

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Antonio CANDIDO MENDOZA

Petitioner,

v.

Pamela BONDI, *et al.*

Respondents.

Case No. 0:26-cv-00306-MJD-ECW

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

In their response to Petitioner Antonio Candido Mendoza's petition for habeas corpus, Respondents assert arguments that have already been decided by this Court in favor of Petitioner. "For the purpose of expediting these proceedings, the Federal Respondents assert all arguments raised by the government in *Avila*." ECF No. 6 at 1. Thus, notwithstanding the extensive analysis already conducted by this Court, including in *Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025) and in other cases discussed below, Respondents continue to erroneously assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), rather than discretionary detention under 8 U.S.C. § 1226(a).

Petitioner entered the United States without encountering border patrol and was later arrested within the country's borders. In recent months, this issue has been thoroughly litigated in this Court and in other federal districts across the country, and this Court has made clear that when a non-citizen is present in the country and not seeking admission at the Nation's borders or ports of entry, Respondents cannot subject them to mandatory detention under § 1225. The arguments set forth by Respondents in their response are not

meaningfully distinguishable from their previous unavailing arguments made in other similar cases in this district. *See, e.g., Santuario v. Bondi*, No. 25-4296, 2025 WL 3469577, at *2 (D. Minn. Dec. 2, 2025), *Avila v. Bondi*, Civ. No. 25-3741 (JRT/SGE), 2025 WL 2976539, at *5-7 (D. Minn. Oct. 21, 2025), *appeal docketed*, No. 25-3248 (Nov. 10, 2025); *see also Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142-48, 1150-52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F.Supp. 3d 957, 968-970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7-9 (D. Minn. Oct. 20, 2025). Because Respondents base their arguments on the same reasoning as in the aforementioned cases and have failed to meaningfully distinguish the facts of Petitioner's case from the petitioners in other similar matters, this Court should grant the petition for habeas corpus and order Petitioner's immediate release from Respondents' custody or, in the alternative, order that a bond hearing be held pursuant to 8 U.S.C. § 1226(a) within seven days of this Court's order.

Respondents have failed to produce a warrant or other exhibit that sets forth the proper basis for Petitioner's detention. Respondents have failed to show that they have satisfied the statutory requirements for detention or shown any evidence that would indicate to this Court that detention of Petitioner is mandatory.

Petitioner challenges only the lawfulness of his detention, and this court has jurisdiction under 8 U.S.C. § 2241. *See, e.g., Mohammed H v. Trump*, 786 F. Supp. 3d 1149, 1154-55 (D. Minn. 2025). Because the Petition is not directed at removal, statutory channeling provisions do not apply either. *See Jennings v. Rodriguez*, 583 U.S. 281, 295-96 (2018).

I. As this District has previously determined in numerous other cases, Respondents' interpretation of 8 U.S.C. §§ 1225 and 1226 is erroneous.

As this Court determined in *Santuario*, 8 U.S.C. § 1225 applies to “applicants for admission,” meaning, “aliens who are either ‘present in the United States who ha[ve] not been admitted’ or who ‘arrive[] in the United States.’” 2025 WL 3469577, at *2. Here, as in *Santuario*, Respondents erroneously contend that section 1225(b)(2) provides a legal means for Petitioner’s ongoing detention. *Id.* Section 1225(b)(2) provides that “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a.” *Id.* (quoting 8 U.S.C. § 1225(b)(2)(A)). By its plain language, section 1225(b)(2) applies to noncitizens who are actively “seeking” admission into the United States; the use of the gerund signals that the process occurs actively at the place where the noncitizen enters the country: at the border or a port of entry upon initial entry. The only reasonable interpretation is that section 1225(b)(2) applies to a noncitizen at or near a port of entry who is actively seeking an admission into the United States and is subject to an examination by an officer who determines the noncitizen is not clearly and beyond a doubt entitled to be admitted.

Section 1226, by contrast, governs detention of noncitizens already present in the United States. *Jennings*, 583 U.S. at 303. Detention under § 1226(a) is not mandatory and permits release on bond or recognizance. *Maldonado*, 795 F. Supp. 3d at 1149-50.

As this Court determined in *Santuario*, section 1226 is the statute that “applies to the apprehension and detention of aliens who are already present in the country and eligible

for removal.” *Id.* (citing *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir. 2022)). This is a discretionary process, which “authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings.” *Jennings*, 583 U.S. at 289. But those individuals who are detained within the interior of the country during the pendency of their removal proceedings, such as Petitioner, are entitled to a bond hearing or release on conditional parole. 8 U.S.C. § 1226(a). Denying access to a bond hearing for an individual such as Petitioner who entered the United States without inspection and was only then detained by Respondents years after that initial entry, would violate the INA by misinterpreting 8 U.S.C. §§ 1225(b)(2) and 1226, deprive Respondent of his right to constitutional due process, and violate the Administrative Procedure Act, which prohibits arbitrary and capricious or otherwise unlawful actions by administrative agencies, including those agencies overseen by Respondents.

Additionally, Petitioner’s interpretation of sections 1225(b)(2) and 1226(a) is further supported by the Supreme Court’s interpretation of this language in *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

II. Nothing about the facts of Petitioner’s case render him an “Applicant for Admission” for purposes of Section 1225

Section 1226, in relevant part, provides that “an alien may be arrested and detained *pending a decision on whether the alien is to be removed from the United States.*” (Emphasis added). Under the plain language of section 1226, a noncitizen may be arrested and detained pending a decision on whether the alien is to be removed from the United

States, but is entitled to a bond hearing under that same section. Petitioner seeks from the Court a swift judgment reflecting that he is entitled to a bond hearing under that section or that his detention under Section 1225 is unlawful and that he is entitled to immediate release. *See Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the “typical remedy” for “unlawful executive detention.”) This Court can grant Petitioner immediate release because, when the Executive Branch detains without statutory authorization, habeas relief is not limited to ordering additional process. The function of habeas corpus is to obtain release from unlawful custody. *Wajda v. United States*, 64 F.3d 385, 389 (8th Cir. 1995). When detention lacks a lawful predicate, immediate release is an available and appropriate remedy. *Munaf*, 553 U.S. at 693).

CONCLUSION

Petitioner again asserts, as initially stated in his petition, that he is subject to detention under section 1226, and he is therefore entitled either to immediate release from detention or, in the alternative, entitled to declaratory relief that he is subject to detention under 8 U.S.C. § 1226 and an order requiring that a bond hearing be held under that statutory section. *See* 8 U.S.C. § 1226(a)(2) (providing that an alien arrested and detained under section 1226 may be released on bond of at least \$1,500). Petitioner respectfully requests that this Court grant his petition for writ of habeas corpus.

Respectfully submitted,

Dated: January 21, 2026

/s/ Graham Ojala-Barbour /s/
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