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

YUQIN DING,

Petitioner,

v.

CHRISTOPHER LAROSE,

Respondent.

Case No.: 26-cv-3218-CAB-MMP

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

I. INTRODUCTION

Petitioner requests that the Court order her release from Immigration and Customs Enforcement (ICE) custody or require that she be afforded a bond hearing. As an arriving alien and applicant for admission, Petitioner's detention is mandated by 8 U.S.C. § 1225(b)(2) until the conclusion of her removal proceedings. As Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), the Court should deny Petitioner's requests for relief.

II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioner is a native and citizen of China, who attempted to enter the United States at the San Ysidro Port of Entry in California, on September 21, 2025. Exhibit (Ex.)1 (Form I-213).¹ Petitioner did not then have any valid entry documents to enter the United States. She was determined to be inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), and taken into Immigration and Customs Enforcement (ICE) custody pursuant to 8 U.S.C. § 1225(b)(2). Petitioner has remained in ICE custody since her attempted entry into the United States. Petitioner was issued a Notice to Appear (NTA). Ex. 2 (Notice to Appear). The filing of the NTA initiated removal proceedings, pursuant to 8 U.S.C. § 1229a, against Petitioner, and those proceedings remain ongoing. Within her removal proceedings under § 1229a, Petitioner applied for relief from removal before an immigration judge (IJ), including asylum under 8 U.S.C. § 1158 and withholding of removal under 8 U.S.C. § 1231(b)(3). On January 22, 2026, an immigration judge denied all relief and ordered Petitioner removed to China. Ex. 3 (IJ Order). Petitioner filed an appeal of her removal order to the Board of Immigration Appeals (BIA) which is pending. As a result, there is no administratively final order of removal currently. Petitioner remains mandatorily detained under 8 U.S.C. § 1225(b)(2)(A). On April 9, 2026, this Court denied Petitioner's first Petition for a Writ of Habeas Corpus. *Ding v. LaRose Sr., et al*, 26-cv-1533 (S.D. Cal. April 9, 2026).

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

¹ The attached exhibits are true copies, with redactions of private information, of documents obtained from Immigration and Customs Enforcement (ICE) counsel. Other facts have been obtained from ICE counsel.

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

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

IV. ARGUMENT

Petitioner is lawfully detained under the INA and the Constitution.

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

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

Section 1225(b)(2)(A) requires mandatory detention of "an alien who is *an applicant for admission*, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted[.]" *Chavez v. Noem*, No. 3:25-cv-02325, 2025 WL 2730228, at *4 (S.D. Cal. Sept. 24, 2025) (quoting 8 U.S.C. § 1225(b)(2)(A)) (emphasis in original). Petitioner contends that she is entitled to a bond hearing. But the Supreme Court has rejected such contention, explaining: "Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded. . . . Nothing in the statutory text imposes any limit on the length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings." *Jennings*, 583 U.S. at 297. Except for temporary parole granted at the discretion of the Attorney General "for urgent humanitarian reasons or significant public benefit" under 8 U.S.C. § 1182(d)(5), "there are no *other* circumstances under which aliens detained under § 1225(b) may be released." *Id.* at 300 (emphasis in original).

As Petitioner's removal proceedings are pending, and she has not been granted temporary parole, section 1225(b)(2) mandates her detention until the proceedings have concluded. *Jennings*, 583 U.S. at 297 ("Once those proceedings end, detention under

1 § 1225(b) must end as well.”). Because Petitioner is lawfully detained under
2 section 1225(b)(2) and the statute does not entitle her to a bond hearing at this time, her
3 petition must be denied. *See, e.g., Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151
4 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to
5 find that the petitioner had no right to release or a bond hearing).

6 **2. Petitioner’s detention does not violate due process.**

7 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.
8 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]
9 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain
10 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)
11 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither
12 § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The
13 Supreme Court added that the sole means of release for noncitizens detained pursuant
14 to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary
15 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300
16 (“That express exception to detention implies that there are no *other* circumstances
17 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis
18 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens
19 throughout the completion of applicable proceedings[.]” *Id.* at 302.

20 In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953), a
21 noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged
22 detention without a hearing violated his constitutional rights. The Supreme Court
23 rejected the petition, concluding that the noncitizen’s continued detention did not
24 deprive him of any due process rights, stating: “[A]n alien on the threshold of initial
25 entry stands on a different footing: ‘Whatever the procedure authorized by Congress
26 is, it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation
27 omitted).

1 “*Mezei* therefore suggests that the Court found that excludable aliens simply
2 enjoy no constitutional right to be paroled into the United States, even if the only
3 alternative is prolonged detention.” *Barrera-Echavarria v. Rinson*, 44 F.3d 1441, 1450
4 (9th Cir. 1995) (en banc), *superseded by statute as stated in Xi v. INS*, 298 F.3d 832
5 (9th Cir. 2002). That is, “Supreme Court precedent squarely precludes a conclusion
6 that [excludable aliens] have a constitutional right to be free from detention, even for
7 an extended time.” *Id.* at 1449. *Barrera-Echavarria*’s application—at least as it relates
8 to arriving aliens—has never been overruled. The Ninth Circuit continues to cite
9 *Barrera-Echavarria*’s due process (i.e., non-statutory) analysis. *See Llamas-Lopez v.*
10 *Barr*, 825 F. App’x 523, 524 (Mem.) (9th Cir. 2020); *Angov v. Lynch*, 788 F.3d 893,
11 898 (9th Cir. 2015) (Angov’s “claim of a procedural due process violation simply can’t
12 be squared with the Supreme Court’s teachings in *Mezei*” and “our circuit’s settled
13 precedent”).

14 A district court within this Circuit provided a thorough summary of “the law of
15 the Ninth Circuit as it currently stands [including *Barrera-Echavarria*, and its
16 treatment by *Rodriguez II*, *Rodriguez III*, and *Rodriguez V*],” in *Ibarra-Perez v.*
17 *Howard*, 468 F. Supp. 3d 1156, 1177 (D. Arizona 2020). The court there reasoned that
18 “Respondents have the better side of this argument” and rejected the notion that an
19 arriving alien detained under § 1225(b) was entitled to a bond hearing, because it “must
20 do its best to discern and apply the law[.]” The above must be true because *Mezei* “is
21 still good law.” *See Aracely, R v. Nielsen*, 319 F. Supp. 3d 110, 145 (D.D.C. 2018).
22 “*Mezei* therefore remains binding precedent for our court—which means the Due
23 Process Clause does not forbid [petitioner’s] detention.” *Martinez v. Larose*, 980 F.3d
24 551, 554 (6th Cir. 2020) (Mem.) (Thapar, J., concurring in the denial of rehearing *en*
25 *banc* based on *Mezei* and *Thuraissigiam*).

26 And because it remains good law, *Mezei* “is directly on point and controls this
27 case.” *Poonjani v. Shanahan*, 319 F. Supp. 3d 644 (S.D.N.Y. 2018) (denying bond
28 because—for an alien on the “threshold of initial entry”—due process is “whatever

procedures has been authorized by Congress”). Other courts agree. *See Arana v. Arteta*, 2026 WL 279786 (S.D.N.Y. Feb. 3, 2026) (citing *Poonjani*); *Acosta v. Arteta*, 2026 WL 263470 (S.D.N.Y. Feb. 2, 2026) (citing *Poonjani*); *Mendez Ramirez v. Decker*, 612 F. Supp. 3d 200 (S.D.N.Y. 2020) (citing *Poonjani*); *Gonzalez Aguilar v. Wolf*, 448 F. Supp. 3d 1202, 1212 (D.N.M. 2020) (“*Mezei* and its progeny do not hold that Petitioner has no due-process rights; rather, the applicable statutory process shapes her procedural due-process rights. Because Petitioner has no statutory right to release or a bond hearing, she has no procedural due-process right to the relief requested.”).

District courts in this Circuit that disagree generally neither grapple with *Mezei* nor *Barrera-Echavarria*. *See Ibarra-Perez*, 468 F. Supp. 3d at 1177, fn. 25 (citing *Poonjani* and rejecting the leading “prolonged detention” case, *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019), because *Banda* did not even discuss *Barrera-Echavarria*, the “entry fiction” doctrine, or portions of *Rodriguez II and III* and “seem to adopt *Barrera-Echavarria*’s logic as it pertains to arriving aliens”).

Mezei cannot be distinguished simply on “national security” grounds. Those facts were immaterial. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (distinguishing *Mezei* because he was treated “as if stopped at the border,” and “*that made all the difference*”) (emphasis added). In fact, in *Barrera-Echavarria*, the dissent criticized the majority’s reliance on *Mezei*, claiming that “[n]o such national security concerns are implicated in *Barrera*’s case.” *See* 44 F.3d at 1452 (Pregerson, J., dissenting). Nor can *Mezei* be dismissed as merely an exclusion case. *See id.* at 1449-50 (“[*Mezei*’s] holding necessarily included a determination that *Mezei*’s detention was legal as well.”); *see Zadvydas*, 533 U.S. at 693 (stating *Mezei* involved “indefinite detention”). *Mezei* has direct application here; this precedent thus controls “until explicitly overruled by that Court.” *United States v. Esqueda*, 88 F.4th 818, 828 (9th Cir. 2023).

In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40 (2020), the Supreme Court once again addressed the due process rights of individuals like Petitioner—inadmissible arriving noncitizens seeking initial entry into the United

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

19 Since the Supreme Court’s decision in *Thuraissigiam*, numerous published
20 decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment
21 Due Process Clause that Petitioner might have raised in this petition: Does an alien
22 detained under 8 U.S.C. § 1225(b)(1) have a due process right to release or a bond
23 hearing after being detained for a certain period of time? The answer is no. *See*
24 *Mendoza-Linares v. Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, *2
25 (S.D. Cal. June 10, 2024) (“[T]he Court finds that Petitioner has no Fifth Amendment
26 right to a bond hearing pending his removal proceedings.”); *Zelaya-Gonzalez*, 2023
27 WL 3103811. *3 (S.D. Cal. Apr. 25, 2023) (same); *Rodriguez Figueroa v. Garland*,
28 535 F. Supp. 3d 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F.

1 Supp. 3d 329, 336 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579
2 (W.D.N.Y. 2021); *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

3
4 Even if the Court infers a constitutional right against prolonged mandatory
5 detention, Petitioner's claim still fails. "In general, as detention continues past a year,
6 courts become extremely wary of permitting continued custody absent a bond hearing."
7 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal.
8 April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-
9 BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half
10 years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL
11 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,
12 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two
13 years). Petitioner's detention falls short of the length these courts have found to raise
14 due process concerns.

15 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
16 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,
17 at *5 ("[W]hile the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-
18 suited to determining whether due process requires a second bond hearing, they are not
19 particularly dispositive of whether prolonged mandatory detention has become
20 unreasonable in a particular case."); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-
21 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding
22 "the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of
23 the possible constitutional implications of Petitioner's ongoing detention without
24 process."). Under *Lopez*, to determine whether continued mandatory detention has
25 become unreasonable, "the Court will look to the total length of detention to date, the
26 likely duration of future detention, and the delays in the removal proceedings caused by
27 the petitioner and the government." 631 F. Supp. 3d at 879.

1 First, Petitioner has been detained for about eight months. Courts in this district
2 have found detention for much longer periods to be unreasonably prolonged. *See*
3 *Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at *5 (S.D. Cal.
4 Feb. 21, 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19 months);
5 *Sanchez-Rivera*, 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499 F. Supp.
6 3d 768, 773 (S.D. Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at *1 (42
7 months). The length of detention “is the most important factor.” *Sanchez-Rivera*, 2023
8 WL 139801, at *6 (citation omitted). Petitioner’s current detention does not fall within
9 the range those courts have found to be unreasonable. Moreover, the length of
10 Petitioner’s detention, by itself, does not favor granting habeas relief. *See Sadeqi v.*
11 *LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *3 (S.D. Cal. Nov. 12,
12 2025) (“The Court agrees with Respondents that the length of Petitioner’s detention to
13 date—almost 12 months—does not by itself, without more, establish prolonged
14 detention in violation of due process.”). Not only does the length of Petitioner’s
15 detention fall comparatively short of the length courts in this district have found to
16 warrant habeas relief, but the other *Lopez* factors do not favor habeas relief either. The
17 likely duration of future detention is neutral as any future orders or decisions by the
18 BIA may result in either shorter or longer detention periods. Ultimately, Petitioner has
19 primary control over whether her detention will end sooner or later as a function of the
20 completion of her removal proceedings or agreeing to removal. This factor is at worst
21 neutral. Finally, there is no indication of unreasonable delay in the removal proceedings
22 on the part of the government as the proceedings reached the merits hearing and
23 removal order within four months.

24 Balancing the above factors, the record does not support a finding that “detention
25 has become so unreasonable as to require an initial bond hearing,” *Sanchez-Rivera*,
26 2023 WL 139801, at *6, or an order requiring Petitioner’s release.

27 Petitioner was lawfully detained when she applied for admission at the port of
28 entry to the United States. As a result, Petitioner is rightly considered an applicant for

admission, and her mandatory detention does not violate due process. *See Markov v. LaRose*, No. 25-CV-3811 JLS (SBC), 2026 WL 92069 (S.D. Cal. Jan. 13, 2026) (“Petitioner’s length of detention, without more, does not render his detention unreasonable.”); *Duran Romero v. LaRose*, No. 25-cv-3567-AGS-VET, ECF No. 7 (S.D. Cal. Jan. 14, 2026); *Shahin v. Noem*, No. 25-cv-2496-AGS-KSC, ECF No. 12 (S.D. Cal. Dec. 23, 2025); *Cordova Cordova*, No. 25-cv-2426-BAS-DDL, ECF No. 9 (S.D. Cal. Nov. 14, 2025); *Mendez Ramirez*, 612 F. Supp. 3d at 221; *Gonzalez Aguilar v. Wolf*, 448 F. Supp. 3d at 1212; *de la Rosa Espinoza*, 2020 WL 3452967, at *6-8.

V. CONCLUSION

For the reasons stated herein, Respondent respectfully requests that the Court deny this petition on the merits.

Dated: June 2, 2026

Respectfully submitted,

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