

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARCIA LAGUNA, Luis Ray

Petitioner,

v.

JAMISON, J.L., ET AL.,

Respondents.

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Civil Action No. 2:26-cv-1442

**RESPONSE IN OPPOSITION TO PETITION
FOR WRIT OF HABEAS CORPUS**

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Dated: March 11, 2026

I. INTRODUCTION

Petitioner seeks a writ of habeas corpus, challenging the authority of the Secretary of the U.S. Department of Homeland Security (DHS) to detain him under the Immigration and Nationality Act (INA). **Petitioner in this case is subject to mandatory detention under the Laken Riley Act, 8 U.S.C. § 1226(c)(1)(E), given his arrest on September 21, 2025, by the Norristown Police Department for Simple Assault and Harassment.** As discussed below, because Petitioner's detention comports with the INA and the Fifth Amendment to the U.S. Constitution, the Court should deny the petition for writ of habeas corpus.

This petition is distinguishable from the numerous petitions recently considered by this Court in the wake of the Board of Immigration Appeals' (BIA) decision in *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025), which is not implicated here.¹ *See e.g., Cantu-Cortes v. O'Neill, et al.*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Anirudh v. McShane, et al.*, No. 25-cv-6458 (E.D. Pa. Dec. 8, 2025) (Bartle, J.); *Juarez Velazquez v. O'Neill, et al.*, No. 25-cv-6191 (E.D. Pa. Dec. 3, 2025) (Henry, J.). The cases cited above involved **aliens detained under 8 U.S.C. § 1225(b)(2)(A)** because they are removable and present in the United States without inspection and admission or parole.

II. FACTUAL AND PROCEDURAL HISTORY

Petitioner, a native and citizen of Mexico, entered the United States without inspection at an unknown date and time. *See* Ex. A – Form I-213, Notice Record of Deportable/Inadmissible

¹ Similarly, the claims here would not implicate the recent class-certification and partial-summary-judgment rulings issued by the U.S. District Court for the Central District of California. *See Bautista v. Santacruz*, 2025 WL 3289861, *4 (C.D. Cal. Nov. 20, 2025) (addressing arguments that 8 U.S.C. § 1226, not § 1225, should apply to detention claims).

Alien (dated March 5, 2026). Petitioner has a long history of criminal activity while unlawfully present in the United States. *Id.*

On September 21, 2025, Petitioner was arrested by the Norristown Police Department and charged for two counts of Simple Assault in violation of 18 Pa C.S.A. § 2701(a); and harassment in violation of 18 Pa C.S.A. § 2709. *See* Ex. B – Norristown Police Department Incident Report Form (dated September 21, 2025); Ex. C – Municipal Court of Montgomery County Criminal Docket Sheet. The charges stemmed from Petitioner assaulting his United States Citizen wife while their children were present. *See* Ex. B. The charges were dismissed on January 28, 2026. *See* Ex. C.

On March 5, 2026, ICE arrested and detained Petitioner in a targeted operation. Ex. A.² Following his arrest, ICE served Petitioner with a NTA, charging him as removable under 8 U.S.C. § 1182(a)(6)(A)(i) and § 1182(a)(7)(A)(i)(I) given his prior unlawful entry into the United States. *Id.*

III. LEGAL STANDARD

A writ of habeas corpus is an “extraordinary remedy.” *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). The petitioner bears the burden of showing his confinement is unlawful. *Hawk v. Olson*, 326 U.S. 271, 279 (1945); *accord Cullen v. Pinholster*, 563 U.S. 170, 181 (2011) (habeas petitioner “carries the burden of proof”); *see also* 28 U.S.C. § 2241.

² The Form I-213, Record of Deportable/Inadmissible Alien is a presumptively reliable government document that memorializes, among other information, the facts and circumstances surrounding an alien’s encounter with DHS or other law enforcement agencies. *See e.g., Matter of Barcenas*, 19 I&N Dec. 609, 611 (BIA 1988) (finding that a Form I-213 is an inherently trustworthy document and admissible as evidence to prove alienage and deportability in removal proceedings); *Matter of J-C-H-F-*, 27 I&N Dec. 211, 212 (BIA 2018) (“Generally, there is a presumption of reliability of Government documents.”).

Judicial review of immigration matters, including detention issues, is limited. *INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Reno v. Am.-Arab Anti-Discrimination Comm. (AADC)*, 525 U.S. 471, 489–92 (1999); *Miller v. Albright*, 523 U.S. 420, 434 n.11 (1998); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977); *Reno v. Flores*, 507 U.S. 292, 305 (1993); *Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) (“[T]he power over aliens is of a political character and therefore subject only to narrow judicial review.”). The Supreme Court has “underscore[d] the limited scope of inquiry into immigration legislation,” and “has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.” *Fiallo*, 430 U.S. at 792 (internal quotation omitted); *Mathews v. Diaz*, 426 U.S. 67, 79–82 (1976); *Galvan v. Press*, 347 U.S. 522, 531 (1954).

The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport and because public safety is at stake. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) (“Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government’s political departments largely immune from judicial control.”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of this deportation procedure.”); *Demore v. Kim*, 538 U.S. 510, 531 (2003) (“Detention during removal proceedings is a constitutionally permissible part of that process.”); *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018) (“Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings. Detention during those proceedings gives immigration officials time to determine an alien’s status without running the risk of the alien’s either absconding or engaging in criminal activity before a final decision can be made.”).

Petitioner must make a strong showing to demonstrate that his continued detention violates the Constitution or laws of the United States. *See United States v. Five Gambling Devices*, 346 U.S. 441, 449 (1953) (“This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power”).

IV. ARGUMENT

The Court should deny the petition because: (1) Petitioner’s detention is lawful under 8 U.S.C. § 1226(c)(1)(E); (2) Petitioner’s detention is separately lawful under 8 U.S.C. § 1225(b)(2)(A); and (iii) Petitioner’s detention under either statutory provision comports with constitutional due process.

A. Petitioner’s detention is lawful under 8 U.S.C. § 1226(c)(1)(E).

Petitioner’s argument that his detention violates the INA and accompanying regulations is without merit because ICE’s current detention of Petitioner is authorized and, indeed, mandated by statute. An alien loses his eligibility for release on bond if he committed one of the statutorily enumerated criminal offenses set forth in 8 U.S.C. § 1226(c). *See* 8 U.S.C. § 1226(c)(1)(A)-(E) (explaining that the Attorney General “*shall* take into custody any alien” who falls into one of the enumerated categories) (emphasis added). The Attorney General “may release” these categories of aliens in only one narrow instance: if the Attorney General decides that doing so is necessary for witness-protection purposes and that the alien will not pose a danger or flight risk. *Id.* § 1226(c)(4). Absent this narrow exception, aliens detained under § 1226(c) are ineligible for release on bond or, alternatively, parole under 8 U.S.C. § 1182(d)(5)(A). *Id.*

On January 29, 2025, the President signed into law the Laken Riley Act. *See* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025). Among other things, the Act amended 8 U.S.C. § 1226(c) to provide that the Attorney General:

[S]hall take into custody any alien who . . . (i) is inadmissible under paragraph 6(A), 6(C), or (7) of section 1182(a) of this title; and (ii) **is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or **any crime that results in death or serious bodily injury to another person.****

8 U.S.C. § 1226(c)(1)(E)(ii) (emphasis added). Under the plain text of the statute, an arrest or charge for a qualifying crime, even if that charge did not result in a conviction, is sufficient to trigger mandatory detention during the pendency of removal proceedings. *Id.* (listing the qualifying conduct disjunctively with separation by the word “or”). For purposes of detention under § 1226(c)(1)(E)(ii), “the terms ‘burglary,’ ‘theft,’ ‘larceny,’ ‘shoplifting,’ ‘assault of a law enforcement officer,’ and ‘serious bodily injury’ have the meanings given to such terms in the jurisdiction in which the acts occurred.” *Id.* § 1226(c)(2).

Petitioner falls squarely within the mandatory detention provision of § 1226(c)(1)(E)(ii). Petitioner is charged as inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I) following his unlawful entry into the United States at an unknown date and time. Ex. A. Furthermore, he was arrested for and later charged with Simple Assault—a crime which by its elements involves bodily injury and/or to put another in fear of serious bodily injury. Simple Assault under § 2701(a) is graded as a second degree misdemeanor and provides that a person is guilty if he “attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another” and/or “attempts . . . to put another in fear of serious bodily injury to another, or causes such injury intentionally, knowingly, or recklessly under circumstances manifesting extreme

indifference to the value of human life.” 18 Pa. C.S.A § 2701(a)(1),(3). Pennsylvania defines “serious bodily injury” as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” *See id.* § 2301. Accordingly, by the plain language of the statute under which Petitioner was arrested and charged, his offense necessarily involved the threat of serious bodily injury, thus triggering mandatory detention under § 1226(c)(1)(E)(ii).

Petitioner may argue that his arrest and charge for Simple Assault did not involve serious bodily injury because the statute under which he was charged involves bodily injury and an *attempt* to cause fear of serious bodily injury. The government concedes that § 1226(c)(1)(E)(ii) does not specifically include attempt or conspiracy offenses. *Compare* 8 U.S.C. § 1226(c)(1)(E)(ii) *with* 8 U.S.C. § 1101(a)(43)(U) (including such offenses) *and* 8 U.S.C. § 1182(a)(2)(A)(i)(II) (same). Under general principles of statutory construction, [w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.” *Rusello v. United States*, 464 U.S. 16, 23 (1983). However, as the BIA has made clear, that presumption may be overcome if certain factors are met. *See Matter of D. Rodriguez*, 28 I&N Dec. 815, 817 (BIA 2024).

Here, each of the four factors identified in *D. Rodriguez* for overcoming that presumption is present here: separate acts of Congress created the disparity; the disparate provisions are not adjacent to each other; the disparate provisions address distinct subject matters; and the provisions mentioning attempts and conspiracies are formulated differently. *See id.* at 817–19. Therefore, the fact that § 1226(c)(1)(E)(ii) fails to specifically reference attempt or conspiracy offenses is not dispositive on the issue of whether they are in fact included. *See also Cruz v.*

Garland, 101 F.4th 361, 365–368 (4th Cir. 2025) (holding that the definition of a “crime of child abuse” under 8 U.S.C. § 1227(a)(2)(E)(i) “logically extends” to attempt offense, despite the language of the statute not expressly including attempt offenses); *Sandoval Argueta v. Bondi*, 137 F.4th 265, 273–275 (5th Cir. 2025) (same).

Here, Congress amended § 1226(c) through the Laken Riley Act to specifically include a broader range of criminal dispositions, including those not resulting in convictions, related to a broader range of criminal activity, including “any crime” involving death or serious bodily injury to another person. Given this broad sweep, it logically follows that the term “serious bodily injury” should also include the *attempt* to inflict that same injury. To be sure, an attempt offense necessarily involves the “intent to commit a specific crime” and, in turn, “any act which constitutes a substantial step toward the commission of that crime.” *See* Pa C.S.A. § 901(a).

In the context of Petitioner’s arrest and charge for Simple Assault, this means that Petitioner, at a minimum, *intended* to cause bodily injury and fear of serious bodily injury and took steps toward inflicting that injury and fear of more. This is evidenced by the particular facts of Petitioner’s offense, which involved Petitioner, in a drunken state, repeatedly striking the victim’s head both with his closed fist and while holding an object. *See* Ex. B. Upon responding to the scene, officers noticed abrasions and cuts on the victim, and the victim reported to the officers that she felt a lump beginning to form on the top of her head. *Id.* Thus, Petitioner’s criminal conduct, which culminated in an arrest and criminal charges, and all of which occurred subsequent to the passage of the Laken Riley Act, subjects him to mandatory detention under § 1226(c)(1)(E)(ii).

B. Petitioner’s detention is lawful under 8 U.S.C. § 1225(b)(2)(A).

Even if Petitioner’s detention was not lawful under § 1226(c)(1)(E)(ii), it is separately lawful under § 1225(b)(2)(A). While § 1225 and § 1226 are distinct detention provisions of the INA, the Fifth Circuit Court of Appeals recently acknowledged that there may be “overlap” between these two provisions. *See Buenrostro-Mendez v. Bondi*, --- F.4th ---, 2026 WL 323330, at *7 (5th Cir. Feb. 6, 2026) (“Not only does § 1226(c) sweep in deportable aliens in addition to the inadmissible aliens covered by § 1225(b)(2)(A), it also eliminates the option of parole for those to whom it applies.”). This “overlap” makes it so that there may be scenarios, like here, where an alien is subject to mandatory detention under § 1226(c) due to his criminal history, as well as mandatory detention under § 1225(b)(2)(A) as an applicant for admission. *Id.* (“It is true that § 1226 applies to aliens in the United States. That it does so, however, does not preclude § 1225 from also applying to such aliens.”) Therefore, detention is also proper under § 1225(b)(2).

1. Petitioner is an “applicant for admission” “seeking admission.”

An individual who “arrives in the United States,” or is “present” in this country but “has not been admitted,” is considered an “applicant for admission” under 8 U.S.C. § 1225(a)(1). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Buenrostro-Mendez*, 2026 WL 323330, at *2. Applicants for admission are covered by either § 1225(b)(1) or § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (section 1225(b)(2) “serves as a catchall provision that applies to *all* applicants for admission not covered by § 1225(b)(1)”) (emphasis added).

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is “not clearly and beyond doubt entitled to be admitted” to the United States. *See* 8 U.S.C. § 1225(b)(2)(A); *see also* 8 U.S.C. § 1225(a) (defining applicant for admission as *either* “[a]n alien present in the United States who has not been admitted *or* who arrives in the United States”) (emphasis added). Congress defined *all* aliens who are present in the United States without being

admitted as “applicant[s] for admission,” regardless of when they entered. *See* 8 U.S.C. § 1225(a)(1).

When an immigration officer encounters and examines an applicant for admission who seeks to remain in the United States, and that alien (like Petitioner) desires to remain in the United States, the applicant is necessarily “seeking admission” within the meaning of 8 U.S.C. § 1225(b)(2)(A). *See Buenrostro-Mendez*, 2026 WL 323330, at *5 (“[A]n ‘applicant for admission’ is necessarily someone who is ‘seeking admission.’”); *id.* at *4 (“When a person applies for something, they are necessarily seeking it.”). Otherwise, the alien must “withdraw the application for admission and depart immediately from the United States.” 8 U.S.C. § 1225(a)(4). An alien continues to be “seeking admission” while in immigration removal proceedings to determine whether he can “be admitted to the United States.” *See id.* § 1229a(3).

The government acknowledges that all courts in this district (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that an “applicant for admission” be actively “seeking admission” at or near the border to fall within its scope. *See, e.g., Kashranov*, 2025 WL 3188399, *6–7; *Demirel v. Fed. Detention Ctr.*, No. 25-cv-5488 (E.D. Pa. Nov. 18., 2025). But, as noted, the Fifth Circuit Court of Appeals has agreed with the government. *See Buenrostro-Mendez*, 2026 WL 323330, at *1, *4–*6 (“The everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition independent from ‘seeking admission.’”). The *Buenrostro-Mendez* court concluded, correctly, that an “applicant for admission” is “necessarily someone who is ‘seeking admission.’” *Id.* at *5; *but see Castañon-Nava v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, 1062 (7th Cir. 2025)

Thus, Petitioner, who is indisputably an “applicant for admission,” is also “seeking admission” and covered by § 1225(b)(2)(A).

3. Applicants for admission must be detained under 8 U.S.C. § 1225(b)(2)(A), absent discretionary parole.³

Pursuant to 8 U.S.C. § 1225(b)(2)(A), “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien **shall be detained** for a proceeding under section 1229a [removal proceedings].” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). The Supreme Court has held that § 1225(b)(2)(A) is a mandatory detention statute and that individuals detained pursuant to that provision are not entitled to bond. *Jennings*, 583 U.S. at 287 (“Both § 1225(b)(1) and § 1225(b)(2) authorize the detention of certain aliens.”).

In *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025), the BIA concluded that the Immigration Court lacked jurisdiction to conduct a bond hearing because § 1225 requires that an alien present in the United States, but never admitted, must be detained for the duration of his removal proceedings. *Id.* The BIA found § 1225 clear and unambiguous: “Based on the plain language of section 235(b)(2)(A) of the [INA], 8 U.S.C. § 1225(b)(2)(A) (2018), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.” *Id.* at 226. Indeed, § 1225 applies to aliens who are present in the country—even for years—who have not been admitted. *See id.* (“[T]he statutory text of the INA . . . is instead clear and explicit in requiring mandatory detention of all aliens who are applicants for admission, without regard to how many years the alien has been residing in the

³ Respondents acknowledge the weight of decisions in this district rejecting their argument – numbering in excess of 250. *See, e.g., Cantu-Cortes v. O’Neill*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025).

The government is pursuing appeals in the Third Circuit, related to both statutory and constitutional due-process claims, in *Lopes De Andrade v. Director Philadelphia Field Office Immigration and Customs Enforcement*, No. 26-1454 (3d Cir.), and *Butskhrikidze v. Acting Director U.S. Immigration and Customs Enforcement*, No. 26-1455 (3d Cir.). The government filed a motion to expedite the appeals on March 6, 2026.

United States without lawful status.” (citing 8 U.S.C. § 1225)). To hold otherwise, would lead to an “incongruous result” that rewards aliens who unlawfully enter the United States without inspection and possibly evade apprehension for a number of years. *Id.* at 228.

The BIA rejected the alien’s argument that the mandatory detention scheme under § 1225 rendered the recent amendment to § 1226 under the Laken Riley Act superfluous. *Id.* The BIA explained, “nothing in the statutory text of section 236(c), including the text of the amendments made by the Laken Riley Act, purports to alter or undermine the provisions of section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), requiring that aliens who fall within the definition of the statute ‘shall be detained for [removal proceedings].’” *Id.* at 222. According to the BIA, any redundancy between the two statutes does not give license to “rewrite or eviscerate” one of the statutes. *See id.* (quoting *Barton v. Barr*, 590 U.S. 222, 239 (2020)).

In *Buenrostro-Mendez*, the Fifth Circuit expressly addressed the interplay of § 1225(b)(2) and § 1226(a). The court explained that § 1226(a) “undeniably does work independent from § 1225(b)(2)(A) because “only § 1226(a) applies to admitted aliens who overstay their visas, become deportable on many different grounds, or were admitted erroneously due to fraud or some other error.” *Id.* at 7. As for § 1226(c), the Fifth Circuit explained: “Not only does § 1226(c) sweep in deportable aliens in addition to the inadmissible aliens covered by § 1225(b)(2)(A), *see* 8 U.S.C. § 1226(c)(1)(B)–(C), it also eliminates the option of parole for those to whom it applies.” *Id.* The Fifth Circuit noted that “the Laken Riley Act . . . did have a substantial effect when passed insofar as it required the detention without bond or parole of certain aliens the administration was then treating as bond-eligible.” *Id.*

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is “not clearly and beyond doubt entitled to be admitted” to the United States. *See* 8 U.S.C.

§ 1225(b)(2)(A). Nothing in either § 1225(b)(2) or § 1226(a) provides that the government must default to detaining an alien pursuant to § 1226(a) if he is subject to detention under § 1225(b)(2) as well.

Petitioner is an applicant for admission seeking admission, and he has not clearly and beyond doubt established that he is entitled to be admitted to the United States. Consequently, he is subject to mandatory detention under § 1225(b)(2), and ineligible for a bond hearing before an immigration judge.

C. Petitioner’s detention comports with constitutional due process.

Petitioner’s argument that his detention violates procedural due process also lacks merit. The Supreme Court has long recognized that “an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative.” *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). Further, applicants for admission like Petitioner lack any constitutional due process rights with respect to admission aside from the rights provided by statute: “[w]hatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned,” *Shaughnessy v. ex. rel. Mezei*, 345 U.S. 206, 212 (1953), and, “it is not within the province of any court, unless expressly authorized by law, to review [that] determination.” *United States ex. rel. Knauff v. Shaughnessy*, 338 U.S. 537, 543 (1950). *See also Dep’t of Homeland Sec. v. Thuraissigiam* 591 U.S. 103, 140 (2020) (“[T]he Due Process Clause provides nothing more.”).

The Supreme Court reaffirmed “[its] century-old rule regarding the due process rights of an alien seeking initial entry” in *Thuraissigiam*, explaining that an individual who illegally crosses the border—like Petitioner—is an applicant for admission and “has only those rights regarding

admission that Congress has provided by statute.” 591 U.S. at 139–40. The *Thuraissigiam* Court explained that “[w]hile aliens who have established connections in this country have due process rights in deportation proceedings, the Court held long ago that Congress is entitled to set the conditions for an alien’s lawful entry into this country and that, as a result, an alien at the threshold of initial entry cannot claim any greater rights under the Due Process Clause.” *Id.* at 107.

“When an alien arrives at a port of entry—for example, an international airport—the alien is on U.S. soil, but the alien is not considered to have entered the country.” *Id.* at 139. The same “threshold” rule applies to individuals who are apprehended after trying “to enter the country illegally” since by statute, such individuals are also defined as applicants for admission. *Id.* at 139–40. And all applicants for admission, “even those paroled elsewhere in the country for years pending removal,” “have no entitlement to procedural rights other than those afforded by statute.” *Id.* at 107, 139. And the statute provides no more procedural protections than allowing an applicant for admission to seek relief from removal if he fears return to his home country, and to seek parole from the agency. *Id.* During that process, however, applicants for admission may be detained without a bond hearing pending admission or removal without running afoul of the Constitution. *Demore v. Kim*, 538 U.S. 510, 531 (2003)

Petitioner’s recent detention under § 1226(c)(1)(E) during the pendency of his removal proceedings does not violate Due Process. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). The Third Circuit Court of Appeals has recognized that there may come a time when mandatory civil detention without a bond hearing becomes unreasonable. *See German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c)). However, at this time, Petitioner does not challenge the reasonableness or length of his detention under *German Santos*. Therefore, the

Court should find that Petitioner's detention is constitutional and deny the petition for writ of habeas corpus.

V. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the petition for writ of habeas corpus be denied.

Respectfully submitted,

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Counsel for Respondents

Dated: March 11, 2026

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: March 11, 2026

/s/ Anthony St. Joseph

Anthony St. Joseph
Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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	:	
<i>Petitioner,</i>	:	
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v.	:	Civil Action No. 2:26-cv-1442
	:	
JAMISON, J.L., ET AL.,	:	
	:	
<i>Respondents.</i>	:	

EXHIBIT LIST

Exhibit A: Form I-213, Notice Record of Deportable/Inadmissible Alien

Exhibit B: Norristown Police Department Incident Report Form

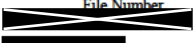
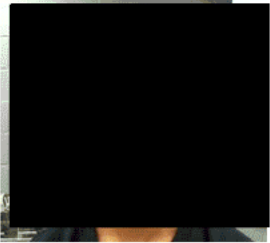
Exhibit C: Municipal Court of Montgomery County Criminal Docket Sheet

Exhibit A

U.S. Department of Homeland Security

Subject ID : 

Record of Deportable/Inadmissible Alien

Family Name (CAPS) GARCIA LAGUNA, LUIS REY		First	Middle	Sex M	Hair BLK	Eyes BRO	Cmpbkn LBR
Country of Citizenship MEXICO	Passport Number and Country of Issue	File Number 		Height 67	Weight 140	Occupation NOT	
U.S. Address				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time, WI-Without Inspection			Passenger Boarded at	F.B.I. Number 			
Number, Street, City, Province (State) and Country of Permanent Residence				☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
Date of Birth /1993 Age: 32				Date of Action 03/05/2026			
City, Province (State) and Country of Birth MEXICO		AR ☒	Form : (Type and No.)	Lifted ☐ Not Lifted ☐			
NIV Issuing Post and NIV Number		Social Security Account Name					
Date Visa Issued		Social Security Number 5					
Immigration Record NEGATIVE				Criminal Record See Narrative			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children None	
Father's Name, Nationality, and Address, if Known				Mother's Present and Maiden Names, Nationality, and Address, if Known			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? ☒ Yes ☐ No		Systems Checks		Charge Code Words(s) See Narrative	
Name and Address of (Last)(Current) U.S. Employer		Type of Employment See Narrative		Salary Hr		Employed from/to	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) Left Index fingerprint  Right Index fingerprint							
Body Worn Camera (BWC) Information ----- BWC footage was recorded for this enforcement activity. FAMILY INFORMATION ----- Father: Subject has not provided information for Father. Mother: Subject has not provided information for Mother. Spouse: Subject is not married. Child: Subject does not have children or dependents. ...(CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				BRANDON RAMOS Deportation Officer			
Distribution:				Received: (Subject and Documents) (Report of Interview) Officer: BRANDON RAMOS on: March 5, 2026 (time) Disposition: Other Examining Officer: CLARK, J 8355			

U.S. Department of Homeland Security

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Alien's Name GARCIA LAGUNA, LUIS REY	File Number [REDACTED] Event No: [REDACTED]	Date 03/05/2026
SUBJECT HEALTH STATUS ----- The subject claims good health. CURRENT ADMINISTRATIVE CHARGES ----- 03/05/2026 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) 03/05/2026 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA TYPE OF EMPLOYMENT ----- Occupation Not Reported ARRESTED AT/NEAR ----- 511 E LAFAYETTE ST, NORRISTOWN, PENNSYLVANIA, 194015118, UNITED STATES RECORD OF DEPORTABLE/EXCLUDABLE ALIEN: ----- Immigration and Customs Enforcement (ICE) is currently executing at-large operations, targeting immigration violators in the Philadelphia Area of Responsibility. The operational focus is in direct support of Presidential Executive Orders. Operations are executed while ensuring personnel safety and maintaining tactical control operating in a confined, civilian-heavy environment. The operation integrates personnel from the Department of Homeland Security (DHS), Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), Internal Revenue Service (IRS), Drug Enforcement Administration (DEA), the US Marshals Service (USMS), with additional support from 287(g) partners in their assigned jurisdictions. The operation aims to enhance public safety and enforce immigration laws. Encounter: On March 05, 2026, Deportation Officers Perrini, Yeager, Moore, and Brown of the Philadelphia ICE/ERO Montgomery County At Large team, assisted by US Border Patrol (USBP) Agents Ivons, Bagendorf, and Smith, conducted an operation at [REDACTED]. The target of the operation was Luis GARCIA LAGUNA (hereafter referred to as GARCIA LAGUNA). During the operation, all officers were identified via badges, vests and/or insignia. Method of Encounter/Location: At approximately 0900 AM, Officers witnessed a male matching the description of GARCIA LAGUNA, exit the target residence and walk west on Lafayette Street. Officers approached GARCIA LAGUNA within seconds. During a brief field interview with GARCIA LAGUNA, he confirmed his name, however he did not provide any identification. After conducting several immigrations checks it was determined that GARCIA LAGUNA was amenable to removal due to being a custody redetermination due to recent criminal arrests. Once immigration status was confirmed, GARCIA LAGUNA was asked to place his hands behind his back. GARCIA LAGUNA was secured in handcuffs, (double locked and checked for tightness) and placed in the back seat of DO Yeager's car. GARCIA LAGUNA I was made aware that he was being placed under arrest by Immigration and Customs Enforcement for being in violation of the Immigration and Nationality Act. Prior to transporting for processing, GARCIA LAGUNA was re-secured using a belly chain, handcuffed in front (double locked and checked for tightness). GARCIA LAGUNA was then transported to the Philadelphia Field Office for an interview and further processing without incident. Garcia-Laguna is subject to President Donald Trump's Executive Order, titled "Protecting the		
Signature BRANDON RAMOS	Title Deportation Officer	

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name GARCIA LAGUNA, LUIS REY	File Number 	Date 03/05/2026
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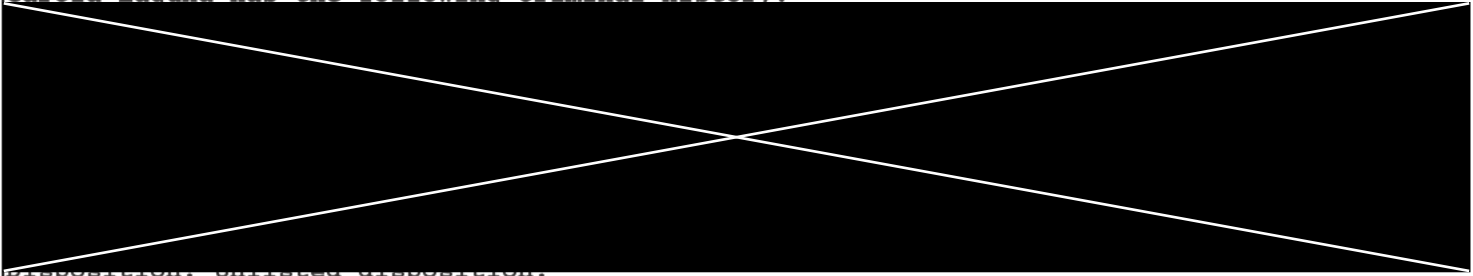
American People Against Invasion," signed on January 20, 2025.

ALIENAGE & REMOVABILITY:
Garcia-Laguna is not a citizen or national of the United States. Garcia-Laguna is a citizen of Mexico.
Garcia-Laguna is amenable to removal under Section 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I).

FAMILY HISTORY:
Garcia-Laguna's mother and father are citizens of Mexico. Garcia-Laguna advised that he has four(4) USC children who are being cared for by their USC mother.

IMMIGRATION HISTORY:
Garcia-Laguna has no immigration history.

CRIMINAL HISTORY:
Garcia-Laguna has the following criminal history:



Disposition: Unlisted disposition.

On 06/29/2012, Garcia-Laguna was arrested by Upper Merion Police Department for the following charges:
 -DUI of Alcohol or Controlled Substance (VC3802A1;PA)
 -DUI of Alcohol or Controlled Substance (VC3802E;PA)
 -DUI of Alcohol or Controlled Substance (VC3802D3;PA)
 -Careless Driving (VC3714;PA)
 -Driver Required to be Licensed (VC1501;PA)
 Disposition: Convicted 02/13/2013 for Charge #3 VC3802D3 PA, Fines/Plead Guilty, 21 days-6 months

On 06/30/2012, Garcia-Laguna was arrested by Norristown Police Department for the following charges:
 -VIO CS/Drug/Dev and Cosmetic Act (CS13A31;PA)
 -VIO CS/Drug/Dev and Cosmetic Act (CS13A32;PA)
 Disposition: Unlisted disposition.

On 07/19/2012, Garcia-Laguna was arrested by Norristown Police Department for the following charges:
 -Criminal Mischief (CC3304A5;PA)
 -Criminal Mischief (CC3304A2;PA)
 -Resisting Arrest (CC5104;PA)
 -OBST Admin-Law or Gov Function (CC5101;PA)
 -Disorderly Conduct (CC5503A1;PA)
 Disposition: Not prosecuted. NOLLE PROSSED. 02/13/2013

On 05/03/2018, Garcia-Laguna was arrested by Easttown Township PD for the following charges:
 - VIO CS/Drug/Dev and Cosmetic Act (CS13A31;PA)
 - VIO CS/Drug/Dev and Cosmetic Act (CS13A32;PA)
 - False ID to Law Enforcement (184914A;PA)

Signature BRANDON RAMOS	Title Deportation Officer
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Continuation Page for Form I-213

Alien's Name GARCIA LAGUNA, LUIS REY	File Number 	Date 03/05/2026
- Public Drunkenness (185505;PA) Disposition: Not prosecuted. NOLLE PROSSED. 07/18/2018 On 09/05/2023, Garcia-Laguna was arrested by Norristown Police Department for the following charges: -VIO CS/Drug/Dev and Cosmetic Act (CS13A31;PA) -VIO CS/Drug/Dev and Cosmetic Act (CS13A32;PA) Disposition: Not prosecuted. NOLLE PROSSED. 02/09/2024 On 12/20/2025, Garcia-Laguna was arrested by Norristown Police Department for the following charges: -DV Harassment (182709A1;PA) -DV Simple Assault (182701A3;PA) -DV Simple Assault (182701A1;PA) Disposition: Qaushed/Dismissed HEALTH & HUMANITARIAN: Garcia-Laguna claims to be in overall good health. FOREIGN IDENTITY AND TRAVEL DOCS: Garcia-Laguna did not have any documentation in his possession. PHONE CALL & CONSULAR NOTIFICATION: MEXICO does require mandatory consular notification. DISPOSITION: Garcia-Laguna was processed and served with a Notice to Appear I-862 and provided with a list of free legal services. The Bautista Class Action Notice was served to Garcia-Laguna in Spanish on March 5th, 2026 at 1020 hours. OTHER IDENTIFYING NUMBERS ----- ALIEN- Other Biometric- State Criminal Number/State Bureau Number- (UNITED STATES) NCIC Number-		
Signature BRANDON RAMOS	Title Deportation Officer	

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