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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GERARDO PINEDA-MENDEZ

Petitioner

v.

CHRISTOPHER J. LAROSE, et al.,

Respondents

Case No.:26-cv-1584-GPC-AHG

Judge: Hon. Gonzalo P. Curiel

PETITIONER'S TRAVERSE TO RESPONDENT'S RETURN

I. This Court Has Already Rejected Respondents' Statutory Theory

Respondents' Return does not meaningfully answer the question presented. Although Respondents assert that Petitioner is subject to mandatory detention under § 235(b), they do not distinguish this case from the numerous decisions in this District rejecting that position in materially identical circumstances, and they identify no intervening authority that would justify a departure from that settled line of decisions.

Respondents advance the same statutory interpretation this Court has already rejected in materially indistinguishable cases. Specifically, Respondents contend that Petitioner—who entered the United States without inspection and was apprehended in the interior of the country years later—is subject to mandatory detention under 8 U.S.C. § 1225(b) as an "applicant for admission."

In *Lagarda-Vega v. Noem*, No. 3:25-cv-02970-GPC (S.D. Cal. Dec. 11, 2025), and *Martinez-Martinez v. Noem*, No. 3:25-cv-02975-GPC (S.D. Cal. Dec. 11, 2025), this Court held that individuals apprehended in the interior of the United States long after entry are not subject to detention under 8 U.S.C. § 1225(b), but instead are detained pursuant to 8 U.S.C. § 1226(a), which provides for an individualized bond determination.

The facts here are materially indistinguishable. Petitioner entered the United States without inspection, resided in the interior of the country for an extended period, and was later arrested by immigration authorities well after his entry. As in prior cases, Respondents seek to classify his detention under § 1225(b) solely on the basis that he was not admitted or paroled. That position has already been rejected as inconsistent with the statutory framework.

No intervening Supreme Court or Ninth Circuit authority compels a different result. Nor do Respondents identify any material factual distinction that would justify departing from this Court's prior rulings. To the contrary, Respondents acknowledge that courts in this District have previously ordered bond hearings under § 1226(a) in similar cases.

In the absence of controlling authority to the contrary, and given this Court's consistent treatment of materially indistinguishable detention scenarios, adherence to that established interpretation is warranted here. Accordingly, Respondents' attempt to classify Petitioner's detention under § 1225(b) cannot be sustained.

II. Respondents' Position Cannot Be Sustained Under the Statutory Framework

Respondents' argument rests on the premise that any noncitizen who entered the United States without inspection remains an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b), regardless of when or where that individual is apprehended. That interpretation cannot be reconciled with the structure and text of the Immigration and Nationality Act.

Section 1225 governs the inspection and processing of individuals who are seeking admission to the United States. By its terms, it applies to individuals who are arriving at the border or otherwise presenting themselves for entry. It does not extend to individuals who have

already entered the country and are later apprehended in the interior after residing in the United States for a prolonged period of time.

In contrast, Section 1226 governs the arrest and detention of noncitizens already present in the United States pending a determination of removability. That provision expressly contemplates the apprehension of individuals within the interior of the country and provides for discretionary detention, including the availability of bond.

Respondents' interpretation collapses these two distinct statutory frameworks. Under their theory, § 1225(b) would apply to any noncitizen who entered without inspection, regardless of the passage of time or the circumstances of apprehension. Such a reading would effectively render § 1226(a) superfluous for a broad category of individuals whom Congress clearly intended to place within its discretionary detention scheme.

Courts addressing this issue have consistently rejected that interpretation, concluding that the phrase "seeking admission" in § 1225(b) requires an affirmative act of presenting oneself for entry, not mere presence in the United States without prior admission. An individual apprehended in the interior of the country years after entry is not "seeking admission" within the meaning of the statute.

Accordingly, because Petitioner was arrested in the interior of the United States long after his entry and was not engaged in any act of seeking admission at the time of his apprehension, Respondents' reliance on § 1225(b) is legally erroneous, and his detention must be governed by § 1226(a).

III. Detention in This Case Is Governed by 8 U.S.C. § 1226(a), Not § 1225(b)

Because Petitioner was apprehended in the interior of the United States long after his entry, his detention falls squarely within the scope of 8 U.S.C. § 1226(a), not § 1225(b). Section 1226(a) governs the arrest and detention of noncitizens already present in the United States pending a decision on removal and provides for discretionary custody determinations, including the availability of bond.

By contrast, § 1225(b) applies to individuals who are seeking admission—those arriving at the border or otherwise presenting themselves for entry—and mandates detention only in that limited context. It does not govern the detention of individuals who have already entered the country and are later apprehended in the interior after residing in the United States for an extended period of time.

Here, there is no dispute that Petitioner entered the United States without inspection and lived in the interior of the country for years before being arrested by immigration authorities. At the time of his apprehension, he was not seeking admission, presenting himself for inspection, or otherwise engaged in any conduct that would trigger application of § 1225(b). Instead, he was arrested within the United States, placing his custody squarely within the framework of § 1226(a).

Applying § 1225(b) under these circumstances would expand that provision far beyond its statutory purpose and collapse the distinction Congress drew between arriving noncitizens and those already present in the country. It would also eliminate the discretionary detention scheme established by § 1226(a) for individuals like Petitioner, contrary to the structure of the statute.

IV. Respondents Effectively Concede That Relief Is Warranted

In their Return, Respondents acknowledge that courts in this District have ordered bond hearings under 8 U.S.C. § 1226(a) in materially similar cases and expressly state that they do not oppose such relief here.

That concession confirms that relief is warranted. The sole issue presented in this case is whether Petitioner's detention is governed by § 1225(b), which forecloses bond, or § 1226(a), which requires an individualized custody determination. By not opposing an order directing a bond hearing under § 1226(a), Respondents effectively concede that Petitioner's continued detention without such a hearing cannot be sustained.

There is therefore no genuine dispute requiring further adjudication. Respondents do not identify any material factual distinction that would justify a different result, nor do they offer any intervening authority that would compel this Court to depart from its prior rulings. Instead, they

request only that, if relief is granted, the Court provide additional time to conduct a bond hearing.

Under these circumstances, the appropriate course is clear. Because Respondents do not oppose the core relief sought—an individualized bond hearing under § 1226(a)—and because the legal question presented has already been resolved by this Court in materially indistinguishable cases, Petitioner is entitled to relief as a matter of law.

V. Petitioner's Continued Detention Violates the Due Process Clause

Petitioner has been detained without any individualized determination of flight risk or danger to the community solely based on Respondents' classification of his custody under 8 U.S.C. § 1225(b). As a result, he has been denied access to a bond hearing and any meaningful opportunity to seek release.

Civil immigration detention must comport with the Due Process Clause of the Fifth Amendment. At a minimum, due process requires an individualized assessment of whether continued detention is necessary to serve the government's interests. Detention based solely on a categorical statutory classification—without any opportunity to be heard—fails to satisfy these fundamental requirements.

Here, Petitioner was apprehended in the interior of the United States after residing in the country for an extended period of time. Despite these circumstances, he has been detained without any evaluation of his personal characteristics, ties to the community, or risk factors. The absence of any individualized custody determination renders his continued detention constitutionally deficient.

Where, as here, detention continues without access to a bond hearing, due process requires either release or a constitutionally adequate custody determination before a neutral decisionmaker. At such a hearing, the government must bear the burden of establishing, by clear and convincing evidence, that continued detention is necessary to prevent flight or danger to the community.

Accordingly, Respondents' continued detention of Petitioner without an individualized bond determination violates the Due Process Clause.

VI. This Case Can Be Resolved on the Pleadings

This case presents a purely legal question concerning the proper statutory framework governing Petitioner's detention—namely, whether detention is authorized under 8 U.S.C. § 1225(b) or must proceed under 8 U.S.C. § 1226(a). Resolution of this issue does not depend on any disputed facts but instead turns entirely on statutory interpretation and established legal principles.

The material facts are not in dispute. Petitioner entered the United States without inspection, resided in the interior of the country for an extended period of time, and was later apprehended within the United States. The only issue before the Court is the legal classification of his detention.

Courts in this District, including this Court in *Lagarda-Vega* and *Martinez-Martinez*, have repeatedly resolved this precise question on the pleadings without the need for an evidentiary hearing. Because the issue is purely legal, further oral argument or factual development would not assist the Court in resolving this matter.

Accordingly, Petitioner respectfully requests that the Court decide the Petition on the pleadings and vacate the scheduled hearing.

VII. Relief Requested

For the foregoing reasons, Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus.

Petitioner requests that the Court order his immediate release from custody, as his continued detention under 8 U.S.C. § 1225(b) is unlawful.

In the alternative, should the Court decline to order immediate release, Petitioner requests that the Court order Respondents to provide a constitutionally adequate bond hearing pursuant to 8 U.S.C. § 1226(a) within a specified period of time to be set by the Court. At such hearing, Respondents shall bear the burden of establishing, by clear and convincing evidence, that

Petitioner poses a danger to the community or a risk of flight, and that no less restrictive alternatives to detention are sufficient.

If such a bond hearing is not conducted within the time ordered by the Court, Petitioner requests that the Court order his immediate release unless and until Respondents establish that continued detention is warranted under § 1226(a).

Petitioner further requests that the Court prohibit his transfer outside this District pending compliance with the Court's order.

Finally, Petitioner requests such other and further relief as the Court deems just and proper.

Respectfully submitted,

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