UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-02281-JRT-LIB

Axel Javier Martin Castillo,

Petitioner,

v.

Mike Staski, *et al.*,[1]

Respondents.

FEDERAL RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner filed this habeas action under 28 U.S.C. § 2241 challenging the lawfulness of his present immigration detention. He seeks immediate release, or alternatively a bond hearing, on the theory that Respondents unlawfully subjected him to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) rather than discretionary detention under 8 U.S.C. § 1226(a), and that his arrest and continued custody violate the Constitution and the Immigration and Nationality Act ("INA").

Relief should be denied because the record establishes that Petitioner entered the United States without inspection, was never admitted, was never paroled, never adjusted status, and remains in pending removal proceedings. Under the INA, that makes him an applicant for admission, and because he is not clearly and beyond a doubt entitled to be admitted, his detention is governed by 8 U.S.C. § 1225(b)(2)(A), not § 1226(a). *See Avila v. Bondi*, 170 F.4th 1128 (8th Cir. 2026); *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th

[1] The Department of Justice represents only federal employees in this action.

Cir. 2026). Petitioner's approved Form I-360, granting Special Immigrant Juvenile ("SIJ") classification, and his later-terminated deferred action do not alter that status. Nor does Petitioner's arrest-related challenge warrant habeas relief where present detention rests on a valid statutory basis under 8 U.S.C. § 1225(b)(2)(A). *See Jennings v. Rodriguez*, 583 U.S. 281, 297, 302 (2018); cf. *Ahmed M. v. Bondi*, No. 25-cv-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026).

BACKGROUND

Petitioner is a native and citizen of Honduras. (Decl. of Deportation Officer John Ligon, ¶ 6 [*hereinafter* "Decl."].) On or about October 16, 2013, United States Border Patrol encountered Petitioner near Hidalgo, Texas, in the Rio Grande Valley, after he entered the United States without inspection. (*Id.* ¶ 7.) On October 17, 2013, the Department of Homeland Security ("DHS") served Petitioner with a Notice to Appear charging him as inadmissible under the Immigration and Nationality Act ("INA"), including under 8 U.S.C. § 1182(a)(6)(A)(i), for being present in the United States without having been admitted or paroled. (*Id.* ¶ 8; Decl. Ex. A.) Because Petitioner was then a minor, he was later transferred to the custody of the Office of Refugee Resettlement and, on November 21, 2013, released to his mother. (Decl. ¶ 9.)

Years later, on August 8, 2019, United States Citizenship and Immigration Services ("USCIS") approved Petitioner's Form I-360, the application for Special Immigrant Juvenile ("SIJ") classification. (*Id.* ¶ 10.) The approval notice expressly stated that it did not grant any immigration status or benefit. (*Id.*; Decl. Ex. E.) On June 14, 2022, USCIS separately granted Petitioner deferred action in connection with the approved Form I-360.

(*Id.* ¶ 13.) On February 13, 2023, USCIS terminated that deferred action in the exercise of agency discretion, while leaving the approved Form I-360 intact. (Decl. ¶ 14; Decl. Ex. F.) Petitioner nevertheless remained in removal proceedings, and on March 12, 2026, an Immigration Judge denied his motion to terminate those proceedings, explaining that DHS opposed termination in light of discretionary factors and that Petitioner remained eligible to pursue adjustment of status before the immigration court. (Decl. ¶¶ 15–16; Decl. Ex. H.)

On April 14, 2026, Homeland Security Investigations agents arrested Petitioner in Nobles County, Minnesota. (*Id.* ¶ 17; Decl. Ex. C.) On that same date, DHS served Petitioner with a Warrant for Arrest of Alien, Form I-200, which had been issued on April 12, 2026. (Decl. ¶ 17; Decl. Ex. B.) That warrant reflected probable cause based on biometric confirmation, federal records checks, and statements made voluntarily by Petitioner. (*See* Decl. Ex. B.) Petitioner is now detained at Freeborn County Jail while his removal proceedings remain pending before the immigration court in Fort Snelling, including proceedings related to his Form I-589 application. (*Id.* ¶¶ 18–19.)

LEGAL STANDARD

A writ of habeas corpus may issue where a petitioner is in custody in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3). In the immigration context, habeas jurisdiction extends to challenges to the legal basis for present detention. *See Jennings,* 583 U.S. at 293–95; *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001). The question presented here is thus a narrow one: whether Respondents possess lawful statutory authority to detain Petitioner under the Immigration and Nationality Act ("INA"). *See*

Dep't of Homeland Sec. v. Thuraissigiam, 591 U.S. 103, 110–11, 140–41 (2020); *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

The INA draws a distinction between applicants for admission and noncitizens detained under other removal-related provisions. Under 8 U.S.C. § 1225(a)(1), a noncitizen present in the United States who has not been admitted is deemed an applicant for admission. If an examining immigration officer determines that such a noncitizen is not clearly and beyond a doubt entitled to be admitted, the noncitizen "shall be detained" for proceedings under 8 U.S.C. § 1229a. 8 U.S.C. § 1225(b)(2)(A). By contrast, 8 U.S.C. § 1226(a) governs discretionary detention of certain other noncitizens pending a decision on removal. *See Avila*, 170 F.4th at 1132–38; *Buenrostro-Mendez*, 166 F.4th at 498–508. Where, as here, the issue is whether present detention rests on a valid statutory basis, Petitioner bears the burden of showing that his custody is unlawful. Cf. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003).

ARGUMENT

I. Petitioner's Present Detention Is Lawful Because 8 U.S.C. § 1225(b)(2)(A), Not 8 U.S.C. § 1226(a), Governs His Custody.

Petitioner's present custody is governed by 8 U.S.C. § 1225(b)(2)(A). Petitioner entered the United States without inspection, was never admitted, was never paroled, never adjusted status, and remains in pending removal proceedings. (Decl. ¶¶ 7–19; Exs. A–C, H.) Under the Immigration and Nationality Act ("INA"), those facts place him within the category of an applicant for admission. *See* 8 U.S.C. § 1225(a)(1). And because he is not clearly and beyond a doubt entitled to be admitted, the statute provides that he "shall be detained" for proceedings under 8 U.S.C. § 1229a. 8 U.S.C. § 1225(b)(2)(A).

That conclusion follows from controlling circuit precedent. In *Avila*, the Eighth Circuit held that a noncitizen who had entered the United States without inspection and had been residing in the country for years remained an "applicant for admission" and was therefore subject to mandatory detention under § 1225(b)(2)(A). *Avila*, 170 F.4th at 1132–38. *Avila* specifically rejected the argument that § 1225 applies only to noncitizens physically at the border or presently engaged in an affirmative attempt to gain lawful entry. *Id.* at 1133–38. Instead, the court held that, for purposes of § 1225(b)(2)(A), the phrases "applicant for admission" and "seeking admission" are equivalent, and that any noncitizen present in the United States who has not been admitted falls within that framework. *Id.* at 1134–37. The Fifth Circuit reached the same conclusion in *Buenrostro-Mendez*, holding that noncitizens who entered without inspection and were later arrested while living in the United States remained "applicants for admission" who were "seeking admission" within the meaning of § 1225(b)(2)(A). *Buenrostro-Mendez*, 166 F.4th at 498–508.

Those decisions govern here. Petitioner's detention theory depends on treating his physical presence in the United States, the passage of time, and his subsequent immigration filings as if they changed his underlying admission posture. They did not. The INA defines "admission" as "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). Thus, mere physical presence is not admission, and a noncitizen does not cease to be an applicant for admission simply by remaining in the United States after entering unlawfully. *Avila*, 170 F.4th at

1133; *Buenrostro-Mendez*, 166 F.4th at 499–503. Because Petitioner was never admitted, he remains in the category Congress expressly addressed in § 1225(a)(1).

Petitioner's approved Form I-360 does not alter that conclusion. United States Citizenship and Immigration Services ("USCIS") approved Petitioner's Form I-360, the application for Special Immigrant Juvenile ("SIJ") classification, on August 8, 2019. (Decl. ¶ 10.) But the approval notice expressly stated that it did not grant any immigration status or benefit. (*Id.*) SIJ classification therefore did not admit Petitioner into the United States, did not adjust his status, and did not remove him from applicant-for-admission posture. That conclusion is consistent with the statute itself, which deems certain SIJ recipients paroled only for purposes of adjustment of status under 8 U.S.C. § 1255. *See* 8 U.S.C. § 1255(h). It does not deem them admitted, nor does it transform an approved SIJ petition into lawful immigration status.

Nor did deferred action change the governing detention statute. USCIS separately granted Petitioner deferred action on June 14, 2022, and later terminated that deferred action on February 13, 2023, while leaving the approved Form I-360 intact. (*Decl.* ¶¶ 13–14.) Deferred action is a discretionary act of forbearance; it is not admission, not parole in the statutory sense relevant here, and not an adjudication conferring lawful status. Thus, even when Petitioner had deferred action, he did not thereby move into § 1226(a) custody as an admitted noncitizen pending removal. And once deferred action was terminated, any argument that he remained under an active discretionary protection from removal necessarily fails.

Petitioner's continued placement in removal proceedings likewise confirms, rather than undermines, the applicability of § 1225(b)(2)(A). The record reflects that Petitioner remained in pending proceedings and that an Immigration Judge denied his motion to terminate on March 12, 2026. (*Decl.* ¶¶ 15–16.) Section 1225(b)(2)(A) expressly provides for detention "for a proceeding under section 1229a." 8 U.S.C. § 1225(b)(2)(A). That is precisely Petitioner's current posture. He is not a noncitizen who was lawfully admitted and later detained pending a removal decision under § 1226(a); he is an unadmitted noncitizen in ongoing § 1229a proceedings.

The Supreme Court's decision in *Jennings* reinforces the mandatory nature of this detention scheme. There, the Court held that §§ 1225(b)(1) and (b)(2) "mandate detention of aliens throughout the completion of applicable proceedings" and that those provisions do not imply a bond-hearing requirement. *Id.* at 297, 302. Once § 1225(b)(2)(A) applies, therefore, Petitioner cannot obtain the bond-hearing remedy he seeks by importing § 1226(a)'s discretionary release framework into a statute that Congress wrote as mandatory. *See id.* at 297–302.

In short, Petitioner's present detention rests on a valid statutory basis. He entered without inspection, was never admitted, was never paroled, never adjusted status, and remains in pending removal proceedings. Under § 1225(a)(1), he is an applicant for admission. Under § 1225(b)(2)(A), he "shall be detained" for proceedings under § 1229a because he is not clearly and beyond a doubt entitled to admission. That forecloses Petitioner's attempt to reclassify himself as a discretionary detainee under § 1226(a).

II. The Absence of a Warrant Preceding the Initial Arrest Does Not Necessitate Petitioner's Immediate Release.

The Court separately asked whether the absence of a warrant preceding Petitioner's arrest necessitates his immediate release. It does not. That is because Petitioner's present detention rests on a valid statutory basis under 8 U.S.C. § 1225(b)(2)(A), and habeas relief turns on the lawfulness of present custody. *See Munaf*, 553 U.S. at 693; *Thuraissigiam*, 591 U.S. at 110–11, 140–41. Once Respondents establish that Petitioner is an unadmitted applicant for admission who is subject to mandatory detention under § 1225(b)(2)(A), the alleged absence of a pre-arrest warrant does not, by itself, require release.

Ahmed M. does not compel a different result. *Ahmed M.* addressed a materially different legal premise: detention under 8 U.S.C. § 1226(a). There, the court relied on § 1226(a)'s text—"[o]n a warrant issued by the Attorney General, an alien may be arrested and detained"—and concluded that the absence of a produced warrant defeated detention under that provision. *Ahmed M.*, 2026 WL 25627, at *3. The same was true in other pre-*Avila* cases holding that release was warranted where the government failed to establish lawful detention under § 1226(a). *See, e.g.*, *Juan S.R. v. Bondi*, Case No. 26-cv-0005 (PJS/LIB), slip op. at 3–4 (D. Minn. Jan. 12, 2026); *Chogllo Chafla v. Scott*, 804 F. Supp. 3d 247, 268–69 (D. Me. 2025). Those decisions do not control where, as here, Respondents' position is that Petitioner's present detention is governed by § 1225(b)(2)(A), not § 1226(a).

That distinction matters. Section 1225(b)(2)(A) does not condition detention on the prior issuance of a warrant in the way § 1226(a) does. Instead, it provides that, in the case of an applicant for admission who is not clearly and beyond a doubt entitled to be admitted, the noncitizen "shall be detained" for proceedings under § 1229a. 8 U.S.C. § 1225(b)(2)(A). And *Avila* confirms that this mandatory-detention provision applies to unadmitted noncitizens already present in the United States, not merely to persons physically stopped at the border. *Avila*, 170 F.4th at 1132–38. Thus, once Petitioner is properly classified under § 1225, the warrant analysis drawn from § 1226(a) cases does not answer the question presented here.

In any event, the record now refutes the premise that no warrant preceded Petitioner's arrest. The Form I-200 in the record is dated April 12, 2026, two days before the April 14, 2026, arrest, and reflects a probable-cause determination based on biometric confirmation, records checks, and voluntary statements. (Decl. Ex. B.) On April 14, 2026, Homeland Security Investigations agents arrested Petitioner in Nobles County, Minnesota, and on that same date DHS served him with a Warrant for Arrest of Alien, Form I-200, in Worthington, Minnesota. (*Id.*; *see also* Decl. ¶ 17.) That sequence is consistent with the regulatory framework governing immigration arrests and processing. *See* 8 C.F.R. §§ 236.1(b), 287.3. It also distinguishes this case from the line of decisions in which the government failed to produce any warrant at all while insisting that detention should proceed under § 1226(a). Here, by contrast, Petitioner's custody is supported both by prompt service of immigration process and by the separate statutory command of § 1225(b)(2)(A).

For those reasons, the alleged absence of a warrant preceding the initial arrest does not necessitate Petitioner's immediate release. The relevant question in this habeas action is whether Petitioner is presently detained pursuant to lawful statutory authority. Because he is, his request for release on that ground should be denied.

III. Count One Fails Because Petitioner's Substantive Due Process Theory Cannot Override Congress's Mandatory Detention Scheme.

Count One fails because Petitioner's detention is authorized by statute and bears a direct relation to the purposes Congress identified for detention pending removal proceedings. Petitioner's theory assumes that substantive due process independently requires the government to prove danger or flight risk before detaining him. But that is not the law where Congress has mandated detention for a noncitizen who remains an applicant for admission. As shown above, Petitioner's custody is governed by 8 U.S.C. § 1225(b)(2)(A), which requires detention of an applicant for admission who is not clearly and beyond a doubt entitled to be admitted. Once that statutory premise is established, Petitioner cannot convert a mandatory detention scheme into a discretionary one by recasting his claim in substantive-due-process terms. *See Jennings*, 583 U.S. at 297, 302.

The Supreme Court has long recognized that detention during removal proceedings is a constitutionally permissible feature of the immigration system. *See Demore*, 538 U.S. at 523, 531. And Petitioner's position is weaker than the position of the admitted lawful permanent resident in *Demore*, because Petitioner was never admitted at all. For a noncitizen who has not been admitted, Congress may prescribe both the conditions of entry and the procedures governing continued detention while admissibility and removability are adjudicated. *See Thuraissigiam*, 591 U.S. at 140–41; *Landon*, 459 U.S. at 32. Thus, even assuming Petitioner may invoke the Due Process Clause in some measure by virtue of his physical presence in the United States, he cannot show that substantive due process entitles him to release from detention that Congress expressly required for his statutory posture as an unadmitted applicant for admission.

Petitioner's contrary arguments do not alter that analysis. His prior release to his mother as a child did not create a permanent constitutional entitlement to remain free from later immigration detention as an adult. That release occurred under a different custodial regime, at a different stage of life, and before the later events relevant to his present immigration posture. Nor did Petitioner's later SIJ classification or former deferred action create a substantive-due-process right to remain at liberty. SIJ classification did not admit him, did not adjust his status, and did not remove him from applicant-for-admission status. (Decl. ¶ 10.) Deferred action was a separate discretionary benefit that was later terminated, while the approved Form I-360 remained intact. (*Id.* ¶¶ 13–14.) Neither event transformed Congress's mandatory detention command into a constitutionally prohibited restraint.

In the end, Count One rests on the premise that the Executive may detain Petitioner only if it first makes an individualized finding of dangerousness or flight risk. But that premise is inconsistent with the governing statute and with the settled rule that detention pending removal proceedings may be required by Congress as part of the admission-and-removal system. Because Petitioner is detained pursuant to a valid statutory command under 8 U.S.C. § 1225(b)(2)(A), Count One should be denied.

IV. Count Two Fails Because Petitioner Has Not Established a Procedural Due Process Violation.

Count Two fails for the same threshold reason as Count One: Petitioner's detention is governed by 8 U.S.C. § 1225(b)(2)(A), and the process due is the process Congress provided for an unadmitted applicant for admission in pending removal proceedings. Petitioner attempts to use the Due Process Clause to require either immediate release or an additional bond-type hearing before or after detention. But once Petitioner is properly classified under § 1225, that theory collapses. Section 1225(b)(2)(A) requires detention of an applicant for admission who is not clearly and beyond a doubt entitled to be admitted, and *Jennings* makes clear that the statute does not imply a bond-hearing requirement. *Jennings*, 583 U.S. at 297, 302.

Nor does procedural due process authorize the Court to graft such a hearing requirement onto the statute. Petitioner remains in pending removal proceedings before an Immigration Judge, has long been subject to a Notice to Appear, and continues to litigate his immigration case in the forum Congress prescribed. (Decl. ¶¶ 8, 15–19.) For a noncitizen who has not been admitted, Congress may define the conditions of admission and the procedures governing detention pending removal proceedings. *Thuraissigiam*, 591 U.S. at 140–41; *Landon*, 459 U.S. at 32. Petitioner therefore has no freestanding procedural due process right to a bond hearing or to the pre-deprivation process he demands simply because he disagrees with the statutory detention category that applies to him.

Even if the Court were inclined to apply the *Mathews* framework, the result would be the same. First, although Petitioner's liberty interest is significant, that interest must be evaluated in light of Congress's express judgment that applicants for admission who are not clearly entitled to admission shall be detained during proceedings under 8 U.S.C. § 1229a. *See* 8 U.S.C. § 1225(b)(2)(A); *Demore*, 538 U.S. at 523, 531. Second, the risk of erroneous deprivation is low and the value of additional procedures is minimal because the dispositive facts are objective and readily verifiable: Petitioner entered without inspection, was never admitted, was never paroled, never adjusted status, and remains in pending proceedings. (Decl. ¶¶ 7, 15–19; Decl. Exs. A-C, H.) A bond hearing would not alter the statutory classification that governs his custody under § 1225(b)(2)(A). Third, the Government's interest is substantial. Congress has already made the policy judgment that this class of noncitizen shall be detained pending removal proceedings, and the Eighth Circuit has explained that the Supreme Court has already done the balancing necessary to sustain mandatory immigration detention against a due process challenge. *See Banyee v. Garland*, 115 F.4th 928, 933–34 (8th Cir. 2024). Accordingly, even under *Mathews*, Petitioner cannot show a procedural due process violation.

Petitioner's other asserted procedural hooks fare no better. His prior release as a child did not entitle him to notice and a special pre-deprivation hearing before being placed into the detention regime Congress now requires. His approved Special Immigrant Juvenile ("SIJ") petition did not confer lawful status, admission, or a procedural entitlement to avoid detention. (Decl. ¶ 10.) And his former grant of deferred action—later terminated—did not create a vested liberty interest in remaining free from immigration detention. (*Id.* ¶¶ 13–14.) Those facts may explain why Petitioner prefers a different detention regime, but they do not create a constitutional right to one.

In short, Count Two seeks to transform disagreement with the governing detention statute into a procedural due process violation. Because Petitioner has received the process Congress prescribed for an unadmitted applicant for admission in pending removal proceedings, and because due process does not require a bond hearing or the extra pre-deprivation procedures he requests, Count Two should be denied.

V. Count Three Fails Because the Alleged Arrest Defects Do Not Render Petitioner's Present Detention Unlawful.

Count Three should be denied because Petitioner's present custody rests on a valid statutory basis under 8 U.S.C. § 1225(b)(2)(A), and alleged defects in the initial encounter do not entitle him to habeas release where lawful grounds for detention independently exist. Petitioner alleges that his arrest was unlawful under the Fourth Amendment, 8 U.S.C. § 1357(a)(2), and 8 C.F.R. § 287.3(d). But even taking those theories on their own terms, they do not overcome the central point: Petitioner is an unadmitted applicant for admission in pending removal proceedings and is therefore subject to mandatory detention under § 1225(b)(2)(A). A claimed defect in the manner of arrest does not negate a separate, valid statutory basis for present detention.

That principle is well established. The Supreme Court has long recognized that alleged irregularities in the apprehension of a noncitizen do not themselves defeat otherwise lawful immigration proceedings or detention. *See INS v. Lopez-Mendoza*, 468 U.S. 1032, 1039–40 (1984); *Bilokumsky v. Tod*, 263 U.S. 149, 158 (1923). The same logic applies here. Even if Petitioner disputes the circumstances of the initial encounter, habeas relief does not follow automatically where Respondents have identified and established an independent lawful basis for present custody. Petitioner's request for release therefore fails for the same reason his statutory misclassification theory fails: his current detention is authorized by § 1225(b)(2)(A).

In any event, the present record does not support Petitioner's claim that he was held without prompt immigration process. The declaration states that on April 14, 2026, Homeland Security Investigations agents arrested Petitioner in Nobles County, Minnesota, and that on that same date DHS served him with a Warrant for Arrest of Alien, Form I-200. (Decl. ¶ 17.) The Form I-200 itself is dated April 12, 2026, and reflects service on April 14, 2026, in Worthington, Minnesota. (Decl. Ex. B.) Petitioner had already long been in removal proceedings under the October 17, 2013, Notice to Appear. (Decl. ¶ 8; Decl. Ex. A.) That is inconsistent with Petitioner's suggestion that Respondents simply arrested and detained him without supplying any lawful immigration process. And to the extent Petitioner invokes 8 C.F.R. § 287.3(d), that regulation contemplates prompt post-arrest custody determinations and issuance of charging documents within 48 hours absent extraordinary circumstances. The preexisting Notice to Appear, together with the same-day service of the I-200 reflected in the declaration and exhibits, satisfies that framework on the current record.

Petitioner's reliance on 8 U.S.C. § 1357(a)(2) fares no better. That provision limits warrantless immigration arrests in certain circumstances, but it does not transform every dispute over arrest mechanics into a basis for habeas release where present detention is otherwise lawful. Here, Respondents' position is not that Petitioner is lawfully detained merely because officers initially encountered him; it is that he is lawfully detained because he is an unadmitted applicant for admission who is subject to mandatory detention under § 1225(b)(2)(A), and because DHS promptly served him with the operative immigration documents on the date of arrest. (Decl. ¶ 17.) Indeed, the record now includes a Form I-200 issued two days before the arrest. (Decl. Ex. B.) That is enough to defeat Count Three.

Petitioner also cannot obtain relief by characterizing his current custody as an unlawful "re-detention without changed circumstances." His earlier release occurred in 2013, when he was a minor transferred to Office of Refugee Resettlement custody and later released to his mother. (Decl. ¶ 9.) His present detention arises in a materially different posture: as an adult, after significant subsequent events, including his later guilty plea and delinquency adjudication in Minnesota and the termination of deferred action, while removal proceedings remain pending. (*Id.* ¶¶ 11–14.) In any event, because his current custody is grounded in 8 U.S.C. § 1225(b)(2)(A), Petitioner cannot use a generalized "changed circumstances" theory to displace the detention command Congress enacted for applicants for admission.

In short, Count Three attempts to turn a disputed arrest narrative into a basis for immediate release. But habeas turns on the lawfulness of present detention, and Petitioner's present detention rests on a valid statutory basis under 8 U.S.C. § 1225(b)(2)(A). For that reason, as well as the April 12, 2026, issuance and April 14, 2026 service of the I-200 reflected in the record, Count Three should be denied.

VI. Count Four Fails Because Petitioner Is Not Detained Under 8 U.S.C. § 1226(a) and Therefore Is Not Entitled to a Bond Hearing.

Count Four fails because it rests on the mistaken premise that Petitioner is detained under 8 U.S.C. § 1226(a). He is not. As explained above, Petitioner entered the United States without inspection, was never admitted, was never paroled, never adjusted status, and remains in pending removal proceedings. (Decl. ¶¶ 7, 15–19; Decl. Exs. A–C.) Under 8 U.S.C. § 1225(a)(1), that makes him an applicant for admission. And because he is not clearly and beyond a doubt entitled to be admitted, his detention is governed by 8 U.S.C. § 1225(b)(2)(A), which provides that he "shall be detained" for proceedings under 8 U.S.C. § 1229a. Once that statutory classification is established, Petitioner is not entitled to a bond hearing under § 1226(a).

That conclusion follows directly from *Avila* and *Buenrostro-Mendez*. In *Avila*, the Eighth Circuit held that an unadmitted noncitizen already present in the United States remains an applicant for admission and is subject to mandatory detention under § 1225(b)(2)(A). *Avila*, 170 F.4th at 1132–38. The court specifically rejected the argument that § 1225 applies only to noncitizens physically at the border or actively requesting lawful entry at the moment of arrest. *Id.* at 1133–38. *Buenrostro-Mendez* reached the same conclusion, holding that noncitizens who entered without inspection and were later arrested while living in the United States remained "applicants for admission" who were "seeking admission" within the meaning of § 1225(b)(2)(A). *Buenrostro-Mendez*, 166 F.4th at 498–508. Under those decisions, Petitioner's physical presence in the United States, the passage of time, and his later filings do not move him from § 1225 into § 1226.

Petitioner's specific attempts to avoid that conclusion are unavailing. His approved Form I-360 did not confer lawful immigration status, lawful admission, or bond eligibility. (Decl. ¶ 10.) Nor did his later grant of deferred action, which was a separate discretionary act and was later terminated. (*Id.* ¶¶ 13–14.) Those facts do not transform Petitioner into an admitted noncitizen detained pending removal under § 1226(a). At most, they show that Petitioner obtained certain discretionary or humanitarian benefits while still remaining an unadmitted applicant for admission. The same is true of his earlier release as a child. That historical release did not admit him, did not adjust his status, and did not permanently remove him from the statutory framework Congress established for unadmitted noncitizens.

Nor can Petitioner rely on pre-*Avila* district-court decisions holding that § 1226(a) governs noncitizens who entered without inspection and were later arrested in the interior. Whatever force those decisions may once have had, *Avila* now supplies the controlling answer in this Circuit. And once § 1225(b)(2)(A) applies, *Jennings* forecloses Petitioner's requested bond-hearing remedy, because §§ 1225(b)(1) and (b)(2) "mandate detention of aliens throughout the completion of applicable proceedings" and do not imply a bond-hearing requirement. *Jennings*, 583 U.S. at 297, 302. Petitioner therefore cannot obtain a bond hearing by importing § 1226(a)'s discretionary framework into a detention statute that Congress wrote as mandatory.

In short, Count Four fails because Petitioner is not detained under § 1226(a). He is detained under 8 U.S.C. § 1225(b)(2)(A), and that statute does not entitle him to a bond hearing. His request for immediate release or, alternatively, a bond hearing should therefore be denied.

VII. Petitioner's Prior UAC / ORR Release and SIJ History Do Not Change the Governing Detention Statute.

Petitioner's reliance on his prior Unaccompanied Alien Child ("UAC") history, release from Office of Refugee Resettlement ("ORR") custody, and later Special Immigrant Juvenile ("SIJ") classification does not alter the statute governing his present detention. Those facts are part of Petitioner's immigration history, but none of them admitted him into the United States, adjusted his status, or otherwise removed him from the category of an applicant for admission under 8 U.S.C. § 1225(a)(1). As explained above, the dispositive facts for detention purposes are that Petitioner entered without inspection, was never admitted, was never paroled, never adjusted status, and remains in pending removal proceedings. (Decl. ¶¶ 7, 15–19; Decl. Exs. A–C.) On those facts, § 1225(b)(2)(A) governs.

Petitioner's 2013 release to his mother does not change that conclusion. That release occurred when Petitioner was a minor and had been transferred to ORR custody. (Decl. ¶ 9.) It was a child-custody placement decision in the context of his status as a minor, not a lawful admission, not a grant of immigration status, and not a determination that he would forever remain outside the ordinary detention rules applicable to an adult noncitizen in pending removal proceedings. Thus, Petitioner cannot transform a historical sponsor-release decision into a permanent statutory or constitutional bar to later detention under the Immigration and Nationality Act ("INA").

The same is true of Petitioner's SIJ history. USCIS approved Petitioner's Form I-360, the application for Special Immigrant Juvenile ("SIJ") classification, on August 8, 2019. (Decl. ¶ 10.) But the approval notice expressly stated that it did not grant any immigration status or benefit. (*Id.*) SIJ classification therefore did not admit Petitioner into the United States, did not itself adjust his status, and did not place him into the discretionary detention framework of 8 U.S.C. § 1226(a). At most, SIJ classification made Petitioner eligible to pursue other relief through separate statutory mechanisms. It did not alter the fact that he remained an unadmitted noncitizen in pending removal proceedings. Indeed, the Immigration Judge's March 12, 2026, order confirms that Petitioner remains in removal proceedings and may pursue adjustment before the immigration court, not that he has already obtained lawful status. (Decl. ¶¶ 15–16; Decl. Ex. H.)

Petitioner's later deferred action likewise does not help him. USCIS separately granted deferred action on June 14, 2022, then terminated that deferred action on February 13, 2023, while leaving the approved Form I-360 intact. (*Id.* ¶¶ 13–14.) Deferred action is a discretionary act of administrative forbearance, not an admission, not an adjustment of status, and not a reclassification into § 1226(a). Thus, neither Petitioner's UAC/ORR history nor his SIJ and deferred-action history changes the governing statutory conclusion: Petitioner remains an applicant for admission whose detention is controlled by 8 U.S.C. § 1225(b)(2)(A), not § 1226(a).

In short, Petitioner's humanitarian history does not change his statutory posture. However sympathetic those facts may be, they do not supply a lawful admission, lawful status, or a basis to displace Congress's mandatory detention rule for applicants for admission. Section 1225(b)(2)(A) therefore continues to govern his present custody.

VIII. On All Counts and in All Respects, the Requested Relief Is Unavailable.

Because Petitioner's present detention is lawful under 8 U.S.C. § 1225(b)(2)(A), he is not entitled to immediate release. Habeas is a remedy for unlawful detention, not a vehicle for overriding a valid statutory detention command. *See Munaf*, 553 U.S. at 693. For the reasons set out above, Respondents have established that Petitioner remains an unadmitted applicant for admission in pending removal proceedings and is therefore subject to mandatory detention under § 1225(b)(2)(A). His request for release should be denied.

Petitioner is likewise not entitled to a bond hearing. That remedy depends on the premise that 8 U.S.C. § 1226(a) governs his detention. It does not. Because Petitioner is detained under § 1225(b)(2)(A), and because §§ 1225(b)(1) and (b)(2) do not imply a bond-hearing requirement, the Court should deny Petitioner's alternative request for a bond hearing. *See Jennings*, 583 U.S. at 297, 302.

Petitioner's remaining requests for broader equitable relief should also be denied. He asks the Court to restore the pre-detention status quo and to bar Respondents from re-detaining him without additional process not required by statute. But habeas does not authorize the Court to displace Congress's chosen detention framework or to impose a freestanding pre-deprivation hearing regime where 8 U.S.C. § 1225(b)(2)(A) governs. Because Petitioner has not shown that his present detention is unlawful, he is not entitled to injunctive relief, transfer-related relief, attorney's fees, costs, or any other relief requested in the petition. Any request for relief premised on the alleged absence of a warrant also fails for the separate reason that the record now includes a Form I-200 dated April 12, 2026, and served on April 14, 2026. (Decl. Ex. B.)

CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Court deny the Petition for Writ of Habeas Corpus in its entirety and deny all requested relief. Petitioner's present detention is lawful under 8 U.S.C. § 1225(b)(2)(A), and he is therefore entitled to neither immediate release nor a bond hearing.

EVIDENTIARY HEARING

Respondents believe the Court can rule on this petition without holding an evidentiary hearing. The facts are not likely to be disputed, and the only issues before the Court are ones of legal interpretation capable of resolution on the parties' submissions.

ADDITIONAL REQUEST

Respondents acknowledge the importance of complying with any order this Court might issue regarding Petitioner's release. The U.S. Attorney's Office has been advised that U.S. Immigration and Customs Enforcement is devoting additional resources to the agency's inquiry email account for the St. Paul Field Office—both in terms of monitoring and responding to inquiries, and in terms of resolving release-related issues that detainees or their attorneys raise via messages to the address. The email address is StPaul.Outreach@ice.dhs.gov, and Respondents respectfully request that any order requiring Petitioner's release include a direction that questions about release logistics, detainee property, or conditions of release be sent to that email address in the first instance. This approach will lead to the fastest and most efficient resolution of any such issues.

Dated: April 22, 2026

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