

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

SUKRU TEMUCIN ASLAN,
Petitioner,

v.

WARDEN, ERO EL PASO E. MONTANA DETENTION FACILITY, et al.,
Respondents.

Case No. EP-26-CV-00414-DB

PETITIONER'S REPLY TO RESPONDENTS' RETURN
(Pro Se)

Petitioner, Sukru Temucin Aslan, respectfully submits this reply to Respondents' Return to the Court's Order to Show Cause.

I. Respondents' Argument Is Based on an Incorrect Classification

Respondents argue that Petitioner is subject to mandatory detention under 8 U.S.C. §1225 because he has "never been admitted." This is incorrect. Petitioner was lawfully admitted into the United States in February 2018 through inspection at Los Angeles International Airport. In July 2019, Petitioner was granted Conditional Lawful Permanent Resident status under INA §201(b). After filing Form I-751, USCIS extended his lawful permanent resident status for 18 months and later for 36 months. These official extensions confirm that the United States government recognized Petitioner as a lawful permanent resident.

II. The Notice to Appear Confirms That Petitioner Was Admitted

The Notice to Appear charges Petitioner under INA §237(a)(1)(A). Section 237 applies only to individuals who have already been admitted. If Petitioner had never been admitted, DHS would have charged him under INA §212. See INA §101(a)(13)(A). Petitioner was inspected and admitted.

III. Section 1225 Does Not Apply

Section 1225 governs applicants for admission. Petitioner is not seeking admission. Detention must therefore be governed by 8 U.S.C. §1226, not §1225. See *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Zadvydas v. Davis*, 533 U.S. 678 (2001).

IV. Buenrostro Is Distinguishable

Respondents rely on *Buenrostro v. Bondi*. That case involved individuals who had never been lawfully admitted. Petitioner entered through inspection in February 2018, was granted conditional lawful permanent residence in July 2019, received USCIS extensions, and has no final removal order. This case is materially distinguishable.

V. No Final Removal Order Exists

There has been no final order of removal. Petitioner remains in ongoing proceedings and has filed a timely appeal with the Board of Immigration Appeals in February 2026.

VI. Due Process Concerns

The Supreme Court has recognized constitutional limits on immigration detention. See *Zadvydas v. Davis*; *Demore v. Kim*. Petitioner has two U.S. citizen children (ages 1 and 5), has lived in the United States for over seven years, has no aggravated felony, no protective order violations, and no disciplinary record. Detention without proper statutory authority raises serious concerns.

VII. Conclusion

Petitioner respectfully requests that this Court find that detention is governed by 8 U.S.C. §1226 and order an individualized bond hearing, or grant such other relief as the Court deems just and proper.

Respectfully submitted,

Sukru Temucin Aslan
Pro Se Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Petitioner's Reply to Respondents' Return" was mailed on this 25th day of February, 2026, to:

Deborah L. Fischer
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I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 25, 2026

Sukru Temucin Aslan
Pro Se Petitioner