UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Edwin Josue PADILLA MOLINA,

Petitioner,

v.

Francis DELEON, *et al.*,

Respondents.

Case No. 2:25-cv-06526

PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

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INTRODUCTION

Petitioner Edwin Josue Padilla Molina has resided in the United States for over a decade. He entered at age 14 and has since established a life here with his partner, a lawful permanent resident who is pregnant with their first child. Throughout his time in this country, Mr. Padilla Molina has complied with his immigration proceedings, and in 2016, an immigration judge administratively closed his case. He has lived here without incident since then. Nevertheless, on November 23, 2025, Respondents arrested and detained him. Respondents have not asserted that Mr. Padilla Molina poses a danger or is a flight risk, nor have they provided any individualized reason for his re-detention. Rather, they contend that 8 U.S.C. § 1225(b)(2)—a statute never previously applied to him during his 12 years in the United States—now *mandates* his detention.

Respondents are wrong on the law. Their statutory theory lacks merit, and for that reason it has been widely rejected by courts nationwide. Moreover, their actions violated Mr. Padilla Molina's Fourth and Fifth Amendment rights. Depriving someone of their liberty without notice, individualized decision-making, or review by a neutral adjudicator cannot withstand constitutional scrutiny. Respondents offer no persuasive justification for their position.

The constitutional concerns raised here are substantial. They counsel against any further delay in Mr. Padilla's release from Respondents' custody. Accordingly, he respectfully requests that the Court order his immediate release.

FACTUAL BACKGROUND

The crucial facts are largely undisputed. Mr. Padilla Molina entered the United States in November 2013. Respondents' Memorandum of Law in Opposition to Petition for Writ of Habeas Corpus ("Resp."), ECF No. 8, at 2. He was 14 years old at the time. *Id.* Respondents took him into custody and processed him for release. *Id.* He was charged with being removable as a noncitizen

"present in the United States without being admitted" and directed to appear in immigration court. Declaration of Mayra A. Pardo ("Pardo Decl."), ECF No. 8-1, at ¶ 4. Mr. Padilla Molina complied and attended the required hearings. Three years later, in November 2016, an immigration judge administratively closed his removal proceedings. *Id.* at ¶ 9.

Since then, Mr. Padilla Molina has built his life in this country. He and his partner, a lawful permanent resident, are expecting their first child [redacted] Verified Petition for Writ of Habeas Corpus ("Pet'n"), ECF 1, at ¶ 15.

But on November 23, 2025, Respondents decided to re-detain Mr. Padilla Molina. They took him into custody after he was stopped and seized from his vehicle without explanation. *See* Pet'n at 5. For their part, Respondents provide no details about what happened during the arrest or why exactly they decided to detain Mr. Padilla Molina in the first place. Resp. at 3. They do not dispute his allegation that Respondents had no basis to stop him in the first place. Pet'n at ¶64. Nor do Respondents deny that they provided Mr. Padilla Molina neither notice nor an opportunity to be heard prior to his re-detention.

Instead, Respondents offer a single justification for Mr. Padilla Molina's arrest: that he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Resp. at 4. Oddly, they also provide an administrative warrant citing authority under a different statute—Section 236(a) of the Immigration & Nationality Act (8 U.S.C. § 1226(a)). ECF No. 10-4.

ARGUMENT

I. Respondents Are Wrong About the Statute of Detention.

Respondents are wrong about the statutory authority for Mr. Padilla Molina's detention. "Every district court to address this question has concluded that the government's position belies the statutory text of the INA, canons of statutory interpretation, legislative history, and

longstanding agency practice." *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *1 (W.D. Wash. Sept. 30, 2025). One judge recently calculated that Respondents' statutory reinterpretation of Section 1225(b)(2) has been rejected in about 350 judicial decisions. *Barco Mercado v. Francis*, No. 1:25-cv-06582-LAK, slip op. at 10 & n.22 (S.D.N.Y. Nov. 26, 2025). Like that growing number of courts, this Court should reject Respondents' atextual statutory interpretation and hold that Section 1226 still governs Petitioner's detention. *See also Lopez Benitez v. Francis*, --- F.Supp.3d ----, 2025 WL 2371588 at *9-12 (S.D.N.Y. August 13, 2025); *Kelly v. Almodovar et al*, 25-cv-06448 (AT), 2025 WL 2381591 (S.D.N.Y. Aug. 15, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 25 Civ. 11571 (JEK), 2025 WL 1869299 (D. Mass. July 7, 2025); *Rodriguez v. Bostock,* No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *14 (W.D. Wash. Apr. 24, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *5 (E.D. Mich. Aug. 29, 2025).

A. The Record Demonstrates Petitioner's Detention is Pursuant to Section 1226.

For decades, courts and the agencies Respondents lead have recognized that the detention of individuals who entered the U.S. without inspection is governed by 8 U.S.C. § 1226(a). *See* Pet'n at ¶20. Only in recent months have Respondents begun to posit a totally new framework for detention. *Id.* at ¶27.

Mr. Padilla Molina's case predates Respondents' recent reimagining of the detention statutes. As Respondents concede, after they initially apprehended him in November 2013, DHS did not subject him to Section 1225(b)(2). *See* ECF Nos. 10-3, 10-5. That remains true today. Respondents themselves offer as evidence an administrative warrant that cites *not* Section 1225(b)(2) as their authority for Mr. Padilla Molina's detention in November 2025. ECF No. 10-

4. Instead, their own warrant cites "[S]ection 236 of the Immigration and Nationality Act," which is codified at 8 U.S.C. § 1226. They offer no authority to alternate detention statutes as they please absent a change in a person's criminal history or the posture of their removal proceedings. Nor does one exist. "[A] noncitizen cannot be subject to both mandatory detention under § 1225 and discretionary detention under § 1226, a point that Respondents conceded. It therefore follows that if [Mr. Padilla Molina] was detained pursuant to one provision, [he] cannot be subject to the other." *Lopez Benitez*, 2025 WL 2371588 at *4 (internal citations omitted).

Applying an entirely new statute of detention to someone previously released would violate their right to due process and raise serious retroactivity concerns. *Obeya v. Sessions*, 884 F.3d 442, 445 (2d Cir. 2018) (setting out five-factor test for retroactivity analysis). The new interpretation is an "abrupt departure" that has deprived Mr. Padilla Molina of his liberty—undisputedly a substantial burden. He had no opportunity to contest this classification, even as Respondents contend that their retroactive application of a new rule has caused his constitutional rights to simply vanish. Resp. at 9-12. Finally, any interest in uniformity cannot outweigh the burden imposed on Mr. Padilla Molina, particularly given Respondents' "demonstrated willingness to depart from [their] own precedent." *Obeya,* 884 F.3d at 449. Retroactive application of Respondents' new rule is therefore inappropriate.

B. Respondents' Interpretation of Its Detention Authority Runs Counter to the Statute.

As a growing number of courts have concluded, Respondents' assertion that Mr. Padilla Molina is "lawfully" detained under Section 1225(b)(2) contravenes the plain meaning and structure of the relevant statutes, and it is at odds with historical practice.

By its own terms, Section 1225(b)(2) does not apply here. Courts must ensure "no clause, sentence, or word shall be superfluous, void, or insignificant." *TRW Inc. v. Andrews*, 534 U.S. 19,

31 (2001). While Respondents stress that Mr. Padilla Molina is an "applicant for admission," Resp. at 13, they ignore Section 1225(b)(2)'s qualifier that such individuals "are *seeking* admission"—language that "necessarily implies some sort of present-tense action." *Martinez v. Hyde*, 2025 WL 2084238, at *6. But when Respondents arrested Petitioner, in November 2013 and then in November 2025, he was *already* inside the United States. Respondents' own declarant confirms this: he was charged under 8 U.S.C. § 1182(a)(6)(A)(i) as someone *already present* in the U.S. ECF 8-1 at ¶4. Because he was no longer in the act of "seeking" admission, he falls outside the scope of Section 1225(b)(2). Respondents' reliance on *Jennings v. Rodriguez* is misplaced for the same reason: far from directing that *all* applicants for admission are subject to 1225(b) detention, Resp. at 6, the Supreme Court there described classifications made "at the Nation's borders and ports of entry, where the Government must determine whether a [noncitizen] *seeking to enter the country* is admissible," at which time detention may be pursuant to either § 1225(b)(1) or (b)(2). 583 U.S. 281, 287 (2018) (emphasis added). Applying those statutes to people inside the U.S. who already entered and are not "seeking" entry or admission at a border, stretches them beyond their bounds.

Respondents' substitution of Section 1225(b)(2) for Section 1226 also contravenes the fundamental rule that courts must give "effect, if possible, to every clause and word of a statute," while respecting their overall logic and structure. *Hechavarria v. Sessions*, 891 F.3d 49, 55 (2d Cir. 2018), *as amended* (May 22, 2018). The repeated use of "may" in § 1226(a) plainly signals Congress' intent to establish a discretionary detention framework for those detained pursuant to an administrative warrant. Critically, Section 1226(a) also expressly excludes certain "criminal" noncitizens from its discretionary framework—but contains no exclusion for anyone else. "That express exception" to Section 1226(a)'s discretionary framework "implies that there are no other

circumstances under which" detention is mandated for noncitizens detained pursuant to an administrative warrant. *See Jennings*, 583 U.S. at 300 (citing A. Scalia & B. Garner, Reading Law 107 (2012)); *cf. Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010) ("that Congress has created specific exceptions" to a statute's applicability "proves" that the statute generally applies absent those exceptions).

Moreover, Respondents' interpretation of Section 1225(b)(2) renders superfluous a recent amendment to Section 1226. The Laken Riley Act[1] created Section 1226(c)(1)(E), which mandates detention when a noncitizen is (i) inadmissible for having entered without inspection, engaging in fraud, or lacking entry documents; "and" (ii) is implicated in certain crimes. 8 U.S.C. § 1226(c)(1)(E). The conjunction "and" means detention is mandatory only if both criteria are satisfied. But under Respondents' theory, Section 1226(c)(1)(E) was a meaningless amendment since, in their view, "all noncitizens who have not been admitted" are already subject to mandatory detention under Section 1225(b)(2). *Bostock*, 2025 WL 1193850, at *14. Because that is neither a permissible nor plausible reading of the statute, courts have rejected it. *See, e.g., Artiga v. Genalo*, No. 25-CV-5208 (OEM), 2025 WL 2829434, at *7 (E.D.N.Y. Oct. 5, 2025).

C. Respondents' Case Law Conforms to Petitioner's Argument.

Respondents cobble together cases from other contexts to support their erroneous application of § 1225(b)(2). But no case they cite stands for the proposition they claim. *Cf. Lopez Benitez*, 2025 WL 2267803 at *8 (the court could not "identify any authority" supporting Respondents' interpretation of Section 1225(b)); *Martinez*, 2025 WL 2084238 at *8 (same). Far from supporting Respondents' new theory, the Supreme Court in *Jennings* noted that § 1225(b) custody applies to people at the border "seeking to enter" the U.S.—but it distinguished them from

[1] Pub. L. No.119-1, 139 Stat. 3 (2025).

people who, like Petitioner, are already in the U.S. For the latter category, it stated that custody under § 1226 is the "default rule." 583 U.S. at 289.

Respondents' reliance on the "entry fiction" is equally misplaced. Resp. at 6 (citing *United States ex. rel. Kordic v. Esperdy* 386 F.2d. 232, 235 (2d Cir. 1967)). The entry fiction, by definition, concerns individuals who have not *entered* the U.S., which Mr. Padilla Molina—who was living in Long Island with his family when detained—clearly has. Its application to individuals living here after receiving parole under 8 U.S.C. § 1182(d)(5), *see* Resp. at 11 (citing cases relating to parolees), is irrelevant: Mr. Padilla Molina was not paroled, so such cases are inapplicable.

DHS v. Thuraissigiam lends Respondents' statutory-switch no support. Resp. at 10-11, 16 (citing 591 U.S. 103, 140 (2020)). Unlike Mr. Padilla Molina, Thuraissigiam was detained only once, *while* seeking entry; he was never released from custody and never detained under § 1226(a) because he was placed into expedited removal proceedings, which triggered detention under 8 U.S.C. § 1225(b)(1)(A)(i), a statute not at issue here. Moreover, he did not challenge his detention.

This Court should, like so many others, reject Respondents' statutory-switch theory and conclude Mr. Padilla Molina is detained under § 1226(a).

II. Respondents Failed to Address the Constitutional Violations in Petitioner's Case, Which Merit Immediate Release Irrespective of the Statute of Detention.

Beyond their statutory-switch, Respondents offer no defense for Mr. Padilla Molina's redetention. As several courts have concluded, summary and purposeless detention is unconstitutional and merit immediate release. *See, e.g., Chipantiza-Sisalema v. Francis*, No. 25 Civ. 5528, 2025 WL 1927931 (S.D.N.Y. July 13, 2025); *Valdez v. Joyce*, No. 25 Civ. 4627, 2025 WL 1707737, at *3 (S.D.N.Y. June 18, 2025); *Lopez Benitez*, 2025 WL 2371588 at *9-12. This Court should find the same.

First, Respondents do not allege Mr. Padilla Molina's redetention was based on danger or flight risk, the only two lawful bases for immigration detention. *Cf. Velasco Lopez v. Decker*, 978 F.3d 842, 854 (2d Cir. 2020). Nor can they, since Mr. Padilla Molina's re-detention is part of an ongoing effort to summarily detain noncitizens like Mr. Padilla Molina regardless of individualized circumstances—a fact reinforced here, where Mr. Padilla Molina was arrested in front of his pregnant partner. Absent a lawful justification—and Respondents point to none—Respondents' summary arrest of Mr. Padilla Molina plainly violated his right to substantive due process. *See Padilla v. U.S. Immigr. & Customs Enf't*, 704 F. Supp. 3d 1163, 1171 (W.D. Wash. 2023).

Second, Respondents do not claim they provided Mr. Padilla Molina notice or process before redetaining him. The Second Circuit has held that the well-known test for constitutionality of process set forth in *Mathews v. Eldridge*, is applicable to due-process challenges, *see* Pet'n at ¶ 28 (*citing* 424 U.S. 319, 335 (1976)), yet Respondents fail to address that test at all. As caselaw confirms, the deprivation of Mr. Padilla Molina's liberty interest without so much as a word of explanation, nor an opportunity to be heard, does not pass constitutional muster. *See Valdez*, 2025 WL 1707737, at *4; *Chipantiza-Sisalema*, 2025 WL 1927931, at *3; *Martinez*, 2025 WL 2084238, at *9. The risk of erroneous deprivation in the absence of any individualized custody determination is enormous—and the public interest in detention nonexistent.

Third, Respondents contend that the Fourth Amendment is inapplicable because administrative arrests are permissible, Resp. at 21-22, without addressing the crux of Mr. Padilla Molina's argument. While an administrative arrest may provide a valid basis for detention of a noncitizen, *id.* (citing *Abel v. United States*, 362 U.S. 217, 233 (1960), that principle does not address Mr. Padilla Molina's core argument. What Respondents do not dispute is Mr. Padilla

Molina's allegation that they had no basis to stop, search, and detain him in the first place. Pet'n at ¶64. Instead, they claim—unsupported by authority—that such baseless stops are lawful "pursuant to the broad authority granted by Congress to enforce the nation's immigration laws." Resp. at 22. This argument fails for two reasons. First, Respondents' actions may contravene their statutory authority. *See Molina v. U.S. Dep't of Homeland Sec.*, No. CV 25-3417 (BAH), 2025 WL 3465518, at *27 (D.D.C. Dec. 2, 2025) (Respondents' "systemic failure to apply the probable cause standard [in making warrantless arrests], including the failure to consider escape risk, directly violates the clear statutory requirements under the INA, and DHS's implementing regulations.") (citations omitted). Second and more fundamentally, their argument fails because the issue here is not what Congress supposedly authorized, but rather what the Constitution dictates—and to that Respondents' tellingly have no answer. *Gamez Lira v. Noem*, No. 1:25-CV-00855, 2025 WL 2581710, at *3–4 (D.N.M. Sept. 5, 2025) (finding habeas petitioner's Fourth Amendment claim likely to succeed in showing arrest and continued detention unconstitutional when Respondents failed to make a probable cause determination before re-arresting and detaining noncitizen in removal proceedings).

III. Petitioner has robust due process rights.

Respondents' contention that Mr. Padilla Molina, who has resided in this country for over a decade, has no constitutional due process rights flies in the face of over a century of Supreme Court case law and harkens back to the days of race-based exclusion acts. More damningly, it runs counter to over a century of Supreme Court caselaw holding that noncitizens *present* in the United States are entitled to the full panoply of constitutional rights, regardless of whether their presence is lawful or derives from a lawful admission. *See, e.g., Yamataya v. Fisher*, 189 U.S. 86, 101 (1903). It has not wavered from this basic holding since—irrespective of whether an individual's

presence in the U.S. is lawful or derives from a lawful admission. *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958); *Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

Respondents' elide these holdings by referencing the limited due-process rights of excludable noncitizens, Resp. at 10—but excludability was a historical legal concept applicable to individuals who had not *entered* the U.S. *Landon,* 459 U.S. at 28 ("only 'entering' aliens are subject to exclusion"); *Correa v. Thornburgh*, 901 F.2d 1166, 1171 (2d Cir. 1990) (petitioner was subject to exclusion, rather than deportation, because they "had not effected an 'entry'"). Those who have entered the U.S., like Mr. Padilla Molina, have due-process rights—irrespective of admission. To the extent some courts have held otherwise, those holdings were tied to the unique status of individuals paroled into the U.S. under 8 U.S.C. § 1182(d)(5). Resp. at 11 (collecting cases). Mr. Padilla Molina was not paroled into this country; he was released and allowed to enter. *See Cruz-Miguel v. Holder*, 650 F.3d 189, 191 (2d Cir. 2011) (discussing distinctions). Even had he been paroled, that would not alter this basic recourse to the due process clause. *See, e.g., Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), 2025 WL 2630826, at *12 (S.D.N.Y. Sept. 12, 2025) (ordering release of a redetained noncitizen initially paroled into the U.S.); *Lopez*, 2018 WL 2932726, at *7 (same); *Mata Velasquez v. Kurzdorfer,* No. 25-CV-493-LJV, 2025 WL 1953796, at *11 (W.D.N.Y. July 16, 2025) (same).

Respondents counter by pointing to *Thuraissigiam* and *Shaughnessy v. United States ex rel. Mezei,* 345 U.S. 206, 212 (1953). But those cases stand for the same point. *See Mezei*, 345 U.S. at 212 ("[noncitizens] who have once passed through our gates, *even illegally*, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law") (emphasis added). And in any event, neither dealt with a someone who, by

Respondents' own accounting, *had* a right to due process for 12 years until Respondents decided one day that he no longer did. Moreover, the petitioner in *Thuraissigiam* was not challenging his custody at all, but instead the procedures dictating admission. 591 U.S. at 117 (noting petitioner "did not ask to be released"); *Padilla,* 704 F. Supp. 3d at 1171 (discussing this distinction). The thicket of differences from *Mezei* is yet greater. Mr. Padilla Molina has not been "denied entry," *Mezei*, 345 U.S. at 212; he was detained in the interior, *cf. id.* at 216; and his release from custody poses no national security concerns, such that release would defeat the very objective of Respondents in excluding him, *cf. id.*

IV. Petitioner's APA claim is not foreclosed by Trump v. J.G.G.

Respondents also seek to avoid Petitioner's APA claim by insisting it is foreclosed by *Trump v. J.G.G.*, 145 S.Ct. 1003 (2025), and arguing such a claim must be brought in habeas. Resp. at 21. But *J.G.G.* gets Respondents nowhere, since it addressed challenges under the Alien Enemies Act—a unique wartime statute with unique judicial review limitations. *J.G.G.*, 145 S. Ct. at 1005 ("[c]hallenges to removal under the *AEA*...must be brought in habeas.") (emphasis added); *see id.* at 1007 (dissent) (characterizing the majority as holding that "legal challenges to an individual's removal under the Alien Enemies Act must be brought in habeas petitions in the district where they are detained"). Moreover, "the Supreme Court did not specifically state that, if a petitioner challenges his detention through a habeas petition [as is the case here], the petitioner cannot also assert an APA claim." *Materano*, 2025 WL 2630826, at *16. Accordingly, *J.G.G.* does not preclude Petitioner's APA claim.

CONCLUSION

For the foregoing reasons, Petitioner asks the Court to order his immediate release from custody.

Dated: December 5, 2025

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CERTIFICATE OF COMPLIANCE

Pursuant to this Court's Rules in Civil Cases IV.C, the above-named counsel hereby certifies that the foregoing reply memoranda meets the 15-page limit for such submissions.

CERTIFICATE OF SERVICE

I, Harold A. Solis, certify that on December 5, 2025, I electronically filed the attached the foregoing Petitioner's Reply in Support of Petition for Writ of Habeas Corpus and accompanying Exhibit with the Clerk of the Court for the United States District Court for the Eastern District of New York using the CM/ECF system. Service will therefore be effected by the CM/ECF system.

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