UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

LENIN ALEXANDER FUNEZ MURILLO,

Petitioner,

v. Case No.: 3:26-cv-65-WWB-MCR

KRISTI NOEM, in her official capacity as Secretary for the Department of Homeland Security; TODD M. LYONS, in his official capacity as Acting Director of Miami Field Office, Enforcement and Removal Operations (ERO), Department of Homeland Security; PAMELA J. BONDI, in her official capacity as United States Attorney General; US ATTORNEY'S OFFICE, Middle District of Florida;[1] and RONNIE WOODALL, in his official capacity as Warden of Baker Correctional Institute in Sanderson, Florida,[2]

Respondents.
_____/

RESPONSE TO VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

[1] The United States Attorney's Office (USAO) is a federal entity, not an individual, and does not have physical custody of Petitioner or any legal authority over Petitioner. The individual having physical custody of a petitioner is the only appropriate respondent. 8 U.S.C. § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 434-36 (2004); *Vandersnick v. Sec'y, Fla. Dep't of Corr.*, No. 5:18-cv-603-SPC-PRL, 2021 WL 1020914, at *1 n.3 (M.D. Fla. Mar. 17, 2021). Any relief the Court awards should be fashioned within the power of the immediate custodian or ICE/DHS. *See, e.g.*, *Mirando Bravo v. Noem*, No. 2:25-cv-1046-SPC-DNF, Doc. 8 at *3 (M.D. Fla. Dec. 5, 2025) (ordering ICE *either* to bring petitioner for a bond hearing or release by a specific date). Thus, the USAO is not a proper respondent under 28 U.S.C. § 2241.

[2] Ronnie Woodall was the warden at the Baker Correctional Institution when it was operated by the State of Florida as a men's prison in Sanderson, FL. *See* www.fdle.state.fl.us. Ronnie Woodall was not and is not the warden or facility administrator at the North Florida Detention Center (NFDC) operated in the now shuddered Baker Correctional Institution in Sanderson, FL. Rather, The Facility Administrator of the NFDC is Eric Hall. Thus, Petitioner is in the custody of Eric Hall, not Ronnie Woodall.

Respondents, Kristi Noem, in her official capacity as Secretary of the Department of Homeland Security, the United States Department of Homeland Security (DHS), Todd M. Lyons, in his official capacity as Acting Director of United States Immigration and Customs Enforcement (ICE), and PAMELA BONDI, in her official capacity as Attorney General of the United States, ("Federal Respondents"), respond to Petitioner Lenin Funez Murillo's (Murillo) Verified Petition for Writ of Habeas Corpus (Petition) (Doc. 1). The Court lacks jurisdiction here. Apart from that, Murillo's detention is lawful. So, the Court should deny the writ and dismiss this action.

PRELIMINARY STATEMENT

On January 13, 2026, Petitioner filed the instant Petition, challenging his detention, at the North Florida Detention Center (NFDC), as unlawful. *See* Doc. 1, ¶¶ 3. By Order dated January 23, 2026, this Court ordered service of the Petition and directed Respondents to respond within 10 days from of the date of the Order. Doc. 10. Because the decision to detain Petitioner is not subject to review, the Court lacks jurisdiction to entertain the relief sought or, alternatively, Petitioner fails to state a claim upon which relief can be granted.

In the instant Petition, Murillo argues that he is not subject to mandatory detention, that he is being detained without the possibility of bond under a policy that categorically denies bond to noncitizens like him, and that this policy has been declared unlawful as a result of the judgment entered in *Maldonado Bautista v. Noem*, Case No. 5:25-cv-1873-SSS-BFM (C.D. Cal Dec 18, 2025). Because Murillo is being properly detained and because the *Maldonado Bautista* should not be applied here, the instant Petition should be denied.

FACTUAL BACKGROUND

Petitioner is a 27-year-old native and citizen of Honduras, who entered the United States without inspection at an unknown time and place. *See* Exhibit A (Form I-213) at p. 3; Doc. 1, ¶ 38. Also, Petitioner is the father of a 15-month-old child. *See* Doc. 1-2, p. 4.

On October 26, 2025, Murillo was arrested in St. Johns County, Florida, for several traffic violations including speeding, driving without a license, and possession of marijuana. Doc. 1, ¶ 39; Doc. 1-2, p 7. On October 27, 2025, Murillo was encountered at the St. Johns County Jail by ICE, Enforcement and Removal Operations (ERO) officials. *See* Exhibit A, p. 3. Petitioner was transferred to the custody of ICE on or about November 20, 2025. *Id.* at p. 1. On the same day, Murillo was offered and accepted administrative voluntary departure, agreeing to depart on or before December 20, 2025. *See* Exhibit B (Form I-210). Murillo is being detained at the NFDC in Sanderson, Florida. Exhibit A, p. 1.

On December 16, 2025, Petitioner appeared before an immigration judge pursuant to a Notice to Appear. Doc. 1-2, pp. 54-57. Murillo anticipates applying for cancellation of removal. Doc. 1, ¶ 41.

Legal Standard

Federal courts may grant writs of habeas corpus for a petitioner "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Petitioner bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec'y of State*, 853 F. App'x 327, 329 (11th Cir. 2021); *Martin v. Beto*, 397 F.2d 741, 749 (5th Cir. 1968).

Discussion

As explained below, the Court lacks jurisdiction. However, even if the Court disagrees, Murillo's claims fail on the merits. Before getting to those matters, ICE must clarify its basis of detention. 28 U.S.C. § 2243.

A. Habeas Return on Detention

In a habeas case, the respondent "shall make a return certifying the true cause of the detention." *Id.* ICE is detaining Murillo under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2). Murillo is free to contend his detention under § 1225 is unlawful or argue he should instead be detained under § 1226(a). But § 1225(b)(2)—not § 1226—is the certified basis on which ICE is detaining Murillo.

B. Jurisdiction

There is no need to get into the nuances of § 1225 and § 1226 since the Court lacks subject-matter jurisdiction over Murillo's claims. There are three reasons why.

1. Jurisdiction Stripping

Federal courts have limited jurisdiction. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). They "possess only that power authorized by Constitution and statute." *Id.* (citations omitted).

In immigration habeas cases related to removal proceedings—as here, the INA divests this Court's jurisdiction to consider Murillo's claims challenging his detention pending a removal determination. 8 U.S.C. § 1252(g). "APA review does not apply when '(1) statutes preclude judicial review; or (2) agency action is committed to agency discretion by law.'" *Kanapuram v. USCIS*, 131 F.4th 1302, 1306 (11th Cir. 2025) (quoting 5 U.S.C. § 701(a)).

There is no jurisdiction to review "any cause or claim . . . arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders." 8 U.S.C. § 1252(g); *Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013). This provision bars habeas review in federal courts when the claim arises from "discrete acts of commencing proceedings, adjudicating cases, and executing removal orders." *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 483 (1999) (cleaned up). These activities "represent the initiation or prosecution of various stages in the deportation process" that Congress had "good reason" to withhold from judicial review. *Id.*

When construing § 1252(g), one must limit the application "to just those three specific actions" listed. *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018). In doing so, "courts must focus on the action being challenged." *Canal A Media Holding, LLC v. USCIS*, 964 F.3d 1250, 1258 (11th Cir. 2020). At bottom, § 1252(g) bars review if the conduct "to commence proceedings, adjudicate cases, or execute removal orders is the basis of the claim." *Gupta*, 709 F.3d at 1065.

The law is clear:

> Securing an alien while awaiting a removal determination constitutes an action taken to commence proceedings.

Id.; *see also Alvarez v. ICE*, 818 F.3d 1194, 1203 (11th Cir. 2016) (stating "[b]ecause [the alien] challenges the methods that ICE used to detain him prior to his removal hearing, these claims are foreclosed by § 1252(g) and our decision in *Gupta*."); *Johnson v. U.S. Attorney General*, 847 F. App'x 801, 802 (11th Cir. 2021). "By its plain terms, [§ 1252(g)] bars us from questioning ICE's discretionary decisions to commence removal—and thus necessarily prevents us from considering whether the agency should have used a

different statutory procedure to initiate the removal process." *Alvarez*, 818 F.3d at 1203. So, § 1252(g) strips the Court's jurisdiction over habeas petitions challenging detention pending removal proceedings.

ICE detained Murillo to initiate and pursue removal proceedings. So now, ICE is detaining Murillo "while awaiting a removal determination." *Gupta*, 709 F.3d at 1065. Under *Gupta*'s binding interpretation of § 1252(g), the Court plainly has no jurisdiction. *Id.* ICE decided to pursue removal proceedings against Murillo. And Congress specifically stripped the Court's jurisdiction to review those discretionary decisions.

As the Eleventh Circuit made clear, what matters is whether the challenged conduct arose from decisions or actions to commence removal proceedings. *Gupta*, 709 F.3d at 1065 (stating "[e]ach of these claims, then, challenges the actions the agents took to commence removal proceedings—exactly the claims that § 1252(g) bars from the subject-matter jurisdiction of federal courts."). The Eleventh expressly reaffirmed this in several other decisions (both published and unpublished):

> Because [plaintiff] challenges the methods that ICE used to detain him prior to his removal hearing, these claims are foreclosed by § 1252(g) and our decision in *Gupta*.

Alvarez, 818 F.3d at 1204; *see also Johnson*, 847 F. App'x at 802. The decisions and actions to detain Murillo (under either § 1225 or § 1226) arise from the commencement of removal proceedings. The INA strips jurisdiction over that review. *Gupta*, 709 F.3d at 1065; 8 U.S.C. § 1252(g).

What's more, "the sole function of habeas corpus is to provide relief from Unlawful imprisonment or custody, and it cannot be used for any other purpose." *Cook v. Hanberry*, 592 F.2d 248, 249 (5th Cir. 1979). So, the only relief a habeas petitioner may receive is

release. *DHS v. Thuraissigiam*, 591 U.S. 103, 119 (2020). Put differently, this case is only about whether ICE can detain Murillo pending removal proceedings. *Gupta* and its progeny hold the Court has no jurisdiction over such actions.

The Court also lacks jurisdiction on separate grounds.

2. ***Zipper Clause***

The INA precludes review of "all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien from the United States" except judicial review of a final order of removal. 8 U.S.C. § 1252(b)(9). This is known as the "zipper clause" and applies where a petitioner seeks "review of an order of removal [or] the decision to seek removal." *Canal A*, 964 F.3d at 1257; *DHS v. Regents of Univ. of Cal.*, 591 U.S. 1, 19 (2020). In reading this subsection alongside 8 U.S.C. § 1252(a)(5)—which limits review, courts conclude petitioners must funnel all aspects of challenges to removal proceedings through the avenue set out in § 1252(a)(5). *Nasrallah v. Barr*, 590 U.S. 573, 580 (2020) (stating "The REAL ID Act clarified that final orders of removal may not be reviewed in district courts, even via habeas corpus, and may be reviewed only in the courts of appeals."); *see also Bonhometre v. Gonzales*, 414 F.3d 442, 446 (3d Cir. 2005) (stating there is "clear intent to have all challenges to removal orders heard in a single forum (the courts of appeals).").

The zipper clause restrictions are broad but not unlimited. *Canal A*, 964 F.3d at 1257. Still, a claim arising from actions or proceedings brought to remove an alien clearly falls within the clause. *See Regents of Cal.*, 591 U.S. at 19.

Here, Murillo challenges ICE's detention determination. This was an action arising from ICE's choice to carry out proceedings to remove him from the United States. The

zipper clause is in full force; judicial review by this Court is inappropriate and contrary to the INA. 8 U.S.C. § 1252(b)(9).

There is one final jurisdictional issue.

3. ***Failure to Exhaust***

Murillo has yet to exhaust his administrative remedies. DHS makes initial decisions about custody and bond—which an IJ may review. 8 C.F.R. § 1003.19(a). But to get a bond hearing, the alien (or his lawyer) must make an application to the IJ for bond redetermination. *Id.* § 1003.19(b)-(c). The IJ's bond redetermination is "separate and apart from" the removal proceedings. *Id.* § 1003.19(d). If the alien disagrees with the IJ's decision, he may appeal to the Board of Immigration Appeals ("BIA"). *Id.* § 1003.1(b)(7).

Here, Murillo has not sought a bond hearing. This moots Murillo's assertions related to receiving a bond hearing. *See Juarez Alfredo v. Warden, Glades Cnty. Detention Ctr.*, No. 2:25-cv-00610-SPC-KCD (Doc. 5) (M.D. Fla. Oct. 17, 2025).

To the extent that Murillo may argue futility in seeking a bond hearing, he is mistaken. *See McGee v. Warden, FDC Miami*, 487 F. App'x 516, 518 (11th Cir. 2012) (finding no jurisdiction on habeas petition where petitioner failed to exhaust remedies despite argument doing so would be futile). Futility is not a blank check to relieve Petitioner's duty to exhaust his remedies. Under exceptional circumstances, courts may excuse an exhaustion requirement. *See Sanchez v. Warden, FCC Coleman - Low*, No. 5:23-CV-79-WFJ-PRL, 2023 WL 4489472, at *2 (M.D. Fla. July 12, 2023); *Faison v. Warden, FCC Coleman,* No. 5:23-CV-67-WFJ-PRL, 2023 WL 4489471 (M.D. Fla. July 12, 2023); *Vasquez v. Warden, FCC Coleman Low*, No. 5:22-CV-517-WFJ-PRL, 2023 WL 4157364, at *2 (M.D. Fla. June 23, 2023).

4. ***Conclusion***

As explained, the Court lacks jurisdiction over this habeas action. Yet even if it disagrees, detention is still lawful.

C. Merits

At bottom, Murillo alleges ICE's decision to detain him under § 1225 rather than § 1226 is inappropriate, deprives him of due process, and is in violation of the judgment entered in the *Maldonado* class action. These claims fail as a matter of law because he is lawfully detained.

1. Murillo is lawfully detained pursuant to § 1225(b)(2).

To interpret the relevant parts of the INA, courts first turn to the "plain meaning of the statute." *Esquivel-Quintana v. Sessions*, 581 U.S. 385, 391 (2017). If the statutory text is clear, the analysis ends. *Bostock v. Clayton County, Ga.*, 590 U.S. 644, 674 (2020).

The statutory scheme in § 1225(a) provides: "An alien present in the United States who has not been admitted . . . shall be deemed for purposes of this chapter an applicant for admission." 8 U.S.C. § 1225(a); *Thuraissigiam*, 591 U.S. at 140. Applicants for admission under this section fall into one of two categories. First, those initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation fall under § 1225(b)(1). Second, everyone else not encompassed by § 1225(b)(1) falls under the § 1225(b)(2) catchall. *Jennings*, 583 U.S. at 287.

Under § 1225(b)(1), aliens are detained for the purpose of expedited removal. Under § 1225(b)(2), the "alien shall be detained for a proceeding under section 1229a"—*i.e.*, full removal proceedings—after "the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8

U.S.C. § 1225(b)(2)(A). Read plainly, these subsections "mandate detention of applicants for admission until certain proceedings have concluded." *Jennings*, 583 U.S. at 297.

Given its statutory obligation, ICE detained Murillo under § 1225(b)(2). The Parties do not dispute he entered the United States illegally and without any authorization. Murillo's detention pending his removal proceedings is not unlawful; rather, it is statutorily required. 8 U.S.C. § 1225(b)(2)(A); *see Chaviano v. Bondi*, 2025 WL 1744349, at *6-8 (S.D. Fla. June 23, 2025).

Essentially, Murillo argues § 1225(b)(2) does not apply to aliens—like him—who enter without inspection and are encountered after evading inspection for years. *See* Doc. 1, ¶ 2. But nothing in the statutory language supports this conclusion. The term aliens is expressly contemplated by § 1225(a)(1)—defining applicants as a present alien "who has not been admitted or who arrives in the United States." Where the statutory text is otherwise clear, courts cannot add words or make up exceptions. *King v. Burwell*, 576 U.S. 473, 486 (2015).

Sections 1225(a)(1) and (b)(2) are unambiguous. There are no geographic qualifiers or any time limitations imposed. 8 U.S.C. § 1225(b)(2). Notably, Congress included such time limitations in other parts of the same statute. For instance, 8 U.S.C. § 1225(b)(1)(A)(iii)(II)—enacted contemporaneously with § 1225(b)(2)—applies a two-year continuous physical presence requirement. When Congress includes language in one part of a statue but omits it in another, it does so intentionally. *E.g.*, *Shotz v. City of Plantation, Fla.*, 344 F.3d 1161, 1168 (11th Cir. 2003). Under these principles, the Court cannot read an additional "place of detention" or "period of residence" requirement into § 1225(b)(2) when it simply isn't there. Short of legislating, the Court cannot impose

limitations on § 1225(b)(2) that Congress did not include. *See Germain v. U.S. Att'y Gen.*, 9 F.4th 1319, 1325 (11th Cir. 2021).

As discussed, an alien's place of detention or period of residence is irrelevant under the plain language. What is relevant, however, is an alien's manner of entry. 8 U.S.C. § 1225(a)-(b). Congress members said as much when amending the INA. *See Sturgeon v. Frost*, 587 U.S. 28, 54 (2019) (stating "[t]he legislative history (for those who consider it) confirms, with unusual clarity, all we have said so far."). The statutory scheme that § 1225 and § 1226 replaced was structured so aliens who entered the United States undetected retained certain benefits—such as the availability of bond—where those who presented themselves at the border did not:

> This subsection is intended to replace certain aspects of the 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. Hence, the pivotal factor in determining an alien's status will be whether or not the alien has been lawfully admitted.

H.R. Rep. No. 104-469, pt. 1, at 225 (1996). Recognizing that such a scheme incentivized evasion over presenting oneself at a port of entry, Congress set out to restructure the law to distinguish between deportability—applicable to admitted aliens—and inadmissibility—applicable to those present without admission. *Id.* at 226. So, aliens who enter surreptitiously "will not be considered to have been admitted." *Id.* Murillo's reading seeks to retroactively nullify this legislative fix and once again restore incentives to circumvent rather than comply with the INA.

To be fair, while there is no binding precedent in the Eleventh Circuit, the overwhelming number of recent decisions in this District and around the country have been adverse to ICE's position. *See E.g.*, *Juan Miguel Gomez-Pena v. Secretary, DHS*,

No. 3:25-cv-1287-MMH-MCR (Doc. 13) (M.D. Fla. Jan. 12, 2026); *Padilla Orellana v. Warden*, No. 2:25-cv-1195-SPC-NPM (Doc. 13) (M.D. Fla. Jan. 6, 2026); *Garcia Raya v. ICE,* No. 2:25-cv-1109-KCD-DNF (Doc. 7) (M.D. Fla. Dec. 22, 2025); *Melgar v. Secretary*, No. 2:25-cv-1002-JES-DNF (Doc. 12) (M.D. Fla. Dec. 16, 2025). There are, however, many decisions in support of ICE's text-based argument including at least one recent in this District and one in the Southern District of Florida.[3] *Iraheta Morales v. Noem*, Case No. 0:23-cv-62598-AHS (Doc. 10) (S.D. Fla. Jan. 29, 2026); *Andres Diaz Lopez v. Director of ERO, et al.*, Case No. 3:25-cv-1313-JEP-SJH (Doc. 9) (M.D. Fla. Jan. 26, 2026). And the BIA specifically explained this rationale in *Hurtado*, 29 I&N Dec. 216.

Murillo contends his detention under § 1225 is improper and his detention should be under § 1226(a). *See* Doc. 1, ¶24. But Murillo did not meet his burden to establish detention under § 1226 should apply to him. Section 1226 is far broader than § 1225. Specifically, § 1226 applies to any "alien." 8 U.S.C. § 1226(a). An "alien" is "any person not a citizen or national of the United States." *Id.* § 1101(a)(3). Meanwhile, the phrase "applicant for admission" in § 1225(b)(2) has distinct meaning, and not every single alien

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[3] *See, E.g., Suarez v. Noem*, No. 1:25-cv-00202-JMD, 2025 WL 3312168, at *2-3 (E.D. Mo. Nov. 28, 2025); *Cortes Alonzo v. Noem*, No. 1:25-cv-01519 WBS SCR, 2025 WL 3208284, at *1-5 (E.D. Cal. Nov. 17, 2025); *Altamirano Ramos v. Lyons*, No. 2:25-cv-09785-SVW-AJR, 2025 WL 3199872, at *4-9 (C.D. Cal. Nov. 12, 2025); *Montoya Cabanas v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331, at *3-7 (S.D. Tex. Nov. 13, 2025); *Olalde v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942, at *2-5 (E.D. Mo. Nov. 10, 2025);*Oliveira v. Patterson*, No. 6:25-cv-01463-DCJ-DJA, 2025 WL 3095972, at *2-6 (W.D. La. Nov. 4, 2025); *Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926, *2-6 (W.D. La. Oct. 31, 2025); *Rojas v. Olson*, No. 25-cv-1437-bhl, 2025 WL 3033967, at *2-10 (E.D. Wis. Oct. 30, 2025); *Garibay-Robledo v. Noem*, No. 1:25-cv-00177-H (Doc. 9) (N.D. Tex. Oct. 24, 2025); *Kum v. Ross*, No. 6:25-cv-00451-DCJ-CBW, 2025 WL 3113646, at *1-2 (W.D. La. Oct. 22, 2025); *Vargas v. Lopez*, No. 25-CV-526, 2025 WL 2780351, at *4-10 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, No. 25-CV-23250CAB-SBC, 2025 WL 2730228 at *4-5 (S.D. Cal. Sept. 24, 2025).

entering without inspection falls under this provision. Rather, the facts and circumstances concerning Murillo demonstrate he is an applicant for admission under § 1225(b)(2).

Murillo illegally entered the United States, according to him, over thirteen years ago in August 2012. Doc. 1, ¶ 2. He has no permission or status to remain in this country. So, it's undisputed Murillo has not been admitted to the United States.

Due to Murillo's unlawful immigration status, ICE is pursuing removal proceedings. Murillo has not stipulated that he is removable; nor has he indicated he will not contest removal. At any point, Murillo can seek release from detention to depart the United States voluntarily. 8 U.S.C. § 1229c(a). But again, there is no indication he has any intention of doing so. Everything suggests Murillo will not agree to leave.

Yet, he has no status and was never admitted to the United States. Put differently, Murillo must be an applicant for admission if he wants to stay here. *Vargas Lopez*, 2025 WL 2780351, at *9 (stating petitioner "wishes to stay in this country. This makes [him] an 'applicant for admission,' consistent with the conclusion of the BIA in *Hurtado* and *Jennings*."). The alternative would be seeking an order to somehow remain unlawfully in the United States. *Id.* (stating that petitioner "illegally remained in this country for years does not mean that he is suddenly not an 'applicant for admission' under § 1225(b)(2)."); *Hurtado*, 29 I&N at 221 (stating "[i]f he is not admitted to the United States (as he admits) but he is not "seeking admission" (as he contends), then what is his legal status?"). At bottom, unless Murillo wants to leave, he is either an applicant for admission or seeking to remain here illegally.

To be clear, any alien intending to stay in the United States on any permanent basis must be admitted even if that's twenty years after arriving. In the context of

immigration law, "admission" is not like sneaking into a second showing at the movie theater where entry is de facto admission. Rather, this is a legal term of art. *Matter of Murillo Losa*, 25 I. & N. Dec. 734, 743 n.6 (BIA 2012) (noting "seeks admission" used by Congress "as a term of art"). The terms "admission" or "admitted" here mean "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A).

Congress knows how to use a term of art. *E.g.*, *FAA v. Cooper*, 566 U.S. 284, 292 (2012) (stating "it is a cardinal rule of statutory construction that, when Congress employs a term of art, it presumably knows and adopts the cluster of ideas that were attached to each borrowed word in the body of learning from which it was taken." (cleaned up)). Murillo may have been living in the United States illegally for over a decade; but, he was never admitted—which is what makes his presence unlawful in the first instance. 8 U.S.C. § 1182(a)(6)(A)(i) (inadmissibility for presence "without being admitted"). The INA treats aliens as seeking admission even if they entered illegally and never formally applied. 8 U.S.C. § 1225(a)(1); *Murillo Losa*, 25 I. & N. Dec. at 743 n.6 (Unlawful entrants "deemed *constructive* applicants for admission by operation of" § 1225(a)(1).). Legislative word choices—especially terms of art—must have meaning. Congress chose to define "applicants for admission" as "[a]n alien present in the United States who has not been admitted." 8 U.S.C. § 1225(a)(1).

The recent enactment of the Laken Riley Act bolsters this conclusion. *See* Pub. L. No. 119-1, 139 Stat. 3 (2025). There, the categories of individuals subject to mandatory detention expanded to include those who entered the United States and were charged as inadmissible under § 1182(a)(6)(A)(i) or (a)(7) and have committed—or been charged or

convicted of—certain specified crimes. *See* 8 U.S.C. § 1226(c)(1)(E). Were "applicant for admission" under § 1225 interpreted as narrow as Murillo argues, then there would be no need to pass Laken Riley. Those aliens now covered by § 1226(c)(1)(E) would have already been subject to mandatory detention. Even if there are redundancies, those "are common in statutory drafting" and provide no "license to rewrite or eviscerate another portion of the statute contrary to its text." *Barton v. Barr*, 590 U.S. 222, 229 (2020) (stating "[t]he Court has often recognized: Sometimes the better overall reading of the statute contains some redundancy." (cleaned up)).

Likewise, ICE's position has been consistent since detaining Murillo. ICE initiated removal proceedings are under § 1229a—not § 1225 or § 1226. When ICE detained Murillo, it did so under the provision tailored to his circumstances (*i.e.*, § 1225(b)(2)).

Finally, the fact that longstanding practice may have differed is not dispositive. The Constitution empowers the Judiciary to exercise judgment regarding the interpretation of laws independent from the political branches. U.S. Const. art. 3, § 2, cl. 1; *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024). The question for this Court is not ICE's historical practice; instead, the inquiry is the correct statutory interpretation. As discussed, the best reading of the INA is what its words say—confirming ICE may detain Murillo under § 1225(b)(2). As explained, Murillo's detention under § 1225(b)(2) is lawful. The INA mandates his detention.

2. ***Maldonado Bautista* should not be applied.**

Contrary to Murillo's assertions, the *Maldonado Bautista,* Case No. 5:25-cv-1873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec 18, 2025), should not be applied in this case and, thus, does not entitle him to the relief he requests.

First, the court in *Maldonado Bautista*, in entering a final judgment, declined to vacate the decision of the BIA in *Matter of Yajure Hurtado*, 29 I&N Dec. 616 (BIA 2025). Hence, *Hurtado* remains binding on ICE and immigration judges. *See* 8 U.S.C. §1103(a)(1) (stating "determination and ruling by the Attorney General to all questions of law shall be controlling"). Thus, the final judgment entered by the *Maldonado Bautista* court does not entitle Petitioner to an individualized hearing.

Second, even if Petitioner does fit within the class in *Maldonado Bautista*, that decision is not binding on this Court because "absent the application of *res judicata* or collateral estoppel, a district court is not bound by another district's judgment," *Iraheta Morales*, Case No. 0:23-cv-62598-AHS (Doc. 10, p 16) (S.D. Fla. Jan. 29, 2026) (citing *Stone v. First Union Corp.*, 371 F.3d 1305, 1310 (11th Cir. 2004)). Here, Petitioner has not bothered to argue *res judicata* or collateral estoppel, *see* Doc. 1, ¶¶ 25-29, and neither would apply to his case, *see Iraheta Morales*, Case No. 0:23-cv-62598-AHS (Doc. 10, p 17) (S.D. Fla. Jan. 29, 2026). Even so, the *Maldonado Bautista* case is on appeal as of December 18, 2025, *Maldonado Bautista,* Case No. 5:25-cv-1873-SSS-BFM (Doc. 95); hence, this Court should not give preclusive effect to the declaratory final judgment entered in *Maldonado Bautista* on December 18, 2025.

Moreover, the declaratory judgment entered in *Maldonado Bautista* has no preclusive effect outside of the Central District of California and over custodians who are located outside of that District. *See Calderon v. Ashmus*, 523 U.S. 740, 747 (1998). *See also Burnham v. Superior Court of Cali.*, 495 U.S. 604, 608 (1990). Hence, the Court should not apply the declaratory final judgment entered in *Maldonado Bautista* to this case.

CONCLUSION

Based on the foregoing reasons and citations of authority, the Court should deny the instant Petition and dismiss this action.

Dated: February 2, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 2, 2026, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send notice of filing and a downloadable copy of the filed document to the following CM/ECF participant listed below:

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