


UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

Edwin Josel BANEGAS-CRUZ,	)	
Petitioner,	)	Case No. 4:26-cv-00044
	)	
v.	)	Immigration File No.
	)	A# 
STREEVAL, <i>et al.</i>	)	
Respondents.	)	

REPLY TO GOVERNMENT’S ABBREVIATED RESPONSE TO PETITION AND  
RESPONSE TO ORDER TO SHOW CAUSE

Respondents acknowledge that, if this Court adheres to its statutory analysis in *J.A.M.*, that reasoning controls the outcome here. Doc. 7 at p. 2; *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH (M.D. Ga. Nov. 1, 2025). Respondents have not offered a workable distinction that would justify a different result: Petitioner is entitled to the same relief *J.A.M.* provides when DHS applies INA § 235(b), 8 U.S.C. § 1225(b), to an interior arrest that should be governed by INA § 236(a), 8 U.S.C. § 1226(a).

Respondents principally reassert two arguments this Court rejected in *J.A.M.*: a jurisdictional objection under 8 U.S.C. § 1252(g) and a statutory-interpretation argument concerning the proper reading of 8 U.S.C. §§ 1225 and 1226, expressly to preserve these issues for later review. Reassertion for preservation does not supply a basis to depart from *J.A.M.*. The petition challenges the legal authority under which DHS is detaining Petitioner and the resulting denial of the bond process Congress provided under § 1226(a); *J.A.M.* already addressed that question.

On the statutory merits, Respondents’ own framing underscores why *J.A.M.* controls. They describe §§ 1225 and 1226 as complementary provisions governing pre-final order detention.

Respondents' position would effectively collapse that structure by allowing DHS to treat any noncitizen present without admission as perpetually subject to § 1225(b)(2), even when the person is arrested in the interior and placed into § 1229a proceedings where § 1226(a) is the ordinary detention authority. *J.A.M.* correctly rejects that expansion because it would render § 1226(a)'s bond framework largely illusory for interior arrests.

Respondents rely on *Jennings* for the proposition that § 1225(b)(2) is broader than § 1225(b)(1) and functions as a catchall for applicants for admission not covered by § 1225(b)(1). But *Jennings* does not resolve the antecedent question presented here: whether an individual arrested and processed by DHS under § 1226(a) can retroactively be classified as an applicant for admission for purposes of mandatory detention under § 1225(b)(2). *J.A.M.*'s statutory analysis answers that question in the negative, and the Government has not identified any intervening binding authority requiring a different conclusion.

The remedy is narrow and administrable. If the Court adheres to *J.A.M.*, Respondents themselves request seven days to arrange an individualized bond hearing under 8 U.S.C. § 1226(a). The Court should grant the writ to that limited extent and order a prompt § 1226(a) bond hearing within the period Respondents propose.

Dated: January 15, 2026

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify January 15, 2026, the foregoing document was served on all parties or their respective counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

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