

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 0: 26-cv-00922-SRB-DTS

Alex Santiago Toapanta Toapanta,

Petitioner,

v.

**FEDERAL RESPONDENTS’  
RESPONSE TO PETITION FOR  
WRIT OF HABEAS CORPUS**

Pamela Bondi, *et al.*,

Respondents.

Petitioner, Alex Santiago Toapanta Toapanta, acknowledges he has a burden of proof to meet for his Petition to be granted: preponderance of the evidence. *See Petition* (“Pet.”) at ¶ 29. Here, Petitioner did not carry that burden. Ultimately, Petitioner simply states he is not subject to mandatory detention under 8 U.S.C § 1225 because he was not apprehended at the border, and he is not seeking admission. *See Pet.* ¶ 46. Respectfully, Petitioner’s understanding of the law is wrong. 8 U.S.C § 1225 applies to him because Petitioner is an alien present in the United States who has not been admitted. Congress has spoken: Petitioner is seeking admission. *See* 8 U.S.C § 1225(a)(1).

Petitioner 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 Equator. *Pet.* ¶ 12. Petitioner entered the U.S. over two years ago. *See Pet.* ¶ 13. Petitioner does not have a final order of removal. *Id.* Petitioner was arrested on January 27, 2026. *Pet.* at ¶ 14.

A review of Agency's internal records has shown Petitioner is currently detained outside Minnesota. Agency counsel has been made aware Petitioner needs to be returned to Minnesota immediately. Agency counsel has represented they will comply with this Court's order and are working on Petitioner's return to Minnesota.

### **ARGUMENT**

This 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 her detention should instead be governed by § 1226, he is wrong.<sup>1</sup>

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<sup>1</sup> 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.

**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.* ¶ 46. Secondly, Petitioner was not detained at the border while seeking entry. *See id.*

The argument Petitioner is not “seeking admission” does not favor Petitioner’s position at all. On the contrary, it makes the plain text of § 1225(a)(1) applicable to him. The statute 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.*

**A. Mandatory Detention under § 1225**

The parties’ disagreement in this case comes down to whether Petitioner is detained under § 1225 or § 1226 of Title 8 of the U.S. Code. ICE says it’s § 1225, which governs the detention of noncitizens who are “applicants for admission.” 8 U.S.C. § 1225(a)(3). Congress says so as well, expressly directing that noncitizens like Petitioner 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). *Id.* § 1225(a)(1). Recently, courts in this district have also agreed with this perspective. *See Abdirahmaan G. v. Noem*, No. 26-34 (PAM/SGE), ECF No. 7 (D. Minn. Jan. 14,

**2026).** Based on a straightforward reading of these statutes, Petitioner is subject to mandatory detention under § 1225(b)(2).

As such, 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*, 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 statute. 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.

**[SIGNATURE PAGE FOLLOWS]**

Dated: February 4, 2026.

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