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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 Alma Lucero SANDOVAL HERNANDEZ;
10 Osman Arturo MENDEZ DE LEON;
11 Juan Jose LOPEZ REYES;
12 Pedro RODRIGUEZ HERNANDEZ;
13 Sinforoso SALGADO;
14 Narciso MODESTO CRUZ;
15 Josefina ORTEGA ZAMUDIO;
16 Luis HERNANDEZ MENESES;
17 Anastasio SANCHEZ JAVIER,

18 Petitioners,

19 v.

20 Kristi NOEM, Secretary, U.S. Department of
21 Homeland Security; Pamela BONDI, U.S.
22 Attorney General; Todd LYONS, Acting
23 Director, Immigration and Customs
24 Enforcement; Ernesto SANTACRUZ JR.,
25 Acting Director, Los Angeles Field Office,
26 Immigration and Customs Enforcement,
27 Enforcement and Removal Operations;
28 Fereti SEMAIA, Warden, Adelanto ICE
Processing Center; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; IMMIGRATION
AND CUSTOMS ENFORCEMENT; and U.S.
DEPARTMENT OF HOMELAND
SECURITY,

Respondents.

Case No. 5:25-cv-2563

**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241;
VERIFIED PETITION**

PETITIONERS' DHS NOS:



INTRODUCTION

1. Petitioners Alma Lucero SANDOVAL HERNANDEZ (A [REDACTED]); Osman Arturo MENDEZ DE LEON (A [REDACTED]); Juan Jose LOPEZ REYES (A [REDACTED]); Pedro RODRIGUEZ HERNANDEZ (A [REDACTED]); Sinforoso SALGADO (A [REDACTED]); Narciso MODESTO CRUZ (A [REDACTED]); Josefina ORTEGA ZAMUDIO (A [REDACTED]); Luis HERNANDEZ MENESES (A [REDACTED]); and Anastasio SANCHEZ JAVIER (A [REDACTED]) are in the physical custody of Respondents at the Adelanto ICE Processing Center and Desert View Annex in Adelanto, California.

2. Petitioners are unlawfully detained. The Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have improperly concluded that Petitioners, despite being physically present within the interior of and residing in the United States when arrested in Los Angeles County, Orange County, and Riverside County, California, should be deemed to be seeking admission to the United States and therefore subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A).

3. DHS has placed Petitioners in removal proceedings pursuant to 8 U.S.C. § 1229a and has charged each Petitioner with being present in the United States without admission and therefore removable pursuant to 8 U.S.C. § 1182(a)(6)(A)(i).

1 4. Based on this allegation in Petitioners' removal proceedings, DHS has
2 denied each Petitioner release from immigration custody, consistent with a new
3 DHS policy¹ issued on July 8, 2025, instructing all Immigration and Customs
4 Enforcement (ICE) employees to consider anyone inadmissible under §
5 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or
6 inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore
7 ineligible to be released on bond during the removal hearing process.
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10 5. Similarly, on September 5, 2025, the Board of Immigration Appeals
11 (BIA or Board), a component of EOIR, issued a precedent decision, binding on all
12 immigration judges, holding that an immigration judge has no authority to consider
13 bond requests for any person who entered the United States without admission. *See*
14 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined
15 that such individuals are subject to mandatory detention under 8 U.S.C. §
16 1225(b)(2)(A) and therefore ineligible to be released on bond.
17

18
19 6. Petitioners' detention on this basis violates the plain language of the
20 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.* Section
21 1225(b)(2)(A) does not apply to individuals like Petitioners who previously entered
22 and are now present and residing in the United States. Instead, such individuals are
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26 ¹ "Interim Guidance Regarding Detention Authority for Applicants for Admission",
27 ICE, July 8, 2025. Available at: <https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents>.
28

1 subject to a different statute, § 1226(a), that allows for release on conditional parole
2 or bond. That statute expressly applies to people who, like Petitioners, are charged
3 as removable for having entered the United States without inspection and being
4 present without admission.
5

6 7. Respondents' new legal interpretation of the INA is plainly contrary to
7 the statutory framework and contrary to decades of agency practice applying §
8 1226(a) to people like Petitioners who are present within the United States.
9

10 8. Respondents' new legal interpretation of the INA also violates
11 Petitioners' right to due process. All individuals within the United States have
12 constitutional rights. "[T]he Due Process Clause applies to all 'persons' within the
13 United States, including aliens, whether their presence here is lawful, unlawful,
14 temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
15

16 9. Accordingly, Petitioners seek a writ of habeas corpus requiring that
17 they be released unless Respondents provide a bond hearing under § 1226(a) within
18 seven days.
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21 JURISDICTION

22 10. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. §
23 1331 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702
24 (waiver of sovereign immunity), 28 U.S.C. § 2241 (habeas corpus jurisdiction), and
25 Article I, Section 9, clause 2 of the United States Constitution (the Suspension
26 Clause).
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1 application for the writ usurps the attention and displaces the calendar of the judge
2 or justice who entertains it and receives prompt action from him within the four
3 corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000)
4 (citation omitted).
5

6
7 **PARTIES**

8 ***Petitioners***

9 16. Petitioner Alma Lucero SANDOVAL HERNANDEZ (DHS No. A [REDACTED])
10 [REDACTED] was arrested by ICE agents on June 30, 2025 in Palm Springs, California.
11
12 She has been in immigration detention since that date. After arresting Petitioner,
13 ICE did not set bond and Petitioner requested review of her custody by an IJ. On
14 August 12, 2025, Petitioner was denied bond by an IJ at the Adelanto Immigration
15 Court because the IJ concluded there was “no jurisdiction.”
16

17 17. Petitioner Osman Arturo MENDEZ DE LEON (DHS No. A [REDACTED])
18 was arrested by ICE agents on June 19, 2025 in Los Angeles, California. He has
19 been in immigration detention since that date. After arresting Petitioner, ICE did
20 not set bond and Petitioner requested review of his custody by an IJ. On August 29,
21 2025, Petitioner was denied bond by an IJ at the Adelanto Immigration Court
22 because he was deemed an “applicant for admission.”
23

24 18. Petitioner Juan Jose LOPEZ REYES (DHS No. A [REDACTED]) was
25 arrested by Border Patrol agents on June 26, 2025 in Bellflower, California. He has
26 been in immigration detention since that date. After arresting Petitioner, ICE did
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1 not set bond and Petitioner requested review of his custody by an IJ. On August 20,
2 2025, Petitioner was denied bond by an IJ at the Adelanto Immigration Court
3 because he was deemed an “applicant for admission” and the IJ concluded there
4 was “no jurisdiction.”
5

6 19. Petitioner Pedro RODRIGUEZ HERNANDEZ (DHS No. A [REDACTED])
7 [REDACTED] was arrested by ICE agents on August 13, 2025 in Los Angeles, California.
8 He has been in immigration detention since that date. After arresting Petitioner, ICE
9 did not set bond and Petitioner requested review of his custody by an IJ. On
10 September 17, 2025, Petitioner was denied bond by an IJ at the Adelanto
11 Immigration Court because he was deemed to be detained pursuant to 8 U.S.C. §
12 1225(b) and the IJ concluded the IJ did not have jurisdiction.
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16 20. Petitioner Sinforoso SALGADO (DHS No. A [REDACTED]) was arrested
17 by ICE agents on June 18, 2025 in Anaheim, California. He has been in
18 immigration detention since that date. After arresting Petitioner, ICE did not set
19 bond and Petitioner requested review of his custody by an IJ. On July 23, 2025,
20 Petitioner was denied bond by an IJ at the Adelanto Immigration Court because he
21 was deemed an “applicant for admission” and the IJ concluded there was “no
22 jurisdiction.”
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25 21. Petitioner Narciso MODESTO CRUZ (DHS No. A [REDACTED]) was
26 arrested by immigration officials on or around August 19, 2025 in Montebello,
27 California. He has been in immigration detention since that date. After arresting
28

1 Petitioner, ICE did not set bond and Petitioner requested review of his custody by
2 an IJ. On September 11, 2025, Petitioner was denied bond by an IJ at the Adelanto
3 Immigration Court because the IJ concluded there was “no jurisdiction” pursuant to
4 “INA section 235(b).”
5

6 22. Petitioner Josefina ORTEGA ZAMUDIO (DHS No. A [REDACTED]) was
7 arrested by ICE agents on or about August 20, 2025 in Los Angeles, California.
8 She has been in immigration detention since that date. After arresting Petitioner,
9 ICE did not set bond. ICE has charged Petitioner with being present without
10 admission. In light of the BIA’s September 5, 2025 decision in *Matter of Yajure*
11 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), Petitioner is unable to obtain a bond
12 hearing before an IJ pursuant to 8 U.S.C. § 1226(a).
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16 23. Petitioner Luis HERNANDEZ MENESES (DHS No. A [REDACTED])
17 was arrested by immigration officials on or about June 17, 2025 in Garden Grove,
18 California. He has been in immigration detention since that date. After arresting
19 Petitioner, ICE did not set bond. ICE has charged Petitioner with being present
20 without admission. In light of the BIA’s September 5, 2025 decision in *Matter of*
21 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), Petitioner is unable to obtain a
22 bond hearing before an IJ pursuant to 8 U.S.C. § 1226(a).
23
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25 24. Petitioner Anastasio SANCHEZ JAVIER (DHS No. A [REDACTED]) was
26 arrested by ICE agents on July 6, 2025 in Los Angeles, California. He has been in
27 immigration detention since that date. After arresting Petitioner, ICE did not set
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1 bond and Petitioner requested review of his custody by an IJ. On July 23, 2025,
2 Petitioner was denied bond by an IJ at the Adelanto Immigration Court because he
3 was deemed an “applicant for admission” and the IJ concluded there was “no
4 jurisdiction.”
5

6 ***Respondents***
7

8 25. Respondent Kristi Noem is the Secretary of the Department of
9 Homeland Security. She is responsible for the implementation and enforcement of
10 the Immigration and Nationality Act and oversees ICE, which is responsible for
11 Petitioners’ detention. Ms. Noem has ultimate custodial authority over Petitioners.
12 She is sued in her official capacity.
13

14 26. Respondent Pamela Bondi is the Attorney General of the United
15 States. She is responsible for the Department of Justice, of which the Executive
16 Office for Immigration Review, and the BIA and immigration court system it
17 operates, is a component agency. She is sued in her official capacity.
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19

20 27. Todd Lyons is the Acting Director of Immigration and Customs
21 Enforcement, a federal law enforcement agency within the Department of
22 Homeland Security. ICE’s responsibilities include operating the immigration
23 detention system. In his capacity as ICE Acting Director, Respondent Lyons
24 exercises control over and is a custodian of persons held at ICE facilities nationally.
25 He is Petitioners’ immediate custodian and is responsible for Petitioners’ detention.
26
27 He is sued in his official capacity.
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28. Respondent Ernesto Santacruz Jr. is the Acting Director of the Los Angeles Field Office of ICE's Enforcement and Removal Operations division. As such, he is the custodian of all persons held at the ICE facilities within the Los Angeles Field Office. He is Petitioners' immediate custodian and is responsible for Petitioners' detention. He is sued in his official capacity.

29. Respondent Fereti Semaia, is the Warden of the Adelanto ICE Processing Center, Adelanto, California, where Petitioners are detained. He has immediate physical custody of Petitioners. He is sued in his official capacity.

30. Respondent Executive Office for Immigration Review (EOIR) is the federal agency within the Department of Justice responsible for implementing the INA in removal proceedings, including for custody redeterminations or bond hearings.

31. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

32. Respondent Immigration and Customs Enforcement (ICE) is the agency within DHS responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

LEGAL FRAMEWORK

33. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a.

1 34. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in § 1229a
2 removal proceedings before an IJ. Individuals covered by § 1226(a) detention are
3 generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§
4 1003.19(a), 1236.1(d), while certain noncitizens who have been arrested, charged
5 with, or convicted of certain crimes are subject to mandatory detention. *See* 8
6 U.S.C. § 1226(c).
7

9 35. Second, the INA provides for mandatory detention of noncitizens
10 subjected to an Expedited Removal order imposed pursuant to 8 U.S.C. §
11 1225(b)(1) and for certain other noncitizen applicants for admission to the U.S. who
12 are deemed not clearly entitled to be admitted. *See* 8 U.S.C. § 1225(b)(2).
13

14 36. Last, the INA provides for detention of noncitizens who have been
15 ordered removed, including individuals in withholding-only proceedings. *See* 8
16 U.S.C. § 1231(a)–(b).
17

18 37. This case concerns the detention provisions at 8 U.S.C. §§ 1226(a) and
19 1225(b)(2).
20

21 38. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as
22 part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)
23 of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582
24 to 3009–583, 3009–585. Section 1226 was most recently amended in early 2025 by
25 the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).
26
27

28 39. Following the enactment of the IIRIRA in 1996, EOIR drafted new

1 Regulations applicable to proceedings before immigration judges explaining that, in
2 general, people who entered the country without inspection – also referred to as
3 being “present without admission” - were not considered detained under § 1225 and
4 that they were instead detained under § 1226(a). *See* Inspection and Expedited
5 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal
6 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
7

8
9 40. Thus, in the decades that followed, most noncitizens who entered without
10 inspection and were placed in standard § 1229a removal proceedings received bond
11 hearings before IJs, unless their criminal history rendered them ineligible pursuant
12 to § 1226(c). That practice was consistent with many more decades of practice prior
13 to IIRIRA, in which noncitizens who were not deemed “arriving” were entitled to a
14 custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)
15 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a)
16 simply “restates” the detention authority previously found at § 1252(a)).
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19
20 41. This practice both pre- and post-enactment of IIRIRA in 1996 is
21 consistent with the fact that noncitizens present within the United States – as
22 opposed to noncitizens present at the border and seeking admission - have
23 constitutional rights. “[T]he Due Process Clause applies to all ‘persons’ within the
24 United States, including aliens, whether their presence here is lawful, unlawful,
25 temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
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27

28 42. On July 8, 2025, ICE, “in coordination with” the Department of Justice,

1 announced a new policy that rejected the well-established understanding of the
2 statutory framework and reversed decades of practice.

3
4 43. The new policy, entitled “Interim Guidance Regarding Detention
5 Authority for Applicants for Admission,”² claims that all noncitizens who entered
6 the United States without inspection shall now be deemed “applicants for
7 admission” and subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
8 The policy applies regardless of when a person is apprehended, and affects those
9 who have resided in the United States for months, years, and even decades.

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12 44. On September 5, 2025, the BIA adopted this same position in a
13 published decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
14 The Board held that all noncitizens who entered the United States without
15 admission or parole are subject to mandatory detention under § 1225(b)(2)(A) and
16 are ineligible for IJ bond hearings.

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19 45. Since Respondents adopted their new policies, dozens of federal courts
20 have rejected their new interpretation of the INA’s detention authorities. Courts
21 have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of
22 the statute as ICE.

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24 46. Even before ICE or the BIA introduced these nationwide policies, IJs in
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28 ² Available at: <https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents>.

1 the Tacoma, Washington immigration court stopped providing bond hearings for
2 persons who entered the United States without inspection and who have since
3 resided here. There, the U.S. District Court in the Western District of Washington
4 found that such a reading of the INA is likely unlawful and that § 1226(a), not §
5 1225(b), applies to noncitizens who are not apprehended upon arrival to the United
6 States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).
7

8
9 47. Subsequently, court after court has adopted the same reading of the INA's
10 detention authorities and rejected ICE and EOIR's new interpretation, including at
11 least six cases in the Central District of California. *See Arreola Armenta v. Noem*,
12 5:25-cv-2416-JFW-SP (C.D. Cal. Sept. 16, 2025); *Zaragoza Mosqueda v. Noem*,
13 No. 5:25-CV-02304-CAS-BFM, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025);
14 *Benitez v. Noem*, 5:25-cv-2190-RGK-AS (C.D. Cal. Aug. 26, 2025); *Ceja Gonzalez*
15 *v. Noem*, 5:25-cv-2054-ODW-BFM (C.D. Cal. Aug. 13, 2025); *Arrazola-Gonzalez*
16 *v. Noem*, No. 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. Cal. Aug. 15,
17 2025); and *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D.
18 Cal. July 28, 2025). And outside of the Central District, *see also*, *Gomes v. Hyde*,
19 No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz*
20 *Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238
21 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR
22 (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation
23 adopted, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug.
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1 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588
2 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE,
3 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-
4 BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV.
5 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v.*
6 *Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025);
7 *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md.
8 Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136
9 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F.
10 Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Lopez-Campos v.*
11 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29,
12 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431
13 (S.D. Cal. Sept. 3, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL
14 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK,
15 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*,
16 No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that
17 “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes
18 detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at
19 *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-
20 RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same); *but see, Sixtos*
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1 *Chavez v. Noem*, No. 3:25-cv-2325-CAB-SBC (S.D. Cal. Sept. 24, 2025) (denying
2 TRO and accepting government’s interpretation of § 1225(b)(2)).

3
4 48. Numerous courts have rejected DHS’s and EOIR’s new interpretation
5 because it defies the INA. As the *Rodriguez Vazquez* court and others have
6 explained, the plain text of the statutory provisions demonstrates that § 1226(a), not
7 § 1225(b), applies to people like Petitioners.

8
9 49. Section 1226(a) applies by default to all persons “pending a decision on
10 whether the [noncitizen] is to be removed from the United States.” Removal
11 hearings are held pursuant to § 1229a, to “decid[e] the inadmissibility or
12 deportability of a[] [noncitizen].”

13
14 50. The text of § 1226(a) also explicitly applies to individuals charged as
15 being inadmissible, including those who entered without inspection. *See* 8 U.S.C. §
16 1226(c)(1)(E). Subparagraph (E)’s reference to inadmissible individuals makes
17 clear that, by default, such individuals are afforded a bond hearing under subsection
18 (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates “specific
19 exceptions” to a statute’s applicability, it “proves” that absent those exceptions, the
20 statute generally applies. *Rodriguez Vazquez*, 779 F.Supp. 3d at 1257 (citing *Shady*
21 *Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see*
22 *also Gomes*, 2025 WL 1869299, at *7.

23
24 51. Section 1226 therefore leaves no doubt that it applies to noncitizens
25
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1 present in the United States who face charges of being inadmissible to the United
2 States, including those who are present without admission or parole.

3
4 52. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or
5 who recently entered the United States and are encountered at or near the border.
6 The statute's entire framework is premised on inspections at the border of people
7 who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A).
8 Indeed, the Supreme Court has explained that this mandatory detention scheme
9 applies "at the Nation's borders and ports of entry, where the Government must
10 determine whether a[] [noncitizen] seeking to enter the country is admissible."
11 *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).
12

13
14 53. Accordingly, the mandatory detention provision of § 1225(b)(2) does not
15 apply to people like Petitioners, who have already entered and were residing in the
16 United States at the time they were apprehended.
17

18 **FACTS**

19 **Petitioner Alma Lucero SANDOVAL HERNANDEZ**

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21 54. Petitioner Alma Lucero SANDOVAL HERNANDEZ resides in
22 California. She has no criminal record and no previous contact with immigration
23 authorities.
24

25 55. On June 30, 2025, Petitioner was arrested in Palm Springs, California.
26 Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto,
27 California.
28

1 56. ICE placed Petitioner in removal proceedings before the Adelanto
2 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
3 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
4 without admission in the United States.
5

6 57. Upon information and belief, following Petitioner's arrest and transfer to
7 the Adelanto ICE Processing Center, ICE issued a custody determination to
8 continue Petitioner's detention without an opportunity to post bond or be released
9 on other conditions.
10

11 58. Petitioner subsequently requested a bond redetermination hearing before
12 an IJ. On August 12, 2025, an IJ denied the request and issued a decision that the
13 court lacked jurisdiction to conduct a bond redetermination hearing.
14
15

16 **Petitioner Osman Arturo MENDEZ DE LEON**

17 59. Petitioner Osman Arturo MENDEZ DE LEON resides in California. He
18 has no criminal record and no previous contact with immigration authorities.
19

20 60. On June 19, 2025, Petitioner was arrested in Los Angeles, California.
21 Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto,
22 California.
23

24 61. ICE placed Petitioner in removal proceedings before the Adelanto
25 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
26 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
27 without admission in the United States.
28

1 62. Upon information and belief, following Petitioner's arrest and transfer to
2 the Adelanto ICE Processing Center, ICE issued a custody determination to
3 continue Petitioner's detention without an opportunity to post bond or be released
4 on other conditions.
5

6 63. Petitioner subsequently requested a bond redetermination hearing before
7 an IJ. On August 29, 2025, an IJ denied the request and issued a decision that the
8 court lacked jurisdiction to conduct a bond redetermination hearing because
9 Petitioner was an applicant for admission.
10

11
12 **Petitioner Juan Jose LOPEZ REYES**

13 64. Petitioner Juan Jose LOPEZ REYES resides California and has resided in
14 the United States for over fifteen years. He has no criminal record and no previous
15 arrests by immigration officials.
16

17 65. On June 26, 2025, Petitioner was arrested in Bellflower, California.
18 Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto,
19 California.
20

21 66. ICE placed Petitioner in removal proceedings before the Adelanto
22 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
23 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
24 without admission in the United States.
25

26 67. Upon information and belief, following Petitioner's arrest and transfer to
27
28

1 the Adelanto ICE Processing Center, ICE issued a custody determination to
2 continue Petitioner's detention without an opportunity to post bond or be released
3 on other conditions.
4

5 68. Petitioner subsequently requested a bond redetermination hearing before
6 an IJ. On August 20, 2025, an IJ denied the request and issued a decision that the
7 court lacked jurisdiction to conduct a bond redetermination hearing because
8 Petitioner was an applicant for admission.
9

10 **Petitioner Pedro RODRIGUEZ HERNANDEZ**
11

12 69. Petitioner Pedro RODRIGUEZ HERNANDEZ resides in Los Angeles,
13 California. He has no criminal record and no previous contact with immigration
14 authorities.
15

16 70. On August 13, 2025, Petitioner was arrested in Los Angeles, California.
17 Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto,
18 California.
19

20 71. ICE placed Petitioner in removal proceedings before the Adelanto
21 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
22 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
23 without admission in the United States.
24

25 72. Upon information and belief, following Petitioner's arrest and transfer to
26
27
28

1 the Adelanto ICE Processing Center, ICE issued a custody determination to
2 continue Petitioner's detention without an opportunity to post bond or be released
3 on other conditions.
4

5 73. Petitioner subsequently requested a bond redetermination hearing before
6 an IJ. On September 17, 2025, an IJ denied the request and issued a decision that
7 the court lacked jurisdiction to conduct a bond redetermination hearing because
8 Petitioner was detained pursuant to § 1225(b)(2).
9

10 **Petitioner Sinforoso SALGADO**
11

12 74. Petitioner Sinforoso SALGADO resides in California. He has no previous
13 contact with immigration authorities. His criminal record does not trigger
14 mandatory detention pursuant to 8 U.S.C. § 1226(c) or on any other basis.
15

16 75. On June 18, 2025, Petitioner was arrested in Anaheim, CA. Petitioner is
17 now detained at the Adelanto ICE Processing Center in Adelanto, California.
18

19 76. ICE placed Petitioner in removal proceedings before the Adelanto
20 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
21 being inadmissible under, inter alia, 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is
22 present without admission in the United States.
23

24 77. Upon information and belief, following Petitioner's arrest and transfer to
25 the Adelanto ICE Processing Center, ICE issued a custody determination to
26 continue Petitioner's detention without an opportunity to post bond or be released
27 on other conditions.
28

1 78. Petitioner subsequently requested a bond redetermination hearing before
2 an IJ. On July 23, 2025, an IJ denied the request and issued a decision that the court
3 lacked jurisdiction to conduct a bond redetermination hearing because Petitioner
4 was an applicant for admission.
5

6 **Petitioner Narciso MODESTO CRUZ**
7

8 79. Petitioner Narciso MODESTO CRUZ resides in Los Angeles County,
9 California. He has no criminal record and no previous contact with immigration
10 authorities.
11

12 80. On or about August 19, 2025, Petitioner was arrested in Montebello,
13 California. Petitioner is now detained at the ICE Desert View Annex Facility in
14 Adelanto, California.
15

16 81. ICE placed Petitioner in removal proceedings before the Adelanto
17 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
18 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
19 without admission in the United States.
20

21 82. Upon information and belief, following Petitioner's arrest and transfer to
22 the ICE Desert View Annex Facility, ICE issued a custody determination to
23 continue Petitioner's detention without an opportunity to post bond or be released
24 on other conditions.
25

26 83. Petitioner subsequently requested a bond redetermination hearing before
27
28

1 an IJ. On September 11, 2025, an IJ denied the request and issued a decision that
2 the court lacked jurisdiction to conduct a bond redetermination hearing because
3
4 Petitioner was detained pursuant to § 1225(b)(2).

5 **Petitioner Josefina ORTEGA ZAMUDIO**

6
7 84. Petitioner Josefina ORTEGA ZAMUDIO resides in California. She has
8 no previous contact with immigration authorities. Her criminal record does not
9 trigger mandatory detention pursuant to 8 U.S.C. § 1226(c) or on any other basis.

10
11 85. On or about August 20, 2025, Petitioner was arrested in Los Angeles,
12 California. Petitioner is now detained at the Adelanto ICE Processing Center in
13 Adelanto, California.

14
15 86. ICE placed Petitioner in removal proceedings before the Adelanto
16 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
17 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
18 without admission in the United States.

19
20 87. Upon information and belief, following Petitioner's arrest and transfer to
21 the Adelanto ICE Processing Center, ICE issued a custody determination to
22 continue Petitioner's detention without an opportunity to post bond or be released
23 on other conditions.

24
25 88. In light of the BIA's September 5, 2025 decision in *Matter of Yajure*
26 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), Petitioner is unable to obtain a bond
27
28 hearing before an IJ pursuant to 8 U.S.C. § 1226(a).

1 **Petitioner Luis HERNANDEZ MENESES**

2 89. Petitioner Luis HERNANDEZ MENESES resides in Garden Grove,
3 California and has lived in the United States for approximately fifteen years. His
4 previous contact with immigration authorities and his criminal record do not trigger
5 mandatory detention pursuant to 8 U.S.C. § 1226(c) or on any other basis.
6

7
8 90. On or about July 17, 2025, Petitioner was arrested in Garden Grove,
9 California. Petitioner is now detained at the ICE Desert View Annex Facility in
10 Adelanto, California.
11

12 91. ICE placed Petitioner in removal proceedings before the Adelanto
13 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
14 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
15 without admission in the United States.
16

17 92. Upon information and belief, following Petitioner's arrest and transfer to
18 the ICE Desert View Annex Facility, ICE issued a custody determination to
19 continue Petitioner's detention without an opportunity to post bond or be released
20 on other conditions.
21

22 93. In light of the BIA's September 5, 2025 decision in *Matter of Yajure*
23 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), Petitioner is unable to obtain a bond
24 hearing before an IJ pursuant to 8 U.S.C. § 1226(a).
25

26 **Petitioner Anastasio SANCHEZ JAVIER**

27
28 94. Petitioner Anastasio SANCHEZ JAVIER resides in Los Angeles,

1 California and has lived in the United States for about twenty-five years. His
2 previous contact with immigration authorities and his criminal record do not trigger
3 mandatory detention pursuant to 8 U.S.C. § 1226(c) or on any other basis.
4

5 95. On July 6, 2025, Petitioner was arrested in Los Angeles, California.
6 Petitioner is now detained at the Adelanto ICE Processing Center in Adelanto,
7 California.
8

9 96. ICE placed Petitioner in removal proceedings before the Adelanto
10 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with
11 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who is present
12 without admission in the United States.³
13

14 97. Upon information and belief, following Petitioner's arrest and transfer
15 to the Adelanto ICE Processing Center, ICE issued a custody determination to
16 continue Petitioner's detention without an opportunity to post bond or be released
17 on other conditions.
18

19 98. Petitioner subsequently requested a bond redetermination hearing
20
21
22
23
24

25 ³ The Notice to Appear issued by DHS contains a notation that the Petitioner was
26 admitted to the United States, but the factual allegations and charge of removability
27 allege he is present without admission. Likewise, the IJ's order denying bond is
28 based upon the determination that he is an "applicant for admission" and has not
been admitted.