

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

VILLARREAL TORRES, RAMON

Petitioner,

v.

J.L. JAMISON, et al.

Respondents

Case No. **2:26-cv-02000**

VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS

PETITIONER’S REPLY TO RESPONDENTS’ ANSWER

I. Introduction

In their Answer, Respondents argue that the fact that Mr. Villarreal Torres was previously in expedited removal proceedings before being recategorized into standard removal proceedings does not impact the category of detention that he falls under. Respondents acknowledge that “multiple district courts in this jurisdiction have rejected this argument.” ECF 7, n. 1. In fact, no judge in this court has ever agreed that this argument has merit, including in cases with nearly identical fact patterns where Respondents paroled petitioners into the United States to seek asylum, and then later detained them with no individualized assessment of their circumstances. See, e.g., *Green v. Jamison, et al.*, No. 26-0773 (E.D. Pa. Feb. 26 2026). There is no reason to depart from the sound statutory analysis of this and dozens of other federal courts. Mr. Villarreal Torres has resided in Pennsylvania for over two years pursuing his asylum application. He was scheduled to

appear in the Philadelphia immigration court on April 20, 2026 for his next court proceeding before he was detained. He is clearly not subject to classification as an “applicant for admission” as the government purports. Nevertheless, the Government continues to make the same unfounded arguments to justify Mr. Villarreal Torres’s continued unlawful detention.

II. Respondents Grant of Long-Term Parole Removes Mr. Villarreal Torres from § 1225(b)(1)

Respondents argue that Mr. Villarreal Torres is detained pursuant to § 1225(b)(1) because Respondents initially placed him in expedited removal proceedings, before he passed his Credible Fear Interview and was paroled into the United States in standard removal proceedings. Respondents fail to acknowledge the limitations of mandatory detention under that statute, which clearly only applies to an individual “who has not been admitted or paroled into the United States.” 8 U.S.C. § 1225(b)(1)(A)(iii)(II). As such, “the plain language of the statute clearly and unambiguously shows that § 1225(b)(1)(A)(iii) cannot serve as the basis for Petitioner's detention.” *Rivas Rodriguez v. Rokosky*, No. CV 25-17419 (CPO), 2025 WL 3485628, at *2 (D.N.J. Dec. 3, 2025). See also *Quintero v. Raycraft*, No. 1:26-cv-235, 2026 U.S. Dist. LEXIS 33062, at *5 (W.D. Mich. Feb. 18, 2026) (“The record before the Court indicates that Petitioner was paroled into the United States. Therefore, the Court finds that § 1225(b)(1)(A)(iii) does not apply.”) *Aviles-Mena v. Kaiser*, No. 25-CV-06783-RFL, 2025 U.S. Dist. LEXIS 173976 at *5 (N.D. Cal. Sept. 5, 2025) (holding that, “because Aviles-Mena was 'paroled into the United States,' he cannot be subject to expedited removal under section 1225(b)(1)"); *Coal. for Humane Immigrant Rts. v. Noem*, No. 25-CV-872 (JMC), 805 F. Supp. 3d 48 at *30 (D.D.C. Aug. 1, 2025) (holding that individuals who had been paroled into the United States cannot be subject to expedited removal under § 1225(b)(1)).

Respondents also argue that individuals like Mr. Villarreal Torres “lack any constitutional due process rights” that are not specifically provided by statute. The cases relied upon by Respondents in their argument involve noncitizens who never experienced a meaningful break from border or custodial status. Specifically, the Respondents place great emphasis on *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020), which involved a person detained within 25 yards of the border who never was released from custody. By contrast, Petitioner was paroled into the US, lived at liberty for two years with DHS authorization, filed an asylum application and received permission to work. Upon re-detention, DHS was required to proceed under INA §240 Removal Proceedings and 8 U.S.C. § 1226(a) to provide him with an individualized custody determination. In fact, the Court in *Thuraissigiam* explicitly stated individuals “who have established connections in this country have due process rights in deportation proceedings,” *Id.* at 107, (Respondents’ Answer at 12).

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

Release is the only appropriate remedy for the constitutional violations in this case, including the lack of pre-deprivation notice or individualized review before Petitioner’s arrest, which cannot be remedied by a post-deprivation hearing. *See Alfaro Herrera v. Baltazar*, No. 1:25-cv-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026) (given that holding a bond hearing would prolong his unlawful detention, “[r]espondents’ violations of Petitioner’s rights are best remedied by ordering Petitioner’s immediate release from immigration detention.”); *Qasemi v. Francis*, No. 25-cv-10029, 2025 WL 3654098 at *14, (S.D.N.Y. Dec. 17, 2025) (a bond hearing would not be an adequate remedy for the due process violations in petitioner’s sudden arrest and detention); *Crespo Tacuri v. Genalo*, No. 25-cv-06896, 2026 WL 35569, at *7 (E.D.N.Y. Jan. 6, 2026) (ordering release, finding that post-deprivation review cannot remedy the due process

violation of detaining petitioner with no process or individualized assessment); *Moctezuma Macias v. Henkey*, No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government’s repeated use of unlawful detention policies across the country, causing petitioners to “sit in jail waiting for a judicial decision,” the court would order immediate release instead of causing additional delay through a bond hearing). Thus, immediate release is the only appropriate remedy where re-detention violates Petitioner’s substantive and procedural due process rights.

IV. Conclusion

Mr. Villarreal Torres submits that immediate release is the most appropriate remedy for his unlawful detention. “Without a legitimate interest in her detention, immediate release appropriately remedies Respondents’ violation of her due process rights through her continued detention.” *Santiago v. Noem*, No. EP-25-CV-361, 2025 WL 2792588, at *13-14 (W.D. Tex. Oct. 2, 2025).

Date: April 2, 2026

Signed,

/s/ Caitlin Barry

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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: April 2, 2026