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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 CARMEN GUACHIAK CHOX.,
11 Petitioner,
12 v.
13 TIMOTHY S. ROBBINS, ET AL.,
14 Respondents.

CASE NO. 1:25-CV-00168-KES-HBK

OPPOSITION TO PETITIONER'S MOTION FOR
TEMPORARY RESTRAINING ORDER AND
PRELIMINARY HEARING

DATE:
TIME:
COURT: Hon. Kirk E. Sheriff

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21 **AND PRELIMINARY HEARING**
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I. INTRODUCTION

Petitioner is not entitled to the extraordinary remedy of a temporary restraining order (“TRO”) because she is an applicant for admission subject to mandatory detention. Additionally, Petitioner’s violations of the Intensive Supervision Appearance Program (“ISAP”) justified Immigration and Customs Enforcement’s (“ICE”) decision to re-detain her. Petitioner fails to meet her burden of proof and the TRO must be denied.

II. FACTUAL BACKGROUND

Petitioner is a native and citizen of Guatemala. ECF 2-2 at ¶ 1; Ex. 1. She first arrived in the United States on or about June 25, 2022 without being admitted or paroled. ECF 2-2 at ¶ 1; Robbins Decl. ¶ 6, Ex. 1 at 3. She was detained by border patrol on June 28, 2022. *Id.* ¶ 7. She was then released on or about August 9, 2022 pending a credible fear interview and subject to an Order of Release on Recognizance. *Id.* ¶ 8-9; Ex 3 at 3. She was placed into the Intensive Supervision Alternative Program/Alternatives to Detention (ISAP/ATD). *Id.*

On October 2, 2025, Petitioner was given a Notice to Appear, charged with being an alien present without admission or parole, and given an initial hearing date of January 6, 2026. Robbins Decl. ¶ 10, Ex. 2. Shortly afterwards, on November 7, 2025, the Immigration Court rescheduled the hearing to February 2, 2026. *Id.* Ex 3. On or about October 15, 2025, Petitioner violated the term of her supervision because she failed to send in a photo in accordance with her reporting requirements. *Id.* ¶ 11. On November 15, 2025, Petitioner violated the terms of her supervision because her tracking device was no longer reporting and she missed a check-in. *Id.* at ¶¶ 12, 13.

As a result of the multiple violations, Petitioner was arrested on or about November 16, 2025. *Id.* ¶ 14; Ex. 3.

Petitioner’s removal process is ongoing, and Petitioner has a hearing before the Immigration Judge on February 2, 2026.

On November 25, 2025, Petitioner filed a habeas petition and TRO motion alleging violations of procedural and substantive due process. ECF 1, 2. Petitioner’s TRO seeks: (1) immediate release; and (2) a prohibition on Petitioner’s re-arrest until she is afforded a hearing before a neutral adjudicator on whether a change in custody is justified by clear and convincing evidence that he is a danger to the

community or a flight risk. ECF 2. Respondents hereby timely oppose the TRO in compliance with the Court's December 5, 2025, deadline. ECF 5. This TRO is not currently set for a hearing. *Id.*

III. LEGAL STANDARD

"The standard for a [temporary restraining order] is the same as for a preliminary injunction." *Rovio Entm't Ltd. v. Royal Plush Toys, Inc.*, 907 F. Supp. 2d 1086, 1092 (N.D. Cal. 2012) (citing *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)). Injunctive relief is "an extraordinary remedy that may only be awarded upon a clear showing that the [petitioner] is entitled to such relief." *Winter v. NRDC, Inc.*, 555 U.S. 7, 22 (2008) (citing *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (per curiam)). "A [petitioner] seeking a preliminary injunction must show that: (1) he is likely to succeed on the merits, (2) he is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in his favor, and (4) an injunction is in the public interest." *Id.*, *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). These same elements apply to Petitioner's TRO. *Cal. Indep. Sys. Operator Corp. v. Reliant Energy Servs., Inc.*, 181 F. Supp. 2d 1111, 1126 (E.D. Cal. 2001). The last two factors "merge when the Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 435 (2009).

"[I]f a [petitioner] can only show that there are 'serious questions going to the merits'—then a preliminary injunction may still issue if the 'balance of hardships tips sharply in the [petitioner's] favor,' and the other two *Winter* factors are satisfied." *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014) (quoting *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013); see also *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017).

Importantly, a temporary restraining order "is an extraordinary and drastic remedy, [and] one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion." *Mazurek*, 520 U.S. at 972. Indeed, the moving party bears the burden of meeting all prongs of the *Winter* test. *DISH Network Corp. v. FCC*, 653 F.3d 771, 776 (9th Cir. 2011) ("To warrant a preliminary injunction [or TRO], [the petitioner] must demonstrate that it meets all four of the elements of the preliminary injunction test established in *Winter*['.']").

IV. LEGAL ANALYSIS

A. Petitioner Is Not Likely to Succeed on the Merits.

1. **Petitioner Has Not Established that ICE Lacked Authority to Revoke Petitioner’s Release or to Detain Petitioner.**

The Immigration and Nationality Act (INA) governs detention and release during and following removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). The statute defines an “applicant for admission” as “[a]n alien present in the United States who has not been admitted or who arrives in the United States . . . whether or not at a designated port of arrival.” 8 U.S.C. § 1225(a)(1). Thus, the statute identifies two categories of aliens: (1) those “present in the United States who ha[ve] not been admitted”; and (2) those “who arrive[] in the United States . . . whether or not at a designated port of arrival.” *Id.* The statute expressly treats a person in *either* category as an “applicant for admission.” *Id.*; *see also Matter of Lemus-Losa*, 25 I. & N. Dec. 734, 743 (BIA 2012) (“Congress has defied the concept of an ‘applicant for admission’ in an unconventional sense, to include not just those who are expressly seeking permission to enter, but also those who are present in this country without having formally requested or received such permission”).¹

2. **Applicants for Admission in 8 U.S.C. § 1229a Removal Proceedings Are Mandatorily Detained Pursuant to 8 U.S.C. § 1225(b)(2)(A).**

Applicants for admission placed in § 1229a removal proceedings are subject to mandatory detention and ineligible for a custody redetermination hearing before an IJ. Specifically, aliens present without admission who are placed in 8 U.S.C. § 1229a removal proceedings are both applicants for admission as defined in 8 U.S.C. § 1225(a)(1) *and* aliens “seeking admission,” as contemplated in 8 U.S.C. § 1225(b)(2)(A). Such aliens are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and thus ineligible for a bond redetermination hearing before the IJ. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)

¹ Congress added Section 1225 to correct “an anomaly whereby immigrants who were attempting to lawfully enter the United States were in a worse position than persons who had crossed the border unlawfully.” *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc), *declined to extend by*, *United States v. Gambino-Ruiz*, 91 F.4th 981 (9th Cir. 2024). It “intended to replace certain aspects of the [then] current ‘entry doctrine,’ under which illegal aliens who have entered the United States without inspection gain equities and privileges in immigration proceedings that are not available to aliens who present themselves for inspection at a port of entry.” *Id.* (quoting H.R. Rep. 104-469, pt. 1, at 225).

(describing how “applicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)”).

Section 1225(b)(2)(A) “serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1).” *Jennings*, 583 U.S. at 287; see 8 U.S.C. § 1225(b)(2)(A), (B). Under 8 U.S.C. § 1225(b)(2)(A), “an alien who is an applicant for admission” “*shall be detained* for a proceeding under [8 U.S.C. § 1229a]” “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) (emphasis added); 8 C.F.R. § 235.3(b)(3) (providing that an alien placed into 8 U.S.C. § 1229a removal proceedings in lieu of expedited removal proceedings under 8 U.S.C. § 1225 “shall be detained” pursuant to 8 U.S.C. § 1225(b)(2)); 8 C.F.R. § 235.3(c) (providing that “any arriving alien . . . placed in removal proceedings pursuant to [8 U.S.C. § 1229a] shall be detained in accordance with [8 U.S.C. § 1225(b)]” unless paroled pursuant to 8 U.S.C. § 1182(d)(5)).

According to the plain language of 8 U.S.C. § 1225(b)(2)(A), applicants for admission in 8 U.S.C. § 1229a removal proceedings “*shall be detained*.” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). “The ‘strong presumption’ that the plain language of the statute expresses congressional intent is rebutted only in ‘rare and exceptional circumstances,’ . . .” *Ardestani v. INS*, 502 U.S. 129, 135–36 (1991) (quoting *Rubin v. United States*, 449 U.S. 424, 430 (1981)); see *Lamie v. U.S. Trustee*, 540 U.S. 526, 534 (2004) (“It is well established that when the statute’s language is plain, the sole function of the courts—at least where the disposition required by the text is not absurd—is to enforce it according to its terms.” (quotation marks omitted)). As the Supreme Court observed in *Jennings*, nothing in 8 U.S.C. § 1225(b)(2)(A) “says anything whatsoever about bond hearings.” 583 U.S. at 297.

On September 5, 2025, the BIA issued a published decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In its decision, the BIA affirmed “the Immigration Judge’s determination that he did not have authority over [a] bond request because aliens who are present in the United States without admission are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings.” *Yajure Hurtado*, 29 I&N Dec. at 220.² The BIA concluded that aliens “who surreptitiously cross into the United States remain

² Previously, as alluded to in BIA decisions, DHS and the Department of Justice interpreted 8

1 applicants for admission until and unless they are lawfully inspected and admitted by an immigration
 2 officer. Remaining in the United States for a lengthy period of time following entry without inspection,
 3 by itself, does not constitute an ‘admission.’” *Id.* at 228. To hold otherwise would lead to an “incongruous
 4 result” that rewards aliens who unlawfully enter the United States without inspection and subsequently
 5 evade apprehension for number of years. *Id.*

6 In so concluding, the BIA rejected the alien’s argument that “because he has been residing in the
 7 interior of the United States for almost 3 years . . . he cannot be considered as ‘seeking admission.’” *Id.* at
 8 221. The BIA determined that this argument “is not supported by the plain language of the INA” and
 9 creates a “legal conundrum.” *Id.* If the alien “is not admitted to the United States (as he admits) but he is
 10 not ‘seeking admission’ (as he contends), then what is his legal status?” *Id.* (parentheticals in original).
 11 The BIA’s decision in *Matter of Yajure Hurtado* is consistent not only with the plain language of 8 U.S.C.
 12 § 1225(b)(2), but also with the Supreme Court’s 2018 decision in *Jennings* and other caselaw issued
 13 subsequent to *Jennings*. Specifically, in *Jennings*, the Supreme Court explained that 8 U.S.C. § 1225(b)
 14 applies to all applicants for admission, noting that the language of 8 U.S.C. § 1225(b)(2) is “quite clear”
 15 and “unequivocally mandate[s]” detention. 583 U.S. at 300, 303 (explaining that “the word ‘shall’ usually
 16 connotes a requirement” (quoting *Kingdomware Technologies, Inc. v. United States*, 579 U.S. 162, 171
 17 (2016))).

18 Similarly, relying on *Jennings* and the plain language of 8 U.S.C. §§ 1225 and 1226(a), the
 19 Attorney General, in *Matter of M-S-*, unequivocally recognized that 8 U.S.C. §§ 1225 and 1226(a) do not
 20 overlap but describe “different classes of aliens.” 27 I&N Dec. at 516. The Attorney General also held—
 21 in an analogous context—that aliens present without admission and placed into expedited removal
 22 proceedings are detained under 8 U.S.C. § 1225 even if later placed in 8 U.S.C. § 1229a removal
 23 proceedings. 27 I&N Dec. at 518-19. In *Matter of Q. Li*, the BIA held that an alien who illegally crossed
 24 into the United States between ports of entry and was apprehended without a warrant while arriving is

25 _____
 26 U.S.C. § 1226(a) to be an available detention authority for aliens present without admission placed directly
 27 in 8 U.S.C. § 1229a removal proceedings. *See, e.g., Matter of Cabrera-Fernandez*, 28 I&N Dec. 747, 747
 28 (BIA 2023); *Matter of R-A-V-P-*, 27 I&N Dec. 803, 803 (BIA 2020); *Matter of Garcia-Garcia*, 25 I&N
 Dec. 93, 94 (BIA 2009); *Matter of D-J-*, 23 I&N Dec. 572 (A.G. 2003). However, as noted by the BIA,
 the BIA had not previously addressed this issue in a precedential decision. *Matter of Yajure Hurtado*, 29
 I. & N. Dec. at 216.

1 detained under 8 U.S.C. § 1225(b). 29 I&N Dec. at 71. This ongoing evolution of the law makes clear that
2 all applicants for admission are subject to detention under 8 U.S.C. § 1225(b). *Cf. Niz-Chavez v. Garland*,
3 593 U.S. 155, 171 (2021) (providing that “no amount of policy-talk can overcome a plain statutory
4 command”); *see generally Florida v. United States*, 660 F. Supp. 3d 1239, 1275 (N.D. Fla. 2023)
5 (explaining that “the 1996 expansion of § 1225(b) to include illegal border crossers would make little
6 sense if DHS retained discretion to apply § 1226(a) and release illegal border crossers whenever the
7 agency saw fit”).³ *Florida’s* conclusion “that § 1225(b)’s ‘shall be detained’ means what it says and . . . is
8 a mandatory requirement . . . flows directly from *Jennings*.” *Florida*, 660 F. Supp. 3d at 1273.

9 Given 8 U.S.C. § 1225 is the applicable detention authority for all applicants for admission—both
10 arriving aliens and aliens present without admission alike, regardless of whether the alien was initially
11 processed for expedited removal proceedings under 8 U.S.C. § 1225(b)(1) or placed directly into removal
12 proceedings under 8 U.S.C. § 1229a—and “[b]oth [8 U.S.C. § 1225(b)(1) and (b)(2)] mandate detention
13 . . . throughout the completion of applicable proceedings,” *Jennings*, 583 U.S. at 301–03, IJs do not have
14 authority to redetermine the custody status of an alien present without admission.

15 Here, Petitioner is an applicant for admission (specifically, an alien present without admission),
16 placed into removal proceedings under 8 U.S.C. § 1229a. Petitioner is therefore subject to detention
17 pursuant to 8 U.S.C. § 1225(b)(2)(A) and ineligible for a custody redetermination hearing before an IJ. “It
18 is well established . . . that the Immigration Judges only have the authority to consider matters that are
19 delegated to them by the Attorney General and the [INA].” *Matter of A-W-*, 25 I&N Dec. 45, 46 (BIA
20 2009). “In the context of custody proceedings, an Immigration Judge’s authority to redetermine conditions
21 of custody is set forth in 8 C.F.R. § 1236.1(d)” *Id.* at 46. The regulation clearly states that “the [IJ] is
22 authorized to exercise the authority in [8 U.S.C. § 1226].” 8 C.F.R. § 1236.1(d); *see id.* § 1003.19(a)
23

24 ³ Though not binding, *Camreta v. Greene*, 563 U.S. 692, 709 n.7 (2011) (quoting 18 J. Moore et
25 al., *Moore’s Federal Practice* § 134.02[1] [d], p. 134–26 (3d ed.2011)) (providing that “[a] decision of a
26 federal district court judge is not binding precedent in either a different judicial district, the same judicial
27 district, or even upon the same judge in a different case”); *Evans v. Skolnik*, 997 F.3d 1060, 1067 (9th Cir.
28 2021) (same), the U.S. District Court for the Northern District of Florida’s decision is instructive here.
Florida held that 8 U.S.C. § 1225(b) mandates detention of applicants for admission throughout removal
proceedings, rejecting the assertion that DHS has discretion to choose to detain an applicant for admission
under either 8 U.S.C. §§ 1225(b) or 1226(a). 660 F. Supp. 3d at 1275. The court held that such discretion
“would render mandatory detention under 8 U.S.C. § 1225(b) meaningless.” *Id.*

(authorizing IJs to review “[c]ustody and bond determinations made by [DHS] pursuant to 8 C.F.R. part 1236”); *see id.* § 1003.19(h)(2)(i)(B) (“[A]n IJ may not redetermine conditions of custody imposed by [DHS] with respect to . . . [a]rriving aliens in removal proceedings, including aliens paroled after arrival pursuant to [8 U.S.C. §1182(d)(5).]”). “An [IJ] is without authority to disregard the regulations, which have the force and effect of law.” *Matter of L-M-P-*, 27 I&N Dec. 265, 267 (BIA 2018).

Aliens present without admission in 8 U.S.C. § 1229a removal proceedings are both applicants for admission under 8 U.S.C. § 1225(a)(1) and aliens seeking admission under 8 U.S.C. § 1225(b)(2)(A). This is true even though “many people who are not *actually* requesting permission to enter the United States in the ordinary sense are nevertheless deemed to be ‘seeking admission’ under the immigration laws.” *Lemus*, 25 I&N Dec. at 743; *see Yajure Hurtado*, 29 I&N Dec. at 221; *Q. Li*, 29 I&N Dec. at 68 n.3; *see also Matter of Valenzuela-Felix*, 26 I&N Dec. 53, 56 (BIA 2012) (explaining that “an application for admission [i]s a continuing one”).⁴

In analyzing 8 U.S.C. § 1225(b)(2)(A), the Supreme Court in *Jennings* explicitly stated that aliens seeking admission are subject to 8 U.S.C. § 1225(b) detention: “In sum, U.S. immigration law authorizes the Government to detain certain aliens seeking admission into the country under §§ 1225(b)(1) and (b)(2).” *Id.* at 289. This was recently reiterated by the BIA in *Matter of Q. Li*, which held that for aliens “seeking admission into the United States who are placed directly in full removal proceedings, [8 U.S.C. § 1225(b)(2)(A)] . . . mandates detention ‘until removal proceedings have concluded.’” 29 I&N Dec. At 68 (quoting *Jennings*, 583 U.S. at 299).

The structure of the statutory scheme prior to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Pub. L. No. 104-208, div. C, 110 Stat. 3009-546 (1996) codified the understanding that all applicants for admission are subject to detention under 8 U.S.C. § 1225(b). The broad definition of applicants for admission was added to the INA in 1996. Before 1996, the INA only

⁴ Within the Ninth Circuit, not every “applicant for admission” is necessarily requesting permission to enter. *See United States v. Gambino-Ruiz*, 91 F.4th at 989 (citing, *inter alia*, *Torres v. Barr*, 976 F.3d at 924-26 (en banc)). In particular, *Gambino-Ruiz* explained that the court in *Torres* held that certain aliens within the Commonwealth of the Northern Mariana Islands (CNMI) never made an actual application for admission “because they lawfully entered CNMI” and thereafter “the border crossed them” once the INA began to apply in CNMI. *Id.* By contrast Petitioner, like the defendant in *Gambino-Ruiz*, has admitted that he illegally crossed into the United States without entry documents, and is therefore an applicant for admission. ECF 2-4.

1 contemplated inspection of aliens arriving at ports of entry. *See* 8 U.S.C. § 1225(a) (1995) (discussing
 2 “aliens arriving at ports of the United States”); *id.* § 1225(b) (1995) (discussing “the examining
 3 immigration officer at the port of arrival”). Relatedly, any alien who was “in the United States” and within
 4 certain listed classes of deportable aliens was deportable. *Id.* § 1231(a) (1995). One such class of
 5 deportable aliens included those “who entered the United States without inspection or at any time or place
 6 other than as designated by the Attorney General.” *Id.* § 1231(a)(1)(B) (1995) (former deportation ground
 7 relating to entry without inspection). Aliens were excludable if they were “seeking admission” at a port
 8 of entry, or had been paroled into the United States. *See id.* §§ 1182(a), 1225(a) (1995). Deportation
 9 proceedings (conducted pursuant to former 8 U.S.C. § 1252(b) (1995)) and exclusion proceedings
 10 (conducted pursuant to former 8 U.S.C. § 1226(a) (1995)) differed and began with different charging
 11 documents. *See Sale v. Haitian Ctrs. Council, Inc.*, 509 U.S. 155, 175 (1993) (explaining the “important
 12 distinction” between deportation and exclusion); *Matter of Casillas*, 22 I&N Dec. 154, 156 n.2 (BIA 1998)
 13 (noting the various forms commencing deportation, exclusion, or removal proceedings). The placement
 14 of an alien in exclusion or deportation proceedings depended on whether the alien had made an “entry”
 15 within the meaning of the INA. *See* 8 U.S.C. § 1101(a)(13) (1995) (defining “entry” as “any coming of
 16 an alien into the United States, from a foreign port or place or from an outlying possession”); *see also*
 17 *Rosenberg v. Fleuti*, 374 U.S. 449, 462 (1963) (concluding that whether a lawful permanent resident has
 18 made an “entry” into the United States depends on whether, pursuant to the statutory definition, he or she
 19 has intended to make a “meaningfully interruptive” departure).

20 Former 8 U.S.C. § 1225 provided that aliens “seeking admission” at a port of entry who could not
 21 demonstrate entitlement to be admitted (“excludable” aliens) were subject to mandatory detention, with
 22 potential release solely by means of parole under 8 U.S.C. § 1182(d)(5) (1995). 8 U.S.C. § 1225(a)-(b)
 23 (1995). “Seeking admission” in former 8 U.S.C. § 1225 appears to have been understood to refer to aliens
 24 arriving at a port of entry.⁵ *See id.* The legacy Immigration and Naturalization Service (“INS”) regulations

25 ⁵ Given Congress’s overhaul of the INA, including wholesale revision of the definition of which
 26 aliens are considered applying for or seeking admission, Congress clearly did not intend for the former
 27 understanding of “seeking admission” to be retained in the new removal scheme. Generally, “[w]hen
 28 administrative and judicial interpretations have settled the meaning of an existing statutory provision,
 repetition of the same language in a new statute indicates . . . the intent to incorporate its administrative
 and judicial interpretations as well.” *Bragdon v. Abbott*, 524 U.S. 624, 645 (1998). However, the prior
 construction canon of statutory interpretation “is of little assistance here because, . . . this is not a case in

1 implementing former 8 U.S.C. § 1225(b) provided that such aliens arriving at a port of entry had to be
 2 detained without parole if they had “no documentation or false documentation,” 8 C.F.R. § 235.3(b)
 3 (1995), but could be paroled if they had valid documentation but were otherwise excludable, *id.* § 235.3(c)
 4 (1995). With regard to aliens who entered without inspection and were deportable under former 8 U.S.C.
 5 § 1231, such aliens were taken into custody under the authority of an arrest warrant, and like other
 6 deportable aliens, could request bond. *See* 8 U.S.C. §§ 1231(a)(1)(B), 1252(a)(1) (1995); 8 C.F.R. §
 7 242.2(c)(1) (1995).

8 As a result, “[aliens] who had entered without inspection could take advantage of the greater
 9 procedural and substantive rights afforded in deportation proceedings,’ while [aliens] who actually
 10 presented themselves to authorities for inspection were restrained by ‘more summary exclusion
 11 proceedings.’” *Martinez v. Att’y Gen.*, 693 F.3d 408, 413 n.5 (3d Cir. 2012) (quoting *Hing Sum v. Holder*,
 12 602 F.3d 1092, 1100 (9th Cir. 2010)). “To remedy this unintended and undesirable consequence, the
 13 IIRIRA substituted ‘admission’ for ‘entry,’ and replaced deportation and exclusion proceedings with the
 14 more general ‘removal’ proceeding.” *Id.* Consistent with this dichotomy, the INA, as amended by IIRIRA,
 15 defines *all* those who have not been admitted to the United States as “applicants for admission.” IIRIRA
 16 § 302.

17 Moreover, Congress’s use of the present participle—seeking—in 8 U.S.C. § 1225(b)(2)(A)
 18 should not be ignored. *United States v. Wilson*, 503 U.S. 329, 333 (1992) (“Congress’ use of a verb tense
 19 is significant in construing statutes.”). By using the present participle “seeking,” 8 U.S.C.
 20 § 1225(b)(2)(A) “signal[s] present and continuing action.” *Westchester Gen. Hosp., Inc. v. Evanston Ins.*
 21 *Co.*, 48 F.4th 1298, 1307 (11th Cir. 2022). The phrase “seeking admission” “does not include something
 22 in the past that has ended or something yet to come.” *Shell v. Burlington N. Santa Fe Ry. Co.*, 941 F.3d
 23 331, 336 (7th Cir. 2019) (concluding that “having” is a present participle, which is “used to form a
 24 progressive tense” that “means presently and continuously” (citing Bryan A. Garner, *Garner’s Modern*

25 which ‘Congress re-enact[ed] a statute without change.’” *Public Citizen Inc. v. U.S. Dep’t of Health and*
 26 *Human Servs.*, 332 F.3d 654, 668 (D.C. Cir. 2003) (quoting *Merrill Lynch, Pierce, Fenner & Smith, Inc.*
 27 *v. Curran*, 456 U.S. 353, 382 n.66 (1982)). Rather, the presumption “of congressional ratification” of a
 28 prior statutory interpretation “applies only when Congress reenacts a statute without relevant change.”
Holder v. Martinez Gutierrez, 566 U.S. 583, 593 (2012) (citing *Jama v. Immigration and Customs*
Enforcement, 543 U.S. 335, 349 (2005)).

1 *American Usage* 1020 (4th ed. 2016))). The present participle “expresses present action in relation to the
 2 time expressed by the finite verb in its clause,” *Present Participle*, Merriam Webster,
 3 <http://www.merriamwebster.com/dictionary/present%20participle> (last visited Aug. 7, 2025), with the
 4 finite verb in the same clause of 8 U.S.C. § 1225(b)(2)(A) being “determines.” Thus, when pursuant to 8
 5 U.S.C. § 1225(b)(2)(A) an “examining immigration officer determines” that an alien “is not clearly and
 6 beyond a doubt entitled to be admitted” the officer does so contemporaneously with the alien’s present
 7 and ongoing action of seeking admission. Interpreting the present participle “seeking” as denoting an
 8 ongoing process is consistent with its ordinary usage. *See, e.g., Samayoa v. Bondi*, 146 F.4th 128, 134
 9 (1st Cir. 2025) (alien inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) but “seeking to remain in the
 10 country lawfully” applied for relief in removal proceedings); *Garcia v. USCIS*, 146 F.4th 743, 746 (9th
 11 Cir. 2025) (“USCIS requires all U visa holders seeking permanent resident status under 8 U.S.C. §
 12 1255(m) to undergo a medical examination . . .”). Accordingly, just as the alien in *Samayoa* is not only
 13 an alien present without admission but also seeking to remain in the United States, Petitioner in this case
 14 is not only an alien present without admission, and therefore an applicant for admission as defined in 8
 15 U.S.C. § 1225(a)(1), but also an alien seeking admission under 8 U.S.C. § 1225(b)(2)(A).

16 Lastly, Congress’s significant amendments to the immigration laws in IIRIRA support DHS’s
 17 position that such aliens are properly detained pursuant to 8 U.S.C. § 1225(b)—specifically, 8 U.S.C.
 18 § 1225(b)(2)(A). Congress, for example, eliminated certain anomalous provisions that favored aliens who
 19 illegally entered without inspection over aliens arriving at ports of entry. A rule that treated an alien who
 20 enters the country illegally, such as Petitioner, more favorably than an alien detained after arriving at a
 21 port of entry would “create a perverse incentive to enter at an unlawful rather than a lawful location.”
 22 *Gambino-Ruiz*, 91 F.4th at 990 (quoting *Thuraissigiam*, 591 U.S. at 140) (rejecting such a rule as
 23 propounded by the defendant). Such a rule reflects “the precise situation that Congress intended to do
 24 away with by enacting” IIRIRA. *Id.* “Congress intended to eliminate the anomaly ‘under which illegal
 25 aliens who have entered the United States without inspection gain equities and privileges in immigration
 26 proceedings that are not available to aliens who present themselves for inspection at a [POE]’” by enacting
 27 IIRIRA. *Ortega-Lopez v. Barr*, 978 F.3d 680, 682 (9th Cir. 2020) (quoting *Torres*, 976 F.3d at 928); *see*
 28 *also* H.R. Rep. No. 104-469, pt. 1, at 225–29 (1996).

1 As discussed by the BIA in *Matter of Yajure Hurtado*, 29 I&N Dec. at 222-24, during IIRIRA's
2 legislative drafting process, Congress asserted the importance of controlling illegal immigration and
3 securing the land borders of the United States. *See* H.R. Rep. 104-469, pt. 1, at 107 (noting a "crisis at the
4 land border" allowing aliens to illegally enter the United States). As alluded to above, one goal of IIRIRA
5 was to "reform the legal immigration system and facilitate legal entries into the United States" H.R.
6 Rep. No. 104-828, at 1 (1996). Nevertheless, after the enactment of IIRIRA, the DOJ took the position—
7 consistent with pre-IIRIRA law—that "despite being applicants for admission, aliens who are present
8 without being admitted or paroled . . . will be eligible for bond and bond redetermination." 62 Fed. Reg.
9 at 10,323. Affording aliens present without admission, who have evaded immigration authorities and
10 illegally entered the United States bond hearings before an IJ, but not affording such hearings to arriving
11 aliens, who are attempting to comply with U.S. immigration law, is anomalous with and runs counter to
12 that goal. *Cf.* H.R. Rep. No. 104-469, pt. 1, at 225 (noting that IIRIRA replaced the concept of "entry"
13 with "admission," as aliens who illegally enter the United States "gain equities and privileges in
14 immigration proceedings that are not available to aliens who present themselves for inspection at a
15 [POE]").

16 Accordingly, for the reasons discussed above, Petitioner, as an alien present without admission in
17 8 U.S.C. § 1229a removal proceedings, is an applicant for admission and an alien seeking admission and
18 is therefore subject to detention under 8 U.S.C. § 1225(b)(2)(A) and ineligible for a bond redetermination
19 hearing before an IJ.

20 Petitioner here is an "applicant for admission" who unlawfully entered the United States without
21 the necessary legal documents after illegally crossing the international boundary without being inspected
22 by an immigration officer at a designated port of entry. ECF 2; Robbins Dec. ¶¶ 6, 16 Ex. 2. Accordingly,
23 Petitioner is subject to the mandatory detention requirement of 8 U.S.C. § 1225(b)(2)(A). *Ramos v. Lyons*,
24 2:25-cv-09785-SVW-AJR (C.D. Cal., Nov. 12, 2025); *see also Sandoval v. Acuna et al.*, No. 6:25-cv-
25 1467, 2025 WL 3048926, at *4 (W.D. La. Oct. 31, 2025); *Chave v. Noem*, No. 3:25-cv-2325-CAB-DBC,
26 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Pena v. Hyde*, No. 25-11983-NMG, 2025 WL 2108913 (D.
27 Mass. July 28, 2025); *Vargas Lopez v. Trump*, No. 8:25-cv-526, 2025 WL 2780351 (D. Neb. Sept. 30,
28 2025).

3. Petitioner's Due Process Arguments Lack Merit.

a. Petitioner Is Not Entitled to a Pre-Re-Detention Hearing.

Petitioner argues that, because DHS released her from detention after she entered the United States without valid documents allowing entry, the Due Process clause entitles her to a hearing before a neutral decisionmaker prior to re-detention at which the government must establish by clear and convincing evidence that he is either a danger to the community or a flight risk. ECF 2 at 8-9.

Petitioner's conditional release from DHS custody did not change her status as an applicant for admission within the meaning of 8 U.S.C. § 1225(b), nor does the Due Process Clause entitle her to a pre-re-detention hearing. Under the doctrine of "entry fiction," aliens seeking admission to the United States, even if "allowed within its borders pending a determination of admissibility, . . . are legally considered to be detained at the border and hence as never having effected entry into" the United States. *Barrera-Echavarria v. Rison*, 44 F.3d 1441, 1450 (9th Cir. 1995) (en banc).⁶ Thus, even if an alien seeking admission is physically present on U.S. soil and has been "paroled elsewhere in the country for years pending removal," he still is "treated . . . as if stopped at the border" for immigration law purposes. *Dept. Homeland Security v. Thuraissigiam*, 591 U.S. 103, 139 (2020); see also *United States v. Balde*, 943 F.3d 73, 84 (2d Cir. 2019) ("Parole does not change parolees' immigration status: they remain 'at the border' for the purposes of immigration law and are treated as applicants into the country."). "The distinction between an alien who has effected an entry into the United States and one who has never entered" is a fundamental one that "runs throughout immigration law." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

Here, Petitioner was never admitted to the United States—she was encountered after illegally entering near a port of entry and was deemed inadmissible because of her entry without inspection and lack of proper documents. Dec., Ex. 1; ECF 2-4. For immigration law purposes, she is treated as an applicant for admission, even though she has been physically present within the United States since June

⁶ The scope of *Barrera-Echavarria*'s holding has been complicated by statutory amendments in the Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. No. 104-208, 110 Stat. 3009 (1996). But those amendments "do[] not undermine *Barrera-Echavarria*'s reasoning as it relates to aliens . . . to whom the entry fiction clearly applies," such as in this case. *Rodriguez v. Robbins*, 715 F.3d 1127, 1140-41 (9th Cir. 2013).

2022. *Barrera-Echavarria*, 44 F.3d at 1450. Petitioner’s due process rights are limited because as an alien who has not effected a legal entry, *i.e.*, has not been admitted into the United States, she is only entitled to “[w]hatever the procedure authorized by Congress is.” *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) (quoting *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950)); *see also Thuraissigiam*, 591 U.S. at 140 (an alien detained after unlawful entry “has only those rights regarding admission that Congress has provided by statute”); *Angov v. Lynch*, 788 F.3d 893, 898 (9th Cir. 2015) (for “those . . . who have never technically ‘entered’ the United States . . . procedural due process is simply whatever the procedure authorized by Congress happens to be”) (cleaned up). Courts have taken this position because, “an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application.” *Barrera-Echavarria*, 44 F.3d at 1449.

“[A]pplicants for admission have virtually no constitutional rights regarding their applications.” *Valencia v. Mukasey*, 548 F.3d 1261, 1263 (9th Cir. 2008) (citing *Landon v. Plasencia*, 459 U.S. 21, 33-34 (1982)). “Whatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned.” *Shaughnessy*, 338 U.S. at 544. Thus, where the petitioner has “not ‘technically entered the United States,’ [the Court] examine[s] only whether the government violated the statutory rights that Congress afforded such applicants.” *Grigoryan v. Barr*, 959 F.3d 1233, 1241 (9th Cir. 2020) (citation omitted). Accordingly, Petitioner is subject to mandatory detention. *See Matter of Yajure Hurtado*, 29 I & N Dec. 216, 220 (BIA 2025) (holding that the Immigration and Nationality Act makes all applicants for admission subject to mandatory detention for the duration of their immigration proceedings—even those who have entered without admission or inspection and have been residing in the United States for years without lawful status).

b. Changed Circumstances Were Not Required for Re-Detention, but in this Case, They Exist.

Petitioner acknowledges the violation of her supervision that occurred when she failed to provide a “selfie-picture.” ECF at 3. She does not address the subsequent violations of supervision which led to her arrest in November 2025.

As an initial point, DHS’s exercise of its discretion to release Petitioner on her own

1 recognizance, and place her in the ISAP program, does not prevent ICE from re-detaining Petitioner.
2 However, there was an additional basis for re-detention here, as an inadmissible alien “under an order of
3 supervision or other conditions of release who violates the conditions of release may be returned to
4 custody.” 8 C.F.R. § 241.4(l)(1); ECF 2 at 13. This return to custody is contemplated by the permissive
5 language of the statute authorizing continued detention of certain aliens, including Petitioner. *See* 8
6 U.S.C. § 1231(a)(6) (“An alien ordered removed . . . *may* be detained beyond the removal period”) (emphasis added). The circumstances under which release may be revoked are stated in 8 C.F.R. §
7 241.4(l)(2) as follows:
8

9 Release may be revoked in the exercise of discretion when, in the opinion
10 of the revoking official:

- 11 (i) The purposes of release have been served;
12 (ii) The alien violates any condition of release;
13 (iii) It is appropriate to enforce a removal order or to commence removal
14 proceedings against an alien; or
15 (iv) The conduct of the alien, or any other circumstance, indicates that
16 release would no longer be appropriate.

17 In this case, Petitioner has three (3) violations; one for failing to submit a photograph; one for the failure
18 of her tracking monitor; and one for failing to attend an in-person appointment. Robbins Dec. ¶¶ 11-13.
19 Crucially, these violations all incurred within a month. It was only after the failure to attend a check-in
20 that ICE chose to revoke her release for violating the ISAP conditions. *Id.*; Ex.3.

21 While ICE is complying with the regulations and the procedural safeguards those regulations
22 establish, these regulations “do not create independent substantive rights that override the statutory grant
23 of detention authority.” *Sanchez v. Pam Bondi, et al.*, 5:25-cv-02530-AB-DTB Dkt. 8, 2025 U.S. Dist.
24 LEXIS 196639, at *7 (C.D. CA Oct. 3, 2025) (citing *Zadvydas*, 533 U.S. at 701 and *Jane Doe I v.*
25 *Nielsen*, 357 F. Supp. 3d 972, 1000 (N.D. Cal. 2018)) (concluding that agency rules must prescribe
26 substantive law, not merely procedural or policy guidance, to be enforceable). Injunctive relief must be
27 *narrowly tailored* to the wrong. *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1214 (9th Cir. 2022)
28 (“And we note that even when there are deficiencies in individual § 1226(a) proceedings, they may be
redressable through means short of major changes to the burden of proof.”). ECF 2-2 at ¶ 10. To the

1 extent that Petitioner argues that she can only be re-detained on changed conditions, her violations while
 2 in the ISAP are changed conditions justifying her re-detention. Finally, even *if* changed circumstances
 3 are required, they exist here because Petitioner repeatedly failed to comply with the conditions of her
 4 conditional release. Therefore, the Petitioner was properly re-detained and this Court should not order
 5 her release.

6 **c. The cases cited by Petitioner do not support her position because they**
 7 **do not involve similarly situated aliens subject to mandatory**
 8 **detention.**

9 Petitioner's reliance on the Supreme Court's decisions in *Zadvydas* (ECF 2 at 11-15) and
 10 *Demore v. Kim*, 538 U.S. 510 (2003) (ECF 2 at 12), is also misplaced because those cases concerned
 11 aliens admitted into the country who had obtained lawful status, rather than an applicant for admission
 12 such as Petitioner (and the petitioners in *Thuraissigiam*, *Mezei*, and *Knauff*).⁷ This distinction "[m]akes
 13 all the difference" when it comes to due process. *Zadvydas*, 533 U.S. at 693. Indeed, *Zadvydas* made just
 14 this point: Acknowledging that "[t]he distinction between a[] [alien] who has effected an entry into the
 15 United States and one who has never entered runs throughout immigration law." *Id.* at 682. The
 16 Supreme Court conceded that aliens "who have not yet gained initial admission to this country *would*
 17 *present a very different question.*" *Id.* at 693 ("[C]ertain constitutional protections available to persons
 18 inside the United States are unavailable to non-citizens outside of our geographic borders."). So even on
 19 its own terms, *Zadvydas*'s analysis of the process due to an alien admitted into the country says nothing
 20 about the process which an applicant for admission such as Petitioner is entitled.

21 **4. The Mathews Factors Do Not Mandate a Remedy.**

22 Petitioner wrongly argues that the multi-factor balancing test of *Mathews v. Eldridge*, 424 U.S.
 23 319 (1976) entitles her to release under due process. ECF 2 at 6-7. *Mathews* does not, however, govern
 24 due process claims raised by detained aliens. Indeed, The Ninth Circuit recognizes that the Supreme
 25 Court has not adjudicated due process challenges to detention using the *Mathews* factors, despite several
 26 opportunities. *See Rodriguez-Diaz v. Garland*, 53 F.4th at 1189, 1206, 1214 (9th Cir. 2022) (Bumatay,

27 ⁷ *See Thuraissigiam*, 591 U.S. at 138-40 (rejecting claim that due process entitled aliens to judicial
 28 review of asylum request); *Mezei*, 345 U.S. at 212 (holding that former resident aliens exclusion and
 resulting prolonged detention did not violate due process); *Knauff*, 338 U.S. at 544 (rejecting war bride's
 petition seeking review of her exclusion and detention).

1 J., concurring) (“In resolving similar immigration-detention challenges, the Supreme Court has not
2 relied on the *Mathews* framework.”) (citing *Demore*, 538 U.S. at 521-31 and *Reno v. Flores*, 507 U.S.
3 292, 299–315 (1993)).

4 Regardless, the *Mathews* factors do not create an independent liberty interest that Petitioner
5 seeks. *Mathews* considers three factors: (1) the private interest that will be affected; (2) the risk of an
6 erroneous deprivation of such interest through the procedures used and the value, if any, of additional or
7 substitute safeguards; and (3) the government’s interest. *Rodriguez-Diaz*, at 1207. In applying these
8 factors, the Court “can and must account for the heightened governmental interest in the immigration
9 detention context.” *Id.* at 1206.

10 None of the factors support habeas relief for Petitioner here. The first factor does not weigh
11 strongly in her favor because “detention during deportation proceedings [is] a constitutionally valid
12 aspect of the deportation process.” *Demore*, 538 U.S. at 523; *see also Reno*, 507 U.S. at 306; *Carlson v.*
13 *Landon*, 342 U.S. 524, 538 (1952). In this case, § 1225(b) makes detention mandatory. Further,
14 Petitioner has not been detained for a long period of time (since November 2025), nor is her detention
15 indefinite—by law, it ends once her removal proceedings are completed. 8 U.S.C. § 1125(b)(2);
16 *Jennings*, 583 U.S. at 299 (§ 1225(b) “provide[s] for detention for a specified period of time”); *compare*
17 *Zadvydas*, 533 U.S. at 690-91, 698 (concerned with “indefinite, perhaps permanent, detention” and
18 establishing a presumptively reasonable six-month detention period to effectuate removal.) Petitioner
19 has a hearing on her underlying removal proceedings in February, 2026, so the proceedings are not
20 indefinite. As a result, the Petitioner’s private interest in release that she was not entitled to, the fact that
21 she had violations that she understood could result in her re-detention, and the fact that she has an
22 upcoming hearing on her removal weaken her interest in release pending her removal proceedings.

23 The second factor likewise does not assist Petitioner. As discussed above, aliens who have not
24 legally entered the country are only entitled to the due process that Congress has statutorily created.
25 *Mezei*, 345 U.S. at 212; *Angov*, 788 F.3d at 898; *Barrera-Echavarria*, 44 F.3d at 1449; *Shaughnessy*,
26 338 U.S. at 544. “[A]n alien at the threshold of initial entry cannot claim any greater rights under the
27 Due Process Clause.” *Thuraissigiam*, 591 U.S. at 107. Because detention is mandatory, and
28 § 1225(b) only allows release through parole under narrow circumstances, any additional hearings could

1 not provide relief to Petitioner. *See Poonjani v. Shanahan*, 319 F. Supp. 3d 644, 649 (S.D.N.Y. 2018)
2 (holding that “for aliens on the ‘threshold of initial entry,’ due process is whatever procedure has been
3 ‘authorized by Congress,’” and “because the immigration statutes at issue here do not authorize a bond
4 hearing, *Mezei* dictates that due process does not require one here”); *compare Gonzalez-Fuentes v.*
5 *Molina*, 607 F.3d 864, 894 (1st Cir. 2010) (the law “provide[d] a valid, independent basis for the
6 deprivation of liberty” and thus any procedural due process violation could not vindicate petitioner’s
7 liberty interest or justify habeas relief).

8 Finally, the Government has a significant interest in Petitioner’s detention. Even if Petitioner
9 specifically does not appear to be a danger or flight risk, the Government has a strong interest in
10 effectuating the “system Congress devised.” *Thuraissigiam*, 591 U.S. at 106. “The government’s interest
11 in efficient administration of the immigration laws” is “weighty,” and “it must weigh heavily in the
12 balance that control over matters of immigration is a sovereign prerogative, largely within the control of
13 the executive and the legislature.” *Landon*, 459 U.S. at 34. The system Congress devised requires
14 detention until Petitioner’s removal proceedings are completed and forbids his release absent narrow
15 circumstances not applicable here.

16 **B. Petitioner Has Not Met Her Heavy Burden To Show Likely Irreparable Harm.**

17 Petitioner claims she will suffer irreparable harm from continued detention during her removal
18 proceedings. ECF 2 at 12. As set forth above, Petitioner has not technically entered the United States
19 and is only entitled to the minimal rights and processes that Congress has given him. Petitioner has
20 received those. Immigration laws have long authorized immigration officials to charge aliens as
21 removable from the country, to arrest aliens subject to removal, and to detain aliens pending removal.
22 *Demore*, 538 U.S. at 523-26. Through the INA, Congress created a multi-layered statutory scheme for
23 aliens’ detention during removal, including mandatory detention for aliens in Petitioner’s position.⁸ *See*
24 8 U.S.C. § 1225(b). “Detention is necessarily a part of [the] deportation procedure.” *Carlson*, 342 U.S.
25 at 538. However, Petitioner has violated conditions of release and has a pending immigration hearing.
26 Therefore, she cannot show a risk of irreparable harm from continued detention.

C. The Balance of Equities and Public Interest Do Not Favor Petitioner.²

“The government’s interest in efficient administration of the immigration laws” is “weighty,” and “it must weigh heavily in the balance that control over matters of immigration is a sovereign prerogative, largely within the control of the executive and the legislature.” *Landon*, 459 U.S. at 34. Further, the government’s interest in protecting the public and preventing deportable aliens from fleeing are strong and compelling. *See e.g., Rodriguez Diaz*, 53 F.4th at 1208 (government’s interests in “protecting the public from dangerous criminal aliens” and “increas[ing] the chance that, if ordered removed, the aliens will be successfully removed” are “interests of the highest order that only increase with the passage of time”).

Those interests are compelling here. Congress determined that aliens who were stopped at the border should be detained during expedited removal proceedings or pending resolution of their standard removal proceedings. 8 U.S.C. § 1225(b). It not only made such detention mandatory, but severely curtailed ICE’s ability to release § 1225(b) aliens. *Jennings*, 583 U.S. at 299, 311; *Thuraissigiam*, 591 U.S. at 111. The government seeks to vindicate those interests here, whereas Petitioner seeks to exempt himself from the governing statutes. Petitioner’s requested relief, meanwhile, would undermine the immigration statutory framework. Section 1225(b) largely precludes discretionary relief from removal, but Petitioner demands creation of an entirely new arrest standard under it.

V. WAIVER OF INDEPENDENT BRIEFING ON PRELIMINARY INJUNCTION

The United States does not request an opportunity to independently brief the applicability of a preliminary injunction. All arguments in opposition to a preliminary injunction have been included in this briefing. The United States does not oppose the court ruling on both the motion for a TRO and for a preliminary injunction jointly, in the interests of judicial economy.

VI. WAIVER OF HEARING

The United States does not request a hearing.

² When the government is a party, the third and fourth preliminary injunction factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014).

VII. CONCLUSION

For the foregoing reasons, Petitioner's Motion for Temporary Restraining Order and motion for a preliminary injunction should be denied.

Dated: December 5, 2025

ERIC GRANT
United States Attorney

By: /s/ JESSICA DELANEY
JESSICA DELANEY
Assistant United States Attorney