

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

Dagoberto Chun Aguilar,

Petitioner,

v.

Kevin RAYCRAFT, Field Office Director of
Enforcement and Removal Operations, Detroit
Field Office, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW,

Respondents.

Case No. 1:26-cv-00625-RJJ-SJB

**RESPONSE TO RETURN OF WRIT
OF HABEAS CORPUS**

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INTRODUCTION

The Petitioner should be immediately released. As previously acknowledged by this Court and several other district courts, the Petitioner’s detention is governed by 8 U.S.C. § 1226(a), which entitles the Petitioner to a non-futile bond hearing upon taking custody. Immigration Courts nationwide have been instructed to deny bond requests based on flight risk in post-habeas petitions; accordingly, release is the only appropriate remedy to safeguard the Petitioner’s Fifth Amendment rights. This Court possesses jurisdiction pursuant to 28 U.S.C. § 2241.

ARGUMENT

The Petitioner contends that the Petitioner’s detention falls under 8 U.S.C. § 1225(b)(2). This Court should instead conclude that the Petitioner’s detention is governed by 8 U.S.C. § 1226(a), based on this Court’s previous interpretation, the statutory text, the Supreme Court’s interpretation, and persuasive authority from sister courts within the Sixth Circuit.

a. The Supreme Court clarified in *Jennings* that § 1226 governs detention in cases such as the present.

From the onset of its decision, Justice Alito drew a clear distinction between noncitizens who are *arriving* at the border and those who are *already present* within the United States. *Jennings v. Rodriguez*, 583 U.S. 281, 285 (2018). This distinction framed the Court’s interpretation of the relevant statutory provisions. In Title I, Section A of the opinion, Justice Alito expressly divided

the analysis into two categories: “(1) who may enter the country and (2) who may stay here after entering.” *Id.* at 286.

When interpreting the statutory provisions governing who may enter the country, Justice Alito turned to 8 U.S.C. § 1225 and clarified the circumstances under which that section applies. He explained that, “[u]nder (...) 8 U.S.C. § 1225, an alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been admitted,’ is treated as ‘an applicant for admission.’” *Id.* at 287. Justice Alito further explained that applicants for admission fall into two categories: those governed by § 1225(b)(1) and those governed by § 1225(b)(2). Section 1225(b)(1) applies to noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, whereas § 1225(b)(2) is broader and functions as a catchall provision for applicants for admission not covered by § 1225(b)(1). *Id.*

While a surface reading of *Jennings* might suggest that the Petitioner’s detention is governed by § 1225, the Supreme Court subsequently emphasized an important limitation on the scope of that provision.

In particular, Justice Alito noted that “§ 1225(b) applies primarily to aliens seeking entry into the United States.” *Id.* at 297 (emphasis added). Before addressing what “seeking entry” means and how that concept applies in the present case, it is necessary to examine the Supreme Court’s interpretation of 8 U.S.C. § 1226 in *Jennings*.

The Court in *Jennings* made clear that “§ 1226 applies to aliens **already present** in the United States.” *Id.* at 303 (emphasis added). Furthermore, throughout *Jennings* the Supreme Court made clear that §1226 covers aliens regardless of their way of entry, and that their detention is governed by the named section while their removal proceedings are pending. *Id.* at 288.

This distinction ultimately led the Court in *Jennings* to differentiate between the detention authorities provided in 8 U.S.C. §§ 1225 and 1226:

“U.S. immigration law authorizes the Government to detain certain **aliens seeking admission into the country under §§1225(b)(1) and (b)(2)**. It also authorizes the Government to detain certain **aliens already in the country pending the outcome of removal proceedings under §§1226(a) and (c)**.” (emphasis added) *Jennings*, 583 at 589.

Additional support for this interpretation of *Jennings* is found in the government’s supplemental briefing in that case. See *Jennings*, Supplemental Brief for Petitioners, 2017 WL 430387, at 12. When addressing which noncitizens were eligible for bond, the petitioners expressly stated:

Section 1226(a): Bond Hearings. Section 1226(a) governs the detention and release of other aliens arrested inside the United States. 8 U.S.C. 1226(a). This encompasses aliens in a wide variety of circumstances, including **those who are present after entering illegally**; aliens who were lawfully admitted but overstayed a visa; and aliens who committed a crime that rendered them removable (but not subject to mandatory detention). See 8 U.S.C. 1227. (Emphasis added).

These interpretations are not merely historical; they have been expressly adopted by sister district courts within the Sixth Circuit. *Sevilla v. Noem*, No. 1:25-cv-1325, 2025 U.S. Dist. LEXIS 225791, at 15 (W.D. Mich. Nov. 17, 2025) (citing *Jennings*, 583 U.S. at 289) (“Section 1226(a), on the other hand, “authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings.””). Similarly, in *Chavez v. Director of Detroit Field Office*, No. 4:25-cv-2061, 2025 U.S. Dist. LEXIS 224173 (N.D. Ohio Nov. 14, 2025), the court held that “[r]ather, as an immigrant arrested and detained while ‘already in the country[,]’ *Jennings*, 583 U.S. at 289, Chavez falls more aptly within § 1226(a)’s default rule.” *Id.* Finally, in *Roman v. Olson*, No. 25-169-DLB-CJS, 2025 U.S. Dist. LEXIS 230182 (E.D. Ky. Nov. 24, 2025), the court concluded that “[t]his supports this Court’s conclusion, and reaffirms the Supreme Court’s

determination in *Jennings v. Rodriguez*, that § 1226(a) applies to aliens already present in the United States, while § 1225(b)(2)(A) applies to arriving aliens.”

Furthermore, as highlighted by the court in *Rodriguez v. Bostock*, No. 3:25-cv-05240, 2025 U.S. Dist. LEXIS 78395, at 1260 (W.D. Mich. Apr. 24, 2025), in discussing the congressional history underlying the enactment of IIRIRA, “Before IIRIRA passed, the predecessor statute to Section 1226(a) governed deportation proceedings for all noncitizens arrested within the United States.” Upon the passage of IIRIRA, Congress explained that the new provision—now codified at § 1226(a)—restated the existing authority of the Attorney General to arrest, detain, and release on bond a noncitizen who is not lawfully present in the United States. *Rodriguez*, 2025 U.S. Dist. LEXIS 78395, at 1260 (citing H.R. Rep. No. 104-469, pt. 1, at 229); see also *Chavez*, 2025 U.S. Dist. LEXIS 224173, at 15–16.

Within this District alone, courts have recently granted habeas relief in materially indistinguishable circumstances well after the issuance of *Sandoval*. For example, in *Ariza v. Noem*, 4:25-cv-165, LEXIS 265012 at 18 (W.D. Ky. Dec. 23, 2025), the court held that “[i]n sum, based upon the statutory scheme and relationship between §1225 and §1226, and most importantly the text, the Court finds it difficult to read a noncitizen who is ‘seeking admission’ when the individual is not attempting to ‘seek’ admission pursuant to Section 1225(b)(2)(A).” Similarly, in *Edahi v. Lewis*, 4:25-cv-129, LEXIS 233006 at 38 (W.D. Ky. Nov. 27, 2025), the court concluded that “For the reasons above, [the petitioner], who has been present in the United States for more than 2 years, is not ‘seeking admission’ into the United States, a fact acknowledged in his notice for appearance by the checking of the box for ‘present’ and not for ‘arriving.’ Section 1226, not Section 1225, applies to his detention.” Likewise, in *Del Villar v. Noem*, 4:25-cv-00137, LEXIS 227575 at 15 (W.D. Ky. Nov. 19, 2025), the court ruled that “For these reasons, Section 1226

applies to [the petitioner], and he is entitled to a determination by an immigration judge as to whether he may be out on bond pending the resolution of his removal proceeding.”

A broader review of district court decisions throughout the Sixth Circuit reveals the same result. Courts have consistently rejected the Respondents’ position and granted habeas relief in comparable cases. See, e.g., *Chavez v. Director of Detroit Field Office*, No. 4:25-cv-2061, 2025 U.S. Dist. LEXIS 224173 (N.D. Ohio Nov. 14, 2025); *Rodriguez v. Raycraft*, No. 2:25-cv-13606-TGB-KGA, 2025 U.S. Dist. LEXIS 257926 (E.D. Mich. Dec. 12, 2025); *Rodriguez v. Raycraft*, No. 2:25-cv-13606-TGB-KGA, 2025 U.S. Dist. LEXIS 257926 (W.D. Mich. Dec. 12, 2025); *Varun Varun v. Raycraft*, 1:25-cv-1797, LEXIS 1736 (W.D. Mich. Jan 6, 2026); *Rakhmatov v. Raycraft*, 1:25-cv-1651, LEXIS 256800 (W.D. Mich. Dec. 11, 2025); *Roman v. Olson*, No. 25-169-DLB-CJS, 2025 U.S. Dist. LEXIS 230182 (E.D. Ky. Nov. 24, 2025); *Moreno Espinoza v. Ladwig*, 2:25-cv-03093-TLP-tmp, LEXIS 262781 at 11 (W.D. TN. Dec. 19, 2025).

Finally, Judge Sykes struck down the *Matter of Hurtado* on February 18, 2026, and, therefore, the interpretation of the Respondent’s position. *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr*, 5:25-cv-01873, (C.D. Cal.).

Accordingly, the Supreme Court’s definition and differentiation of 8 U.S.C. §§ 1225 and 1226 in *Jennings*, as reinforced by persuasive authority from sister courts and confirmed by congressional history, squarely supports the Petitioner’s interpretation.

b. The meaning of “seeking admission” in the statutory context

The Respondents’ reading and interpretation of § 1225 and “seeking admission” lead them to think that the “Under a straightforward reading of the statute, an ‘applicant for admission’ is

‘seeking admission.’” (Doc. 4-3, PageID 121) (citations omitted). The Respondents’ reading is limited to the partial plain text of the statute.

The difficulty with this reading, however, is that it overlooks the ambiguity created when the relevant terminology is read in the context of the statute as a whole. *Sevilla v. Noem*, No. 1:25-cv-1325, 2025 U.S. Dist. LEXIS 225791, at 16 (W.D. Mich. Nov. 17, 2025) (citing *King v. Burwell*, 576 U.S. 473, 486 (2015)). As the court in *Sevilla* explained, § 1225(b)(2) first refers to “applicant for admission” and then shifts to the distinct phrase “alien seeking admission.” This “Reading of § 1225 would render the remaining qualifier of ‘an alien seeking admission’ entirely unnecessary.” *Sevilla*, 2025 U.S. Dist. LEXIS 225791, at 17. Moreover, where Congress deliberately uses different terms within the same statutory provision, it is reasonable to presume that it intended those terms to carry different meanings. *Id.* at 18; see also *Pulsifer v. United States*, 601 U.S. 124, 149 (2024) (“In a given statute, the same term usually has the same meaning and different terms usually have different meanings.”).

The Petitioner’s interpretation of 8 U.S.C. § 1225(b)(2) is consistent with that adopted by several sister courts because Petitioner is already in the U.S. In the context of § 1225, the term “applicant for admission” requires that a noncitizen be actively requesting admission, because the statutory language uses the present participle “seeking.” *Sevilla v. Noem*, 2025 U.S. Dist. LEXIS 225791, at 18–19 (“The plain ordinary meaning of ‘seeking’ means ‘asking for.’ (...) It is a present participle, which ‘necessarily implies some sort of present-tense action.’ (...) However, [p]etitioner is not actively seeking to lawfully cross into the territorial limits of the United States because he already entered the United States (...)”) (citations omitted). Likewise, in *Roman v. Olson*, the court emphasized that “[t]he use of the present tense progressive term ‘seeking’ ‘implies action.’ (...) it could not be said that [p]etitioner, a noncitizen who was residing here for (...) years

was ‘actively seeking admission.’” *Roman*, 2025 U.S. Dist. LEXIS 230182, at 9 (citations omitted). Similarly, in *Lopez v. Raycraft*, the court observed that “Indeed, it would distort the words of the statute to state that one who has been in the United States since 1998 is seeking to enter it.” *Lopez*, 2025 U.S. Dist. LEXIS 231264, No. 4:25CV2449, at 11 (N.D. Ohio Nov. 25, 2025).

This reading of 8 U.S.C. § 1225(b)(2)(A) is further strengthened when the provision is considered in the context of the statute as a whole. The Supreme Court has recognized that section titles can provide insight into congressional intent. *Yates v. United States*, 574 U.S. 528, 539 (2015) (“While these headings are not commanding, they supply cues that Congress did not intend ‘tangible object’ (...).”). The same interpretive approach was applied by the court in *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 U.S. Dist. LEXIS 184356, at 8 (W.D. Ky. Sep. 19, 2025), which observed that “Section 1225 is titled: ‘Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.’ The added word of ‘arriving’ indicates that the statute governs ‘arriving’ noncitizens, not those present already.” Under this reading, the expression “seeking admission” is neither a subset of nor a replacement for “applicant for admission.” Instead, “seeking admission” functions to distinguish an applicant for admission from other noncitizens who may be present in different circumstances, such as those already within the United States.

The Respondents cited *Mejia Olalde v. Noem*, No. 1:25- cv-00168-JMD, 2025 U.S. Dist. LEXIS 221830 (E.D. Mo. Nov. 10, 2025) to show that “seeking admission” and “applicant for admission” are synonyms under the statutory context and, so, its use has no implications on the meaning or reading of § 1225. (Doc. 4-3, PageID 116). The interpretation given by the Eastern District of Missouri was already rejected by the Western District of Kentucky in *Ramirez v. Lewis*,

4:25-cv-143, LEXIS 256601 at 24 (W.D. Ky. Dec. 11, 2025), where this Court decided that the reasoning given in *Olalde*, and hold by the Respondents, is “circular, and in contradiction to the statutory definitions found within 8 U.S.C. § 1101.” Further it states: “ [Section 1225(b)(2)] scope is already limited through the title as well as the fact that the action applies to ‘inspections by an immigration officer.’ Section 1225(b) is already limited by what has come before it. And here, [p]etitioner was neither being inspected by an immigration officer at the time of his detention, nor was he likely ever inspected.” *Ramirez*, LEXIS 256601 at 25-26.

Accordingly, the term “seeking admission” does not constitute a subset of “applicant for admission,” nor does it impose additional obligations on immigration officers conducting inspections under § 1225.

c. The Laken Riley Act, 8 U.S.C. § 1226(c)(1), supports the Petitioner’s interpretation of §1225 and § 1226

The Laken Riley Act added the following provisions under 8 U.S.C. § 1226(c)(1)(E)(i)-(ii): “The Attorney General shall take into custody any alien who—is inadmissible under paragraph (6)(A) (...) of section 1182(a) of this title; and is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts with (...)”. Section 1182(a)(6)(A)(i) provides that “An alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General, is inadmissible.”

If Congress had intended § 1226 to apply exclusively to lawfully admitted aliens, it would not have found it necessary to carve out a specific provision within § 1226 for unadmitted aliens. Under the Respondents’ reading, § 1225 alone would suffice, since mandatory detention already

applies to unadmitted aliens, regardless of the time or place of their detention. This renders § 1226(c), and the modifications introduced by the Laken Riley Act, superfluous.

Under Respondents' interpretation, however, the same class of unadmitted aliens already present in the United States would be fully governed by § 1225, rendering Congress's decision to amend § 1226 superfluous. If Congress had intended merely to regulate unadmitted aliens present in the country under the existing § 1225 framework, it would have enacted the Laken Riley Act's amendments there, rather than inserting them into § 1226. Statutory structure therefore confirms that Congress intended the Laken Riley Act to reach beyond the scope of § 1225 and to operate independently of Respondents' redundancy-based theory.

Accordingly, the enactment of the Laken Riley Act, and its modifications to 8 U.S.C. § 1226(c), provide additional support for the conclusion that Congress intended § 1226 to govern aliens already present in the United States, regardless of the manner in which they entered the country.

d. Altering the Petitioner's detention determination without any violation of the release conditions created a risk of violating the Petitioner's due process rights under the Fifth Amendment

The Respondents assert that the Petitioner's detention is authorized under 8 U.S.C. § 1225(b)(2)(A). This assertion is flawed because the Respondents' warrant clearly states that "any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act(...)". Document 1-1, PageID 18

This case presents a fact pattern similar to other cases involving aliens who were initially detained under § 1226, with consistent treatment, only to have the basis of their detention later shifted to § 1225. In *Aceros v. Kaiser*, No. 25-cv-06924, 2025 U.S. Dist. LEXIS 179594, at 20 (N.D. Cal. Sep. 12, 2025), the court observed:

“In 2024, the Government placed [petitioner] in normal removal proceedings under Sections §1229, not §1225(b)(1), and chose to release [petitioner] on conditional parole under §1226(a), not hold [petitioner] in detention under §1225(b)(2).”

Similarly, in *Benitez v. Francis*, No. 25 Civ. 5937, 2025 U.S. Dist. LEXIS 157214, at 14 (S.D.N.Y. Aug. 13, 2025), the court held:

“The Court cannot credit Respondents' new position as to the basis for [petitioner]'s detention, which was adopted post hoc and raised for the first time in this litigation. (...) These facts, taken together, can support only one conclusion—that [the petitioner] was not mandatorily detained as a noncitizen ‘seeking admission’ under § 1225(b), but rather as someone ‘already in the country,’ *Jennings*, 583 U.S. at 288-89, pursuant to Respondents' discretionary authority under § 1226(a).”

The Supreme Court has previously recognized that changes in position by administrative authorities require the issuance of a new decision before relying on new reasons. *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 22–23 (2020) (citing *Bowen v. American Hospital Assn.*, 476 U.S. 610, 643 (1986)). This procedure ensures “that parties and the public can respond fully and in a timely manner to an agency’s exercise of authority.” *Dep't of Homeland Sec.*, 591 U.S. at 23.

Here, the Respondents’ change in detention determination violates the Petitioner’s due process rights under the Fifth Amendment. The Petitioner’s release under § 1226(a) “created a reliance interest in [his] continued freedom, so long as [he] abided by the terms of [his] release.” *Aceros*, 2025 U.S. Dist. LEXIS 179594, at 20. By switching the basis for detention without proper procedural protections, the Respondents infringed upon the Petitioner’s protected legitimate freedom interest under the Fifth Amendment.

In this case, nothing changed to warrant the detention of the Petitioner and, therefore, he should be released.

REQUESTED RELIEF

The Petitioner re alleges that the proper relief to protect the Petitioner’s Fifth Amendment due process rights is the immediate release.

CONCLUSION

For the foregoing reasons, this Court should grant habeas corpus, order the immediate release of the Petitioner, grant attorney fees under EAJA and any other release it deems appropriate.

Respectfully Submitted

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CERTIFICATE OF SERVICE

I hereby certify that on this March 4 of 2026, I caused a true and correct copy of the **Response to Return of Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** and all accompanying documents to be served by electronic filing upon the following:

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