UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DELVIS DARIEL ROMAN CASTELLANOS,
DHS File No. A [redacted]

Petitioner,

v.

Kevin RAYCRAFT, Field Office Director of Enforcement and Removal Operations, Detroit Field Office, 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; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; JULIE MASSENGILL, in her official capacity as Jail Administrator of Monroe County Jail

Respondents.

Case No. 26-cv-10369

Honorable Matthew F. Leitman
Mag. Judge Patricia T. Morris

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

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INTRODUCTION

Respondents do not dispute that Petitioner has lived in the United States for years. Respondents also do not dispute that Petitioner was designated as an Unaccompanied Minor ("UAC") by the Office of Refugee and Resettlement ("ORR"). Nor do Respondents dispute that the government itself for decades interpreted the Immigration and Nationality Act (INA) to provide for bond hearings for people like Petitioner, or that hundreds of courts have rejected Respondents' new "strained interpretation" of the INA. *Valencia Zapata v. Kaiser*, No. 25-cv-07492, 2025 WL 2741654, at *10 (N.D. Cal. Sept. 26, 2025). Instead, Respondents put forth hyper-technical arguments that have been repeatedly rejected by the courts.

I. Section 1226(a), Not Section 1225(b)(2)(A) Applies to Petitioner.

Respondents rehash the arguments that were rejected in *Maldonado Bautista v. Santacruz*, No. 25-cv-01873, 2025 WL 3713987, at *12 (C.D. Cal. Dec. 18, 2025), a nationwide class action deeming the government's reading of the INA unlawful. Respondents' arguments aren't any more persuasive this time around.

A. Section 1225(b)(2) Cannot Apply to Unaccompanied Minors.

Respondents state that Petitioner is properly detained under Section 1225(b)(2). However, Petitioner was designated by ORR as a UAC upon entry. *See* ECF, No. 1, Pg. 2. Congress outlined a unique procedure for UACs who arrive at borders or points of entry. *See* 8 U.S.C. § 1232(a)(3) & (b). Further, Congress

envisioned that current and former UACs would remain eligible for release, despite being in removal proceedings, and used 8 U.S.C. 1232 to allow for that release. *See* 8 U.S.C. §§ 1232(c)(2)(A) & 1232 (a)(5)(D)(i) (authorizing removal proceedings for unaccompanied children). The argument that Section 1225(b)(2) applies to Petitioner is thus flawed because Petitioner was properly designated as a UAC.

B. Respondents Ignore Both Section 1226 and the INA's Structure.

Respondents invite this Court to read § 1225 in isolation, ignoring not just § 1226, but the INA's overall structure. Section 1226 "authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings," while § 1225 authorizes detention of "certain aliens seeking admission into the country." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). As their titles state, § 1226 relates to "[a]pprehension and detention" of noncitizens living in the U.S., while § 1225 covers procedures at the border, including "[i]nspection by immigration officers" and "expedited removal of inadmissible arriving aliens."

In *Buenrostro-Mendez v. Bondi*, the majority's decision is flawed for the same reasons that Respondents' arguments are. *Buenrostro-Mendez v. Bondi*, 2026 WL 323330 (5th Cir. Feb. 6, 2026). Respondents, and the court of appeals that has reviewed this issue, cannot explain why § 1226 does not render bond-eligible most people who reside here but have not been admitted when it specifically carves out "inadmissible" non-citizens charged or convicted of certain crimes for mandatory

detention. 8 U.S.C. § 1226(c)(1)(A), (D)-(E). A "plain reading of this exception implies that the default discretionary bond procedures in section 1226(a) apply to noncitizens who … are 'present in the United States without being admitted or paroled'" unless § 1226(c) applies. *Rodriguez v. Bostock*, -- F. Supp. 3d --, 2025 WL 2782499, *17 (W.D. Wash., Sept. 30, 2025).

C. Respondents Misunderstand How Section 1225 Works.

Respondents say that Section 1225 distinguishes between recently arrived noncitizens ('arriving aliens') and those like Petitioner who are "present in the United States without a lawful admission ('applicants for admission')." Resp. Brf, ECT No. 5, Pgs. 12-13. Respondents assert that § 1225(b)(1) covers "arriving aliens", while § 1225(a) and (b)(2) apply to "applicants for admission." Not so.

First, the distinction Respondents invent between "arriving aliens" (i.e. people at the border) and "applicants for admission" (i.e. people already in the U.S.) is entirely divorced from the statutory text. Section 1225(a)(1) defines "applicants for admission" to *include* noncitizens arriving in the U.S. *See* 8 U.S.C. § 1225. Meanwhile, in describing "arriving aliens," Respondents themselves cite provisions in *§ 1225(b)(2)* about "crewmen, "stowaways" and people arriving from contiguous territory, even though Respondents contend that § 1225(b)(2) only concerns "applicants for admission." *Id.* There is no plausible way to read § 1225(b)(2) as covering only people who have lived in the U.S. for years.

Second, Respondents misunderstand the structure of § 1225. Section 1225(b)(1) provides for expedited removal and detention of certain noncitizens. Section 1225(b)(2) applies to other "applicants for admission" who are "seeking admission" who are *not* subject to expedited removal but instead are in full removal proceedings. *See Jennings*, 583 U.S. at 287 ("applicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)," with (b)(2) serving "as a catchall provision" that applies to those not covered by (b)(1)).

Recognizing that § 1225 is a border inspection scheme—as dozens of courts have done—does not nullify § 1225(b)(2), which continues to apply to noncitizens arriving at the border who are not subject to expedited removal. In other words:

> § 1225(b)(2) applies to arriving noncitizens who are inadmissible on grounds other than … the grounds that put an arriving noncitizen on the track for expedited removal[]. The statute governing inadmissibility lists ten grounds for inadmissibility…. There are thus arriving noncitizens inadmissible on these other bases who would fall under Section 1225(b)(2), as opposed to Section 1225(b)(1).

Cordero Pelico, 2025 WL 2822876, at* 13. The argument that § 1225(b)(2) is meaningless unless applied to Petitioner is wrong.

D. Respondents Misinterpret Section 1225(b)(2).

Even if one reads § 1225(b)(2) in complete isolation without regard to the statutory structure, it does not support Respondents' reading. Respondents entirely ignore § 1225(b)(2)'s requirement for a determination by an "examining

immigration officer." *See* Pet. Brf, No. 2, Pg. 7. Instead, Respondents focus on whether Petitioner is an "applicant for admission" who is "seeking admission." Oddly, Respondents point to the definition of "admission"—which is "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." Resp. Brf, ECF No. 5, Pgs. 8-9, (citing 8 U.S.C. § 1101(a)(13)(A)). Not only does this definition take us right back to inspections by immigration officers, but "[c]onstruing section 1225(b)(2) to apply to noncitizens already residing in the country would read the word 'entry' out of the definition[]." *Chafla v. Scott*, No. 25-cv-00437, 2025 WL 2688541, at *6 (D. Me., Sept. 22, 2025).

E. Respondents Misunderstand the Legislative History.

Respondents ignore legislative history and regulations showing that § 1226(a) applies here. *See* Pet. Brf, ECT No. 2, Pgs. 5-11. Instead, they argue that in enacting IIRIRA, Congress wanted to ensure that people seeking to enter lawfully are not treated worse than those who entered without inspection. Resp. Brf, No. 5, Pg. 20. The government "err[s] in its analysis by identifying *one* of Congress's concerns in enacting IIRIRA and then treating it as Congress's sole concern driving the statute." *Cordero Pelico*, 2025 WL 2822876, at 13. While Congress was concerned about "placing noncitizens on equal footing in *removal* proceedings" (and IIRIRA thus imposes a greater burden of proof on non-citizens in the U.S. in defending against removal), that "says nothing about detention." *Rodriguez*, 2025 WL 2782499, at *24.

II. Due Process Requires a Bond Hearing.

Respondents do not even try to show a special justification for detaining Petitioner without a bond hearing. Nor weigh the factors of *Mathews v. Eldridge*, 424 U.S. 319, 334-35 (1976). Rather, Respondents argue that because procedural protections exist in *removal* proceedings (i.e., hearings on immigration relief), Petitioner has no right to due process on *detention*. But Petitioner has a liberty interest in freedom from detention that is distinct from their liberty interest in remaining in the U.S. Deprivation of either requires due process.

Respondents argue that Petitioner has been detained for less than six months, however, at the time of filing, Petitioner had been in detention for six months. Without relief from this court, Petitioner's detention is indefinite because he is a class member in *J.O.P v. DHS*, due to his pending application for asylum with United States Citizenship and Immigration Services ("USCIS"). *J.O.P. v. DHS*, No. 8:19-CV-01944-SAG (D. Md.). Per the Settlement Agreement in *J.O.P. v DHS*, Petitioner is entitled to an adjudication on the merits by USCIS. On December 2, 2025, USCIS placed an indefinite hold on all decisions on asylum applications.

III. Requiring Administrative Exhaustion Would Be Futile.

Respondents admit that administrative exhaustion would be futile. Resp. Brf., ECF No. 5, Pg. 6 (admitting that *Yajure Hurtado* bars administrative relief).

IV. The ICE Field Director Is One of Multiple Proper Respondents.

The Sixth Circuit's decision in *Roman v. Ashcroft*, 340 F.3d 314, 320 (6th Cir. 2003), remains good law and establishes that the ICE field office director is Petitioner's "immediate custodian." Respondents' reliance on *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), is misplaced. Far from overturning *Roman*, *Padilla* explicitly declined to reach how the immediate custodian rule applies in the immigration context. *Id* at 435. *Padilla*'s chief concern was preventing habeas petitioners from naming "remote supervisory official[s]" exclusively as respondents. *Id.*

Respondents also argue that petitioners can only name their immediate custodians when seeking habeas relief. The immediate custodian is certainly *a* proper respondent, but that does not mean he is the *only* proper respondent.

CONCLUSION

Petitioner requests that the Court grant the relief requested in the Petition.

Respectfully submitted,

Dated: February 19, 2026

/s/ *Juan Gonzalez Martinez*
Juan Gonzalez Martinez (P89135)
Attorney for Petitioner
15 S Washington St, Suite 201
Ypsilanti, MI 48197
Tel: 734.431.6427
jgonzalezmartinez@michiganimmigrant.org

CERTIFICATE OF SERVICE

I, Juan Gonzalez Martinez, certify that on February 19, 2026, I caused a true and correct copy of the foregoing document to be filed and served electronically via the CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system.

Respectfully submitted,
/s/ Juan Gonzalez Martinez
Attorney for Petitioner
Michigan Immigrant Rights Center