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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

HENRIQUE JAVIER MEJIA-PACHECO,

Petitioner,

v.

Ernesto SANTACRUZ JR., Acting Director, Los Angeles Field Office, Immigration and Customs Enforcement, Enforcement and Removal Operations; Todd LYONS, Acting Director, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; Fereti SEMAIA, Warden of Adelanto ICE Processing Center,

Respondents.

Case No: 5:25-cv-03206-HDV-MAA

PETITIONER'S REPLY IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER

PETITIONER'S DHS NO:

[redacted]

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I. INTRODUCTION

Respondents' Opposition attempts to do three things: (1) repackage well-rejected jurisdictional arguments under 8 U.S.C. § 1252 to bar any district court review of ongoing civil immigration detention, (2) invoke *Maldonado Bautista* v. Santacruz, No. 5:25-cv-01873-SSS-BFM, (C.D. Cal. Nov. 25, 2025), as a reason to stay or effectively extinguish this individual habeas action while simultaneously insisting that *Maldonado Bautista* provides no operative relief, and (3) distinguish this Court's own decision in *Ibrahim Mohammed Helal v. Janecka et al.*, 5:25- cv-02650-HDV-JC (C.D. Cal. October 24, 2025) on a thin factual premise that cannot bear the legal weight Respondents place on it.

None of these efforts withstands scrutiny. The Court has already found a "probability of success on the merits and numerous forms of irreparable harm" and enjoined transfer or removal, recognizing that this case presents the same core issues as *Zaragoza Mosqueda et al. v. Noem et al.*, No. 5:25-cv-02304-CAS-BFM (C.D. Cal. Sept. 8, 2025); *Maldonado Bautista et al. v. Santacruz Jr.* et al., No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025); *Ceja Gonzalez et al. v. Noem et al.*, 5:25-cv-02054-ODW-ADS (C.D. Cal. Aug. 13, 2025); *Arrazola-Gonzalez et al. v. Noem et al.*, 5:25-cv-01789-ODW-DFM (C.D. Cal. Aug. 15, 2025); and *Benitez et al. v. Noem et al.*, No. 5:25-cv-02190-RGK-AS (C.D. Cal. Aug. 26, 2025) [Dkt. 11]. Respondents' Opposition offers no new facts or law that justify retreat from that preliminary assessment or from the *Winter v. Nat. Res. Def. Council, Inc.*,

555 U.S. 7, 20 (2008) factors already found satisfied.

The writ of habeas corpus remains the fundamental, individual remedy to challenge unlawful executive detention and to obtain release or, at a minimum, an immediate bond hearing. Certification of a Rule 23(b)(2) class in *Maldonado Bautista* seeking declaratory relief does not and cannot suspend that individual constitutional remedy, particularly where, as Respondents themselves insist, *Maldonado Bautista* has not yet been afforded preclusive, operative effect in the administrative system.

II. ARGUMENTS

A. Section 1252 Does Not Strip This Court Of Jurisdiction Over Petitioner's Habeas Challenge To Ongoing Detention

Respondents rely on 8 U.S.C. §§ 1252(g) and 1252(b)(9) to argue that this Court lacks jurisdiction even to consider whether Petitioner's current civil detention is lawful and whether due process requires a prompt § 1226(a) bond hearing. That sweeping position is inconsistent with the statutory text, the structure of § 1252, and controlling precedent recognizing that habeas review remains available for core detention challenges.

Respondents' reliance on 8 U.S.C. § 1252(g) is misplaced, as it applies only to discrete actions 'to commence proceedings, adjudicate cases, or execute removal orders,' not to pure constitutional challenges to the legality of executive detention over which this Court retains core habeas jurisdiction. While § 1252(b)(9) channels certain removal-related claims for judicial review, it does not divest habeas

authority to review constitutional detention claims absent a final order of removal.

As the Supreme Court has explained, § 1252(g) is "much narrower" than what Respondents claim. *Reno v. Am.-Arab Anti-Discrimination Comm. (AADC)*, 525 U.S. 471, 482 (1999). The Supreme Court confirmed that § 1252(g) applies only to the three (3) enumerated decisions (commence proceedings, adjudicate cases, or execute removal orders). *Id.* at 484. Rather than encompass "all deportation-related cases," *id.* at 478, § 1252(g) insulates from litigation the immigration authorities' "exercise of [their] *discretion*," *id.* at 484 (emphasis added), with respect to the three (3) specified actions. The subsection was "directed against a particular evil: attempts to impose judicial constraints upon prosecutorial discretion." *Id.* at 485 n.9. The Court found it "implausible" that "the mention of three discrete events along the road to deportation was a shorthand way of referring to all claims arising from deportation proceedings." *Id.* at 482. Subsequent Supreme Court precedent has affirmed § 1252(g)'s narrow scope and focus on discretionary decisions. *See, e.g., Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 19 (2020) (noting § 1252(g) is "narrow").

Given these principles, § 1252(g) does not "sweep in any claim that can technically be said to 'arise from' the three listed actions," including challenges to the proper interpretation of the Immigration and Nationality Act (INA)'s detention provisions. *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018) (quoting *AADC*). In fact, although the Supreme Court has reviewed several cases involving the

government's application of immigration detention authorities, it has never held that such claims might be barred by § 1252(g), including in cases concerning § 1226. *See Jennings,* 583 U.S. 281 (§§ 1225 and 1226); *Zadvydas v. Davis,* 533 U.S. 678 (2001) (§ 1231); *Demore v. Kim,* 538 U.S. 510 (2003) (§ 1226). That omission is significant because "courts, including this Court, have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006). Moreover, in *Jennings*, the Court expressly reiterated that § 1252(g) must be "read … to refer to just those three specific actions themselves." 583 U.S. at 294.

Here, Petitioner is challenging the source of authority for detention and the denial of a custody hearing, not the decision to commence removal proceedings. Accepting Respondents' interpretation would bar nearly all detention challenges brought by non-citizens, at odds with the narrow interpretation of this subsection that courts have consistently adopted.

Determining the detention provision under which Petitioner is detained is not discretionary, nor does resolving that question challenge Respondents' discretionary decision to place Petitioner in removal proceedings. *See United States v. Hovsep*ian, 359 F.3d 1144, 1155 (9th Cir. 2004) (clarifying § 1252(g) does not prevent district court jurisdiction over "a purely legal question that does not challenge the Attorney General's discretionary authority, even if the answer to that legal question – a description of the relevant law – forms the backdrop against

which the Attorney General later will exercise discretionary authority"). As a result, § 1252(g) does not bar Petitioner's claim.

Congress explicitly preserved habeas jurisdiction under 28 U.S.C. § 2241 for aliens challenging the legal authority for their detention. Challenges to the statutory authority for indefinite detention fall squarely within this preserved jurisdiction.

Additionally, Respondents' argument with respect to § 1252(b)(9) is similarly and directly foreclosed by binding Supreme Court precedent. Section 1252(b)(9) is a "zipper clause" that channels review of final removal orders to the Court of Appeals. *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016) (en banc) (quoting *AADC*, 525 U.S. at 483). However, unlike what Respondents contend, this instant case seeks a pre-final removal order custody determination, which is independent of the final removal order, and therefore, not barred.

More specifically, the Supreme Court in *AADC* affirmed that § 1252(b)(9) channels review of issues arising from the removal process to the court of appeals *after* a final removal order. However, *AADC* was decided before the REAL ID Act of 2005, which amended § 1252(a)(2)(D) to restore some judicial review for constitutional claims. Critically, *AADC* did not and could not address the scope of habeas review post-REAL ID Act, nor did it sanction the repeal of the writ of habeas corpus.

In *INS v. St. Cyr.*, the Supreme Court held that the predecessor statutes to section 1252 did not repeal the grant of habeas jurisdiction under § 2241. *INS v. St.*

Cyr., 533 U.S. 289 (2001). The Court reasoned that to repeal habeas would raise serious constitutional issues under the Suspension Clause. As established by *St. Cyr.*, challenges to the legality of detention or claims regarding fundamental miscarriages of justice, such as a challenge to the underlying statutory authority of detention or a due process violation, are properly brought under § 2241 in the District Court.

Again, the challenge is not to a "final order": the TRO motion in this instant matter is not a petition for review of a final removal order, but rather a challenge to ongoing or imminent unlawful executive action that threatens a fundamental right, making the timing requirement of § 1252(b)(9) irrelevant.

Also, unlike the contention made by Respondents, the 9th Circuit's application of the § 1252(b)(9) 'zipper clause' in cases like *J.E.F.M. v. Lynch*, which channeled claims like the right to counsel to the Court of Appeals because they were found to 'arise from' removal proceedings, does not extend to the type of challenge Petitioner presents here. This Court retains jurisdiction under the express preservation of the writ of habeas corpus, section 2241, to review challenges to the legality of detention or pure questions of statutory and constitutional law, as established by the Supreme Court in *INS v. St. Cyr* and affirmed by the 9th Circuit in *Ramadan v. Gonzales*, 479 F.3d 646 (9th Cir. 2007).

With regard to Respondents' contention about § 1252(a)(5), Respondents misapply § 1252(a)(5), which channels judicial review of "an order of removal"

exclusively to courts of appeals. 8 U.S.C. § 1252(a)(5). No final removal order exists here. On November 26, 2019, Petitioner timely appealed IJ's denial to the Board of Immigration Appeals, and this matter is still pending. *See* TRO, Ex. F. No final removal order has been made yet, and the Supreme Court confirmed district courts retain habeas jurisdiction over pre-final-order detention claims. *Jennings v. Rodriguez*, 583 U.S. 281, 293-94 (2018) (addressing § 1252 jurisdiction over § 1226 challenges without final order); *Demore v. Kim*, 538 U.S. 510 (2003) (§ 1252 review attaches to final orders).

This Court retains core § 2241 habeas jurisdiction to test detention's legality. *INS v. St. Cyr*, 533 U.S. 289, 300-02 (2001) (habeas survives absent clear statement); *Jennings*, 583 U.S. at 293 (post-REAL ID habeas for detention duration). Respondents' "one bite of the apple" theory (quoting *Xiao Ji Chen v. U.S. Dep't of Justice*, 434 F.3d 144, 151 n.3 (2d Cir. 2006)) cannot eliminate Article III review of executive overreach before any petition for review opportunity arises.

B. *Maldonado Bautista* Case Would Not Stay Petitioner's Action.

Respondents' claim that the *Maldonado Bautista* case, 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025), necessitates a stay or dismissal of Petitioner's action is without merit. The certified class in *Maldonado Bautista* is both textfully and factually distinguishable from Petitioner's circumstances, so the premise for any stay falls apart at the threshold.

The certified class, known as the Bond Eligible Class, is defined precisely to include non-citizens who "(1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination." *Maldonado Bautista v. Santacruz,* 5:25-cv-01873-SSS-BFM, at 5 (C.D. Cal. Nov. 25, 2025)

In this instant matter, the factual record concerning Petitioner demonstrates the opposite. Petitioner entered the United States without inspection but was apprehended upon arrival. *See* TRO at 3-4. The *Maldonado Bautista* class explicitly excludes those who "were … apprehended upon arrival." Therefore, Petitioner does not satisfy the requirements to be included in the certified Bond Eligible Class.

Because Petitioner is not a member of the *Maldonado Bautista* class, neither the jurisdictional principles governing that class nor any relief ordered there can bar, limit, or compel a stay of this individual habeas petition. Petitioner's right to pursue an independent challenge to the legality of his detention and removal remains fully intact.

Moreover, even assuming arguendo that Petitioner could be deemed a class member, binding precedent confirms that class actions generally do not preclude individual habeas relief. Petitioner seeks a temporary restraining order to preserve his right to a judicial determination on the merits of his 28 U.S.C. § 2241 petition

and to prevent a miscarriage of justice from ongoing unlawful detention. The writ of habeas corpus is a fundamental, individual remedy that cannot be displaced by a class device, particularly where the detainee challenges the authority for his confinement and seeks release or an individualized bond hearing. *See* e.g., *McQuillion v. Duncan*, 306 F.3d 895 (9th Cir. 2002).

Far from undermining Petitioner's position, *Maldonado Bautista* supports it. At a minimum, the order underscores the serious statutory and constitutional questions raised when DHS and EOIR classify noncitizens eligible for discretionary detention as mandatorily detained under § 1225(b)(2) and deny them any notice or hearing. The court in *Maldonado Bautista* granted only class-wide declaratory relief, holding that class members are detained under the discretionary framework of § 1226(a), not mandatory § 1225(b)(2), and that EOIR's contrary precedent, *Matter of Yajure Hurtado*, 29 I. N. Dec. 216 (BIA 2025), is unlawful as applied to that Bond Eligible Class. A declaratory judgment "has the force and effect of a final judgment" as to the rights it declares, 28 U.S.C. § 2201(a), but it is not self-executing and does not itself compel the release of any individual detainee.

Respondents have compounded this limitation by taking the position in *Maldonado Bautista* and related proceedings that the declaratory ruling has no preclusive effect because it is not yet "final" for purposes of appeal and by instructing immigration judges not to apply it to class members. That deliberate non-acquiescence underscores why *Maldonado Bautista* cannot be treated as an

effective substitute for, or bar to, individual habeas petitions. A legal right that is declared but not implemented at the agency level is precisely the situation in which habeas is required to convert a paper right into an actual remedy.

Most importantly, the relief sought here is not the same as in *Maldonado Bautista*. The class action sought systemic declaratory relief regarding the proper detention statute. This Petitioner seeks the quintessential individual habeas remedy: immediate release from unlawful detention, or, in the alternative, a prompt bond hearing ordered by this Court. Because *Maldonado Bautista*, by virtue of 8 U.S.C. § 1252(f)(1), could not award class-wide coercive relief such as release or mandatory bond hearings, basic preclusion principles cannot bar a subsequent individual action seeking that distinct, core habeas remedy.

C. Petitioner Is Governed by 8 U.S.C. § 1226(a), Mandating Access To A Bond Hearing.

The central legal issue, whether detention is governed by mandatory § 1225 or discretionary § 1226, has been consistently resolved in favor of § 1226 for petitioners situated like this one in this Court.

Here, on July 17, 2018, Petitioner was released into the interior of the United States on his own recognizance. *See* TRO at 3. Specifically, ICE's Order of Release on Recognizance stated that Petitioner was being released on his own recognizance "in accordance with section 236 of the Immigration and Nationality

Act," codified at 8 U.S.C. § 1226.

Additionally, Petitioner's Notice to Appear (NTA) issued by DHS to Petitioner did not classify him as an "arriving alien." Instead, the NTA charged him as "present in the United States who has not been admitted or paroled." *See* TRO at 4. This classification places him squarely within § 1226.

Thus, even if that release was initially under some form of parole or supervision, his subsequent re-detention places him squarely within the "arrested and detained pending a decision on whether the alien is to be removed" framework of § 1226.

Furthermore, Respondents themselves acknowledge that this Court and others in this District have granted TRO requiring § 1226 bond hearings, including in five (5) separate cases cited in their own Opposition (*Maldonado Bautista* v. *Santacruz*, No. 5:25-cv-01873-SSS-BFM, (C.D. Cal. Nov. 25, 2025); *Zaragoza Mosqueda et al. v. Noem et al.*, No. 5:25-cv-02304-CAS-BFM (C.D. Cal. Sept. 8, 2025); *Ceja Gonzalez, et al. v. Kristi Noem, et al.*, 5:25-cv-02054-ODW-ADS(C.D. Cal. 2025); *Benitez et al. v. Noem, et al.*, 5:25-cv-02190-RGK-AS (W.D. La. 2025), and *Miguel Portillo, et al. v. Kristi Noem, et al.*, 5:25-cv-02892-JFW-PVC (C.D. Cal. 2025) (order granting temporary restraining order) [Dkt. no. 7]). While Respondents note *Altamirano Ramos v. Lyons et al.*, 2:25-cv-09785SVW-AJR (C.D. Cal. Nov. 12, 2025) and the BIA's *Matter of Yajure Hurtado*, those minority decisions are not controlling on this Court, nor do they override the established

statutory interpretation favored by other judges in the Central District of California.

D. *Helal* Supports, Rather Than Undermines, Relief Here

This Court directed Respondents to explain why this case should not be governed by its prior decision in *Ibrahim Mohammed Helal v. Janecka et al.*, 5:25-cv-02650-HDV-JC (C.D. Cal. October 24, 2025), which ordered a § 1226(a) bond hearing within seven days for a petitioner re-detained without process after DHS had previously released him on § 1226(a) authority. Respondents attempt to sidestep *Helal* by arguing that Petitioner is materially different because he incurred a recent local arrest and allegedly "violated the terms of his release

Respondents' attempt to distinguish this case from *Helal v. Janecka* is unavailing. While Respondents note unique factual details in *Helal*, the legally operative predicate is identical: like the petitioner there, Petitioner received an ICE Order of Release on Recognizance expressly stating release was "in accordance with section 236 of the Immigration and Nationality Act," codified at 8 U.S.C. § 1226. This agency designation of § 1226 as the governing authority controls, rejecting any post hoc recharacterization and triggering § 1226(a) bond eligibility, precisely as in *Helal*.

Also, Petitioner's alleged violation, i.e., loitering on private property under California Penal Code 647(H) (Oppo. to TRO at 16, Declaration of Erika S. Rojas), is a minor, non-violent, pending citation level charge—not an adjudicated

conviction or demonstrated pattern of dangerous conduct. Upon information and belief, prior to his ICE detention, Petitioner worked for a pallet company, and on or about September 10, 2025, at 2:30 a.m., Petitioner was cited by Chino Police Department as he was trying to pick up the pallets from the business located at 5645 Daniels Street, Chino, California. *See* Ex. A (Chino Police Department Citation).

The fact that the disposition is still pending underscores the need for a neutral immigration judge to evaluate the charge's gravity, whether it truly constitutes a flight risk or danger, and whether Petitioner should be re-released on bond or parole. Respondents' unilateral decision to re-detain him without any process based on a mere citation is the very definition of the constitutional violation challenged in *Helal*. Whether Petitioner violated conditions of his release is a factual determination that must be made by an IJ in a bond hearing, not by the government in a conclusory declaration. *See* Oppo. to TRO at 16, Declaration of Erika S. Rojas. It should be also noted that Declaration of Respondents' counsel, Erika S. Rojas notes a wrong petitioner (Julio Castaneda Galvan), not the Petitioner in this instant matter. *See Id.*

E. Petitioner is Likely to Succeed on the Merits of His Claims

Respondents invoke the specific-over-general canon (*Karczewski v. DCH Mission Valley LLC*, 862 F.3d 1006, 1015 (9th Cir. 2017), but § 1225(b)(2)(A) is not more specific to Petitioner than § 1226(a) as applied to Petitioner. Section

1225(b)(2) targets "inspection of other [noncitizens]" – expressly those "seeking admission" at ports of entry (*Jennings v. Rodriguez*, 583 U.S. at 297) – while §1226(a) specifically governs interior arrests "pending a decision on whether the [noncitizen] is to be removed," which fits Petitioner's years-long U.S. residence and NTA charging him as "present in the United States who has not been admitted or paroled." *See* TRO Exs. D, E. The Order of Release on Recognizance (ROR) citing "section 236 of the INA" (i.e., § 1226) further confirms agency classification under that provision, precluding post-hoc recharacterization. *See Helal v. Janecka*, 5:25-cv-02650-HDV-JC (C.D. Cal. Oct. 24, 2025) (applying identical ROR language); *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, (C.D. Cal. Nov. 25, 2025).

Also, the BIA's September 5, 2025 decision, *Matter of Jonathan Javier Yajure Hurtado* (29 I&N Dec. 216 (BIA 2025) merits no Chevron-style deference. *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984) has been overruled; in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), the Supreme Court held that courts must exercise independent judgment in interpreting statutes and may not treat agency views as controlling merely because a statute is ambiguous.

Under *Loper Bright*, agency interpretations receive, at most, *Skidmore deference*—weight commensurate with their "power to persuade," based on factors like thoroughness, reasoning, and consistency. *Skidmore v. Swift & Co.*, 323 U.S.

134 (1944). *Yajure Hurtado*'s reading would render Congress's specific decision to place certain § 1182(a)(6) and (7) inadmissible noncitizens into mandatory detention under § 1226(c) largely superfluous, because those individuals would already be mandatorily detained under § 1225(b)(2) if that provision truly swept in all interior "applicants for admission." That result violates the canon against surplusage reflected in *Corley v. United States*, 556 U.S. 303 (2009), and similar case.

Respondents also misapply *Loper Bright*'s *Skidmore* factors (603 U.S. at 432–33) to evade decades of consistent DHS/EOIR practice treating interior EWIs like Petitioner as § 1226(a) detainees eligible for bond. That practice – across administrations, codified in regulations (62 Fed. Reg. 10323), and reflected in routine Form I-286/I-200 notices and NTAs – satisfies *Skidmore* precisely because of its consistency, thoroughness (formal rulemaking), and persuasiveness in harmonizing §§ 1225 and 1226 without superfluities (*Corley*, 556 U.S. at 314).

The cited 1997 regulation, i.e., 62 Fed. Reg. at 10323, explicitly states: "Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination." This is not "no analysis" – it is deliberate implementation of IIRIRA's structure, restating prior § 242(a)(1) arrest authority for all "not lawfully in the United States" without imposing universal mandatory detention (H.R. Rep. No. 104-469, at 229).

In *Jennings v. Rodriguez*, 583 U.S. at 297, the Supreme Court explained that § 1225 governs noncitizens 'seeking entry' at 'the Nation's borders and ports of entry,' not long-term interior residents like Petitioner. Respondents' view that §§ 1225(b)(1) and (b)(2) "mandate detention for applicants for admission" rips § 1225(a)(1)'s definition from its inspection/arrival context (*Torres v. Barr*, 976 F.3d 918, 927 (en banc) (application for admission occurs at "the moment in time when the immigrant actually applies" (emphasis omitted)).

Also, § 1226(a)'s text ("pending a decision on whether the [noncitizen] is to be removed") and LRA amendments placing certain § 1182(a)(6) EWIs under § 1226(c) demand courts enforce § 1226(a) as baseline (*Corley v. United States*, 556 U.S. 303 (2009)). Longstanding DHS/EOIR practice – treating interior EWIs as § 1226(a) detainees eligible for bond (62 Fed. Reg. 10,323) – further undermines the July 2025 ICE policy and *Yajure Hurtado* as unexplained reversals. Petitioner prevails on the merits.

Additionally, the cases Respondents cite (*Altamirano Ramos v. Lyons et al.*, 2:25-cv-09785SVW-AJR (C.D. Cal. Nov. 12, 2025), *Barrios Sandoval v. Acuna, No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025)*, etc.) are non-precedential TRO denials – mostly unpublished orders from other circuits lacking analysis of § 1226's text, LRA amendments, or historical practice. Even the in-circuit *Altamirano Ramos* (C.D. Cal.) ruling is a cursory docket entry [Dkt. no. 8], not binding here and conflicting with contrary Central District authority like

Maldonado Bautista.

Unlike Respondents' contention, BIA expertise (*Aden v. Nielsen*, 2019 WL 5802013 at *2 (W.D. Wash. Nov. 7, 2019); *Delgado v. Sessions*, 2017 WL 4776340, at *2 (W.D. Wash. Sept. 15, 2017)) does not extend to statutory interpretation post-*Loper Bright*, especially where it flouts the canon against superfluities (*Shulman v. Kaplan*, 58 F.4th at 410-11) and § 1225's border/inspection focus (*Torres v. Barr*, 976 F.3d at 927 (en banc)).

In addition, § 1225(a)(1)'s definition cannot be read in isolation to sweep in interior residents like Petitioner. *San Carlos Apache Tribe v. Becerra*, 53 F.4th at 1241 ('[C]ourts must read the words in their context and with a view to their place in the overall statutory scheme'); its context limits it to those "arriving" or "seeking admission" via inspection (*Jennings*, 583 U.S. at 287). IIRIRA history restates prior § 242(a)(1) arrest authority for all "not lawfully in the United States," without imposing mandatory detention on long-term residents (H.R. Rep. No. 104-469, at 229). Petitioner thus remains eligible for a § 1226(a) bond hearing, and the TRO should issue to preserve this right pending merits resolution.

F. The Balance of Hardships Tips Sharply in Favor of Petitioner

Detention without a hearing constitutes an ongoing, irreparable deprivation of Petitioner's fundamental liberty interests, an injury far outweighing the minimal burden on the Government of conducting a hearing. Given the significant liberty

and family interests at stake, the value of procedural safeguards to prevent this harm is surely high.

Since Petitioner's release on his recognizance in July 2018 until he was taken into the custody of ICE, Petitioner has lived with his father, spending time with family, working, and developing ties with his community. Petitioner is the sole supporter and caretaker of his elderly father, who suffers from severe and worsening medical conditions following a December 2024 workplace accident that crushed and partially amputated his thumb. Petitioner has provided essential housing, financial support, nutrition, and emotional care for his father.

Also, Petitioner maintains a strong family ties here, including his cousin, Jose Hernan Bautista Trochez, a United States lawful permanent resident living in Los Angeles, California. Mr. Trochez has submitted a declaration attesting Petitioner's good moral character, responsibility, and dedication to family and community. *See* TRO, Ex. H.

Petitioner has had steady employment with a pallets company, providing crucial financial stability for himself and his family. Losing his employment would inflict significant hardship by jeopardizing his income and ability to care for his father.

III. CONCLUSION

Since October 6, 2025, Petitioner has been detained under circumstances that violate statutory and constitutional protections requiring a custody redetermination

hearing. Accordingly, Petitioner respectfully requests that the Court GRANT the Application for a Temporary Restraining Order and order that Respondents immediately release Petitioner or provide a § 1226 bond hearing before an immigration judge within seven (7) days of this Court's order, consistent with the precedent set by this Court.

Dated: December 12, 2025

Respectfully Submitted,

/s/Gita B. Kapur
Gita B. Kapur
Attorney for Petitioner

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Petitioner, certifies that this brief contains 4,276 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 12, 2025

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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

HENRIQUE JAVIER MEJIA-PACHECO,

Petitioner,

v.

Ernesto SANTACRUZ JR., Acting Director, Los Angeles Field Office, Immigration and Customs Enforcement, Enforcement and Removal Operations; Todd LYONS, Acting Director, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; Fereti SEMAIA, Warden of Adelanto Ice Processing Center,

Respondents.

Case No: 5:25-cv-03206-HDV-MAA

PETITIONER'S EXHIBITS IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE