

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

<u>CELIO EDISSON SICHIQUE SANCHEZ</u>	)	
Petitioner.	)	
	)	
v.	)	Case No. <u>3:26-CV-00242-DB</u>
	)	
<u>MARY DE-ANDA-YBARRA, et. al.</u>	)	
Respondents.	)	
	)	

I. PETITIONER'S REPLY TO RESPONSE TO PETITIONER'S WRIT OF HABEAS CORPUS

1. Petitioner, Celio Edisson Sichique Sanchez (hereinafter referred to as "Celio," "Mr. Sichique Sanchez," or "Petitioner") respectfully replies to Respondents' Response to Petitioner's Writ of Habeas Corpus ("Respondents' Response") filed on February 4, 2026. Doc. 5.

II. SUMMARY OF RESPONSE TO HABEAS

2. Respondents filed a generic response to Petitioner's habeas based on the similarity of the factual and legal allegations to other cases decided by this Court. *See, e.g., Navarro v. Bondi et. al*, No. 5:25CV1468-FB (W.D. Tex. Dec. 2, 2025); *Moradi v. Thompson et al*, No.5:25CV1470-OLG (W.D. Tex. Dec. 18, 2025); *Reyes v. Thomspson et al*, No.5:25CV1590-XR (W.D. Tex. Dec. 12, 2025); *Acosta-Balderas v. Bondi et al*, No.5:25CV1629-JKP (W.D. Tex. Dec. 11, 2025); *Tisighe v. De Anda-Ybarra et al*, 3:25CR593-KC (W.D. Tex. Dec. 5, 2025); *Chauhan v. Noem et al*, 3:25CV574-DB (W.D. Tex. Dec. 8, 2025); *Gvedashvili v. Mooneyham et al*, 6:25CV552-ADADTG (W.D. Tex. Dec. 22, 2025).

3. As Respondents admit, those cases were decided in favor of the Petitioners and discuss the detention of noncitizens by the Department of Homeland Security without providing them with an opportunity for a bond hearing. Respondents state that the circumstances of those cases are fairly similar to the ones here.
4. In the discussion section, Respondents argue that Petitioner is subject to mandatory detention, that he should be required to exhaust his administrative remedies before bringing a habeas challenge in federal court, and make a general claim to incorporate legal arguments from other cases – to which Petitioner has no access – into this one.

III. LEGAL ANALYSIS

i. Petitioner is not lawfully detained as an applicant for admission, and Respondents' interpretation of the statute does not have any legal basis

5. Petitioner entered the country in 2002 at or near the Arizona border and was not apprehended at the time of entry. Prior to his detention, Petitioner resided in Chicago, Illinois, and had lived continuously in the United States for more than twenty years.
6. Despite Petitioner's lengthy history in the United States, Respondents argue that Petitioner is an "applicant for admission" and subject to mandatory detention without eligibility for a bond hearing. To support this claim, Respondents present generic arguments that have been vastly rejected by this Court in other cases, and rely upon *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).
7. *Matter of Yajure-Hurtado* is a case from the Board of Immigration Appeals ("BIA"), a part of the Executive Office for Immigration Review ("EOIR"), which operates under the Department of Justice ("DOJ") authority. The DOJ recently adopted the novel position of DHS that mandatory detention applies to all noncitizens who did not

enter the country through lawful means.¹ It should be noted that one of the measures of the current administration has been to reduce the number of judges at the BIA from 28 to 15, ensuring that most of the judges currently serving on the board were appointed by the administration, either during this term or in the prior one.²³

8. The BIA in *Matter of Yajure-Hurtado* concluded that aliens present in the United States without admission are deemed “applicants for admission,” and therefore, the Immigration Court does not have jurisdiction to hear “bond requests or grant bond to aliens who are present in the United States without admission.” See *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).
9. Based on Respondents’ interpretation of the law in *Matter of Yajure-Hurtado* and of sections 1225(g) and 1252(b)(9), if a person entered the country without admission (regardless of how long he has been in the country, his immigration history, and whether the government violated constitutional protections to detain that person), the government is entitled to detain that person for as long as they see fit, transfer them wherever they want, and that person is not entitled to seek a bond motion before the immigration court, nor seek relief before the federal court.
10. The *Matter of Yajure-Hurtado* decision from the BIA has been widely criticized and rejected by multiple federal courts, including this Court. It has also been undermined in the class action *Maldonado Bautista v. Santacruz*, which certified a bond-eligible class consisting of “all noncitizens in the United States without lawful status who (1)

¹ The interpretation was adopted on July 8, 2025, when Acting Director of U.S. Immigration and Customs Enforcement (“ICE”), Todd M. Lyons, issued a memorandum explaining that the agency had “revised its legal position” in “coordination with the DOJ.” See *Martinez v. Hyde*, No. CV 25-11613-, BEM, 2025 WL 2084238.

² *Reducing the Size of the Board of Immigration Appeals*, 90 Fed. Reg. 15,525 (Apr. 14, 2025).

³ Adriel Orozco, *While Federal Firings Focus on Immigration Processing, Funding for Immigration Enforcement Expands*, AM. IMMIGRATION COUNCIL (Mar. 6, 2025), <https://www.americanimmigrationcouncil.org/blog/federal-firings-immigration-processing-enforcement-expands/>

have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.” *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3713982 (C.D. Cal. Dec. 18, 2025).

11. Members of the *Maldonado Bautista* class are entitled to bond consideration and, if not released by ICE, to a custody redetermination (bond) hearing before an Immigration Judge. Petitioner squarely falls within the certified class: he entered the United States in 2002 at or near the Arizona border and was not apprehended at the time of entry.

12. Based on the class membership, Petitioner *requested* a bond motion before the Immigration Court. However, the Immigration Court issued a decision on February 4, 2026, denying jurisdiction to hear Petitioner’s bond with the following reasoning:

The Respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent’s request for a change in custody status is hereby ordered:

Denied, because

The respondent is charged under INA 212(a)(6)(A)(i) and is a *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al* Class member. Notwithstanding the Final Order for declaratory judgment issued in that case on 12/18/2025, there is no executing order to compel enforcement (i.e. injunction, habeas, etc). Therefore, this Court is bound by Matter of YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025) and does not have jurisdiction.

See Petitioner’s Exhibit I.

13. In light of the Immigration Judge’s decision and the BIA’s controlling precedent in Matter of Yajure-Hurtado, requiring Petitioner to exhaust administrative remedies would be futile. Any appeal of the Immigration Judge’s custody determination would

certainly be denied by the BIA based on *Matter of Yajure-Hurtado*, which

Respondents themselves rely upon to deny Petitioner's eligibility for a bond hearing.

14. Accordingly, Petitioner's only meaningful avenue to obtain release, or to have his custody reviewed by a neutral and impartial adjudicator, is through the present habeas petition.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to consider this reply to the response filed by Respondents, and reaffirms the requests made by Petitioner's Writ of Habeas Corpus.

Respectfully submitted,

/s/ Alejandra Martinez

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Dated: February 5, 2026

CERTIFICATE OF SERVICE

I, Alejandra Martinez, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF), and paper copies will be sent to those indicated as non-registered participants.

s/ Alejandra Martinez

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