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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Ali Mohammadi, Petitioner v. KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, TODD LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement, THOMAS E. FREELEY, in his official capacity as ICE Field Officer Director, JOHN DOE, in his official capacity as the warden of the Henderson Detention Facility, PAMELA BONDI, in her official capacity as the United States Attorney General, The Executive Office for Immigration Review United States Immigration and Customs Enforcement. Respondents	Civil No.: **2:26-cv-00032-GMN-EJY** PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO PETITIONER'S VERIFIED PETITION FOR HABEAS CORPUS <u>IMMIGRATION HABEAS CASE</u>

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PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO PETITIONER'S VERIFIED PETITION FOR HABEAS CORPUS

Petitioner Ali Mohammadi respectfully submits this Reply in support of his Petition for Writ of Habeas Corpus. This case arises from the federal government's recently adopted position that 8 U.S.C. § 1225(b)(2) authorizes mandatory, bondless detention of noncitizens long after release into the United States and far removed from the border-inspection context. Courts in this District have repeatedly rejected that interpretation as inconsistent with the text, structure, and history of the Immigration and Nationality Act, as well as the constitutional limits governing civil immigration detention. Respondents' Return does not grapple with that settled body of authority. Instead, it advances a theory that would collapse the INA's distinct detention schemes, render 8 U.S.C. § 1226(a) largely meaningless, and permit prolonged incarceration without any individualized process. Because Petitioner is detained pursuant to that same unlawful interpretation, the writ should issue here as it has in numerous materially indistinguishable cases before this Court.

I. THIS COURT HAS HABEAS JURISDICTION OVER PETITIONER'S DETENTION

As a threshold matter, this Court has habeas jurisdiction to review the lawfulness of Petitioner's detention under 28 U.S.C. § 2241, and that conclusion is not meaningfully in dispute. The Supreme Court has long held that "the writ of habeas corpus is available to every individual detained within the United States" and that its "traditional function" is to secure release from unlawful custody. *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Challenges to immigration detention fall squarely within the core of that jurisdiction. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

Consistent with those principles, courts in this District have repeatedly held that challenges to custody determinations are legally and procedurally distinct from challenges to removal and therefore remain fully reviewable in habeas. *See Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, 2025 WL 3205356, at *8–10 (D. Nev. Nov. 17, 2025); *Sanchez-Camacho v. Noem*, No. 2:25-cv-02343-RFB-DJA, Order at 5–6 (D. Nev. Dec. 12, 2025). Because Petitioner challenges only the statutory and constitutional basis for his present confinement—and not the merits of any removal proceeding—Respondents' detention authority is properly before this Court, and habeas review is both appropriate and necessary.

II. THE INA DOES NOT AUTHORIZE PETITIONER'S DETENTION UNDER § 1225(b)(2)

A. The INA Establishes Two Distinct Detention Regimes

The Immigration and Nationality Act establishes two distinct detention frameworks that govern different stages of the removal process. Section 1225 addresses inspection and admission at or near the border, while § 1226 governs the arrest and detention of noncitizens already present in the United States pending a determination of removability. The Supreme Court has recognized this divide, explaining that § 1226 "creates a default rule" for detention during removal proceedings, whereas § 1225 operates in the inspection context. *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018).

This structural separation is fundamental to the statutory scheme. Section 1225 appears within the INA's inspection provisions and is expressly directed to "applicants for admission," while § 1226 separately authorizes the arrest and detention of noncitizens "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Interpreting § 1225(b)(2) to govern detention at all times for any noncitizen who has not been formally admitted would collapse these carefully drawn provisions, effectively nullify § 1226(a), and contravene basic principles of statutory construction that require courts to give independent meaning to each part of the Act.

1 Courts in this District have therefore rejected the government's expansive reading, holding that
2 § 1225(b)(2) does not authorize mandatory detention of noncitizens arrested in the interior after release
3 into the community. See *Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, 2025 WL
4 3205356, at *10–22 (D. Nev. Nov. 17, 2025); *Juarez Salvador v. Noem*, No. 2:26-cv-00043-RFB-
5 BNW, Order at 6–8 (D. Nev. Jan. 25, 2026). That settled interpretation controls here and forecloses
6 Respondents' contrary theory of detention authority.

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8 **B. Parole and Release Into the Community Terminate § 1225 Detention Authority**

9 Even assuming that 8 U.S.C. § 1225(b)(2) governed Petitioner's detention at the moment of his
10 initial encounter, any such authority terminated when the Department of Homeland Security exercised
11 its statutory discretion to parole Petitioner into the United States and permit him to reside at liberty in
12 the community. At that point, inspection-based custody had concluded, and any subsequent arrest or
13 detention necessarily fell within the interior-detention framework governed by 8 U.S.C. § 1226. See
14 *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018) (describing § 1226 as the "default rule" governing
15 detention of noncitizens already present in the United States pending removal proceedings).

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18 Parole is not a ministerial or purely administrative act. Congress created parole as a distinct
19 statutory mechanism authorizing release from inspection-related detention for urgent humanitarian
20 reasons or significant public benefit. 8 U.S.C. § 1182(d)(5)(A). Although parole does not constitute
21 formal admission, the Supreme Court has long recognized that detention authority must be evaluated
22 according to the statutory framework actually governing custody at the time of confinement—not
23 historical entry posture alone—and that civil immigration detention must remain reasonably related to
24 its regulatory purpose and within constitutional limits. See *Zadvydas v. Davis*, 533 U.S. 678, 689–90
25 (2001); *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). Consistent with the structure of the INA, courts
26 in this District have therefore held that once DHS releases a noncitizen into the community, any later
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custody determination must proceed—if at all—under § 1226 rather than § 1225. See *Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, 2025 WL 3205356, at *12–14 (D. Nev. Nov. 17, 2025).

Respondents' contrary theory—that § 1225(b)(2) remains perpetually available despite parole and prolonged liberty—finds no support in the statutory text, structure, or history. Nothing in § 1225 authorizes DHS to reimpose mandatory, bondless detention long after inspection has ended and the noncitizen has been living freely within the United States. Reading the statute in that manner would collapse Congress's carefully separated detention schemes, render § 1226 largely superfluous, and contravene the settled canon that statutes must be interpreted to give independent meaning to each provision. See *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001); *Duncan v. Walker*, 533 U.S. 167, 174 (2001). It would likewise disregard the longstanding presumption favoring judicial review and constitutional avoidance in the immigration context. See *INS v. St. Cyr*, 533 U.S. 289, 298–300 (2001); *Jennings*, 583 U.S. at 314 (Breyer, J., dissenting).

Accepting Respondents' interpretation would effectively transform parole into a legal nullity and authorize categorical incarceration based solely on historical inadmissibility, untethered from any present statutory predicate or individualized determination. The Supreme Court has repeatedly cautioned that civil immigration detention cannot be expanded beyond the limits Congress prescribed or imposed in a manner that raises grave constitutional concerns. See *Zadvydas*, 533 U.S. at 689–90. The INA does not compel, and fundamental principles of statutory construction and constitutional restraint do not permit such a result. Accordingly, once DHS granted parole and permitted Petitioner to live in the interior of the United States, he could no longer be treated as an "arriving alien" for purposes of mandatory detention under § 1225(b)(2), and any continued custody was required to proceed under § 1226 with access to individualized bond review. Once parole is granted, §1225 detention authority ends and cannot be revived.

C. Petitioner Was Arrested in the Interior, Not During Inspection

Respondents' own factual recitation confirms that Petitioner was arrested during a routine ICE check-in—long after his parole had expired and wholly removed from any contemporaneous inspection or admission process. That temporal and geographic separation from the border is legally dispositive. The detention authority conferred by 8 U.S.C. § 1225(b)(2) is tethered to the inspection context; it does not extend indefinitely to interior arrests occurring after a period of liberty within the United States.

Courts in this District have repeatedly recognized that distinction, holding that § 1225(b)(2) governs custody during or immediately following inspection, whereas arrests in the interior—particularly after release into the community—are governed by 8 U.S.C. § 1226(a). See *Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, 2025 WL 3205356, at *11–13 (D. Nev. Nov. 17, 2025); *Juarez Salvador v. Noem*, No. 2:26-cv-00043-RFB-BNW, Order at 6–7 (D. Nev. Jan. 25, 2026). This conclusion follows directly from the structure of the INA, which assigns distinct detention authorities to different procedural stages and does not permit the government to bypass § 1226 simply by invoking a historical entry classification.

Respondents' reliance on the "arriving alien" label contained in the Notice to Appear therefore elevates form over substance. Statutory detention authority turns on the present legal basis for custody, not on historical descriptors untethered from the circumstances of arrest. See *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018) (distinguishing detention of applicants for admission from detention of noncitizens already present in the United States); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (requiring civil immigration detention to bear a reasonable relation to its statutory purpose). Because Petitioner was arrested in the interior after a period of liberty, § 1226—not § 1225—provides the only possible statutory framework for his detention.

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2 **III. RESPONDENTS' RELIANCE ON FLORIDA v. UNITED STATES IS**
3 **MISPLACED**

4 Respondents rely heavily on *Florida v. United States* to justify mandatory detention under 8
5 U.S.C. § 1225(b)(2). That reliance is misplaced, and courts in this District have already rejected it. *See*
6 *Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, 2025 WL 3205356, at *16–18 (D. Nev.
7 Nov. 17, 2025).

8 *Florida* addressed a fundamentally different question: whether DHS may adopt policies
9 declining to detain certain newly encountered border crossers subject to inspection-stage custody. *See*
10 *Florida v. United States*, 660 F. Supp. 3d 1239, 1263–66 (N.D. Fla. 2023). It did not involve parole
11 into the United States, prolonged residence in the interior, later arrest during routine supervision, or
12 habeas challenges to post-release detention. Nor did it purport to redefine the INA's interior-detention
13 framework or authorize categorical, bondless incarceration untethered from the inspection context. As
14 courts in this District have recognized, nothing in *Florida* permits DHS to invoke § 1225(b)(2) to detain
15 noncitizens living within the United States long after inspection has concluded. *Escobar Salgado*, 2025
16 WL 3205356, at *16–18.

17 Respondents' interpretation would expand *Florida* far beyond its facts and holding, effectively
18 transforming a case about border-encounter detention discretion into a sweeping authorization for
19 indefinite interior detention without bond. Such a reading conflicts with the INA's structure
20 distinguishing §§ 1225 and 1226, see *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018), and would raise
21 serious constitutional concerns by permitting prolonged civil detention without individualized process,
22 see *Zadvydas v. Davis*, 533 U.S. 678, 689–90 (2001). Consistent with these statutory and constitutional
23 limits, courts in this District have declined to extend *Florida* beyond the border-inspection context, and
24 this Court should do the same here.
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IV. EVEN IF § 1225(b)(2) APPLIED, PETITIONER'S DETENTION VIOLATES DUE PROCESS

Even if this Court were to accept Respondents' statutory interpretation—which it should not—Petitioner's continued detention would independently violate the Due Process Clause of the Fifth Amendment.

A. Prolonged Civil Detention Without Individualized Process Violates Due Process

Civil immigration detention is constitutionally permissible only insofar as it remains reasonably related to its regulatory purpose and is accompanied by adequate procedural safeguards. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). When detention becomes prolonged and untethered from individualized justification, "serious constitutional concerns" arise. *Id.*; see also *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring) (explaining that continued detention may become unconstitutional if unreasonably prolonged or unsupported by adequate process).

Consistent with these principles, courts in this District have repeatedly held that detention under 8 U.S.C. § 1225(b)(2) without access to a bond hearing violates due process when applied to noncitizens who have been living within the United States and for whom the government has made no individualized showing of flight risk or danger. See *Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, 2025 WL 3205356, at *22–24 (D. Nev. Nov. 17, 2025); *Sanchez-Camacho v. Noem*, No. 2:25-cv-02343-RFB-DJA, Order at 9–10 (D. Nev. Dec. 12, 2025); *Juarez Salvador v. Noem*, No. 2:26-cv-00043-RFB-BNW, Order at 8–10 (D. Nev. Jan. 25, 2026).

The private interest at stake, freedom from physical restraint lies at the heart of the liberty that he Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects."). The risk of erroneous deprivation is substantial where detention is automatic, categorical, and unsupported by individualized findings. And

the government's countervailing interest is minimal where it has not demonstrated that continued incarceration is necessary to prevent flight or danger. Under these circumstances, due process requires at minimum a meaningful opportunity for individualized custody review.

B. Respondents' Theory Would Eliminate Any Meaningful Constitutional Limitation on Civil Immigration Detention

Respondents' position would permit DHS to detain a noncitizen indefinitely, without a hearing, based solely on inadmissibility status—regardless of the individual's length of residence in the United States, prior release into the community, or absence of dangerousness. Courts in this District have consistently rejected that outcome as incompatible with due process and the limited regulatory purposes that justify civil immigration detention. See *Escobar Salgado*, 2025 WL 3205356, at *23–24.

The Supreme Court has repeatedly cautioned that civil detention cannot be expanded beyond its regulatory justification or transformed into punishment through statutory labeling alone. See *Zadvydas*, 533 U.S. at 690. Accepting Respondents' interpretation would do precisely that—authorizing prolonged incarceration untethered from individualized necessity and thereby exceeding the constitutional limits governing civil immigration custody. The Fifth Amendment does not permit such a result.

V. RELIEF

Petitioner is detained pursuant to an unlawful interpretation of the INA and in violation of the Due Process Clause of the Fifth Amendment. The Petition should therefore be granted. The Court should order Respondents to either:

1. Provide Petitioner with a constitutionally adequate bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a); or
2. Release Petitioner from custody.

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Respectfully submitted,

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