

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Dayana Estefania Cajamarca Alomoto,

Petitioner,

v.

Civil Action No. 3:26-cv-00142-KC

Pamela Bondi, *et al.*,

Respondents.

**Response to Motion to Enforce Judgement (ECF No. 6) and
for Reconsideration of Court's Order (ECF No. 4) or Alternatively to Stay**

TABLE OF CONTENTS

STATEMENT OF ISSUES	vi
I. Background	1
II. Petitioner is Subject to Mandatory Detention.....	2
III. Due Process Claims	9
IV. APA Challenges May Not Be Asserted as Habeas Petitions.....	11
V. Stays and Order Not to Transfer.....	11
VI. Conclusion.....	12

TABLE OF AUTHORITIES

Cases

<i>A.M. v. Joyce</i> , No. 2:25-CV-00615-LEW, 2025 WL 3706922 (D. Me. Dec. 22, 2025).....	10
<i>Acute Care Ambul. Serv., L.L.C. v. Azar II</i> , No. 7:20-CV-00217, 2020 WL 7640206 (S.D. Tex. Dec. 3, 2020).....	1
<i>Alonzo v. Noem</i> , -- F. Supp. 3d --, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025).....	7
<i>Andrade v. Patterson</i> , No. 6:25-cv-01695, 2025 WL 3252707 (W.D. La. Nov. 21, 2025)	7
<i>Armando C. G. v. Tsoukaris</i> , No. 20-5652, 2020 WL 4218429 (D.N.J. July 23, 2020)	11
<i>Azizzadeh v. Rhoney</i> , No. 25-CV-1288 (JLS), 2026 WL 44324 (W.D.N.Y. Jan. 6, 2026).....	4
<i>Buenrostro v. Bondi</i> , No. 25-20496, ---- F.4th ---- 2026 WL 323330 (5th Cir. Feb. 6, 2026)	1, 2, 3
<i>Cabanas v. Bondi</i> , No. 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025).....	7
<i>Calderon Lopez v. Lyons</i> , No. 1:25-CV-226-H, 2026 WL 44683 (N.D. Tex. Jan. 7, 2026).....	4, 9
<i>Candido v. Bondi</i> , No. 25-CV-867, 2025 WL 3484932 (W.D.N.Y. Dec. 4, 2025).....	6
<i>Chanaguano Caiza v. Scott</i> , No. 1:25-CV-00500-JAW, 2025 WL 3013081 (D. Me. Oct. 28, 2025).....	8
<i>Chavez v. Noem</i> , -- F. Supp. 3d --, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025)	8
<i>Chen v. Almodovar</i> , No. 1:25-cv-08350, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025).....	6
<i>Coronado v. Sec'y, DHS</i> , No. 1:25-CV-831, 2025 WL 3628229 (S.D. Ohio Dec. 15, 2025).....	5, 10
<i>Cruz v. Noem</i> , No. 8:25-CV-02566, 2025 WL 3482630 (C.D. Cal. Dec. 2, 2025).....	6
<i>Delgado v. Noem</i> , No. 9:25-CV-00329, 2025 WL 3639439 (E.D. Tex. Dec. 12, 2025)	5
<i>E.R.J.B. v. Wofford</i> , No. 1:25-CV-01843-WBS-SCR, 2025 WL 3683118 (E.D. Cal. Dec. 18, 2025)	5, 10
<i>Garcia v. Immigr. & Customs Enf't Dep't of Homeland Sec.</i> , No. 2:25-CV-1004-KCD-NPM, 2025 WL 3277163 (M.D. Fla. Nov. 25, 2025)	7
<i>Garcia v. U.S. Attn'y Gen.</i> , No. 2:25-CV-1053-KCD-DNF, 2025 WL 3537592 (M.D. Fla. Dec. 10, 2025)	5
<i>Gutierrez Sosa v. Holt</i> , No. CIV-25-1257-PRW, 2026 WL 36344 (W.D. Okla. Jan. 6, 2026)	9
<i>Imran v. Harper</i> , No. 25-30370, 2026 WL 93131 (5th Cir. 2026)	12

<i>INA. Dep't of Homeland Sec. v. Thuraissigiam</i> , 91 U.S. 103	9
<i>Jimenez v. Thompson</i> , No. 4:25-CV-05026, 2025 WL 3265493 (S.D. Tex. Nov. 24, 2025)	10
<i>Kum v. Ross</i> , No. 6:25-CV-00451, 2025 WL 3113646 (W.D. La. Oct. 22, 2025)	8
<i>Liang v. Almodovar</i> , No. 1:25-cv-09322, 2025 WL 3641512 (S.D.N.Y. Dec. 15, 2025)	5
<i>Martin v. Singletary</i> , 965 F.2d 944 (11th Cir. 1992)	1
<i>Masis Lucero, v. Field Office Director of Enforcement and Removal Operations</i> , No. 1:25-CV-823, 2025 WL 3718730 (S.D. Ohio Dec. 23, 2025)	4
<i>Matter of Yajure Hurtado</i> , 29 I&N Dec. 216 (B.I.A. 2025)	2, 9
<i>Melgar v. Bondi</i> , No. 8:25CV555, 2025 WL 3496721 (D. Neb. Dec. 5, 2025)	6
<i>Mesina v. Wiley</i> , 352 F. App'x 240 (10th Cir. 2009)	11
<i>Miller v. Commw. of Pa.</i> , 588 F. App'x 96 (3d Cir. 2014)	11
<i>Montoya v. Holt</i> , No. CIV-25-01231-JD, 2025 WL 3733302 (W.D. Okla. Dec. 26, 2025)	4, 10
<i>Naikpay v. Sukkar</i> , No. 2:25-CV-1167-KCD-DNF, 2026 WL 44820 (M.D. Fla. Jan. 7, 2026)	4
<i>Olalde v. Noem</i> , No. 1:25-cv-00168, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025)	7
<i>Oliveira v. Patterson</i> , No. 6:25-cv-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025)	8
<i>Oliveria v. Albarran</i> , No. 1:25-CV-01760 WBS AC, 2025 WL 3525923 (E.D. Cal. Dec. 9, 2025)	6
<i>P. B. v. Bergami</i> , No. 3:25-CV-02978-O, 2025 WL 3632752 (N.D. Tex. Dec. 13, 2025)	5
<i>Padilla v. Galovich</i> , No. 25-CV-865-JDP, 2025 WL 3640960 (W.D. Wis. Dec. 16, 2025)	5
<i>Pereira v. Sessions</i> , 585 U.S. 198, 138 S. Ct. 2105 (2018)	3
<i>Preiser v. Rodriguez</i> , 411 U.S. 475 (1973)	11
<i>Ramos v. Lyons</i> , No. 2:25-cv-09785, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025)	7
<i>Rivera Hernandez v. Noem</i> , No. 9:25-CV-00326, 2025 WL 3754434 (E.D. Tex. Dec. 19, 2025)	5, 10
<i>Rodriguez v. Noem</i> , No. 9:25-CV-00320, 2025 WL 3639440 (E.D. Tex. Dec. 10, 2025)	6
<i>Rojas v. Olson</i> , No. 25-cv-1437, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025)	8, 10

<i>Sandoval v. Acuna</i> , No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025).....	8
<i>Singh v. Noem</i> , No. 2:25-CV-00157-SCM, 2026 WL 74558 (E.D. Ky. Jan. 9, 2026)	4
<i>Suarez v. Noem</i> , No. 1:25-CV-00202-JMD, 2025 WL 3312168 (E.D. Mo. Nov. 28, 2025)	7
<i>Topal v. Bondi</i> , No. 1:25-cv-01612, 2025 WL 3486894 (W.D. La. Dec. 3, 2025)	6
<i>Ugarte-Arenas v. Olson</i> , No. 25-C-1721, 2025 WL 3514451 (E.D. Wis. Dec. 8, 2025)	6, 10
<i>Valencia v. Chestnut</i> , -- F. Supp. 3d --, 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025)	7
<i>Zuniga v. Lyons</i> , No. 1:25-CV-221-H, 2025 WL 3755126 (N.D. Tex. Dec. 29, 2025)	4

Statutes

8 U.S.C. § 1225	2, 3
8 U.S.C. § 1225(b)(2)(A)	9
8 U.S.C. § 1226	2, 11

Other Authorities

Pub L. No. 104-208	9
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STATEMENT OF ISSUES

1. Whether the Court should reconsider or stay its Order at ECF 4, in light of the recent Fifth Circuit opinion in *Buenrostro v. Bondi*?
2. Whether the Motion to Enforce the Judgment [ECF 6] should be denied.

On February 3, 2026, this Court granted Petitioners' Writ of Habeas Corpus Petition in part. ECF No. 4. That order ordered Respondents to either: (1) provide Petitioner with a bond hearing before an Immigration Judge (IJ), at which the Government shall bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, Petitioner's continued detention; or (2) release Petitioner from custody, under reasonable conditions of supervision. *Id.*

As this case remains active and open within the Court's docket, Respondents ask the Court to reconsider its ruling, both as to the petition on its merits and the requirement for a bond hearing or to release Petitioner from custody in light of intervening binding precedent from the Fifth Circuit. See *Buenrostro v. Bondi*, No. 25-20496, --- F.4th --- 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026). *Buenrostro* hits the heart of Petitioner's argument. The Fifth's Circuit's decision in *Buenrostro* applies to Petitioner and classifies her as an applicant for admission, thus subject to mandatory detention. The motion to enforce should be denied, as the immigration judge denied bond finding lack of jurisdiction, citing *Buenrostro* and *Hurtado*. See, Exh A. The *Buenrostro* decision is binding precedent and requires denial of the habeas Petition.¹ This Court's prior order should be vacated as its continued validity is directly impacted by intervening controlling precedent. The motion to enforce should be denied, as the immigration judge's decision was appropriate in light of controlling precedent.

BACKGROUND

Petitioner is a native and citizen of Ecuador. ECF No. 1, ¶ 30. Petitioner initially entered

¹ The *Buenrostro* decision is a published decision and precedential authority even though the mandate has yet to issue. See, e.g., *Martin v. Singletary*, 965 F.2d 944, 945 n.1 (11th Cir. 1992) (explaining that even a stay in the issuance of a mandate does not impact the precedential value of published opinions); *Acute Care Ambul. Serv., L.L.C. v. Azar II*, No. 7:20-CV-00217, 2020 WL 7640206, at *13 (S.D. Tex. Dec. 3, 2020) (rejecting the argument that a Fifth Circuit decision is not controlling because "the mandate has yet to issue, and thus not properly relied upon as precedent.").

the United States on or about July 25, 2023, without inspection or admission. *Id.* ¶ 31. While she was initially undetected upon her arrival in the United States, some time after her entry she was encountered by immigration officials and placed into removal proceedings. *Id.* ¶¶ 32-33. Petitioner was released from custody, but on January 8, 2026, she was arrested during her scheduled check-in with U.S. Immigration and Customs Enforcement. Petitioner is currently detained in the El Paso Processing Center. *Id.* ¶ 1. Petitioner is in full removal proceedings and is scheduled for an individual hearing on April 29, 2026, at 8:30am. EOIR Automated Case Information, <https://acis.eoir.justice.gov/en/caseInformation> (last accessed February 10, 2026).

This Court issued an order on February 3, 2026, granting the petition in part and ordering a bond hearing be held in immigration or Petitioner be released by February 10, 2026. On February 6, 2026, the Fifth Circuit issued its decision in *Buenrostro*. On February 10, 2026, the immigration judge made a bond decision finding no jurisdiction for bond, citing *Buenrostro* and *Hurtado* as authority. Exh. A.

PETITIONER IS SUBJECT TO MANDATORY DETENTION

The primary issue raised by Petitioner, namely that his detention pursuant to 8 U.S.C. § 1225 and the Board of Immigration Appeals (BIA) decision in *Hurtado* is unlawful, was rejected by the Fifth Circuit after this Court's order was entered. *Buenrostro-Mendez v. Bondi*, No. 25-20496, No. 25-40701, 2026 WL 323330 at * 1 (5th Cir. Feb. 6, 2026); *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025)

That Petitioner should be given a bond hearing in immigration court pursuant to detention 8 U.S.C. § 1226 was rejected in *Buenrostro*. *Id.* To the extent Petitioners claim they are not properly categorized as an applicant for admission “the text and context of § 1225 contradict the petitioners’ reading of the statute.” *Id.* at *9.

The Fifth Circuit made clear that aliens present in the United States who have not been admitted by lawful means, remain “applicants for admission” who were “seeking admission.” 2026 WL 323330 at *4. The court explained that “[w]hen a person applies for something, they are necessarily seeking it.” *Id.* In so holding, the court rejected the reasoning that the phrase “seeking admission” in § 1225(b)(2)(A) uses the present tense and thus applies only to individuals “currently and actively seeking to be admitted to the United States when [they are] apprehended.” *Id.* at *3. The Fifth Circuit held that “the everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition independent from ‘seeking admission.’” *Id.* at *4.

Buenrostro, recognizing that the plain language of the INA controlled the analysis and outcome, also rejected arguments based on the Executive’s past interpretation and application of § 1225 and § 1226. 2026 WL 323330 at *8. “Years of consistent practice cannot vindicate an interpretation that is inconsistent with a statute’s plain text.” *Id.* (citing, *Pereira v. Sessions*, 585 U.S. 198, 204, 138 S. Ct. 2105, 2111 (2018)). The Fifth Circuit observed that the Government’s interpretation and application of § 1225(b)(2) “better honors” the intent of Congress’s amendments to the INA—the full enforcement of § 1225(b)(2)’s plain terms “put aliens seeking admission lawfully on equal footing with those who entered without inspection.” *Id.* at *9.

Respondents acknowledge that this Court ruled otherwise in this case and in previous habeas cases. However, the significant recent development in the Fifth Circuit warrants this Court’s reconsideration. “After reviewing carefully the relevant provisions and structure of the Immigration and Naturalization Act, the statutory history, and Congressional intent” the Fifth Circuit concluded that the detention authority relied upon by the government in this case is lawful. *Buenrostro*, at *1.

The Fifth Circuit is not the only court to so hold. District courts around the country agree. *See Garibay-Robledo v. Noem*, -- F. Supp. 3d --, No. 1:25-CV-177-H, 2026 WL 81679 (N.D. Tex. Jan. 9, 2026) (Hendrix, J.) (holding that Petitioner, as an applicant for admission, is properly detained without bond under § 1225); *Singh v. Noem*, No. 2:25-CV-00157-SCM, 2026 WL 74558 (E.D. Ky. Jan. 9, 2026) (Meredith, J.) (holding that Petitioner, as an applicant for admission, is properly detained without bond under § 1225); *Cruz Rodriguez v. Olson*, -- F. Supp. 3d --, No. 1:25-CV-12961, 2026 WL 63613 (N.D. Ill. Jan. 8, 2026) (Pacold, J.) (holding that Petitioner was an applicant for admission seeking entry and thus subject to mandatory detention without bond); *Calderon Lopez v. Lyons*, No. 1:25-CV-226-H, 2026 WL 44683 (N.D. Tex. Jan. 7, 2026) (Hendrix, J.) (holding that nothing in the INA or Due Process Clause contradicts mandatory detention of applications for admission without bond under § 1225); *Naikpay v. Sukkar*, No. 2:25-CV-1167-KCD-DNF, 2026 WL 44820 (M.D. Fla. Jan. 7, 2026) (Dudek, J.) (holding that alien released on humanitarian parole and later re-apprehended remained an applicant for admission under § 1225); *Azizzadeh v. Rhoney*, No. 25-CV-1288 (JLS), 2026 WL 44324 (W.D.N.Y. Jan. 6, 2026) (Sinatra, Jr., J.) (holding that despite being in the United States, Petitioner is an applicant for admission and no bond hearing is required); *Zuniga v. Lyons*, No. 1:25-CV-221-H, 2025 WL 3755126 (N.D. Tex. Dec. 29, 2025) (Hendrix, J.) (holding that alien residing in U.S. for 25-years remains an applicant for admission and shall be detained by § 1225 without entitlement to a bond hearing); *Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302 (W.D. Okla. Dec. 26, 2025) (Dishman, J.) (holding that Petitioner is unambiguously an applicant for admission and that detention without a bond hearing does not violate the Due Process Clause); *Masis Lucero, v. Field Office Director of Enforcement and Removal Operations*, No. 1:25-CV-823, 2025 WL 3718730 (S.D. Ohio Dec. 23, 2025) (Cole, J.) (holding that § 1225 applies to noncitizens present in the US but never admitted

and requires detention through the end of removal proceedings); *Rivera Hernandez v. Noem*, No. 9:25-CV-00326, 2025 WL 3754434 (E.D. Tex. Dec. 19, 2025) (Truncale, J.) (holding that § 1225, as the more specific statute, governs Petitioner's detention, which does not violate due process as it has not been shown to be indefinite); *E.R.J.B. v. Wofford*, No. 1:25-CV-01843-WBS-SCR, 2025 WL 3683118 (E.D. Cal. Dec. 18, 2025) (Shubb, J.) (holding that because § 1225 authorizes mandatory detention and is silent on bond hearings, due process is satisfied by the statutory scheme itself); *Padilla v. Galovich*, No. 25-CV-865-JDP, 2025 WL 3640960 (W.D. Wis. Dec. 16, 2025) (Peterson, J.) (holding that Petitioner, as an applicant for admission, is not entitled to a bond hearing under § 1225 despite an improper release on bond when he was transferred from expedited removal into asylum proceedings); *Coronado v. Sec'y, DHS*, No. 1:25-CV-831, 2025 WL 3628229 (S.D. Ohio Dec. 15, 2025) (Cole, J.) (holding that because Petitioner was never lawfully admitted, detention is governed by § 1225 and bond hearings are unavailable as a matter of statute and due process); *Liang v. Almodovar*, No. 1:25-cv-09322, 2025 WL 3641512 (S.D.N.Y. Dec. 15, 2025) (Vyskocil, J.) (holding that because no immigration officer has decided that Petitioner is clearly and beyond a doubt entitled to be admitted, he is subject to mandatory detention under § 1225); *P. B. v. Bergami*, No. 3:25-CV-02978-O, 2025 WL 3632752 (N.D. Tex. Dec. 13, 2025) (O'Connor, J.) (holding that Petitioner, still awaiting her asylum hearing, is an application for admission that is seeking admission subject to mandatory detention under § 1225); *Delgado v. Noem*, No. 9:25-CV-00329, 2025 WL 3639439 (E.D. Tex. Dec. 12, 2025) (Truncale, J.) (holding that petitioner is validly detained pending removal proceedings under § 1225 and § 1226 and that habeas was an improper means to challenge custody redetermination decisions); *Garcia v. U.S. Attn'y Gen.*, No. 2:25-CV-1053-KCD-DNF, 2025 WL 3537592 (M.D. Fla. Dec. 10, 2025) (Dudek, J.) (holding that Petitioner, who was apprehended at the border, is an applicant for admission subject to mandatory

detention under § 1225, and that one month of detention falls below the constitutional threshold for a potential due process violation); *Rodriguez v. Noem*, No. 9:25-CV-00320, 2025 WL 3639440 (E.D. Tex. Dec. 10, 2025) (Truncale, J.) (holding that Petitioner is properly detained without a bond hearing as an applicant for admission subject to § 1225, that § 1226 would only permit a discretionary hearing, and that habeas relief is improper for the alleged procedural violation); *Oliveria v. Albarran*, No. 1:25-CV-01760 WBS AC, 2025 WL 3525923 (E.D. Cal. Dec. 9, 2025) (Shubb, J.) (holding that because § 1225 authorizes mandatory detention and is silent on bond hearings, due process is satisfied by the statutory scheme itself); *Ugarte-Arenas v. Olson*, No. 25-C-1721, 2025 WL 3514451 (E.D. Wis. Dec. 8, 2025) (Griesbach, J.) (holding that Petitioner, as an applicant for admission, is properly detained without a bond hearing under § 1225, which does not violate Due Process Clause); *Melgar v. Bondi*, No. 8:25CV555, 2025 WL 3496721 (D. Neb. Dec. 5, 2025) (Buescher, J.) (holding that Petitioner is properly detained under § 1225, which does not require the alien to be actively seeking admission, even if he may also be subject to § 1226); *Candido v. Bondi*, No. 25-CV-867, 2025 WL 3484932 (W.D.N.Y. Dec. 4, 2025) (Sinatra Jr., J.) (holding that Petitioner is an application for admission that is seeking admission under § 1225 despite having lived illegal within the United States since 2004); *Chen v. Almodovar*, No. 1:25-cv-08350, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025) (Vyskocil, J.) (holding that a § 1225 “applicant for admission” includes both arriving aliens and aliens present in the United States that did not enter lawfully); *Topal v. Bondi*, No. 1:25-cv-01612, 2025 WL 3486894 (W.D. La. Dec. 3, 2025) (Doughty, J.) (holding that Petitioner is unlikely to prevail on the merits of his relief because he is an applicant for admission properly detained under § 1225 that has never received permission to enter the United States); *Cruz v. Noem*, No. 8:25-CV-02566, 2025 WL 3482630 (C.D. Cal. Dec. 2, 2025) (Blumenfeld Jr., J.) (holding that Petitioner's lengthy presence in the United States after

failing to present himself for inspection cannot remove him from § 1225's mandatory-detention framework and that he is still "seeking admission"); *Suarez v. Noem*, No. 1:25-CV-00202-JMD, 2025 WL 3312168 (E.D. Mo. Nov. 28, 2025) (Divine, J.) (holding that Petitioner is an alien, present in the United States, who has not been admitted, so § 1225 applies to him and detention without a bond hearing is mandatory); *Garcia v. Immigr. & Customs Enft Dep't of Homeland Sec.*, No. 2:25-CV-1004-KCD-NPM, 2025 WL 3277163 (M.D. Fla. Nov. 25, 2025) (Dudek, J.) (holding that release on recognizance following apprehension at the border does not alter Petitioner's legal classification as an applicant for admission) *Andrade v. Patterson*, No. 6:25-cv-01695, 2025 WL 3252707 (W.D. La. Nov. 21, 2025) (Joseph, J.) (holding that any alien physically present in the United States who has not been admitted is an "applicant for admission," regardless of how long they have been in the country or whether they ever intended to apply or enter properly); *Alonzo v. Noem*, -- F. Supp. 3d --, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025) (Shubb, J.) (holding that "applicant for admission" is a legal designation for purposes of the removal scheme that covers aliens present in the country but not yet admitted); *Valencia v. Chestnut*, -- F. Supp. 3d --, 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025) (Shubb, J.) (holding that Petitioner is unlikely to succeed on his challenge to the INA and Due Process clause because an "applicant for admission" is a legal designation not a description of present conduct); *Cabanas v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025) (Eskridge, J.) (rejecting Petitioner's argument that she was not "seeking admission" given her decades-long residence in the United States); *Ramos v. Lyons*, No. 2:25-cv-09785, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025) (Wilson, J.) (holding that § 1225 applies to an alien who is physically present in the United States but not lawfully admitted, regardless of how long they have been physically present here); *Olalde v. Noem*, No. 1:25-cv-00168, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025) (Divine, J.) (holding that § 1225 does not

render the Laken Riley Act superfluous and that Petitioner is detained under § 1225 despite a long-established government practice of detaining under § 1226); *Kum v. Ross*, No. 6:25-CV-00451, 2025 WL 3113646 (W.D. La. Oct. 22, 2025), (Whitehurst, M.J.), *report and recommendation adopted*, 2025 WL 3113644 (W.D. La. Nov. 6, 2025) (Joseph, J.) (holding that since Petitioner, who was detained upon entering the United States, is an applicant for admission under § 1225(b), there is no statutory entitlement to release on bond or to a bond hearing); *Oliveira v. Patterson*, No. 6:25-cv-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025) (Joseph, J.) (holding that any alien physically present in the United States who has not been admitted is an “applicant for admission,” regardless of how long they have been in the country or whether they intended to apply or enter properly); *Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025) (Joseph, J.) (holding that any alien physically present in the United States who has not been admitted is an “applicant for admission,” regardless of how long they have been in the country or whether they intended to apply or enter properly); *Rojas v. Olson*, No. 25-cv-1437, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025) (Ludwig, J.) ((holding that Petitioner is an applicant for admission despite his prior bond and that his detention does not violate Due Process because it is limited to the conclusion of his removal proceedings); *Chanaguano Caiza v. Scott*, No. 1:25-CV-00500-JAW, 2025 WL 3013081 (D. Me. Oct. 28, 2025) (Woodcock, Jr., J.) (holding that Petitioner is unlikely to succeed on the merits because, upon the automatic expiration of his parole, he was restored to the § 1225 detention status held at the time of parole); *Chavez v. Noem*, -- F. Supp. 3d --, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025) (Bencivengo, J.) (holding that Petitioner, as an alien present in the United States who has not been admitted, is an applicant for admission subject to mandatory provision under the plain text of § 1225(b)).

The Board of Immigration Appeals (BIA), the highest administrative body charged with

interpreting and applying the immigration laws, also agreed in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025). There, the BIA examined the plain language of § 1225, the INA's statutory scheme, Supreme Court and BIA precedent, the legislative history of the INA and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub L. No. 104-208, and DHS's prior practices. After doing so, the BIA held that "under a plain language reading of section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to aliens, like the respondent, who are present in the United States without admission." 29 I&N Dec. at 225.

DUE PROCESS CLAIMS

To the extent Petitioner raises due process claims those should likewise be denied. Petitioner is receiving or has received due process afforded through removal proceedings in immigration court. In upholding the facial constitutionality of § 1225(b) the Supreme Court in *Thuraissigiam* found that applicants for admission are entitled only to the protections set forth by statute in the INA. *Dep't of Homeland Sec. v. Thuraissigiam*, 91 U.S. 103, 140 (finding aliens who arrive at ports of entry are 'treated' for due process purposes 'as if stopped at the border' and 'only have rights regarding admission that Congress has provided by statute').

In addressing Petitioner's claims of potential abuse of detention pending removal proceedings, the Fifth Circuit found that *Zadvydas v. Davis* did not apply to detained aliens who received due process through removal proceedings. *Buenrostro*, at *9. District courts around the country have also dismissed due process concerns in similar contexts. *See Calderon Lopez v. Lyons*, No. 1:25-CV-226-H, 2026 WL 44683 (N.D. Tex. Jan. 7, 2026) (Hendrix, J.) (holding that nothing in the INA or Due Process Clause contradicts mandatory detention of applications for admission without bond under § 1225); *Gutierrez Sosa v. Holt*, No. CIV-25-1257-PRW, 2026 WL

36344 (W.D. Okla. Jan. 6, 2026) (Wyrick, J.) (holding that Petitioner is unambiguously governed by § 1225 and his due process claim coming three months after arrest is denied as premature); *Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302 (W.D. Okla. Dec. 26, 2025) (Dishman, J) (holding that Petitioner is unambiguously an applicant for admission and that detention without a bond hearing does not violate the Due Process Clause); *A.M. v. Joyce*, No. 2:25-CV-00615-LEW, 2025 WL 3706922 (D. Me. Dec. 22, 2025) (Walker, J.) (holding that Petitioner's approximately one-month detention without a prompt bond hearing is consistent with the INA and the Due Process Clause); *Rivera Hernandez v. Noem*, No. 9:25-CV-00326, 2025 WL 3754434 (E.D. Tex. Dec. 19, 2025) (Truncale, J.) (holding that § 1225, as the more specific statute, governs Petitioner's detention, which does not violate due process as it has not been shown to be indefinite); *E.R.J.B. v. Wofford*, No. 1:25-CV-01843-WBS-SCR, 2025 WL 3683118 (E.D. Cal. Dec. 18, 2025) (Shubb, J.) (holding that because § 1225 authorizes mandatory detention and is silent on bond hearings, due process is satisfied by the statutory scheme itself); *Coronado v. Sec'y, DHS*, No. 1:25-CV-831, 2025 WL 3628229 (S.D. Ohio Dec. 15, 2025) (Cole, J.) (holding that because Petitioner was never lawfully admitted, detention is governed by § 1225 and bond hearings are unavailable as a matter of statute and due process); *Ugarte-Arenas v. Olson*, No. 25-C-1721, 2025 WL 3514451 (E.D. Wis. Dec. 8, 2025) (Griesbach, J.) (holding that Petitioner, as an applicant for admission, is properly detained without a bond hearing under § 1225, which does not violate Due Process Clause); *Jimenez v. Thompson*, No. 4:25-CV-05026, 2025 WL 3265493 (S.D. Tex. Nov. 24, 2025) (Eskridge, J.) (rejecting Petitioners argument that mandatory detention without bond hearing violates substantive due process); *Rojas v. Olson*, No. 25-cv-1437, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025) (Ludwig, J.) ((holding that Petitioner is an applicant for admission despite his prior bond and that his detention does not violate Due Process because it is

limited to the conclusion of his removal proceedings).

Additionally, the Due Process claims raised by Petitioner are derivative of the statutory issue decided in *Buenrostro*. Petitioner claims Due Process was violated because Petitioner was denied a § 1226 bond hearing.

APA CHALLENGES MAY NOT BE ASSERTED AS HABEAS PETITIONS

In this proceeding, Petitioner expressly challenges her civil detention. *See, e.g.*, ECF 1. Such a challenge must be brought in the form of a petition for a writ of habeas corpus. *See Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973) (holding that when a detainee “is challenging the very fact or duration of his physical imprisonment, and the relief he seeks is a determination that he is entitled to immediate release or a speedier release from that imprisonment, his sole federal remedy is a writ of habeas corpus”); *see also, e.g., Miller v. Commw. of Pa.*, 588 F. App’x 96, 97 n.1 (3d Cir. 2014) (“Relief in the form of . . . release from custody indicates a challenge to ‘the very fact or duration of [one’s] physical imprisonment’ and may be sought *only* through a petition for a writ of habeas corpus[.]” (emphasis added) (quoting *Preiser*, 411 U.S. at 500)). Put simply, “release from ICE custody . . . is a remedy that is *only* available through a habeas petition.” *Armando C. G. v. Tsoukaris*, No. 20-5652, 2020 WL 4218429, at *7 (D.N.J. July 23, 2020) (emphasis added).

Petitioner asserted a claim under the Administrative Procedure Act (“APA”)—a civil claim. *Id.* ¶¶ 61–68. This she may not do, as a civil APA claim is not cognizable in the habeas context. *See, e.g., Mesina v. Wiley*, 352 F. App’x 240, 241-42 (10th Cir. 2009) (holding that petition asserting APA claim “does not state a habeas claim”).

STAYS AND ORDERS NOT TO TRANSFER

To preserve and assess its own jurisdiction, this Court entered an order staying removal or transfer of Petitioner. ECF 2. Respondents request that order be vacated. The Fifth Circuit recently

stated in an unpublished decision that district courts lack jurisdiction to enter stays of removal. *Imran v. Harper*, No. 25-30370, 2026 WL 93131 (5th Cir. 2026).

CONCLUSION

Respondents respectfully request the order previously entered by this Court, ordering a bond hearing before an immigration judge or release, be reconsidered and vacated in light of intervening controlling case law. Respondents also request that the Court deny the motion to enforce judgement, as a bond decision was made by the immigration judge. Alternatively, should the Court find that additional time is appropriate to consider the implication of the very recent Fifth Circuit ruling on enforcement and reconsideration of this pending petition, Respondents request a stay of the Court's order at ECF 4. Respondents appreciate the Court's consideration.

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Respectfully submitted,

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