UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Glenda Marisol Parras-Deminero,	§	
	§	
Petitioner,	§	
	§	
vs.	§	Civ. No. 5:26-CV-00222-XR
	§	
	§	
PAMELA BONDI,	§	
United States Attorney General, et al.	§	
	§	
Respondents	§	

PETITIONER'S REPLY IN SUPPORT OF HER PETITION FOR WRIT OF HABEAS CORPUS AND RESPONSE TO RESPONDENTS' RETURN

I. INTRODUCTION AND PROCEDURAL BACKGROUND

Petitioner respectfully submits this Reply in support of her Petition for Writ of Habeas Corpus and in opposition to Respondents' Answer. Petitioner filed her habeas petition on January 16, 2026. Dkt. 1. The Court issued an Order to Show Cause to Respondents on January 20, 2026, ordering Respondents to file a response within (5) days of the date of service. Dkt 3. On January 20, 2026, Petitioner filed an Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction stating irreparable harm likely to occur absent injunctive relief or decision to issue the writ. Dkt 6. On January 28, 2026, the Respondents have filed their Response. Dkt. 7. The Petitioner is set for a final hearing on January 29, 2026, at 1 p.m. for relief from removal.

The Petition presents a straightforward statutory question with urgent liberty consequences: whether Petitioner—an interior arrestee placed in full removal proceedings may

be held under 8 U.S.C § 1225(b) as if she were perpetually "seeking admission," or whether the governing detention framework is INA § 1226(a), which provides for an individualized custody determination.

In the Response, Respondents acknowledge that this Court's prior rulings concerning similar challenges to the government policy or practice at issue in this case, and the common question of law between this case and those rulings, would control the result in this case should this Court follow its legal reasoning in its prior decisions. *See Navarro v. Bondi et. al,* No. 5:25CV1468-FB (W.D. Tex. Dec. 2, 2025); *Moradi v. Thompson et al*, No.5:25CV1470-OLG (W.D. Tex. Dec. 18, 2025); *Reyes v. Thomspon et al*, No.5:25CV1590-XR (W.D. Tex. Dec. 12, 2025); *Acosta-Balderas v. Bondi et al*, No.5:25CV1629-JKP (W.D. Tex. Dec. 11, 2025); *Tisighe v. De Anda-Ybarra et al*, 3:25CR593-KC (W.D. Tex. Dec. 5, 2025); *Chauhan v. Noem et al*, 3:25CV574-DB (W.D. Tex.Dec. 8, 2025); *Gvedashvili v. Mooneyham et al*, 6:25CV552-ADA-DTG (W.D. Tex. Dec. 22, 2025).

Respondents admit that the factual and legal issues presented in the instant habeas petition do not differ in any material fashion from those presented in mentioned cases, namely, both the instant petition and the cases cited primarily concern whether an alien who is present in the United States without admission is properly subject to mandatory detention during the pendency of his administrative removal proceedings pursuant to 8 U.S.C. § 1225(b). Respondents do not explain why the Court's reasoning there does not compel the same result here. In fact, the Response re-urges the same position the courts in this district have uniformly rejected, at least preliminarily, namely, *Gallardo Brito v. Thompson,* SA-26-CV-00079-XR (W.D. Tex. Jan. 22, 2026); *Reyes v. Thomspon et al*, No.5:25CV1590-XR (W.D. Tex. Dec. 12, 2025); *Pereira-Verdi v. Lyons*, SA-25-CA-01187-XR (W.D. Tex.Oct. 10, 2025); *Hernandez-Ramiro v Bondi,* SA-25-CA-01207-XR, W.D. (Tex. Oct. 15, 2025) ("[T]he Board's interpretation has been subject

to criticism upon judicial review). *See also Lopez- Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *7 (W.D. Tex. Sept. 22, 2025) ("In recent weeks, courts across the country have held that this new, expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect."); *Liguicota-Mayancela v Karnes Sup't*, 5-25-CV-01038-OLG-RBF, Report and Recommendations, Nov. 18, 2025, Richard B. Farrer, adopted by District Judge Orlando Gonzalez in *Mayacela v. Superintendent of Karnes Cnty. Immigration Processing Center*, SA-25-CV-1038-OLG, 2025 WL 3540074, at *1 (W.D.Tex., Dec. 9, 2025) (noting Government's argument as "the parties disagree as to whether 8 U.S.C. § 1225(b)(2) or § 1226(a) controls in these circumstances" and granting relief.

II. ARGUMENT

A. Section 1226(A), Not Section 1225(B)(2), Governs Custody For Interior Arrests

In their Response, Respondents argue—notwithstanding this Court's rejection of the argument—contend that Petitioner's detention is governed by INA § 235, 8 U.S.C. § 1225, because as an alien who entered without inspection or parole was and remains an applicant for admission. As such, Petitioner is subject to mandatory detention and not entitled to a bond hearing before the immigration judge. Respondents further rely upon *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025).

That reading ignores the function and structure of the detention statutes and longstanding agency practice. Noncitizens who entered the United States without inspection cannot be later be detained under Section 1225(b)(2) because, by definition, they are not "seeking admission" within the meaning of the INA at the time of their detention. As the Supreme Court has explained, "U.S. immigration law authorizes the Government to detain certain aliens seeking admission into the country under §§ 1225(b)(1) and (b)(2)." *Jennings*, 583 U.S. at 289 (emphasis added). "The terms 'admission' and 'admitted' mean, with respect to an alien, 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) (emphasis added). A noncitizen who enters without inspection "[is] not seeking entry, much less 'lawful entry . . . after inspection and authorization." *Granados,* 2025 WL 3296314, at *6 (citing *Martinez v. Mukasey*, 519 F.3d 532, 544 (5th Cir. 2008), as amended (June 5, 2008) ("Under th[e] statutory definition, 'admission' is the lawful entry of an alien after inspection, something quite different, obviously, from post-entry adjustment of status.")).

In *Matter of Yajure-Hurtado*, 29 I&N Dec. at 221, the BIA goes on to hold that "[t]he statutory text of the INA is not "doubtful and ambiguous" but is instead clear and explicit in requiring mandatory detention of all aliens who are applicants for admission, without regard to how many years the alien has been residing in the United States without lawful status. *See* INA § 235(b)(1), (2), 8 U.S.C. § 1225(b)(1), (2)." But because Petitioner is not, nor was she at the time she was arrested, "seeking admission," *id.*, § 1225(b)(2)(A)'s mandatory detention provision does not apply. Respondents are wrong to interpret the statute as placing Petitioner within the definition of individuals deemed to be "applicants for admission," the specific detention authority under § 1225." Dkt. 4 at 7. *See also Romero v.Hyde*, --- F. Supp. 3d, 2025 WL 2403827, at *9 (D.Mass. Aug. 19, 2025) ("[T]he phrase 'seeking admission,' otherwise undefined in the statute, necessarily requires some 'some sort of present-tense action.') (citation omitted); *Campos-Leon v Forestal*, 1:25-cv-01774-SEB-MJD, (S. D. Ind. September 22, 2025*); Doe v. Moniz*, 2025 WL 2576819, at *1 (D.Mass., 2025).

In this District, courts have repeatedly rejected DHS's attempt to treat interior arrestees as perpetually "seeking admission" under § 1225(b)(2) and have ordered § 1226(a) custody process (often with a clear-and-convincing Government burden) or release. *See, e.g., Gonzalez Guerrero v. Noem*, No. 1:25-cv-01334-RP (W.D. Tex. Oct. 27, 2025) (granting preliminary injunction; vacating the BIA's decision applying *Matter of Yajure-Hurtado*; reinstating the IJ's § 1226(a) bond order for

a long-resident interior arrestee); *Pereira-Verdi v. Lyons*, No. 5:25-cv-01187-XR (W.D. Tex. Oct. 10, 2025) (issuing TRO requiring § 1226(a) process and enjoining re-detention without notice and a pre-deprivation hearing); *Hernandez v. Bondi*, No. 5:25-cv-01207-XR (W.D. Tex. Oct. 15, 2025) (granting TRO; requiring prompt § 1226(a) bond hearing with Government burden as to danger/flight, or release if no hearing provided); *Santiago v. Noem*, No. 3:25-cv-00361-KC, 2025 WL 2606118 (W.D. Tex. Sept. 9, 2025) (granting TRO and habeas relief; directing § 1226(a) custody for interior arrestee misclassified under § 1225(b)); *Alvarez Martinez v. Noem*, No. 5:25-cv-01007-JKP, 2025 WL 2598379 (W.D. Tex. Sept. 8, 2025) (granting habeas; holding the automatic stay of an IJ's bond order violates due process; ordering compliance with IJ bond decision); *Lopez-Arevelo v. Ripa*, No. EP-25-cv-337-KC, 2025 WL 2691828 (W.D. Tex. Aug. 26, 2025) (granting TRO under §2243 and the All Writs Act; enjoining transfer/removal to preserve habeas jurisdiction); *Martinez v. Noem*, No. 3:25-cv-00430-KC, 2025 WL 2965859 (W.D. Tex. Oct. 21, 2025) (even assuming § 1225(b) applies, holding due process requires an individualized bond hearing with Government burden under Mathews); *Souza Vieira v. De-Andra Ybarra*, No. 3:25-cv-00432-DB, 2025 WL 2937880 (W.D. Tex. Oct. 16, 2025) (rejecting §§ 1252(g) and 1252(b)(9) as jurisdictional bars; granting habeas relief); *Hernandez-Fernandez v. Lyons*, No. 5:25-cv-00773-JKP, 2025 WL 2976923 (W.D. Tex. Oct. 21, 2025) (granting habeas; holding long-resident interior arrestee must be governed by § 1226 rather than § 1225(b)); *Erazo Rojas v. Noem*, No. 3:25-cv-00443-KC (W.D. Tex. Oct. 30, 2025) (requiring prompt § 1226(a) bond hearing with clear-and-convincing Government burden or release); *Dominguez Vega v. Thompson*, No. 5:25-cv-01439-XR (W.D. Tex. Nov. 19, 2025) (granting TRO and directing prompt individualized § 1226(a) bond hearing consistent with these precedents); *Hernandez-Hervert v. Bondi*, No. 1:25-cv-01763-RP (W.D. Tex. Nov. 14, 2025) (granting habeas; rejecting reliance on *Matter of Yajure-Hurtado*; requiring § 1226(a) custody process); *Becerra Vargas v. Bondi*, No. 5:25-cv-01023-FB-HJB (W.D. Tex. Nov.

26, 2025) (granting habeas in part; ordering release); and *Navarrete Perdomo v. Bondi*, No. 5:25-cv-01398 (W.D. Tex. Nov. 25, 2025) (granting habeas relief; ordering release). These decisions are not merely persuasive in the abstract, they reflect a consistent, reasoned application of the INA's text and structure to materially identical facts: long-present interior arrestees placed in full § 240 proceedings.

B. Prudential Exhaustion Doctrine

Respondents further contend Petitioner should be required to exhaust their administrative remedies before bringing a habeas challenge in federal court. The prudential exhaustion doctrine would excuse Petitioner pursuing her argument of misinterpretation of the bond statutes through full agency appeal. Because this case turns on a pure question of law (which statute governs Petitioner's custody), agency fact-finding is unnecessary, and the BIA cannot resolve the constitutional issues raised. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 413 (2024) (courts may not defer to an agency's view of law merely because a statute is ambiguous). And, as Petitioner has shown, pursuing a BIA bond appeal is futile in light of *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 214, 221 (B.I.A. 2025)—a point that only underscores why Congress did not channel these detention-authority questions to the BIA or courts of appeals in the first instance. *See, e.g.*, *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379, at *4–6 (E.D. Mich. Aug. 29, 2025). In short, Petitioner does not ask this Court to review a removal order, to police DHS's decision to commence or adjudicate removal, or to second-guess the removal process; rather, consistent with *Jennings*, *Regents*, and Fifth Circuit precedent, he seeks habeas review of the lawfulness of her present civil detention, and §§ 1252(g), 1252(b)(9), and 1252(a)(5) do not deprive this Court of jurisdiction to decide that question.

C. Petitioner's Position On *Maldonado-Bautista* Class Action

Petitioner argues that this Court need not resolve whether she is a class member, and if she were, whether the class action is binding. The facts in this case are not materially distinguishable from numerous other cited decisions of this District deciding that persons present and arrested in the interior in the U.S. such as Petitioner are subject to detention under 8 U.S.C. § 1226(a). This finding is based on the statutes' plain text, congressional intent, canons of statutory interpretation, legislative history, and longstanding agency practices. See *Rodriguez v. Bostock*, 2025 WL 2782499, at *1 n.3 (W.D. Wash. Sept. 30, 2025) (collecting cases). The Court here should hold that because it is 8 U.S.C. § 1226(a), not 1225(b)(2) that applies to Petitioner, her detention without a bond hearing is unlawful.

Additionally, neither Petitioner's membership in the class nor the *Maldonado Bautista* declaratory relief/judgment changes the fact that this Court's intervention remains the sole avenue for Petitioner to address her unlawful detention. This is because the agency has issued internal guidance to its own employees to disregard *Maldonado* in cases outside the Central District of California. On January 13, 2026, the EOIR Chief IJ issued an internal email to all IJs instructing that Immigration Judges (IJs) are to consider *Matter of Yajure-Hurtado* as binding precedent, notwithstanding the class action litigation in *Maldonado-Bautista v Noem*. See https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista (last accessed January 15, 2026).

D. Due Process Requires Immediate Release

Petitioner has demonstrated a profound liberty interest in freedom from civil detention and a concrete, ongoing deprivation of that liberty without the individualized process the Constitution requires. Noncitizens apprehended in the interior are entitled to due process protections under the Fifth Amendment. See *Martinez v. Hyde*, --- F. Supp. 3d ----, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) (quoting *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958)) (explaining the "distinction is one of place—not status" and that immigration law has long distinguished between

noncitizens "who have come to our shores seeking admission" and those who are "within the United States after an entry, irrespective of its legality"). And while Respondents invoke *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025), they fail to grapple with Petitioner's argument that this Court owes no deference to the agency's statutory interpretation after *Loper Bright Enters. v. Raimondo*, 144 S. Ct. 2244 (2024). Petitioner's detention has been inflicting concrete and irreparable harms. It separates her from her family and substantially impairs her ability to defend her removal case—restricting access to counsel, evidence gathering, witness coordination, and the basic tools necessary to prepare her case. These are not abstract injuries; they are the predictable consequences of detention imposed without a meaningful custody process.

Conclusion

In conclusion, the Court should deny Respondents' motion (Dkt. 7), grant the writ, and order release, or in the alternative, a prompt § 1226(a) custody redetermination, with the Government bearing the burden to demonstrate flight risk or danger, and release if none is conducted.

Respectfully submitted on this 29th day of January 2026.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PETITIONER'S REPLY IN SUPPORT OF HIS PETITION FOR WRIT OF HABEAS CORPUS AND RESPONSE TO RESPONDENTS' RETURN in the case of *Parras*-Deminero *v. Bondi*, et al., Civil Action No. 5:26-CV-00222-XR , was sent to Anne Marie Cordova, Assistant United States Attorney, Western District of Texas, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216 through the District Clerk's electronic case filling system on this the 29th day of January 2026.

Dated this 29th day of January 2026.

/s/ Cam Nguyen
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