UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Jose Gregorio CASTRO TREJO,

Petitioner,

v.

David Harden, Warden of Glades County Detention Center; Garrett Ripa, Miami Field Office Director, Todd M. Lyons, Acting Director, U.S. Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. Department of Homeland Security; Executive Office for Immigration Review; Pamela BONDI, U.S. Attorney General; each in their Official capacities.

Respondents.

Case No.

2:26-cv-00258

PETITION FOR WRIT OF HABEAS CORPUS

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

1. Respondents' Opposition advances four central arguments: that 8 U.S.C. § 1252(g) strips this Court of jurisdiction; that expiration of Petitioner's 2022 discretionary parole permanently restored him to "applicant for admission" status under 8 U.S.C. § 1225(b)(2); that Special Immigrant Juvenile classification does not alter detention authority because it does not confer lawful status; and that the subsequent removal order mandates detention or shifts authority under 8 U.S.C. § 1231. Each argument fails when the statute is read as a coherent whole.

I. This Court Retains Jurisdiction to Determine the Statutory Authority for Petitioner's Detention.

2. Section 1252(g) removes jurisdiction over claims "arising from the decision or action … to commence proceedings, adjudicate cases, or execute removal orders." The Supreme Court has repeatedly emphasized that this provision is narrow and applies only to those three discrete actions. *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999).

3. Petitioner does not challenge the commencement of proceedings or the validity of the February 10, 2026 removal order. He challenges whether Congress authorized his continued detention under § 1225(b)(2). That is a pure question of statutory detention authority.

4. The habeas statute authorizes relief where a person is "in custody in violation of the Constitution or laws of the United States." 28 U.S.C. § 2241(c)(3). The Supreme Court has confirmed that detention challenges remain reviewable notwithstanding § 1252's channeling provisions. *Jennings v. Rodriguez*, 583 U.S. 281, 291–93 (2018). The Eleventh Circuit has likewise recognized that habeas jurisdiction remains available to test the legal basis of detention. *Madu v. U.S. Att'y Gen.*, 470 F.3d 1362, 1368 (11th Cir. 2006).

5. *Gupta v. McGahey* does not compel a different result. Gupta addressed discretionary enforcement decisions, not whether Congress authorized mandatory detention under a particular statutory provision. This case concerns statutory custody authority, not prosecutorial discretion.

6. Jurisdiction therefore lies.

II. Congress's SIJ Framework Alters the Admission and Detention Analysis.

7. Petitioner's Form I-360 Special Immigrant Juvenile petition was approved in September 2023. Special Immigrant Juvenile status is defined in 8 U.S.C. § 1101(a)(27)(J), which provides that a "special immigrant" includes a noncitizen who has been declared dependent on a juvenile court, whose reunification with one or both parents is not viable due to abuse, neglect, or abandonment, and for whom return to the country of nationality is not in the child's best interest, with the Secretary's consent.

8. Congress did not create SIJ as a symbolic classification. It coupled that classification with a statutory adjustment mechanism in 8 U.S.C. § 1255(h). Section 1255(a) ordinarily requires that a noncitizen be "inspected and admitted or paroled into the United States" to adjust status. Congress recognized that SIJ beneficiaries frequently lack conventional admission histories and therefore enacted § 1255(h)(1), which provides: *"For purposes of subsection (a), such an alien shall be deemed, for purposes of such subsection, to have been paroled into the United States."*

9. That deemed-parole language is mandatory and statutory. It is not subject to an expiration date or to the discretion of DHS.

10. It is not discretionary parole under 8 U.S.C. § 1182(d)(5). It reflects a congressional decision to alter the admission consequences for SIJ beneficiaries.

11. Respondents argue that SIJ does not confer lawful status. That is correct but beside the point. The question is not whether SIJ equals lawful permanent residence. The question is whether Congress altered the legal framework governing admission and adjustment such that SIJ beneficiaries cannot be permanently treated as applicants for admission for detention purposes under § 1225(b)(2).

12. Respondents' reading would require this Court to hold that Congress deemed SIJ beneficiaries paroled for adjustment purposes yet intended them to remain forever subject to border-style mandatory detention. That interpretation creates internal statutory tension and renders § 1255(h) ineffective in the detention context. Courts must interpret statutes as "a symmetrical and coherent regulatory scheme." *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000).

III. Section 1225(b)(2) Does Not Govern Interior Arrests Years After Release, and Thuraissigiam Does Not Compel a Contrary Result.

13. Respondents rely heavily on language in Department of Homeland Security v. Thuraissigiam suggesting that certain parolees may be treated "as if stopped at the border." That reliance is misplaced.

14. Thuraissigiam addressed the scope of habeas review available to a recent border entrant placed into expedited removal under 8 U.S.C. § 1225(b)(1). The petitioner in that case was apprehended shortly after crossing the border and sought additional procedural review of his credible-fear determination. The Court's discussion occurred in the context of expedited removal and constitutional limits on habeas review.

15. Thuraissigiam did not address detention authority under § 1225(b)(2) following years of interior residence. It did not involve Special Immigrant Juvenile classification under 8 U.S.C. § 1101(a)(27)(J). It did not consider the statutory deemed-parole provision enacted in 8

U.S.C. § 1255(h)(1). Nor did it involve a noncitizen who had been released into the interior, later approved for SIJ classification, granted deferred action, and placed in full § 1229a removal proceedings.

16. Respondents' interpretation would convert any noncitizen who ever entered without inspection into a perpetual "applicant for admission," regardless of subsequent congressional reclassification, release into the interior, or eligibility for adjustment of status. That reading would effectively displace 8 U.S.C. § 1226(a) for a broad class of interior arrests and collapse Congress's carefully structured detention framework into a single, permanent border-based regime.

17. The Government relies on language suggesting certain parolees may be treated "as if stopped at the border." But that language arose in the narrow context of expedited removal and constitutional habeas limitations. It did not establish a permanent detention classification overriding subsequent congressional enactments. Extending Thuraissigiam to nullify § 1255(h) would require reading the decision to silently erase a distinct statutory framework Congress enacted for SIJ beneficiaries. The Supreme Court did not do so.

18. No court has held that Thuraissigiam nullifies § 1255(h) or authorizes perpetual § 1225 detention of SIJ beneficiaries residing in the interior years after release. The statute does not compel that result, and courts must avoid constructions that erase carefully structured statutory distinctions.

19. Thuraissigiam therefore does not resolve the statutory question presented here.

IV. Matter of Yajure Hurtado Is Not Entitled to Controlling Deference and Cannot Override Congress's SIJ Framework.

20. Respondents rely on *Matter of Yajure Hurtado* for the proposition that once discretionary parole expires, a noncitizen reverts to "applicant for admission" status and remains

subject to mandatory detention under 8 U.S.C. § 1225(b)(2). That reliance is misplaced for two independent reasons. First, *Yajure* did not address the statutory interaction between § 1225(b)(2) and 8 U.S.C. § 1255(h) governing Special Immigrant Juveniles. Second, even if it had, the agency's interpretation would not be entitled to controlling deference where it conflicts with the structure and plain language of the Act.

21. The Immigration and Nationality Act must be interpreted "as a symmetrical and coherent regulatory scheme." *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000). Courts do not defer to an agency interpretation that renders other statutory provisions ineffective. *Hibbs v. Winn*, 542 U.S. 88, 101 (2004).

22. Even assuming ambiguity, deference would not resolve the issue in Respondents' favor. Under *Chevron U.S.A. Inc. v. NRDC*, 467 U.S. 837, 842–43 (1984), deference applies only where Congress has left a genuine gap and the agency's interpretation is reasonable. An interpretation that nullifies a congressionally enacted adjustment pathway for SIJ beneficiaries by locking them permanently into border-style mandatory detention is not reasonable.

23. Moreover, detention authority implicates core liberty interests. The Supreme Court has cautioned that courts should not presume Congress intended to authorize prolonged or mandatory detention absent clear language. *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).

24. Recently, a federal district court considering materially identical arguments concluded that Matter of Yajure Hurtado is contrary to law and vacated it under the Administrative Procedure Act. See Lazaro Maldonado Bautista v. Santacruz, No. 5:25-cv-01873 (C.D. Cal. Feb. 18, 2026) (vacating Yajure Hurtado as inconsistent with the INA). The court expressly rejected the premise that agency precedent may override federal judicial interpretation of the statute and concluded that Yajure merely restated an unlawful agency detention theory.

Although not binding on this Court, that decision confirms that Respondents' reliance on Yajure is neither compelled nor universally accepted, and that the statutory question presented here remains one for judicial determination.

25. Detention authority is ultimately a judicial question. *INS v. St. Cyr*, 533 U.S. 289, 300 (2001).

V. The Removal Order Does Not Cure the Statutory Defect.

26. The Immigration Judge ordered removal on February 10, 2026. Petitioner filed a Notice of Appeal with the Board of Immigration Appeals on February 20, 2026. As a result, the removal order is not administratively final. See **Exhibit A**.

27. Under 8 U.S.C. § 1231(a)(1)(B), the removal period begins on the latest of several dates, including "the date the order of removal becomes administratively final." An order is not administratively final while a direct appeal to the Board of Immigration Appeals is pending. Because Petitioner has already appealed his removal order, § 1231 has not been triggered and does not govern his detention.

28. Respondents' Opposition rests on § 1225(b)(2), not § 1231. The subsequent issuance of a non-final removal order does not retroactively validate detention under the wrong statutory framework. Nor may Respondents pivot to § 1231 to salvage detention that was unlawful when imposed.

29. Detention authority must be evaluated under the statute that actually governs at the time of custody.

VI. Continued Automatic Detention Violates Due Process.

30. The Immigration Judge denied bond based on a categorical jurisdictional conclusion rather than individualized findings.

31. Under *Mathews v. Eldridge*, courts must consider the private liberty interest, the risk of erroneous deprivation, and the Government's interest. Petitioner's liberty interest is substantial. *Zadvydas* recognizes that freedom from imprisonment lies at the core of due process.

32. The risk of erroneous deprivation is heightened where detention flows from categorical legal classification rather than individualized necessity. Petitioner was previously released, reflecting a prior determination that he was not a danger or flight risk. Re-detention without changed circumstances magnifies the risk of error.

33. The Government's administrative burden in providing a custody hearing is minimal. Due process requires individualized review.

VII. Conclusion and Prayer for Relief

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Declare that Respondents lack statutory authority to detain Petitioner under 8 U.S.C. § 1225(b)(2);
3. Order Petitioner's immediate release from ICE custody; or, in the alternative,
4. Order Respondents to provide Petitioner with a prompt and constitutionally adequate custody redetermination.
5. Maintain the stay of removal pending resolution of this habeas petition; and
6. Grant such other and further relief as this Court deems just and proper.

Dated this February 20th, 2026.

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TABLE OF EXHIBITS

Exhibit A— Proof of Notice to Appeal submission to the Board of Immigration Appeals.