

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

Maninder Singh,

Petitioner

v.

Pamela Bondi, Attorney General; et al.,

Respondents.

Case No.: 5:26-CV-00043-J

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

**EXPEDITED HANDLING
REQUESTED**

ARGUMENT

The issues in the case before the Court have been litigated across the country hundreds of times over the last six months. Since Respondents concocted this novel interpretation in July of 2025, at least 45 courts have ordered the government to provide identically situated petitioners with a bond hearing.¹ Moreover, from 1996 to 2025,

¹ See, e.g., *J.O.E. v. Bondi*, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Maldonado v. Olson*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Ferrera Bejarano v. Bondi*, 25-cv-03236 (D. Minn. Aug 18, 2025); *Aguilar Vazquez v. Bondi*, 25-cv-03162 (D. Minn. Aug 19, 2025); *Tiburcio Garcia v. Bondi*, 25-CV-03219 (D. Minn. Aug. 29, 2025); *Carmona-Lorenzo v. Trump*, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, 2025 WL 2531539 (D. Neb. Sept. 3, 2025) ; *Palma Perez v. Berg*, 2025 WL 2531566 (D. Neb. Sept 3, 2025); *Jacinto v. Trump*, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); *Garcia Jimenez v. Kramer*, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Anicasio v. Kramer*, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); *Arce v. Trump*, 2025 WL 2675934 (D. Neb. Sept. 18, 2025); *Giron Reyes v. Lyons*, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Jimenez v. FCI Berlin*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Doe v. Moniz*, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Martinez v. Hyde*, 2025 WL 2084238 (D. Mass. July 24, 2025); *dos Santos v. Noem*, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Gomes v. Hyde*, 2025 WL 1869299 (D. Mass. July 7, 2025); *Choglio Chafila v. Scott*, 2025 WL 2688541 (D. Me. Sept. 21, 2025); *Chiliquinga Yumbillo v. Stamper*, 2025 WL 2688160 (D. Me. Sept. 19, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Samb v. Joyce*, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Lopez-Arevelo v. Ripa*, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Hasan v. Crawford*, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Beltran Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Singh v. Lewis*, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E..D. Mich. Sept. 9, 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Caicedo Hinestroza v. Kaiser*, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Zaragoza Mosqueda v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Hernandez Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Vasquez Garcia et al. v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Lepe v. Andrews*, No. 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025) ; *Jabara Oliveros v. Kaiser*, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025);

Respondents explicitly contended that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 FR 10312, 10323, 62 FR 10312-01, 10323.

I. The Court has jurisdiction.

Respondents argue § 1252(g) strips this Court of jurisdiction to review any claim arising from the decision to commence proceedings against Petitioner—including the “basis on which DHS chooses to commence removal proceedings.” ECF No. 10 at 22. But the Supreme Court finds this interpretation “implausible” because “the mention of three discrete events along the road to deportation was [not] a shorthand way of referring to all claims arising from deportation proceedings.” *AAADC*, 525 U.S. at 482. And, in *Jennings*, the Supreme Court reaffirmed this narrow reading, explaining that *AAADC* “did not interpret [§ 1252(g)] to sweep in any claim that can technically be said to ‘arise from’ the three listed actions of the Attorney General.” 583 U.S. at 294. Petitioner is challenging his detention without a bond hearing, not the commencement of the removal proceedings. As such § 1252(g) has no application to this case. *See, e.g., Reno v. American-Arab Anti-*

Castellanos v. Kaiser, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025); *Leon Espinoza v. Kaiser*, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Valdez v. Holt*, No. CIV-25-1250-R, 2025 WL 3709021 (W.D. Okla. Dec. 22, 2025); *Colin v. Holt, et al.*, No. CIV-25-1189-D, 2025 WL 3645176 (W.D. Okla. Dec. 16, 2025); *Escarcega v. Olson*, No. CIV-25-1129-J, 2025 WL 3243438 (W.D. Okla. Nov. 20, 2025).

Discrimination Comm. (“AAADC”), 525 U.S. 471, 482-85 (1999). Petitioner is only challenging his indefinite and prolonged civil detention without so much as the opportunity for a bond hearing; his claim falls outside the narrow jurisdictional limitations of § 1252(g).²

As numerous courts have previously held, § 1252(b)(9) is inapplicable in the present context because Petitioner does not challenge anything arising from any action taken or proceeding brought to remove Petitioner, but instead challenges a separate and wholly collateral question relating solely to detention authority.³

As to § 1226(e), Judge Susan Richard Nelson wrote, “Respondents’ position that detention is mandatory for all who enter without inspection would effectively remove discretion, and would render § 1226(e) inapplicable, and § 1252(g) irrelevant. Congress

² See, e.g., *Gutierrez v. Baltasar*, 2025 WL 2962908, at *3 (D. Colo. Oct. 17, 2025) (finding “§ 1252(g) does not deprive the Court of jurisdiction to consider the narrow legal questions of whether Mr. Gutierrez’s detention under 8 U.S.C. § 1225 violates the INA and whether he is entitled to a bond hearing under § 1226’s discretionary detention framework” because these “ ‘purely legal’ questions fit the exception to § 1252(g)’s jurisdiction-stripping provision, as they can be decided in the abstract on an undisputed factual record and do not challenge the Attorney General’s discretionary authority”); *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1144-45 (D. Minn. 2025) (thoroughly explaining why § 1252(g) has no application); *Munoz v. Holt*, No. CIV-25-1190-G, 2025 WL 3476590, at *2-3 (W.D. Okla. Nov. 20, 2025) (R&R rejecting jurisdictional challenge premised on § 1252(a)(5), (b)(9), and (g)).

³ *Jennings v. Rodriguez*, 583 U.S. 281, 294-95 (2018) (holding § 1252(b)(9) “does not present a jurisdictional bar” when “detained aliens” “are not asking for review of an order of removal; they are not challenging the decision to detain them in the first place or to seek removal; and they are not ... challenging any part of the process by which their removability will be determined”); see also *Caballerro v. Baltasar*, 2025 WL 2977650, at *4 (D. Colo. Oct. 22, 2025) (finding § 1252(b)(9) does not present a jurisdictional bar to a noncitizen challenging “the legality of his continued detention without a bond hearing”); cf. *Nielsen v. Preap*, 586 U.S. 392, 402 (2019) (holding § 1252(b)(9) did not strip the court of jurisdiction to address the issue of mandatory detention without bond under § 1226(c)).

would not have enacted § 1226(e) if § 1252(g) already broadly barred review of custody determinations.”⁴ Other Courts have rejected the same or similar § 1226(e) jurisdiction-related arguments presented by Respondents.⁵

II. Respondents misconstrue the INA.

Petitioner has been detained under 8 U.S.C. § 1226(a). *See* ECF No. 10-1 at 1. Respondents allowed Petitioner to be released on an administrative bond of \$3,000. All of this expressly invokes 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A).

When § 1225 and § 1226 were codified through the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), § 1225 and § 1226 were meant to govern distinct classes of noncitizens. 8 U.S.C. § 1226(a) actually governs the “Arrest, detention, and release” of citizens “[o]n a warrant issued by the Attorney General.” 8 U.S.C. § 1226(a). 8 U.S.C. § 1225(b)(2)(A) requires no such warrant,⁶ the specific provision that governs the facts of this case is 8 U.S.C. § 1226(a). This position has been widely embraced.⁷ The same is true here.

⁴ *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1145 (D. Minn. 2025); *Belsai D.S. v. Bondi*, --- F. Supp. 3d ---, 2025 WL 2802947, at *5 (D. Minn. Oct. 1, 2025) (same).

⁵ *See, e.g., Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 679 (W.D. Tex. 2025); *Demore*, 538 U.S. at 517 (holding, in a case involving a noncitizen’s challenge to mandatory pre-removal detention, that § 1226(e) “contains no explicit provision barring habeas review, and ... that its clear text does not bar respondent’s constitutional challenge to the legislation authorizing his detention without bail”); *Velasco Lopez v. Decker*, 978 F.3d 842, 850 (2d Cir. 2020); *Leonardo G.Z. v. Noem*, No. 25-CV-0600-SHE-MTS, 2025 WL 3755590, at *4 n.12 (N.D. Okla. Dec. 29, 2025).

⁶ This is likely because it applies “at the Nation’s borders and ports of entry,” *Jennings*, 583 U.S. at 287, and “border searches [are] not subject to the warrant provisions of the Fourth Amendment.” *United States v. Ramsey*, 431 U.S. 606, 617 (1977).

⁷ *See J.O.E. v. Bondi*, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Martinez v. Hyde*, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rodriguez v. Perry*, 747 F. Supp. 3d 911

In *Rodriguez*, the court held that 8 U.S.C. § 1226(a) governed detention where “ICE’s records ... clearly state that Sandoval is subject to removal as an alien present under INA § 212(a)(6)(A)(i), and not as an arriving alien under § 212(a)(7)(A)(i)(I).” 747 F. Supp. 3d at 916. The same is true here. The Notice to Appear designated Petitioner as an alien present under INA § 212(a)(6)(A)(i), and not an arriving alien under § 212(a)(7)(A)(i)(I). *See* ECF No. 10-1 at 1. Respondents must be held to their records.

a. The plain language of § 1225(b) clearly applies only to those “seeking admission” into the country at a border or port of entry.

Respondents’ interpretation misconstrues, if not wholly ignores, the word “seeking” in the phrase “seeking admission.” *Lopez v. Corecivic Cimmaron Corr. Facility*, No. CIV-25-1175-SLP, 2026 WL 165490, at *4. Their reading requires striking “seeking admission” from 8 U.S.C. § 1225(b)(2)(A) and ascribing a new meaning to the term “admission,” which is specifically defined throughout the INA. *See* 8 U.S.C. § 1101(a)(13)(A). Respondents rely upon adjoining provisions for the proposition that every “applicant for admission” is forever, in perpetuity, “seeking admission,” but offer no explanation as to why, in the provision at issue here, Congress limited the “applicants for admission” who are subject to mandatory detention to those who are “seeking admission.” 8 U.S.C. § 1225(b)(2)(A).

The statute starts with the general proposition that it applies to aliens who are applicants for admission. Congress defined an “[a]n alien present in the United States who

(E.D. Va. 2024); *Rosado v. Figueroa*, 2025 WL 2337099 *7 (D. Ariz. Aug. 11, 2025); *Ramirez Clavijo v. Kaiser*, 2025 WL 2419263 *4 (N.D. Cal. Aug. 21, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 *4 (S.D.N.Y. Aug. 13, 2025).

has not been admitted” as an “applicant for admission.” 8 U.S.C. § 1225(a)(1). Petitioner is a noncitizen present without admission in the interior of the United States. He is an “applicant for admission.” Fair enough. If that were the end of the statute, Respondents might be correct. But that is not the end of the statute. It goes on, quite clearly, to clarify that the only “aliens who [are] applicant[s] for admission” that are subject to mandatory custody are those “alien[s] seeking admission.” 8 U.S.C. § 1225(b)(2)(A). The phrase “an alien seeking admission” clearly modifies, and narrows, the phrase “an alien who is an applicant for admission.” “An alien seeking admission” is a subset of the class of “aliens who [are] applicant[s] for admission.” Only the subset “seeking admission” are subject to mandatory detention. Nowhere in their memorandum do Respondents address this core deficiency in their reading. Given that ‘the cardinal principle of statutory construction [is] that courts must give effect, if possible, to every clause and word of a statute, this Court must give independent meaning to both’ the terms “applicant for admission” and “seeking admission.” *Williams v. Taylor*, 529 U.S. 362, 364 (2000).

b. “Seeking admission” involves conduct; “Applicant for admission” addresses status.

Considering every noncitizen present in the U.S. without status an “Applicant for Admission” status does not automatically trigger § 1225(b) mandatory detention because courts have drawn a clear distinction between *legal status* (“applicant for admission”) and *conduct* (“seeking admission”).⁸

⁸ See, e.g., *Hernandez v. Baltazar*, No. 1:25-CV-03094-CNS, 2025 WL 2996643, at *5 (D. Colo. Oct. 24, 2025) (“Noncitizens who are just ‘present’ in the country may technically be considered an ‘applicant for admission’ because they are ‘a noncitizen present in the

Respondents err in arguing that “seeking admission” and “applicant for admission” are synonymous. First, under the plain text, to be an “applicant for admission,” one must be “present in the United States” or otherwise “arriv[ing] in the United States.” 8 U.S.C. § 1225(a)(1). In other words, to be an “applicant for admission,” one must be either in the United States or at its door. In contrast, “one can ‘seek admission’ from anywhere in the world, ‘for example, by applying for a visa at a consulate abroad.’” *Romero v. Hyde*, 2025 WL 2403827, at *9 (D. Mass. Aug. 19, 2025) (citing *Matter of Lemus-Losa*, 25 I. & N. Dec. 734, 741 (BIA 2012)). An individual seeking admission can (indeed, “shall”) be inspected whether or not they are present or arriving in the United States, *i.e.*, whether or not they are an “applicant for admission.” *See, e.g.*, 8 U.S.C. § 1225a(a) (requiring pre-inspection at certain foreign airports); 19 U.S.C. § 1629 (authorizing inspection of persons and merchandise “prior to their arrival in ... the United States”). These terms are not the same.

Second, “admission” carries a statutory definition that applies throughout the act. *See* 8 U.S.C. § 1101(a)(13), so while it is true that in many cases, the “interpretive canon *noscitur a sociis*” suggests that “a word is known by the company it keeps,” *McDonnell v. United States*, 579 U.S. 550, 569 (2016), such “canons of construction are not

United States who has not been admitted,’ but this is not interchangeable with a determination that a noncitizen is ‘seeking admission’ ”) (cleaned up and citations omitted); *Patel v. O’Neil et al.*, No. 3:25-CV-2185, 2025 WL 3516865, at *5 (M.D. Pa. Dec. 8, 2025) (“Petitioner’s detention under 8 U.S.C. § 1225(b)(2)(A) is unlawful under the INA because the plain language of this provision and the statutory framework of the INA compels a finding that § 1225(b)(2)(A) applies only to noncitizens who are affirmatively seeking admission to the United States, not noncitizens like Petitioner who have resided in the United States for years.”).

‘conclusive.’” *Ali v. Fed. Bureau of Prisons*, 552 U.S. 214, 244 (2008). What is conclusive is the statutory definition at 8 U.S.C. § 1101(a)(13), because, again, “[w]hen ‘a statute includes an explicit definition’ of a term, ‘we must follow that definition.’” *Van Buren*, 593 U.S. at 387 (emphasis added). Congress defined “admission,” so unless it specifically defined it differently in this context, and nothing in the plain text says that it did, then the definition at 8 U.S.C. § 1101(a)(13) controls.

The terms “applicant for admission” and “seeking admission” are not variations of the same phrase. The text makes it clear that anyone who is an “applicant for admission,” as well as anyone “otherwise seeking admission” must be inspected. 8 U.S.C. § 1225(a)(3). Thus, while some “applicants for admission” are “seeking admission” and some who are not “applicants for admission” are “otherwise seeking admission,” and all those people are subject to inspection. However, only those who are both an “applicant for admission” and “seeking admission ... shall be detained.” 8 U.S.C. § 1225(b)(2)(A). While 8 U.S.C. § 1225(a)(3) covers all possible groups in the Venn diagram, 8 U.S.C. § 1225(b)(2)(A) covers only the overlap between the two groups. This was explained beautifully in *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025) (illustrative graph); *see also Jimenez v. FCI Berlin*, 2025 WL 2639390, at *7 (D.N.H. Sept. 8, 2025).

This Court has agreed with the near-universal holdings of federal courts around the country that “seeking admission” requires something more than merely residing in the country.⁹ Mandatory detention under §1225(b) is triggered by *the act* of seeking admission,

⁹ *See Hernandez*, 2025 WL 2996643, at *5 (“For a noncitizen to be deemed ‘seeking admission’ they must currently be taking active steps or some kind of present-tense action

not merely statutory classification. *Garcia v. Noem*, No. 5:25-CV-02771-ODW (PDX), 2025 WL 2986672, at *5 (C.D. Cal. Oct. 22, 2025).

c. The canon against surplusage and other canons of interpretation support(s) Petitioner’s reading of the INA.

Generally, courts do not “adopt an interpretation of a congressional enactment which renders superfluous another portion of that same law.” *Sudan v. Harrison*, 139 S. Ct. 1048, 1058 (2019). In fact, this “canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme.” *Chicago v. Fulton*, 141 S. Ct. 585, 591 (2021) (quoting *Yates v. United States*, 574 U.S. 528, 543 (2015)). Respondents’ reading of the INA presents significant surplusage issues by reading “seeking admission” out of the provision at 8 U.S.C. § 1225(b)(2)(A), as discussed above. Adopting Respondents’ reading would also render the entire Laken Riley Act (“LRA”), passed in 2025, a dead letter.

Respondents’ interpretation of 8 U.S.C. § 1225(b)(2) renders the entire LRA superfluous. In the LRA, Congress added language to 8 U.S.C. § 1226(c) that directly references people who have entered without inspection or who are present without authorization. *See* Laken Riley Act, PL 119-1, January 29, 2025, 139 Stat 3. Pursuant to these amendments, an alien who “is inadmissible under paragraph (6)(A), (6)(C), or (7) of

to seek lawful entry into the U.S.”); *Issahaku v. Olson*, No. CV 25-180-DLB, 2025 WL 3539290, at *4 (E.D. Ky. Dec. 10, 2025) (“The use of the present progressive term ‘seeking’ ‘implies action.’”) (collecting cases); *Echevarria v. Bondi*, No. CV-25-3252, 2025 WL 2821282, at *6 (D. Ariz. Oct. 3, 2025) (“The word ‘seeking’ is the present participle of the verb ‘seek.’ It thus has a temporal element—Petitioner must have been in the process of seeking admission at the time of the inspection.”) (cleaned up and citations omitted).

section 212(a) of this title; and is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person” is subject to mandatory detention. 8 U.S.C. § 1226(c)(1)(E).

If everyone inadmissible under 8 U.S.C. § 1182(a)(6)(A) is already subject to mandatory detention under 8 U.S.C. § 1225(b)(2), then there would be no need for the LRA. Those present without admission who commit crimes would not require a separate provision to mandate detention. That would render an entire provision of the INA surplusage and run afoul of the maxim that “[w]hen Congress acts to amend a statute, we presume it intends its amendment to have real and substantial effect.” *Pierce Cnty. v. Guillen*, 537 U.S. 129, 145 (2003). This cannot stand and definitively illustrates that 8 U.S.C. § 1225(b)(2) is confined to borders and ports of entry. It does not apply to Petitioner. Respondents’ only response to this assertion is that, while some redundancy would result, redundancies are common in statutory drafting. ECF No. 10 at 18-19. This suggests that this is a minor redundancy. It is not. Respondents’ reading swallows the LRA wholesale.

CONCLUSION

The Court must grant Petitioner’s writ of habeas corpus, order Respondents to provide him with a bond hearing consistent with 8 U.S.C. § 1226(a) within three days, order Petitioner’s immediate release if a legitimate bond hearing is not granted in the specified time.

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Respectfully submitted,

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