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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JULIETH DURAN ROMERO,

Petitioner,

v.

DIRECTOR, Otay Mesa Detention
Center, et. al,

Respondents.

Case No.: 26-CV-2151-AGS

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

I. INTRODUCTION

This Court previously found that Petitioner was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). *See Duran Romero v. LaRose*, et. al, No. 3:25-CV-03567-AGS-VET, ECF No. 7. Thus, the only issue before this Court is whether Petitioner's detention without a bond hearing has become unreasonably prolonged. Because Petitioner's detention is just shy of six months, the Court should find that it has not, and deny the Petition.

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II. FACTUAL AND PROCEDURAL BACKGROUND

Respondents incorporate by reference the factual and procedural background from its previous filing in Case No. 25-CV-3567-AGS, at ECF No. 4 and provide the following additional information.

On February 18, 2026, an immigration judge (IJ) granted the Department of Homeland Security's motion to pretermite Petitioner's asylum application, and ordered Petitioner removed to Honduras pursuant to the Asylum Cooperative Agreement with Honduras. Exh. 1¹ (IJ Order). Petitioner appealed that order to the Board of Immigration Appeals in March 2026. Exh. 2. As a result, there is no administratively final order of removal at this time. Petitioner remains mandatorily detained under 8 U.S.C. § 1225(b)(2)(A).

III. STATUTORY BACKGROUND

Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1225, applies to an "applicant for admission," defined as an "alien present in the United States who has not been admitted" or "who arrives in the United States." 8 U.S.C. § 1225(a)(1). "[A]pplicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Section 1225(b)(1) applies to arriving aliens and "certain other" aliens "initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid document." *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). These aliens are generally subject to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if "the alien indicates an intention to apply for asylum . . . or a fear of persecution," immigration officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii). "If the officer determines at the time of the interview that [the] alien has a credible fear of persecution . . . , the alien *shall be detained* for further consideration of the

¹ The attached exhibits are copies of true documents obtained from ICE counsel.

1 application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). If the alien
2 does not indicate an intent to apply for asylum, does not express a fear of persecution,
3 or is “found not to have such a fear,” they “shall be detained . . . until removed” from
4 the United States. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

5 Section 1225(b)(2) is “broader” and “serves as a catchall provision.” *Jennings*,
6 583 U.S. at 287. It “applies to all applicants for admission not covered by §
7 1225(b)(1).” *Id.* Under § 1225(b)(2), an alien “who is an applicant for admission” shall
8 be detained for a removal proceeding “if the examining immigration officer determines
9 that [the] alien seeking admission is not clearly and beyond a doubt entitled to be
10 admitted.” 8 U.S.C. § 1225(b)(2)(A); *Matter of Q. Li*, 29 I&N Dec. 66, 68 (BIA 2025)
11 (“for aliens arriving in and seeking admission into the United States who are placed
12 directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. §
13 1225(b)(2)(A), mandates detention ‘until removal proceedings have concluded.’”) (citing *Jennings*, 583 U.S. at 299). However, DHS has the sole discretionary authority
14 to temporarily release on parole “any alien applying for admission to the United States”
15 on a “case-by-case basis for urgent humanitarian reasons or significant public benefit.”
16 *Id.* § 1182(d)(5)(A); see *Biden v. Texas*, 597 U.S. 785, 806 (2022).

18 IV. ARGUMENT

19 A. Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(2).

20 Petitioner’s claim fails because she is subject to mandatory detention under 8
21 U.S.C. § 1225(b)(2). Under 8 U.S.C. § 1225(a)(1), an “applicant for admission” is
22 defined as an “alien present in the United States who has not been admitted or who
23 arrives in the United States.” As explained above, applicants for admission “fall into
24 one of two categories, those covered by § 1225(b)(1) and those covered by §
25 1225(b)(2).” *Jennings*, 583 U.S. at 287.

26 Section 1225(b)(2)(A) requires mandatory detention of “an alien who is *an*
27 *applicant for admission*, if the examining immigration officer determines that an alien
28 seeking admission is not clearly and beyond a doubt entitled to be admitted[.]” *Chavez*

1 *v. Noem*, No. 3:25-cv-02325, 2025 WL 2730228, at *4 (S.D. Cal. Sept. 24, 2025)
2 (quoting 8 U.S.C. § 1225(b)(2)(A)) (emphasis in original). Petitioner contends that he
3 is entitled to a bond hearing. But the Supreme Court has rejected such contention,
4 explaining: “Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of
5 applicants for admission until certain proceedings have concluded. . . . Nothing in the
6 statutory text imposes any limit on the length of detention. And neither § 1225(b)(1)
7 nor § 1225(b)(2) says anything whatsoever about bond hearings.” *Jennings*, 583 U.S. at
8 297. Except for temporary parole granted at the discretion of the Attorney General “for
9 urgent humanitarian reasons or significant public benefit” under 8 U.S.C. § 1182(d)(5),
10 “there are no *other* circumstances under which aliens detained under § 1225(b) may be
11 released.” *Id.* at 300 (emphasis in original).

12 As Petitioner’s removal proceedings are pending, and she has not been granted
13 temporary parole, section 1225(b)(2) mandates her detention until the proceedings have
14 concluded. *Jennings*, 583 U.S. at 297 (“Once those proceedings end, detention under
15 § 1225(b) must end as well.”). Because Petitioner is lawfully detained under
16 section 1225(b) and the statute does not entitle her to a bond hearing at this time, her
17 petition must be denied. *See, e.g., Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151
18 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to
19 find that the petitioner had no right to release or a bond hearing under 1225(b)(1)
20 because “[b]inding Ninth Circuit and Supreme Court precedents are clear that Petitioner
21 lacks any rights beyond those conferred by statute, and no statute entitles Petitioner to
22 a bond hearing”).

23 **B. Petitioner’s detention is not unconstitutionally prolonged.**

24 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.
25 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]
26 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain
27 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)
28 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither

§ 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The Supreme Court added that the sole means of release for noncitizens detained pursuant to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300 (“That express exception to detention implies that there are no *other* circumstances under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens throughout the completion of applicable proceedings[.]” *Id.* at 302.

As for her due process claim, *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953) has direct application here and controls. In *Mezei*, a noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged detention for 21 months without a bond hearing violated his constitutional rights. The Supreme Court disagreed, concluding that, because he was “treated as if stopped at the border,” (citations omitted) the noncitizen’s continued detention did not deprive him of any due process rights, stating: “[A]n alien on the threshold of initial entry stands on a different footing: ‘Whatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation omitted).

“*Mezei* therefore suggests that the Court found that excludable aliens simply enjoy no constitutional right to be paroled into the United States, even if the only alternative is prolonged detention.” *Barrera-Echavarria v. Rinson*, 44 F.3d 1441, 1450 (9th Cir. 1995) (en banc), *superseded by statute as stated in Xi v. INS*, 298 F.3d 832 (9th Cir. 2002). As a result, “Supreme Court precedent squarely precludes a conclusion that [excludable aliens] have a constitutional right to be free from detention, even for an extended time.” *Id.* at 1449. *Barrera-Echavarria*’s treatment of *Mezei*—as it relates to arriving aliens stopped at the border—has never been overruled. The Ninth Circuit continues to cite *Barrera-Echavarria* for its due process analysis for arriving aliens subject to the entry fiction doctrine. *See Llamas-Lopez v. Barr*, 825 F. App’x 523, 524 (Mem.) (9th Cir. 2020); *Angov v. Lynch*, 788 F.3d 893, 898 (9th Cir. 2015) (*Angov*’s

1 “claim of a procedural due process violation simply can’t be squared with the Supreme
2 Court’s teachings in *Mezei*” because Angov, like *Mezei*, never “technically ‘entered’
3 the United States”).

4 In *Ibarra-Perez v. Howard*, the district court in this Circuit provided an
5 extensive analysis of “the law of the Ninth Circuit as it currently stands [including
6 *Barrera-Echavarria*, and its treatment by *Rodriguez II*, *Rodriguez III*, and *Rodriguez*
7 *V*].” 468 F. Supp. 3d 1156, 1177 (D. Arizona 2020).² The court there concluded that
8 “Respondents have the better side of this argument” when denying an arriving alien
9 detained under § 1225(b) a bond hearing (thus subject to entry fiction), because it “must
10 do its best to discern and apply the law[.]” So before *Thuraissigiam*, even if *Mezei* was
11 considered “under siege, it [was] still good law.” See *Aracely, R v. Nielsen*, 319 F.
12 Supp. 3d 110, 145 (D.D.C. 2018). “*Mezei* therefore remains binding precedent for our
13 court—which means the Due Process Clause does not forbid [petitioner’s] detention.”
14 *Martinez v. Larose*, 980 F.3d 551, 554 (6th Cir. 2020) (Mem.) (Thapar, J., concurring
15 in the denial of rehearing *en banc* based on *Mezei* and the “century-old distinction”
16 reaffirmed in *Thuraissigiam*).

17 As good law, *Mezei* “is directly on point and controls this case.” See *Poonjani*
18 *v. Shanahan*, 319 F. Supp. 3d 644, 647 (S.D.N.Y. 2018) (denying bond for arriving
19 alien detained under § 1225(b)). Other courts agree. See *Arana v. Arteta*, 2026 WL
20 279786, at *5-6 (S.D.N.Y. Feb. 3, 2026) (citing *Poonjani*); *Acosta v. Arteta*, 2026 WL
21 263470, at *6 (S.D.N.Y. Feb. 2, 2026) (citing *Poonjani*); *Mendez Ramirez v. Decker*,
22 612 F. Supp. 3d 200, 220 (S.D.N.Y. 2020) (citing *Poonjani*); *Gonzalez Aguilar v. Wolf*,
23 448 F. Supp. 3d 1202, 1212 (D.N.M. 2020) (“*Mezei* and its progeny do not hold that
24 Petitioner has no due-process rights; rather, the applicable statutory process shapes her
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27 ² *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013) (“*Rodriguez II*”); *Rodriguez v.*
28 *Robbins*, 804 F.3d 1060 (9th Cir. 2015) (“*Rodriguez III*”); and *Rodriguez v. Marin*,
909 F.3d 252 (9th Cir. 2018) (“*Rodriguez V*”).

1 procedural due-process rights. Because Petitioner has no statutory right to release or a
2 bond hearing, she has no procedural due-process right to the relief requested.”).

3 *Mezei* was reinforced by the Supreme Court in *Department of Homeland*
4 *Security v. Thuraissigiam*, 591 U.S. 103, 138-40 (2020). There, the Supreme Court
5 once again addressed the due process rights of inadmissible arriving noncitizens
6 seeking initial entry into the United States. The Supreme Court stated that such
7 individuals have no due process rights “other than those afforded by statute.” *Id.* at
8 107; *see also id.* at 140 (“[A]n alien in respondent’s position has only those rights
9 regarding admission that Congress has provided by statute.”). The Supreme Court
10 noted that its determination was supported by “more than a century of precedent.” *Id.*
11 at 138 (citing *Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892); *U.S. ex rel.*
12 *Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950); *Mezei*, 345 U.S. at 212; *Landon v.*
13 *Plasencia*, 459 U.S. 21, 32 (1982)). Because the only process due Petitioner is that
14 afforded under section 1225(b), the Court must reject his claim that his detention
15 violates the Fifth Amendment’s Due Process Clause and deny his requested relief. *See*
16 *Thuraissigiam*, 591 U.S. at 138–40; *Mendoza-Linares*, 51 F.4th at 1167; *Rodriguez*
17 *Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) (“The recognized liberty interests
18 of U.S. citizens and aliens are not coextensive: the Supreme Court has ‘firmly and
19 repeatedly endorsed the proposition that Congress may make rules as to aliens that
20 would be unacceptable if applied to citizens.’”) (quoting *Demore v. Kim*, 538 U.S. 510,
21 522 (2003)); *Zelaya-Gonzalez*, 2023 WL 3103811, at *4 (“Binding Ninth Circuit and
22 Supreme Court precedents are clear that Petitioner lacks any rights beyond those
23 conferred by statute, and no statute entitles Petitioner to a bond hearing.”).

24 District courts in this Circuit that disagree generally do not grapple with *Mezei*
25 or *Barrera-Echavarria*. *See Ibarra-Perez*, 468 F. Supp. 3d at 1177, fn. 25 (citing
26 *Poonjani* and rejecting the leading “prolonged detention” case, *Banda v. McAleenan*,
27 385 F. Supp. 3d 1099 (W.D. Wash. 2019), because *Banda* did not even discuss
28

1 *Barrera-Echavarria*, the “entry fiction” doctrine, or portions of *Rodriguez II* and *III*
2 “that seem to adopt *Barrera-Echavarria*’s logic as it pertains to arriving aliens”).

3 Petitioners generally cite *Kydyrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020)
4 for the proposition that unreasonably prolonged detention without a bond hearing
5 violates due process. In *Kydyrali*, the court distinguished *Mezei*, simply “noting that
6 the *Mezei* Court is limited to the national security context in which it was decided.”
7 (citing *Rosales-Garcia v. Holland*, 322 F.3d 386, 413-14 (6th Cir. 2003)) (en banc).

8 *Mezei*, however, cannot be distinguished simply on “national security” grounds;
9 those facts were immaterial. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)
10 (distinguishing *Mezei* because he was treated, for constitutional purposes, “as if
11 stopped at the border,” and “*that made all the difference*”) (emphasis added). If *Mezei*
12 only applies when national security concerns were present, then surely the Supreme
13 Court in *Zadvydas* would have said so. The Court, however, held the immigration status
14 of *Mezei* and *Zadvydas* was “critical” distinction between the two. *Id.*
15 (“Although *Mezei*, like the present cases, involves indefinite detention, it differs from
16 the present cases in a critical respect....[*Mezei* was required] to seek entry into his
17 country once again.”).

18 In fact, in *Barrera-Echavarria*, it was the dissent that criticized the majority’s
19 reliance on *Mezei*, claiming that “[n]o such national security concerns are implicated
20 in *Barrera*’s case.” See 44 F.3d at 1452 (Pregerson, J., dissenting). The dissent’s
21 attempt to limit *Mezei* to its fact did not carry the day. Nor did *Kydyrali* address
22 *Thuraissigiam*’s reliance of *Mezei*, along with other cases, as “a century of precedent”
23 for the proposition that “the decisions of executives or administrative officers, acting
24 within powers expressly conferred by Congress, are due process of law.” 591 U.S. at
25 139-40.

26 Neither can *Mezei* be reframed as merely an exclusion case, instead of a
27 detention case, to avoid its application. See *Barrera-Echavarria*, 44 F.3d at 1449-50
28 (majority rejecting this argument because “[*Mezei*’s] holding necessarily included a

determination that Mezei’s *detention* was legal as well”); *Zadvydas*, 533 U.S. at 693 (stating “*Mezei*, like the present case, involves indefinite detention”).

Since the Supreme Court’s decision in *Thuraissigiam*, numerous decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment Due Process Clause that Petitioner might have raised in this petition: Does an alien detained under 8 U.S.C. § 1225(b)(1) have a due process right to release or a bond hearing after being detained for a certain period of time? The answer is no. *Doe v. Bondi*, 1:25-cv-02712, 2025 WL 3516292, at *5 (D. Colo. Nov. 4, 2025) (“[P]rocedural due process does not afford inadmissible arriving aliens subject to prolonged detention a right to release or bond hearing prior to the conclusion of removal proceedings.”); *Romero v. Bondi*, 1:25-cv-993, 2025 WL 2490659, at *3 (E.D. Va. July 2, 2025); *Mendoza-Linares v. Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, *2 (S.D. Cal. June 10, 2024) (“[T]he Court finds that Petitioner has no Fifth Amendment right to a bond hearing pending his removal proceedings.”); *Zelaya-Gonzalez*, 2023 WL 3103811, at *3 (S.D. Cal. Apr. 25, 2023) (same); *Rodriguez Figueroa v. Garland*, 535 F. Supp. 3d 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F. Supp. 3d 329, 336 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579 (W.D.N.Y. 2021); *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

Mezei has direct application here. To the extent there is some “tension” with the Ninth Circuit’s post-*Jennings* remand order in *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018) (*Rodriguez V*) (“We have grave doubts that any statute that allows for arbitrary prolonged detention without any process is constitutional...”), *Mezei* controls until it is “explicitly overruled.” See *United States v. Esqueda*, 88 F.4th 818, 828 (9th Cir. 2023) (stating “[t]his Court is ‘bound to follow a controlling Supreme Court precedent until it is explicitly overruled by that Court[,]’” even if the lower court thinks the precedent is in “tension” with other lines of decisions) (citation omitted).

Even if the Court infers a constitutional right against prolonged mandatory detention, Petitioner’s claim still fails. “In general, as detention continues past a year,

1 courts become extremely wary of permitting continued custody absent a bond hearing.”
2 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal.
3 April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-
4 BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half
5 years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL
6 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,
7 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two
8 years). Petitioner’s detention fallsshort of the length courts have found to raise due
9 process concerns.

10 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
11 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,
12 at *5 (“[W]hile the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-
13 suited to determining whether due process requires a second bond hearing, they are not
14 particularly dispositive of whether prolonged mandatory detention has become
15 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-
16 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding
17 “the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of
18 the possible constitutional implications of Petitioner’s ongoing detention without
19 process.”).

20 Under *Lopez*, to determine whether continued mandatory detention has become
21 unreasonable, “the Court will look to the total length of detention to date, the likely
22 duration of future detention, and the delays in the removal proceedings caused by the
23 petitioner and the government.” 631 F. Supp. 3d at 879.

24 First, Petitioner has been detained for about five months. Courts in this district
25 have found detention for much longer periods to be unreasonably prolonged. *See*
26 *Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at *5 (S.D. Cal. Feb.
27 21, 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19 months); *Sanchez-*
28 *Rivera*, 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768,

773 (S.D. Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at *1 (42 months). The length of detention “is the most important factor.” *Sanchez-Rivera*, 2023 WL 139801, at *6 (citation omitted). And Petitioner’s current detention does not fall within the range those courts have found to be unreasonable. Moreover, the length of Petitioner’s detention, by itself, does not favor granting habeas relief. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *3 (S.D. Cal. Nov. 12, 2025) (“The Court agrees with Respondents that the length of Petitioner’s detention to date—almost 12 months—does not by itself, without more, establish prolonged detention in violation of due process.”).

A recent case within this district is instructive. In *Markov v. LaRose*, No. 25-CV-3811 JLS (SBC), 2026 WL 92069, at *2 (S.D. Cal. Jan. 13, 2026), the Petitioner had been detained under 8 U.S.C. § 1225 for “almost exactly one-year” without a bond hearing. Although he alleged that his final merits hearing had been postponed “five times due to the government,” and there was “no merits hearing scheduled,” the court nonetheless denied the petition. *Id.* at *2. In doing so, it reasoned that the mere “length of detention, *without more*, does not render his detention unreasonable.” *Id.* (emphasis added).

Not only does the length of Petitioner’s detention fall comparatively short of the length courts in this district have found to warrant habeas relief, but the other *Lopez* factors do not favor habeas relief either. Second, the likely duration of future detention weighs against Petitioner. Petitioner has already had her individual merits hearing in which she was denied relief, which Petitioner has appealed. The mere fact that this appeal is pending, however, should not favor granting bond or release. *See Doe v. Andrews*, No. 1:25-cv-00333-JLT-HBK (HC), 2025 WL 3280777, at *11 (E.D. Cal. Nov. 25, 2025) (“While Petitioner certainly has the right to pursue all available avenues to combat his removal, post-*Jennings*, he does not have the right to parlay the resulting delay into a bond hearing.”) (cleaned up). Critically, “unlike aliens detained under 8 U.S.C. § 1231 whose detention could be indefinite and potentially permanent, aliens

1 detained under § 1225(b) face a definite termination point.” *Gevorg v. Warden of*
2 *Golden State Annex Detention Facility*, No. 1:25-cv-00992-HBK (HC), 2025 WL
3 3496436, at *7 (E.D. Cal. Dec. 5, 2025) (cleaned up); *see also Prieto-Romero v. Clark*,
4 534 F.3d 1053, 1063 (9th Cir. 2008) (denying habeas relief when “two of [petitioner’s]
5 three years of federal custody have passed while he has been awaiting” judicial review
6 because, “although his removal has certainly been delayed by his pursuit of judicial
7 review of his administratively final removal order, he is not stuck in a ‘removable-but-
8 not removable limbo,’ as the petitioners in *Zadvydas* were[.]”).

9 Here, Petitioner’s detention cannot be described as “indefinite” because her
10 detention has a definite termination point, that is, relief or a final order of removal,
11 unlike the petitioners in *Zadvydas*. *See Demore v. Kim*, 538 U.S. at 512 (distinguishing
12 *Zadyvdas*, because while the period of detention at issue there was “indefinite” and
13 “potentially permanent,” the detention in *Kim*, under section 1226(c) “has a definite
14 termination point”).

15 Finally, there is no indication of any delay in the removal proceedings on the part
16 of the government.

17 Balancing the above factors, the record does not support a finding that “detention
18 has become so unreasonable as to require an initial bond hearing,” *Sanchez-Rivera*,
19 2023 WL 139801, at *6, or an order requiring Petitioner’s release.

20 Petitioner was lawfully detained when she applied for admission to the United
21 States. As a result, Petitioner is rightly considered an applicant for admission, and her
22 mandatory detention does not violate due process. *See Markov v. LaRose*, No. 25-CV-
23 3811 JLS (SBC), 2026 WL 92069 (S.D. Cal. Jan. 13, 2026) (“Petitioner’s length of
24 detention, without more, does not render his detention unreasonable.”); *Duran Romero*
25 *v. LaRose*, No. 25-cv-3567-AGS-VET, ECF No. 7 (S.D. Cal. Jan. 14, 2026); *Shahin v.*
26 *Noem*, No. 25-cv-2496-AGS-KSC, ECF No. 12 (S.D. Cal. Dec. 23, 2025); *Cordova*
27 *Cordova*, No. 25-cv-2426-BAS-DDL, ECF No. 9 (S.D. Cal. Nov. 14, 2025); *Mendez*
28 *Ramirez*, 612 F. Supp. 3d at 221; *Gonzalez Aguilar v. Wolf*, 448 F. Supp. 3d at 1212; *de*

1 *la Rosa Espinoza*, 2020 WL 3452967, at *6-8.

2 **V. CONCLUSION**

3 For the reasons stated herein, Respondents respectfully request that the Court
4 deny the petition.

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6 Dated: April 20, 2026

Respectfully submitted,

7 ADAM GORDON
8 United States Attorney

9 *s/ Laura C. Sambataro*
10 LAURA C. SAMBATARO
11 Assistant United States Attorney
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