UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-00889-SHL-DTS

Antonio Vasquez Hernandez,

Petitioner,

v.

Pamela Bondi, *et al.*,

Respondents.

FEDERAL RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner's understanding of the law is wrong. Petitioner's argument in this case requires the United States to issue a warrant for arrest under 8 U.S.C. § 1226 for a person of whom the United States has not awareness of his existence, let alone presence within its borders. Petitioner other arguments stating 8 U.S.C. § 1225 do not apply to him because he is not an arriving alien nor is he seeking admission are simply without any statutory support. For the reasons explained below, Petitioner's arrest fits squarely within the plain text and meaning of 8 U.S.C. 1225.

Petitioner Antonio Vasquez Hernandez filed this petition for a writ of habeas corpus because he wants either immediate release from detention or an immigration court to conduct a bond hearing in connection with his detention by the U.S. Immigration and Customs Enforcement ("ICE"). Respondents Pamela Bondi, Kristi Noem, Todd M. Lyons, and David Easterwood (collectively "the Federal Respondents") submit this response to the petition. The Court should deny Petitioner's request for habeas relief because his

detention is mandatory under 8 U.S.C. § 1225—he is not eligible for bond or a bond hearing.

BACKGROUND

The Federal Respondents do not dispute the following salient facts from the Petition. Petitioner is a citizen of Mexico. *Pet.* ¶ 13. Petitioner has lived in the United States since 1989. *Pet.* ¶ 28. Petitioner did not have contact with immigration authorities at the time of his entry. ¶ 29.

ARGUMENT

The Court should deny this petition on the merits. Noncitizens can be held without bond under § 1225. That is what's happening here. Petitioner is subject to mandatory detention because Congress directs that noncitizens who get into the United States without being inspected "shall be deemed for purposes of this chapter an applicant for admission" and then detained pursuant to § 1225(b)(1) or § 1225(b)(2). To the extent Petitioner thinks his detention should instead be governed by § 1226, he is wrong.[1]

I. Mandatory Detention under § 1225

Petitioner offers two arguments as to why § 1225 does not apply to him. First, Petitioner argues petitioner is not seeking admission. *See Pet.* ¶ 27. Secondly, Petitioner was not detained at the border while seeking entry. *Pet.* ¶ 29.

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[1] The Petition makes no reference to *Bautista*, and Petitioner does not assert any entitlement to relief based on possible class membership. The Federal Respondents will therefore not address *Bautista* further except to request an opportunity to file a sur-reply if Petitioner uses his reply to argue (for the first time) that he is entitled to relief on this basis.

As a response, the government concedes it does not appear Petitioner is seeking admission. However, this argument does not favor Petitioner's position at all. On the contrary, it makes the plain text of § 1225(a)(1) applicable to him. The statue says, "[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." *Id.* Petitioner would have this Court believe there is an ambiguous status under which he can exist by virtue of not affirmatively seeking admission. Petitioner is wrong.

Congress has unequivocally spoken on this matter to say Petitioner is seeking admission because he is present in the United States. *See id.* Again, the logical result of Petitioner's argument is he is not subject to detention under § 1225 because he is not seeking admission. On the other hand, according to Petitioner, for the United States to arrest him under § 1226, the United States must issue a warrant for his arrest. The fault in Petitioner's logic being manifestable clear: how is the United States supposed to issue a warrant for the arrest of a person who has affirmatively chosen not to make his represent known in the country. To make matters even worse, Petitioner's approach would have the government reward Petitioner for successfully remaining undetected within the country while punishing those that have chosen to make their presence known in the country. This is uncategorical against public policy, and the national security interest. Succinctly, Petitioner argument does not go any further than requesting to be released because he has so far evaded detection.

A. Mandatory Detention under § 1225

The Court should uphold Petitioner's mandatory detention under § 1225(b)(2). Petitioner is a noncitizen present in the United States who entered without inspection. Thus, he is "deemed" to be an "applicant for admission" under § 1225(a)(1). Pursuant to the statute's "catchall provision"—paragraph (b)(2)—a noncitizen like Petitioner who is deemed an applicant for admission and who is not subject to paragraph (b)(1) must be detained during removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). The Court should reject Petitioner's request to recast his detention as arising under § 1226, for reasons that are evident from the text, context, and structure of the statutes at issue.

First, Petitioner's argument is contrary to § 1225's plain text, which "deem[s]" people who are already "present in the United States" without admission to be applicants for admission. *See* 8 U.S.C. § 1225(a)(1). Although paragraph (b)(1) applies to those "arriving" in the United States and other more recent arrivals, paragraph (b)(2) is not so limited and applies instead to any "other" noncitizen "who is an applicant for admission." *Compare id.* § 1225(b)(1)(A)(i), *with id.* § 1225(b)(2)(A); *accord Jennings*, 583 U.S. at 287. The term "seeking admission" does not implicitly narrow this provision to just those applicants for admission who are "arriving" at the border. Such an interpretation would render paragraph (b)(2) essentially redundant of (b)(1). Rather, (b)(2) includes all people deemed to be applicants for admission who are not already covered by paragraph (b)(1).

Second, the context of § 1225's passage in a 1996 reform package shows Congress intended to place noncitizens who are present without admission on equal footing with those who are apprehended upon arrival. Before the current version of § 1225 was enacted,

under the entry doctrine, inadmissible noncitizens who successfully evaded apprehension and gained entry enjoyed greater rights than those who were found inadmissible after appearing for inspection. *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc) (explaining history of § 1225), *declined to extend by United States v. Gambino-Ruiz*, 91 F.4th 981 (9th Cir. 2024). But Congress did away with the distinction by, among other changes, deeming both categories to be treated as applicants for admission in § 1225(a) and treating them similarly in § 1225(b). Interpreting § 1225(b) to turn on physical entry rather than lawful admission after inspection would reinvigorate the entry doctrine, contrary to Congress's legislative efforts.

Third, Petitioner's approach contradicts the structure of the statute, both within § 1225 itself and between § 1225 and § 1226. Section 1225(b) divides applicants for admission between two subparagraphs: (b)(1) for those applicants for admission who are arriving, and (b)(2) for "other" applicants for admission. Section 1225(b) treats all "applicants for admission"—whether arriving or already present—as mandatory detainees under either (b)(1) or (b)(2), unlike admitted noncitizens who are subject to discretionary detention and allowed bond under § 1226.

Based on § 1225's plain text, context, and structure, the Court should hold Petitioner is properly subject to mandatory detention under § 1225(b)(2).

B. Additional Authority

Courts across the country have agreed with the government's interpretation of § 1225 in factually similar cases. *See, e.g.*, *Calderon Lopez v. Lyons*, 2025 WL 3683918 (N.D. Tex. Dec. 19, 2025); *Urbina Zapata v. Chestnut*, 2025 WL 3687643 (E.D. Cal. Dec. 19, 2025); *E.R.J.B. v. Wofford*, 2025 WL 3683118 (E.D. Cal. Dec. 18, 2025); *Romero Rebolledo v. Chestnut*, 2025 WL 3683122 (E.D. Cal. Dec. 18, 2025); *Liang v. Almodovar*, 2025 WL 3641512 (S.D.N.Y. Dec. 15, 2025); *Pablo Coronado v. Secretary, DHS*, 2025 WL 3628229 (S.D. Ohio Dec. 15, 2025); *P.B. v. Bergami*, 2025 WL 3632752 (N.D. Tex. Dec. 13, 2025); *Yanyun Mo v. Chestnut*, 2025 WL 3539063 (E.D. Cal. Dec. 10, 2025); *Ugarte-Arenas v. Olson*, (E.D. Wis. Dec. 8, 2025); *Chen v. Almodovar*, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025); *Candido v. Bondi*, 2025 WL 7484932, (W.D.N.Y. Dec. 4, 2025); *Topal v. Bondi*, 2025 WL 3486894 (W.D. La. Dec. 3, 2025); *Hernandez Cruz v. Noem*, 2025 WL 3482630 (C.D. Cal. Dec. 2, 2025); *Maceda Jimenez v. Thompson*, 2025 WL 3265493 (S.D. Tex. Nov. 24, 2025); *Alves De Andrade v. Patterson*, 2025 WL 3252707 (W.D. La. Nov. 21, 2025); *Valencia v. Chestnut*, 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025); *Alonzo v. Noem*, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025); *Cabanas v. Bondi*, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Ramos v. Lyons*, 2025 LX 568700 (C.D. Cal. Nov. 12, 2025); *Oliveira v. Patterson*, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Sandoval v. Acuna*, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Rojas v. Olson*, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025); *Garibay-Robledo v. Noem*, 2025 WL 3264478 (N.D. Tex. Oct. 24, 2025); *Chavez v. Noem*, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Pipa-Aquise v. Bondi*, 2025 WL 2490657 (E.D. Va. Aug. 5, 2025).

Admittedly, these decisions reflect the minority position. But that minority has been growing since the BIA reached its conclusion in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025). *See Sandoval*, 2025 WL 3048926, at *6 (noting "many of the[] cases" taking the majority position did so "before—or soon after—the BIA issued its opinion in" *Hurtado*). And it is worth emphasizing that courts within the Eighth Circuit agree with the government's arguments. *See, e.g., Melgar v. Bondi, et al.*, 2025 WL 3496721 (D. Neb. Dec. 5, 2025); *Suarez v. Noem*, 2025 WL 3312168 (E.D. Mo. Nov. 28, 2025); *Mejia Olalde v. Noem*, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Vargas Lopez v. Trump*, 2025 WL 2780351 (D. Neb. Sept. 30, 2025). In particular, the District of Nebraska's decision in *Melgar* comprehensively and persuasively analyzed the text of § 1225 and § 1226 before concluding that a habeas petition like the one filed in this case failed on the merits because the petitioner was properly detained under § 1225.

II. Remedy

The appropriate remedy for this case is to deny Petitioner's request. Petitioner argues he is not subject to arrest under § 1225 because he is not an applicant for admission, and he states was not apprehended near the border. Both arguments lack any support from the clear, plain meaning of the statue. Petitioner's argument he should be detained, if at all, under § 1226 it is just an attempt to argue that because he was arrested without a warrant, the government did not comply with the requirements of the statute and therefore Petitioner must be released. Respondents very respectfully submit to this Court, it does not need to engage with the § 1226's argument because Petitioner failed to explain in any factual, and statutorily founded manner why § 1225 does not apply to him.

III. Evidentiary Hearing

Finally, the Federal Respondents believe that the Court can rule on this petition without holding an evidentiary hearing. The facts are not likely to be disputed, and the only issues before the Court are ones of legal interpretation that are capable of resolution on the parties' submissions.

CONCLUSION

For the reasons discussed above, the Federal Respondents respectfully request that the Court deny this habeas petition.

Dated: February 3, 2026.

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