

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAVIER JUAREZ VARGAS,	)	CASE NO.: 1:26-CV-01098
	)	
Petitioner,	)	JUDGE BENITA Y. PEARSON
	)	
v.	)	
	)	
KEVIN RAYCRAFT, Acting Director,	)	<u>RESPONSE TO PETITION FOR WRIT OF</u>
Detroit Field Office, Enforcement and	)	<u>HABEAS CORPUS</u>
Removal Operations, Immigration and	)	
Customs Enforcement, et al.	)	
	)	
Respondents.	)	

Petitioner filed a habeas corpus petition pursuant to 28 U.S.C. § 2241, one of many now pending in this Court challenging a petitioner's designation as an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Petitioner contends that detention is properly grounded in 8 U.S.C. § 1226, which—unlike § 1225—generally authorizes immigration judges to release aliens on bond. Petitioner claims that Respondent's incorrect reading of the Immigration and Nationality Act ("INA") has led to the deprivation of the opportunity for release on bond—thus resulting in unlawful detention.

Respondent has reviewed this Petition and has determined that the United States Court of Appeals for the Sixth Circuit's recent decision controls. *Lopez-Campos, et al. v. Raycraft, et al.*, ___ F.4th ___, Nos. 25-1965/1969/1978/1982, 2026 U.S. App. LEXIS 13519 (6th Cir. May 11, 2026). There, the Sixth Circuit held that an "applicant for admission" is not necessarily "seeking admission" and therefore not subject to mandatory detention under § 1225(b)(2)(A). *Id.* at *31. Thus, pursuant to *Lopez-Campos*, Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled

to a bond hearing under the Fifth Amendment. *Id.* at *34. The Court need not proceed to evaluate any other claims raised in the Petition.

Respondent is evaluating whether to seek further appellate review of *Lopez-Campos*. While reserving all rights, including the right to appeal on the issue of the proper detention authority for aliens like Petitioner who are present in the United States unlawfully, Respondent acknowledges *Lopez-Campos* is binding on this Court and controls the outcome of this matter. Consistent with the relief affirmed in *Lopez-Campos*, the Court should order that an immigration judge conduct a bond hearing under 8 U.S.C. § 1226(a), or that Respondent immediately release Petitioner. The relief affirmed in *Lopez-Campos* was that the bond hearing take place within seven days, but Respondents respectfully request that this Court order the bond hearing to take place within ten days.

Additionally, Respondents note that on May 13, 2026, Petitioner requested a bond hearing in the Immigration Court. Ex. 1, Respondent's Request for Bond Hearing. Should that requested hearing take place, Petitioner's petition for writ of habeas corpus would be moot. *W6 Rest. Grp., Ltd. v. Loeffler*, 140 F.4th 344, 349-50 (6th Cir. 2025) (A case becomes moot when, as a result of events during the litigation, the court's decision "would lack any practical effect[.]").

Respectfully submitted,

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