-RFB-EJY, 2025 WL 2710211, at \*6 (D. Nev. Sept. 23, 2025) (same); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at \*13 (W.D. Tex. Sept. 22, 2025); *Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025);

*Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Hernandez Nieves v. Kaiser*, No. 25-cv-06921-LB, 2025 WL 2533110, at \*4–5 (N.D. Cal. Sep. 3, 2025); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025) (same); *Salazar v. Dedos*, No. 1:25-CV-00835-DHU-JMR, 2025 WL 2676729, at \*9 (D.N.M. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-cv-01404, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025); *Ortiz Martinez v. Wamsley*, No. 2:25-cv-01822, 2025 WL 2899116 (W.D. Wash. Oct. 10, 2025); *Mendoza Gutierrez v. Baltasar*, No. 1:25-cv-2720, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Moya Pineda v. Baltasar*, No. 1:25-cv-2966 (D. Colo. Oct. 20, 2025); *Loa Caballero v. Baltasar*, No. 25-cv-03120, 2025 WL 2977650 (D. Colo. Oct. 22, 2025); *Gamez Lira v. Noem*, No. 1:25-cv-00855, 2025 WL 2581710 (D.N.M. Sept. 24, 2025); *Garcia Domingo v. Castro*, No. 1:25-cv-00979, 2025 WL 2941217 (D.N.M. Oct. 15, 2025); *Martinez v. Hyde*, No. 1:25-cv-11613, 2025 WL 2084238 (D. Mass. July 24, 2025); *Diaz Diaz v. Mattivelo*, No. 1:25-cv-12226, 2025 WL 2457610 (D. Mass. Aug. 27,

2025); *Doe v. Moniz*, No. 1:25-cv-12094, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Encarnacion v. Moniz*, No. 25-12237 (D. Mass. Sept. 5, 2025); *Hilario Rodriguez v. Moniz*, No. 25-12358 (D. Mass. Sept. 18, 2025); *Romero-Nolasco v. McDonald*, No. 25-cv-12492, 2025 WL 2778036 (D. Mass. Sept. 29, 2025); *Inlago Tocagon v. Moniz*, No. 25-cv-12453, 2025 WL 2778023 (D. Mass. Sept. 29, 2025); *Rocha v. Hyde*, No. 25-cv-12584, 2025 WL 2807692 (D. Mass. Oct. 2, 2025); *Guerrero Orellana v. Moniz*, No. 25-cv-12664, 2025 WL 2809996 (D. Mass. Oct. 3, 2025); *Lema Zamora v. Noem*, No. 25-cv-12750, 2025 WL 2958879 (D. Mass. Oct. 17, 2025); *Chogllo Chafra v. Scott*, No. 2:25-cv-00437, 2:25-cv-00438, 2:25-cv-00439, 2025 WL 2688541 (D. Me. Sept. 2, 2025); *Chang Barrios v. Shepley*, No. 1:25-cv-00406, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Chiliquina Yumbillo v. Stamper*, No. 2:25-cv-479, 2025 WL 2783642 (D. Me. Sept. 30, 2025); *Perez Pina v. Stamper*, No. 2:25-cv-00509-SDN, 2025 WL 2939298 (D. Me. Oct. 16, 2025); *da Silva v. ICE*, No. 1:25-cv-00284, 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *Ayala Casun v. Hyde*, No. 25-cv-427, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); *Caraballo Gonzalez v. Joyce*, No. 25-cv-8250, 2025 WL 2961626 (S.D.N.Y. Oct. 19, 2025); *Rivera Zumba v. Bondi*, No. 2:25-cv-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Macancela Buestan v. Chu*, No. 25-cv-16034, 2025 WL 2972252 (D.N.J. Oct. 21, 2025); *Mugliza Castillo v. Lyons*, No. 25-cv-16219, 2025 WL 2940990 (D. N.J. Oct. 10, 2025); *Del Cid Del Cid v. Bondi*, No. 3:25-cv-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025); *Maldonado de Leon v. Baker*, No. 1:25-cv-3084, 2025 WL 2968042 (D. Md. Oct 21, 2025); *Hasan v. Crawford*, No. 1:25-cv-01408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Singh v. Lyons*, No. 1:25-cv-01606, 2025 WL 2932635 (E.D. Va. Oct. 14,

2025); *Teyim v. Perry*, No. 1:25-cv-01615, 2025 WL 2950183 (E.D. Va. Oct. 15, 2025);  
*S.D.B.B. v. Johnson*, No. 1:25-cv-882, 2025 WL 2845170 (M.D.N.C. Oct. 7, 2025);  
*Lopez Santos v. Noem*, No. 3:25-cv-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025);  
*Gonzalez Martinez v. Noem*, No. EP-25-cv-430, 2025 WL 2965859 (W.D. Tex. Oct. 21,  
2025); *Buenrostro Mendez v. Bondi*, No. 4:25-cv-3726, 2025 WL 2886346 (S.D. Tex.  
Oct. 7, 2025); *Padron Covarrubias v. Vergara*, 5:25-CV-112 (S.D. Tex. Oct. 8, 2025);  
*Sanchez Ballestros v. Noem*, No. 3:25-cv-594-RGJ, 2025 WL 2880831 (W.D. Ky. Oct. 9,  
2025); *Casio-Mejia*, No. 2:25-cv-13032, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025);  
*Contreras-Cervantes, et al., v. Raycraft*, No. 2:25-cv-13073, 225 WL 952796 (E.D. Mich.  
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CV 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025); *Mariano Miguel v. Noem*, No.  
25-cv-11137, 2025 WL 2976480 (Oct. 21, 2025); *Alejandro v. Olson*, No. 1:25-cv-02027,  
2025 WL 2896348 (S.D. Ind.); *Brito Barrajas v. Noem*, No. 4:25-cv-00322, 2025 WL  
2717650 (S.D. Iowa Sept. 23, 2025); *Santiago Helbrum v. Williams*, No. 4:25-cv-00349  
(S.D. Iowa Sept. 30, 2025); *O.E. v. Bondi*, No. 0:25-cv-03051, 2025 WL 2466670 (D.  
Minn. Aug. 27, 2025); *Francisco T. v. Bondi*, No. 0:25-cv-03219, 2025 WL 262839 (D.  
Minn. Aug. 29, 2025); *A.A. v. Olson*, No. 25-3381, 2025 WL 2866729 (D.Minn.);  
*Herrera Avila v. Bondi*, No. 25-cv-03741 (D. Minn. Oct. 21, 2025); *Garcia Jimenez v.  
Kramer*, No. 4:25-cv-03162, 2025 WL 2374223 (D. Neb. Aug. 14, 2025);

*Carmona-Lorenzo v. Trump*, No. 4:25-cv-03172, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, No. 8:25-cv-00506, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Palma Perez v. Berg*, No. 8:25-cv-00494, 2025 WL 2531566 (D. Neb. Sept. 3, 2025); *Lorenzo Perez v. Kramer*, No. 4:25-cv-03179, 2025 WL 2624387 (D. Neb. Sept. 11, 2025); *Ozuna Carlon v. Kramer*, No. 4:25-cv-03178, 2025 WL 2624386 (D. Neb. Sept. 11, 2025); *Genchi Palma v. Trump*, No. 4:25-cv-03176, 2025 WL 2624385 (D. Neb. Sept. 11, 2025); *Duenas Arce v. Trump*, No. 8:25-cv-00520, 2025 WL 2675934 (D. Neb. Sept. 18, 2025); *Rosado v. Figueroa*, No. 2:25-cv-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Ortiz Donis v. Chestnut*, No. 1:25-cv-01228, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *J.S.H.M. v. Wofford*, No. 1:25-CV-01309, 2025 WL 2938808 (E.D. Cal. Oct. 16, 2025); *Sabi Polo v. Chestnut*, No. 1:25-cv-01342, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025); *Menjivar Sanchez v. Wofford*, No. 1:25-cv-1187, 2025 WL 2959274 (C.D. Cal. Oct. 17, 2025); *Hernandez Nieves v. Kaiser*, No. 3:25-cv-06921, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Caicedo Hinestroza v. Kaiser*, No. 3:25-cv-07559, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Salcedo Aceros v. Kaiser*, No. 3:25-cv-06924, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Pablo Sequen v. Kaiser*, No. 25-cv-06487, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025); *Castellanos v. Kaiser*, No. 25-cv-07962, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025); *Oliveros v. Kaiser*, No. 25-cv-07117, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Roa v. Albarran*, No. 25-cv-07802, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025); *Valencia Zapata v. Kaiser*, No. 25-cv-07492, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025); *Cordero Pelico v. Kaiser*, No. 25-cv-07286-EMC, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025); *Alvarez*

*Chavez v. Kaiser*, No. 25-cv-06984-LB, 2025 WL 2909526 (N.D. Cal.); *Vasquez Garcia v. Noem*, No. 3:25-cv-02180, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Martinez Lopez v. Noem*, No. 3:25-cv-02734 (S.D. Cal. Oct. 23, 2025) (Minute Entry); *Rico-Tapia v. Smith*, No. 25-cv-379, 2025 WL 2950089 (D. Haw. Oct. 10, 2025); *Carlos v. Noem*, No. 2:25-cv-01900, 2025 WL 2896156 (D. Nev.); *E.C. v. Noem*, No. 2:25-cv-01789, 2025 WL 2916264 (D. Nev.); *Romero v. Hyde*, No.1:25-CV-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at \*2 (D. Mass. July 7, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924, at \*7 (D. Mass. Sept. 9, 2025); *dos Santos v. Noem*, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Diaz Diaz v. Mattivelo*, 2025 WL 2457610 (D. Mass. Aug. 27, 2025); *Doe v. Moniz*, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Romero-Nolasco v. McDonald*, 2025 WL 2778036 (D. Mass. Sept. 29, 2025); *Da Silva v. Bondi*, 2025 WL 2969163 (D. Mass. Oct. 21, 2025); *Inlago Tocagon v. Moniz*, 2025 WL 2778023 (D. Mass. Sept. 29, 2025); *Rocha v. Hyde*, 2025 WL 2807692 (D. Mass. Oct. 2, 2025); *Elias Escobar v. Hyde*, 2025 WL 2823324 (D. Mass. Oct. 3, 2025); *Lema Zamora v. Noem*, No. 1:25-12750-NMG, 2025 WL 2958879 (D. Mass. Oct. 17, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Aguilar Guerra v. Joyce*, No. 2:25-cv-00534, 2025 WL 2986316 (D. Me. Oct. 24, 2025); *Cesario Souza v. Hyde*, No. 25-CV-12461, 2025 WL 2997670 (D. Mass. Oct. 24, 2025); *Chanaguano Caiza v. Scott*, No. 1:25-CV-00500, 2025 WL 3013081 (D. Me. Oct. 28, 2025); *Tomas Elias v. Hyde*, No. 25-cv-540-JJM-AEM, 2025 WL 3004437 (D.R.I. Oct. 27, 2025); *J.G.O. v. Francis*, No. 1:25-cv-07233, 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025); *Tumba Huamani v.*

*Francis*, No. 25-cv-8110, 2025 WL 3079014 (S.D.N.Y. Nov. 4, 2025); *Romero Perez v. Francis*, No. 25-cv-8112, 2025 WL 3110459; *Alvarez Ortiz v. Freden*, No. 1:25-CV-960, 2025 WL 3085032 (W.D.N.Y. Nov. 4, 2025); *Bethancourt Soto v. Soto*, No. 25-cv-16200, 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *De Fatima Lomeu v. Soto*, No. 25-cv-16589, 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Lopez Lopez v. Soto*, No. 2:25-cv-16303, 2025 WL 2987485 (D.N.J. Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 2:25-cv-13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025); *Patel v. Almodovar*, No. 2:25-cv-15345, 2025 WL 3012323 (D.N.J. Oct. 28, 2025); *Ayala Amaya v. Bondi*, No. 25-cv-16428, 2025 WL 3033880 (D.N.J. Oct. 30, 2025); *Vargas Ramos v. Rokosky*, No. 25-cv-15892, 2025 WL 3063588 (D.N.J. Nov. 3, 2025); *Cantu-Cortes v. O'Neill*, No. 25-cv-6338, 2025 WL 3171639 (E.D. Pa. Nov. 13, 2025); *Santana-Rivas v. Warden*, No. 3:25-cv-01896 (Nov. 13, 2025) (R&R); *Pineda Velasquez v. Noem*, No. 25-cv-3215, 2025 WL 3003684 (D. Md. Oct. 27, 2025); *Hernandez Hernandez v. Crawford*, No. 1:25-cv-01565-AJT-WBP, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025); *Flores Pineda v. Simon*, No. 1:25-cv-01616, 2025 WL 2980729 (E.D. Va. Oct. 21, 2025); *Yobani v. Noem*, No. 1:25-cv-01666, 2025 WL 2997507 (E.D. Va. Oct. 24, 2025); *Duarte Escobar v. Perry*, No. 25-cv-758, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025); *Boquin Oliva v. Noem*, No. 25-cv-1592, 2025 WL 3145712 (E.D. Va. Oct. 29, 2025); *Sarmiento v. Perry*, No. 1:25-cv-01644, 2025 WL 3091140 (E.D. Va. Nov. 5, 2025); *Diaz Garcia v. Noem*, No. 25-cv-1712 (E.D. Va. Nov. 6, 2025); *Ventura Martinez v. Trump*, No. 3:25-cv-01445 (W.D. La. Oct. 22, 2025); *Pineda Parada v. Rice*, No. 1:25-cv-1660, 2025 WL 3146250 (W.D. La. Nov. 4, 2025); *Godinez-Lopez v. Ladwig*, No. 2:25-CV-02962, 2025 WL

3047889 (W.D. Tenn. Oct. 31, 2025); *Hernandez-Alonso v. Tindall*, No. 3:25-CV-652-DJH, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025); *Gimenez Gonzalez v. Raycraft*, No. 25-CV-13094, 2025 WL 3006185 (E.D. Mich. Oct. 27, 2025); *Hernandez Capote v. Sec'y of U.S. DHS*, No. 25-cv-13128, 2025 WL 3089756 (E.D. Mich. Nov. 5, 2025); *Morales-Martinez v. ICE*, No. 2:25-cv-13303, 2025 WL 3124695 (E.D. Mich. Nov. 7, 2025); *Mauricio Diego v. Raycraft*, No. 5:25-cv-13288, 2025 WL 3159106 (E.D. Mich. Nov. 12, 2025); *Rodriguez Carmona v. Noem*, No. 1:25-cv-1131, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025); *Puerto-Hernandez v. Lynch*, No. 1:25-CV-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025); *Cervantes Rodriguez v. Noem*, No. 1:25-CV-1196, 2025 WL 3022212 (W.D. Mich. Oct. 29, 2025); *Marin Garcia v. Noem*, No. 1:25-CV-1271, 2025 WL 3017200 (W.D. Mich. Oct. 29, 2025); *Rodriguez Serrano v. Noem*, No. 25-cv-1320, 2025 WL 3122825 (W.D. Mich. Nov. 7, 2025); *G.Z.T. v. Smith*, No. 1:25-cv-12802 (N.D. Ill. Oct. 21, 2025); *Perez Padilla v. Noem*, No. 25-cv-12462, 2025 WL 2977742 (N.D. Ill. Oct. 22, 2025); *Patel v. Crowley*, No. 25-C-11180, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025); *Maldonado v. Crowley*, No. 1:25-cv-12762 (N.D. Ill. Oct. 24, 2025); *Amigon Sanchez v. Olson*, No. 25-cv-12453, 2025 WL 3004580 (N.D. Ill. Oct. 27, 2025); *Corona Diaz v. Olson*, No. 25-CV-12141, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025); *Rosales Ponce v. Olson*, No. 25-cv-13037, 2025 WL 3049785 (N.D. Ill. Oct. 31, 2025); *Loza Valencia v. Noem*, No. 25-CV-12829, 2025 WL 3042520 (N.D. Ill. Oct. 31, 2025); *Flores v. Olson*, No. 25-cv-12916, 2025 WL 3063540 (N.D. Ill. Nov. 3, 2025); *D.E.C.T. v. Noem*, No. 25-cv-12463, 2025 WL 3063650 (N.D. Ill. Nov. 3, 2025); *Galvis Cortes v. Olsen*, No. 25-cv-6293, 2025 WL 3063636 (N.D. Ill. Nov. 3, 2025);

*Reyes Arizmendi v. Noem*, No. 25-cv-13041, 2025 WL 3089107 (N.D. Ill. Nov. 5, 2025); *Guartazaca Sumba v. Noem*, No. 1:25-cv-13034, 2025 WL 3126512 (N.D. Ill. Nov. 9, 2025); *Lira Perez v. Noem*, No. 1:25-cv-13442, 2025 WL 3140692 (N.D. Ill. Nov. 10, 2025); *Ramirez Martinez v. Noem*, No. 25-CV-12029, 2025 WL 3145103 (N.D. Ill. Nov. 11, 2025); *Ramirez Valverde v. Olson*, No. 25-CV-1502, 2025 WL 3022700 (E.D. Wis. Oct. 29, 2025); *Garcia Picazo v. Sheehan*, No. C25-4057-LTS-MAR, 2025 WL 3006188 (N.D. Iowa Oct. 27, 2025); *Lopez Lopez v. Sheehan*, No. 25-CV-4052-CJW-KEM, 2025 WL 3046183 (N.D. Iowa Oct. 30, 2025); *Ruiz Yarleque v. Noem*, No. 5:25-CV-02836, 2025 WL 3043936 (C.D. Cal. Oct. 31, 2025); *J.A.C.P. v. Wofford*, No. 1:25-CV-01354, 2025 WL 3013328 (E.D. Cal. Oct. 27, 2025); *Lopez v. Lyons*, No. 2:25-cv-03174, 2025 WL 3124116 (E.D. Cal. Nov. 7, 2025); *Perez-Gonzalez v. LaRose*, No. 25-cv-2727 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 5cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia Magadan v. Noem*, No. 3:25-cv-2889, 2025 WL 3090089 (S.D. Cal. Nov. 5, 2025); *Dominguez-Lara v. Noem*, No. 2:25-CV-01553, 2025 WL 2998094 (D. Nev. Oct. 24, 2025); *Bautista-Avalos v. Bernacke*, No. 2:25-CV-01987, 2025 WL 3014023 (D. Nev. Oct. 27, 2025); *Arce-Cervera v. Noem*, No. 2:25-CV-01895, 2025 WL 3017866 (D. Nev. Oct. 28, 2025); *Hernandez-Luna v. Noem*, No. 2:25-cv-01818, 2025 WL 3102039 (D. Nev. Nov. 6, 2025); *L.A.E. v. Wamsley*, 2025 WL 3037856 (D. Or. Oct. 30, 2025); *Del Valle Castillo v. Wamsley*, No. 2:25-cv-02054, 2025 WL 3094057 (W.D. Wash. Nov. 5, 2025); *Molina Ochoa v. Noem*, No. 1:25-cv-00881, 2025 WL 3125846 (D.N.M. Nov. 7, 2025) (R&R); *Alvarez Varela v. Dedos*, No. 1:25-cv-01085 (D.N.M. Nov. 11, 2025); *Hinojosa Garcia v. Noem*, No. 2:25-cv-00879, 2025 WL

3041895 (M.D. Fla. Oct. 31, 2025); *E.L.C. v. Warden*, No. 4:25-cv-288, 2025 WL 3158802 (Nov. 4, 2025); *Ortega Jimenez v. Warden*, No. 25-cv-5650 (N.D. Ga. Nov. 6, 2025).

Accordingly, this Court should reject Respondents' request to revisit this Court's well reasoned decisions, find that Petitioner is subject to § 1226, and given that she has been arbitrarily redetained and separated from her 18-month-old son whom she is breastfeeding, order her immediate release from detention.

**B. Petitioner's Pursuit of Asylum Does Not Convert § 1226 Detention into § 1225 Detention**

Respondents argue that Petitioner's pending asylum application somehow converts her § 1226 detention into § 1225 detention. ECF No. 10 at 11-13. However, this argument was also rejected by several courts including this District. "[S]everal courts have determined that asylum applications filed in like circumstances do not change the outcome." *See Ahmed M. v. Bondi*, et. al., No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at \*2 (citing *Mayamu K.* No. 25-cv-3035 (JWB/LIB), 2025 WL 3641819, at \*4 ("That Petitioner is in asylum proceedings does not alter this analysis.")) (first citing *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1152 (D. Minn. 2025); and then citing *Quispe-Ardiles v. Noem*, No. 1:25cv-01382-MSN-WEF, 2025 WL 2783800, at \*7 (E.D. Va. Sept. 30, 2025)); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 488 n.7 (S.D.N.Y. 2025) ("To the extent that Respondents might point to [petitioner's] asylum application to argue that he continues to 'seek' something, what he seeks is not 'admission' or 'lawful entry' to the

United States, but to obtain a lawful means to *remain* here." (emphasis in original)). As such, this Court should reject this argument.

## **II. This Court Should Order Petitioner's Immediate Release from Detention**

Respondents ask this Court "to order a custody redetermination hearing instead of immediate release" if this Court finds that Petitioner is subject to § 1226 detention. ECF No. 10 at 13. The Court should deny this request and instead order Petitioner's immediate release because Respondents arbitrarily rearrested Petitioner without any grounds whatsoever in violation of her due process rights. Although the regulations authorize revocation of release, such revocation cannot be effectuated unless there are some changed circumstances that warrant revocation and it complies with constitutional due process. *See* 8 U.S.C. § 1226(b) 8 C.F.R. § 1236.1(c)(9); *Matter of Sugay*, 17 I. & N. Dec. 637, 640 (BIA1981); *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 693-94 (2001). Respondents fail to explain why Petitioner's detention after her rearrest was reclassified under § 1225 or provide any authority for why they should be allowed to "switch tracks" to detain Petitioner under § 1225 and thus ignore the detention authority consistently applied to Petitioner.

Respondents do not allege that Petitioner violated the conditions of her prior release; or committed crimes since her release, or failed to comply with the legal obligations involved in her pending removal proceedings. *See* ECF No. 11. Respondents provided absolutely no reason for her redetention other than being in the country "unlawfully." *Id.* But Petitioner was also in the country unlawfully when Respondents released her from custody on her own recognizance. *Id.* ¶ ¶ 4-6; ECF No. 11-2. At that

time, Respondents evaluated whether she was a danger to the community or a flight risk. She was neither and Respondents released her on her own recognizance. She has lived in the United States peacefully for the past four years and Respondents failed to provide any justification for her arbitrary and unlawful redetention. By requesting that the Court order Petitioner to go through a custody redetermination hearing, Respondents essentially ask this Court to extend the unlawful detention, increase the costs of her legal case, and continue to deprive her 18-month-old U.S. citizen son of the nutrition and emotional care he requires<sup>3</sup>. As such the proper remedy is her immediate release.

"[R]elease is an available and appropriate remedy" for "detention that lacks a lawful predicate." Order on Petition for Writ of Habeas Corpus, *Vedat C. v. Bondi*, No. 25-cv-4642 (JWB/DTS) (D. Minn. Dec. 19, 2025), ECF No. 9 at 6 (citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008)). "Where the record shows Respondents have not identified a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings." *Id.*; *Choglo Chaflo*, \_\_\_ F. Supp. 3d \_\_\_, 2025 WL 2688541, at \*11 ("Since the Government did not comply with the plain language of section 1226(a), [petitioners'] immediate release is justified."); *J.A.C.P.*, 2025 WL 3013328, at \*8 (reaching same conclusion); *Chiliquinga Yumbillo*, 2025 WL 2783642, at \*5 (same); *see also Munaf*, 553 U.S. at 693 ("Habeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release." (citation modified)).

*Ahmed*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at \*3.

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<sup>3</sup> Petitioner notes that even if an immigration judge ("IJ") redetermines Petitioner's custody and grants her request for release, the Department of Homeland Security can continue to detain Petitioner upon the invocation of an automatic stay of the IJ's order to release a noncitizen on bond by filing a notice of intent to appeal the custody redetermination. *See* 8 C.F.R. § 1003.19(i)(2); *Aguilar Maldonado v. Olson*, No. 25-cv-3142 (SRN/SGE), 2025 WL \_\_\_, at \*5 (D. Minn. Aug. 15, 2025) ("Consequently, ICE's invocation of the automatic stay provision resulted in Ms. Aguilar Maldonado's continued detention, separating her indefinitely from her small children, from whom she has never been separated for any appreciable length of time.").

Accordingly, this Court should order Petitioner's immediate release in order to immediately remedy the unlawful detention and prevent her U.S. citizen son from experiencing further nutritional as well as emotional harm. In the alternative, this Court should order Respondents to provide Petitioner with a custody redetermination hearing within seven days of the Court's order.

### CONCLUSION

WHEREFORE, Petitioner respectfully requests that the Court 1) grant her Petition for a Writ of Habeas corpus; 2) find that she is not subject to mandatory detention under 8 U.S.C. § 1225(b), and is instead subject to detention, if at all, under the discretionary provisions of 8 U.S.C. § 1226(a)(1); 3) order Petitioner immediately released from detention under the conditions of her January 22, 2022 Order of Release on Recognizance; 4) or in the alternative, order Respondents to provide Petitioner with a custody redetermination hearing at the Fort Snelling Immigration Court in Minnesota within seven days of the Court's order and not to transfer, remove, relocate her from this District; 5) award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law, and 6) grant any further relief this Court deems just and proper.

Executed on this 12th day of January, 2026.

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the above reply complies with the limits in Local Rule 7.1(f) and with the type-size limit of Local Rule 7.1(h). This reply and the previously filed motion and memorandum of law does not exceed a combined total of 12,000 words, not including the caption designation required by Local Rule 5.2, the signature-block text, or the certificates of compliance. This reply uses a proportionally spaced font. This certification is based on the word count feature of the word-processing program used to prepare the documents and the function was applied specifically to include all text, including headings, footnotes, and quotations. This reply, including footnotes, are all set in size 13 double-spaced font.