

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

GARCIA LAGUNA, LUIS

Petitioner,

v.

JAMISON, J.L.,

Respondents.

Case No. . **2:26-cv-1442**

**PETITION FOR
WRIT OF HABEAS CORPUS**

PETITIONER’S REPLY TO RESPONDENTS’ ANSWER

I. Introduction

Petitioner, Luis Garcia Laguna, submits this brief reply to address Respondents’ claims that he is subject to mandatory detention under 8 U.S.C. § 1226(c)(1)(E) (the Laken Riley Act) for a simple assault charge that was dismissed on January 28, 2026. ECF 3, Ex. 2 (Criminal Docket). Respondents fail to acknowledge that this Court has held that the Laken Riley Act does not apply to a person like Mr. Garcia Laguna who “has previously been arrested for and charged with a crime where they have also been acquitted of the crime.” *Cibrian Matute v. Jamison*, No. 2:25-cv-07093, 2026 U.S. Dist. LEXIS 32387, at *12 (E.D. Pa. Feb. 18, 2026). As the only criminal case referenced by Respondents was dismissed six weeks ago in its entirety, he is clearly not subject to mandatory detention under the Laken Riley Act. Respondents do acknowledge that their remaining arguments regarding 1225(b)(2)(A) have been disregarded by “all courts in this district (and many more elsewhere).” ECF 3 at 9.¹ As Mr. Garcia Laguna is married to a U.S. citizen, is the father of

¹ See, e.g., *Ibarra v. Warden of the Fed. Det. Ctr. Phila.*, No. 25-6312, 2025 U.S. Dist. LEXIS 232202, at *16 (E.D. Pa. Nov. 25, 2025) (“Mr. Centeno Ibarra has been unlawfully detained under § 1225(b)(2), and his continued mandatory detention violates due process. Because a bond hearing is unnecessary, this Court will order his immediate release.”); *Saidjon Jamolzoda v. Rose*, No. 26-193, 2026 U.S. Dist. LEXIS 17261, at *13 (E.D. Pa. Jan. 29, 2026); *Kashranov v. Jamison*, No. 2:25-cv-05555-JDW, 2025 U.S. Dist. LEXIS 224644, at *20 (E.D. Pa. Nov.

four U.S. citizen children and has resided in Pennsylvania since he was 9 years old, he is clearly not an applicant for admission, and this Court should order his immediate release.

II. The Laken Riley Act Does Not Apply to Petitioner Because He Is Not Presently Charged With Any Crimes.

Respondents assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1226(c) on the sole basis of a simple assault charge that was dismissed on January 28, 2026. ECF 3 at 2, Ex. 2 (Criminal Docket). This Court has held that “the word ‘is’ indicates the present-tense, third person singular form of the verb ‘to be.’ The LRA's use of the present tense means it cannot include a person [who] has previously been arrested for and charged with a crime where they have also been acquitted of the crime.” *Cibrian Matute v. Jamison*, No. 2:25-cv-07093, 2026 U.S. Dist. LEXIS 32387, at *12 (E.D. Pa. Feb. 18, 2026) (citations omitted). The text of § 1226(c)(1)(E)(ii) clearly does not provide for mandatory detention where, as here, any previous charge has been dismissed. In defining the scope of the obligation to detain, Congress used the present tense “is charged with,” 8 U.S.C. § 1226(c)(1)(E)(ii), as opposed to “was charged” or “has ever been charged with.” The language of the statute clearly states that “detention is not mandatory if the criminal charges have been dropped.” *Aguilar Lares v. Bondi*, No. 25 Civ 01562, Mem. Op. & Order, ECF No. 18 at *9 (E.D. Va. Oct. 29, 2025); see also *Helbrum v. Williams Olson*, 25 Civ. 349, 2025 WL 2840273, at *5-6 (S.D. Iowa Sep. 30, 2025). “Had Congress intended to make detention mandatory for anyone who was charged with larceny, it certainly knew how.” *Aguilar Lares* at *9 (emphasis in original) (citing *United States v. Atiyeh*, 402 F.3d 354, 364 (3d Cir. 2025)).

14, 2025) (“Because the Government detained Mr. Kashranov without the bond hearing that Section 1226(a) and the Due Process Clause require, Mr. Kashranov should not now be in custody.”); *Patel v. McShane*, No. 25-5975, 2025 U.S. Dist. LEXIS 228258, at *5 (E.D. Pa. Nov. 20, 2025); *Ibarra v. Warden of the Fed. Det. Ctr. Phila.*, No. 25-6312, 2025 U.S. Dist. LEXIS 232202, at *16 (E.D. Pa. Nov. 25, 2025) (“Mr. Centeno Ibarra has been unlawfully detained under § 1225(b)(2), and his continued mandatory detention violates due process. Because a bond hearing is unnecessary, this Court will order his immediate release).

The structure of the statute reinforces its plain meaning. As another district court recently noted, the language in § 1226(c)(1)(E)(ii) tracks the steps of criminal proceedings. “Criminal cases start either with the filing of charges (‘is charged with’) or the arrest of a person (‘is arrested for’) pending the filing of such charges.” *Helbrum*, 2025 WL 2840273, at *6. “A person cannot be convicted of an offense without first being charged.” *Id.* However, Respondents urge an interpretation that requires mandatory detention following any arrest or charge no matter the ultimate disposition of those charges. Such an interpretation would “make the words ‘is convicted of’ superfluous,” as no defendant could possibly proceed to a conviction without first being charged. *Id.*; *see also Corley v. United States*, 556 U.S. 303, 314 (2009) (citing presumption against superfluous language as one of the “most basic interpretive canons”); *Marx v. Gen. Rev. Corp.*, 568 U.S. 371, 386 (2013) (“[T]he canon against surplusage is strongest when an interpretation would render superfluous another part of the same statutory scheme.”). Accordingly, Petitioner cannot be subject to mandatory detention under 8 U.S.C. § 1226(c) because he does not fall into any of the enumerated categories.

III. Application of the Laken Riley Act to Petitioner Would Violate Due Process

In addition to being nonsensical, Respondents’ proposed reading of the statute would constitute an egregious violation of Petitioner’s due process rights and would subject an unknown number of people similarly situated to unlawful detention. Applying mandatory detention to individuals whose criminal charges were dismissed would not just risk an erroneous deprivation of liberty, “it would *guarantee* it by requiring Petitioner to be detained even where the existing procedures for determining whether appropriate culpable conduct could be attributed to him—*i.e.*, a criminal trial—has established that he is not responsible.” *E.C. v. Noem*, 2025 U.S. Dist. LEXIS 202103, at *31 (D. Nev. Oct. 14, 2025) (emphasis in original). This interpretation would **require**

detention of individuals who had been mistakenly arrested or misidentified. “Such an interpretation would turn due process on its head by rendering its protections meaningless... If § 1226(c) mandates Petitioner's detention, with no regard for the fact that he was acquitted of all criminal charges through the procedural protections provided in the underlying criminal proceedings, that provision would be unconstitutional as applied to Petitioner.” *Id.* at 32, 34-35.

IV. Respondent’s Unlawful Detention Can Only Be Remedied By Release

Should this court order ICE to provide Mr. Garcia Laguna with a bond hearing, there is a significant likelihood that ICE would fail to do so, and one court recently identified at least 96 court orders that ICE has violated in 74 cases just in the month of January 2026. *Juan T.R. v. Noem*, No. 26-CV-0107, 2026 WL 232015, at *1 (D. Minn. Jan. 28, 2026) (“ICE has likely violated more court orders in January 2026 than some federal agencies have violated in their entire existence.”) Furthermore, the current policies and practices of the immigration court system are preventing individuals like Mr. Garcia Laguna from receiving a fair and neutral assessment in bond proceedings. “Habeas is at its core a remedy for unlawful executive detention,” and that remedy “is, of course, release.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Mr. Garcia Laguna urges the Court to grant the appropriate remedy in the instant Petition and order his immediate release.

V. Conclusion

As Mr. Garcia Laguna is clearly not subject to mandatory detention, he submits that immediate release is the most appropriate remedy for his unlawful detention.

Date: March 12, 2026

Signed,

/s/ Caitlin Barry

PA 205501

Farmworker Legal Aid Clinic

Villanova University Charles Widger School of Law

299 N. Spring Mill Road
Villanova, PA 19085
flac@law.villanova.edu
Phone: 610-519-3216

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Reply using the CM/ECF system.

/s/ Caitlin Barry

Caitlin Barry

Dated: March 12, 2026