UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-20217-CIV-BECERRA

ADAN SANCHEZ-MORALEZ,

Petitioner,

v.

FIELD OFFICE DIRECTOR, Miami Field Office, U.S. Immigration and Customs Enforcement, et al.,

Respondents.
_____/

RESPONDENTS' RESPONSE IN OPPOSITION TO THE VERIFIED PETITION FOR WRIT OF HABEAS CORPUS & COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Respondents,[1] by and through the undersigned Assistant United States Attorney and in accordance with the Order to Show Cause and for Production of Evidence [DE 5], submit the following Response in opposition to the Verified Petition for Writ of Habeas Corpus & Complaint for Injunctive and Declaratory Relief [DE 1] (Petition).

INTRODUCTION

Petitioner, Adan Sanchez-Moralez, is a Mexican national who "entered the United States without inspection or parole." Petition ¶¶1, 31. Petitioner does not contest that he is subject to

[1] A writ of habeas corpus must "be directed to the person having custody of the person detained." *See* 28 U.S.C. § 2243. In cases involving present physical confinement, the Supreme Court reaffirmed in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that "the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent." *Id.* at 439. Petitioner is currently detained at Krome Service Processing Center (Krome), a detention facility in Miami, Florida. The immediate custodian in charge of Krome is Assistant Field Director (AFOD) Charles Parra. Accordingly, the only proper Respondent in this case is AFOD Parra, in his official capacity.

detention under the controlling immigration laws; rather, Petitioner argues he is "not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and thus [has] a right to pursue the custody review processes afforded by § 1226." *Id.* ¶50. By way of relief, in relevant part, Petitioner asks this Court to "order[] that he be immediately given a custody redetermination hearing before an immigration judge in accordance with 8 U.S.C. § 1226(a)." *Id.* p.14. Accordingly, this case comes down to a question of statutory interpretation. Specifically, what statutory provision controls Petitioner's detention: § 1225(b)(2) or § 1226(a).

Respondents recognize that this Court has repeatedly ruled, in similar circumstances, that § 1226(a), not § 1225(b)(2), controls a petitioner's detention. *Garcia-Gomez v. Ripa*, No. 25-CV-25567-BECERRA (S.D. Fla Dec. 31, 2025); *Ardon-Quiroz v. Assistant Field Off. Dir.*, No. 25-CV-25290-BECERRA, 2025 WL 3451645, at 5–7 (S.D. Fla. Dec. 1, 2025); *Boffill v. Field Off. Dir.*, No. 25-CV-25179-BECERRA, 2025 WL 3246868, at 5–7 (S.D. Fla. Nov. 20, 2025). Nonetheless, Respondents repeat their statutory interpretation arguments in this case to preserve them for appeal.

Section 1225(b)(2)(A) mandates detention for "an alien who is an applicant for admission." 8 U.S.C. § 1225(b)(2)(A). Pursuant to § 1225(a), "[a]n alien present in the United States *who has not been admitted* … shall be deemed for purposes of this chapter an applicant for admission." 8 U.S.C. § 1225(a)(1) (emphasis added). "The term[] … admitted mean[s], with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). Petitioner admits that he "entered the United States *without inspection* or parole." Petition ¶31 (emphasis added). Accordingly, under a plain language reading of the relevant statutes, Petitioner has not been admitted into the United States and is, therefore, deemed an applicant for admission subject to

mandatory detention pursuant to § 1225(b)(2)(A). For the reasons explained more fully below, the Petition should be denied.

FACTUAL BACKGROUND

The petitioner, Adan Sanchez-Moralez (Petitioner), is a native and citizen of Mexico. Petition ¶1; Declaration of Deportation Officer Jose A. Santana Montes ¶5; *see* Montes Dec. Exhibit A, Form I-213, Record of Deportable/Inadmissible Alien, (Form I-213), dated November 20, 2025. "In 2006, the petitioner entered the United States without inspection or parole." Petition ¶31; Montes Dec. ¶6 ("Petitioner illegally entered the United States at an unknown time and place"); *see* Montes Dec. Exhibit A.

On August 17, 2020, DHS filed the Notice to Appear (NTA) with the Executive Office for Immigration Review (EOIR), charging the Petitioner with inadmissibility under INA § 212(a)(6)(A)(i), in that he is an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. Petition ¶34; Montes Dec. ¶7; Montes Dec. Exhibit B, Notice to Appear, dated August 6, 2020.

On November 19, 2025, Florida Highway Patrol encountered Petitioner due to a traffic stop. Petition ¶36; Montes Dec. ¶8; *see* Montes Dec. Exhibit A. Petitioner was then transferred to the Broward Sheriff's Office. Montes Dec. ¶9; *see* Montes Dec. Exhibit A. On November 21, 2025, Petitioner was transferred to Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) custody, who then determined that he had no lawful status in the United States and detained him. Montes Dec. ¶10; *see* Montes Dec. Exhibit A, Exhibit C, Form I-200 Warrant for Arrest, dated November 19, 2025, Exhibit D, Form I-203, Order to Detain or

Release, dated November 19, 2025, Exhibit E, Form I-200 Warrant for Arrest, dated November 20, 2025.

On December 29, 2025, Petitioner filed a motion for a custody hearing with EOIR Krome Immigration Court, and the case was set for hearing. Montes Dec. ¶11; Montes Dec. Exhibit F, Notice of Hearing, filed on December 30, 2025. On January 6, 2026, the Immigration Judge denied the motion, stating that the court does not have jurisdiction over the bond proceedings. Petition ¶37; Montes Dec. ¶12; Montes Dec. Exhibit G, Immigration Judge Order, dated January 6, 2026. Petitioner reserved appeal of the Immigration Judge's decision and has until February 5, 2026, to appeal the order. Montes Dec. ¶13; Montes Dec. Exhibit G. To date, no appeal has been filed. Montes Dec. ¶13; *see* Montes Dec. Exhibit H, Declaration. The Petitioner's next hearing is before the Krome Immigration Court on February 5, 2026, Exhibit I, Notice of Hearing, dated January 6, 2026.

The Petitioner is currently detained at the Krome North Service Processing Center (Krome). Petition ¶38; Montes Dec. ¶15; Montes Dec. Exhibit J, Detention History.

ARGUMENT

I. Section 1225(b)(2) Mandates Detention of Aliens, Like Petitioner, Who Are Present in the United States Without Having Been Lawfully Admitted.

Under the plain language of § 1225(b)(2), the Government is required to detain all aliens, like Petitioner, who are present in the United States without admission—regardless of how long the alien has been in the United States or how far from the border they ventured. That unambiguous language resolves this case. *See Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657, 676 (2020) ("Our analysis begins and ends with the text.").

A. The Plain Language of § 1225(b)(2) Mandates Detention of Applicants for Admission.

"As with any question of statutory interpretation, [the] analysis begins with the plain language of the statute. It is well established that, when the statutory language is plain, [courts] must enforce it according to its terms." *Jimenez v. Quarterman*, 555 U.S. 113, 118 (2009). Section 1225(a) defines "applicant for admission" to encompass an alien who either "arrives in the United States" or who is "present in the United States [but] has not been admitted." 8 U.S.C. § 1225(a)(1). And "admission" under the Immigration and Nationality Act (INA) means lawful entry after inspection by immigration authorities, and not mere physical entry. 8 U.S.C. § 1101(a)(13)(A). Thus, an alien who enters the country without permission is, and remains, an applicant for admission, regardless of the duration of the alien's presence in the United States or the alien's distance from the border.

In turn, § 1225(b)(2) provides that "an alien who is an applicant for admission" "shall be detained" pending removal proceedings if the "alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). The statute's use of the term "shall" makes clear that detention is mandatory, *see Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998), and the statute makes no exception based upon the duration of the alien's presence in the country or where in the country the alien is located. Therefore, the statute's plain text mandates that the Government detain all "applicants for admission" who are not clearly and beyond a doubt entitled to be admitted.

Petitioner falls squarely within the statutory definition. He was "present in the United States," and there is no dispute that he has "not been admitted." 8 U.S.C. § 1225(a); *see* Petition ¶31. Moreover, Petitioner cannot establish—and has not even alleged that he can establish—that he is "clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). Therefore,

§ 1225(b)(2) mandates Petitioner "be detained for a proceeding under [8 U.S.C. § 1229a]." 8 U.S.C. § 1225(b)(2)(A).

B. The Government's Reading Comports with Congressional Intent.

Before 1996, federal immigration laws required the detention of aliens who presented at a port of entry but allowed aliens who were already unlawfully present in the United States to obtain release pending removal proceedings. In 1996, Congress passed the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA), Pub. L. 104-208, 110 Stat. 3009 (Sept. 30, 1996), specifically to stop conferring greater privileges and benefits on aliens who enter the United States unlawfully as compared to those who lawfully present themselves for inspection at a port of entry. Accordingly, the Government's reading of the statute is not only supported by the express language of § 1225, but it also comports with congressional intent. *See King v. Burwell*, 576 U.S. 473, 492 (2015) (rejecting interpretation that would lead to a result "that Congress designed the Act to avoid"); *New York State Dep't of Soc. Servs. v. Dublino*, 413 U.S. 405, 419-20 (1973) ("We cannot interpret federal statutes to negate their own stated purposes.").

The INA, as amended, contains a comprehensive framework governing the regulation of aliens, including the creation of proceedings for the removal of aliens unlawfully in the United States and requirements for when the Executive is obligated to detain aliens pending removal.

Prior to 1996, the INA treated aliens differently based on whether the alien had physically "entered" the United States. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 222-223 (BIA 2025) (citing 8 U.S.C. §§ 1225(a), 1251 (1994)); *see Hing Sum v. Holder*, 602 F.3d 1092, 1099-1100 (9th Cir. 2010) (same). "Entry" referred to "any coming of an alien into the United States," 8 U.S.C. § 1101(a)(13) (1994), and whether an alien had physically entered the United States (or not) "dictated what type of [removal] proceeding applied" and whether the alien would

be detained pending those proceedings, *Hing Sum*, 602 F.3d at 1099. Accordingly, the INA's prior framework, which distinguished between aliens based on physical "entry," had

> the "unintended and undesirable consequence" of having created a statutory scheme where aliens who entered without inspection "could take advantage of the greater procedural and substantive rights afforded in deportation proceedings," *including the right to request release on bond*, while aliens who had "actually presented themselves to authorities for inspection" ... were subject to mandatory custody.

Hurtado, 29 I. & N. Dec. at 223 (emphasis added) (quoting *Martinez v. Att'y General of U.S.*, 693 F.3d 408, 413 n.5 (3d. Cir. 2012)); *see also Hing Sum*, 602 F.3d at 1100 (similar); H.R. Rep. No. 104-469, pt. 1, at 225 (1996) ("House Rep.") ("illegal aliens who have entered the United States without inspection gain equities and privileges in immigration proceedings that are not available to aliens who present themselves for inspection").

Congress discarded that regime through enactment of IIRIRA. Among other things, that law had the goal of "ensur[ing] that all immigrants who have not been lawfully admitted, regardless of their legal presence in the country, are placed on equal footing in removal proceedings under the INA." *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc). To that end, IIRIRA replaced the prior focus on physical "entry" and instead made lawful "admission" the governing touchstone. IIRIRA defined "admission" to mean "the *lawful* entry of the alien into the United States *after inspection* and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A) (emphasis added). In other words, the immigration laws would no longer distinguish aliens based on whether they had managed to evade detection and enter the country without permission. Instead, the "pivotal factor in determining an alien's status" would be "whether or not the alien has been *lawfully* admitted." House Rep., *supra*, at 226 (emphasis added); *Hing Sum*, 602 F.3d at 1100 (similar).

Petitioner's interpretation would restore the regime Congress sought to discard: It would require detention for those who present themselves for inspection at the border in compliance with law yet grant bond hearings to aliens who evade immigration authorities, enter the United States unlawfully, and remain here unlawfully for years, or even decades, until an involuntary encounter with immigration authorities. That is *exactly* the perverse preferential treatment for illegal entrants that IIRIRA sought to eradicate. Accordingly, this Court should reject Petitioner's interpretation. *King*, 576 U.S. at 492 (rejecting "petitioners' interpretation because it would … create the very [thing] that Congress designed the Act to avoid").

The Government's reading, on the other hand, is true to Congress's intent and should be adopted.

C. The Government's Reading Accords with *Jennings*.

The Government's interpretation is consistent with the Supreme Court's decision in *Jennings v. Rodriguez*, 583 U.S. 281 (2018). *Jennings* reviewed a Ninth Circuit decision that applied constitutional avoidance to "impos[e] an implicit 6-month time limit on an alien's detention" under § 1225(b) and § 1226. *Id.* at 292. The Court held that neither provision is so limited. *Id.* at 292, 296-306. In reaching that holding, the Court did not—and did not need to—resolve the precise groups of aliens subject to § 1225(b) or § 1226. Nonetheless, consistent with the Government's reading, the Court recognized in its description of § 1225(b) that § "1225(b)(2) …. serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1)." *Id.* at 287.

D. Section 1226 Does Not Support Petitioner's Argument.

Sections 1225 and 1226 are separate statutory provisions that provide independent bases for detention. Section 1226(a) provides the detention authority for the significant group of aliens who are *not* "applicants for admission" subject to § 1225(b)(2)(A)—specifically, aliens who

have been admitted to the United States but are now removable. *See RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645 (2012) ("the specific governs the general"). For example, the detention of any of the millions of aliens who have overstayed their visas will be governed by § 1226(a), because those aliens (unlike Petitioner) *were* lawfully admitted to the United States. Petitioner's detention is not controlled by § 1226(a).

II. *Bautista* Does Not Have Any Preclusive Effect.

There is a secondary, procedural issue in this case as well. Petitioner asks this Court to "[g]rant the plaintiff an injunction compelling the defendants to comply with the class wide declaratory relief ordered by the District Court in *Bautista v. Sanchez*, — F. Supp. 3d —, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713[]987 (C.D. Cal. Dec. 18, 2025)." Petition p.13. While Petitioner acknowledges that he "is undoubtedly a member of the class certified by the *Bautista* court," Petition ¶45, he simultaneously recognizes the "fact that the petitioner is a class member in the Bautista case does not preclude him from seeking individualized relief," *id.* ¶52. This is the case because, as Petitioner recognizes, "class wide injunctive relief was prohibited by 8 U.S.C. § 1252(f) in the *Bautista* case, which is why the Court's order there was declaratory in nature." *Id.* ¶53. What Petitioner fails to recognize is that the declaratory relief issued in *Bautista* has no coercive or preclusive effect.

The *Bautista* Court merely declared "the DHS Policy unlawful." *Bautista*, 2025 WL 3713987, at *32. The *Bautista* Court did not issue injunctive, or otherwise coercive, relief, nor could it, 8 U.S.C. § 1252(f)(1) ("no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions of part IV of this subchapter, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, other than with respect to the application of such provisions to an individual alien against whom

proceedings under such part have been initiated"); *Garland v. Aleman Gonzalez*, 596 U.S. 543, 550 (2022) ("§ 1252(f)(1) generally prohibits lower courts from entering injunctions that order federal officials to take or to refrain from taking actions to enforce, implement, or otherwise carry out the specified statutory provisions").[2]

> Its December 18 order seeks to resolve the lack of preclusive relief by declaring the DHS policy vacated. But in doing so, the Central District concedes that "the MSJ Order does not apply to vacatur of *Yajure Hurtado*." No. 5:25-CV-1873, Dkt. No. 92 at 5, —— F.Supp.3d at ——. This gives the game away. The Nation's immigration judges—bound by the BIA—must follow *Yajure Hurtado* as binding precedent. 8 C.F.R. § 1003.1(g)(1). That same requirement also extends to "all officers and employees of DHS." *Id.* Thus, it is *Yajure Hurtado*, not the DHS policy, that strips the immigration courts of the ability to afford bond hearings to aliens who illegally entered the United States without apprehension. And although the Central District criticizes *Yajure Hurtado* as "no longer controlling" and "no longer tenable," that plainly cannot be the case, because the independent BIA decision was not vacated by the December 18 order. *See* No. 5:25-CV-1873, Dkt. No. 92 at 6, —— F.Supp.3d at ——.

Lopez v. Lyons, No. 1:25-CV-226-H, 2025 WL 3683918, at *9 (N.D. Tex. Dec. 19, 2025). *Yajure Hurtado* still controls. *Bautista* has no preclusive effect over this case. This Court must independently determine what statutory provision controls Petitioner's detention and rule accordingly.

WHEREFORE, for the foregoing reasons, the Verified Petition for Writ of Habeas Corpus & Complaint for Injunctive and Declaratory Relief should be denied.

Respectfully submitted,

JASON A. REDING QUIÑONES
UNITED STATES ATTORNEY

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[2] Section 1252(f)(1) includes one exception, "with respect to the application of such provisions to an individual alien against whom proceedings under such part have been initiated." 8 U.S.C. § 1252(f)(1). Pursuant to this one exception, "lower courts retain the authority to 'enjoin or restrain the operation of' the relevant statutory provisions 'with respect to the application of such provisions to an individual alien against whom proceedings under such part have been initiated.'" *Aleman Gonzalez*, 596 U.S. at 550. Accordingly, this Court retains jurisdiction to act in this case.

Anthony Erickson-Pogorzelski
ANTHONY ERICKSON-POGORZELSKI
ASSISTANT U.S. ATTORNEY
99 N.E. 4th Street, 3rd Floor
Miami, Florida 33132
Tel: (305) 961-9296
Fla. Bar 619884
Email: anthony.pogorzelski@usdoj.gov