

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

JAIME IVAN DUCHI-NAULA,

Petitioner,

v.

E.L. Tatum, Jr.,

Warden, FCI-Berlin;

Patricia Hyde,

Acting Boston Field Office Director

Immigration and Customs Enforcement;

Todd Lyons,

Acting Director

U.S. Immigration and Customs Enforcement;

Kristi Noem,

Secretary

U.S. Department of Homeland Security,

Pamela Bondi,

U.S. Attorney General,

Respondents.

Civ. No: 25-CV-247-LM-AJ

RESPONDENTS' REPLY

Federal Respondents respectfully maintain that Petitioner's detention is governed by 8 U.S.C. § 1225 because he is an applicant for admission subject to mandatory detention. Respondents' position is supported by a recent decision of the Board of Immigration Appeals ("BIA") in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

Federal Respondents submit this brief reply in response to Petitioner's argument that "this Court should hold that Petitioner remain out of custody *without any additional bond hearing before an IJ.*" DN 25 at 15 (emphasis added). This Court previously exercised its "inherent power to release the petitioner pending determination of the merits" of the Petition. *Woodcock v. Donnelly*, 470 F.2d 93, 94 (1st Cir. 1972) (per curiam). In doing so, the Court found that Petitioner had established a clear case on the law and the facts that his detention was governed by § 1226(a). To the extent that this Court is inclined to grant the Petition and order relief on that basis or any other basis, that relief must be limited to an order that Petitioner receive a bond hearing before an Immigration Judge as soon as practicable. That this Court previously conducted its own bail hearing and ordered Petitioner's release pending a disposition on the merits does not change the ultimate relief that this Court is empowered to order should it decide to grant the petition.

Respondents otherwise rely on the pleadings previously submitted in this case and ask the Court to deny the petition and grant summary judgment in favor of Respondents.

Respectfully submitted,

ERIN CREEGAN
United States Attorney

Dated: February 3, 2026

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