

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO PETITION
FOR WRIT OF HABEAS CORPUS

**I. BUENROSTRO DOES NOT RESOLVE PETITIONER'S
CONSTITUTIONAL CLAIM**

Respondents argue that the Fifth Circuit's decision in *Buenrostro v. Bondi*, 2026 WL 323330 (5th Cir. Feb. 6, 2026), requires denial of this Petition. That is incorrect. *Buenrostro* addressed only whether noncitizens present without admission fall within 8 U.S.C. § 1225(b)(2). *Id.* It did not decide whether post-release detention without an individualized custody determination violates procedural due process. Numerous courts, including courts within this District, have recognized that *Buenrostro* does not resolve constitutional challenges to detention practices such as those presented here.

Accordingly, even assuming *arguendo* that Petitioner is detained under § 1225(b)(2), Respondents' reliance on *Buenrostro* does not dispose of Petitioner's due-process claim. *Id.*

**II. RESPONDENTS FAIL TO DISTINGUISH THIS COURT'S
PRIOR ORDERS**

The Court's Service Order directed Respondents to review the attached habeas decisions and identify any material factual differences

between those cases and Petitioner's case. Respondents did not do so. Those orders, including *Rahimi v. Thompson and Mendoza-Euceda v. Noem*, address materially indistinguishable circumstances such as prior release under supervision, residence in the community, compliance with reporting requirements, subsequent re-detention without custody hearing. The Court granted habeas relief in those cases despite government assertions of § 1225 detention. Respondents identify no meaningful distinction between Petitioner and the petitioners in those orders.

III. PETITIONER FALLS SQUARELY WITHIN THIS COURT'S POST-RELEASE DETENTION LINE

Petitioner's custody history mirrors the petitioners in this Court's prior decisions in that Petitioner entered the United States in 2024, she was released under supervision with an ankle monitor, she complied with ICE reporting requirements, and she resided in the community for nearly a year. On October 28, 2025, she was taken into custody at a routine ICE check-in. She has remained detained since that date without any individualized custody determination.

Thus, as in *Rahimi and Mendoza-Euceda*, Petitioner experienced a significant deprivation of liberty after a period of authorized release without any procedural safeguards. This Court has repeatedly recognized that such post-release re-detention raises constitutional concerns independent of

statutory classification. The relevant constitutional injury is not merely the duration of detention, but the absence of any meaningful custody review following a liberty-restricting seizure from supervised release.

IV. DUE PROCESS REQUIRES AN INDIVIDUALIZED CUSTODY DETERMINATION

Procedural due process protects against the government's arbitrary deprivation of liberty. Petitioner lived in the community under government supervision for approximately eleven months. She was then seized at a check-in and placed into mandatory detention without any opportunity to contest flight risk or dangerousness.

This is precisely the type of custody change that requires individualized process. Respondents' position would allow the government to: release a person into the community, permit them to establish residence and compliance, and later impose mandatory detention without any hearing. That practice is incompatible with due-process principles recognized by this Court's prior habeas rulings.

V. RELIEF REMAINS APPROPRIATE

Respondents assert that §1225 detention forecloses relief. This Court has already rejected that proposition in the attached orders. The appropriate

remedy, consistent with this Court's prior practice, is to require Respondents to provide a prompt custody hearing before an Immigration Judge or release Petitioner under reasonable conditions.

Petitioner has now been detained since October 28, 2025, without any custody determination. Continued detention without process violates due process regardless of statutory classification.

VI. CONCLUSION

Respondents have not demonstrated any material distinction between Petitioner's case and those in which this Court has already granted habeas relief. Nor does *Buenrostro* resolve Petitioner's constitutional claim. Because Petitioner was re-detained from supervised release without any individualized custody determination, her continued detention violates procedural due process.

Petitioner respectfully requests that the Court:

1. Grant the Petition; and
2. Order Respondents to provide Petitioner with a prompt bond hearing before an Immigration Judge or release her under reasonable supervision.

Respectfully submitted,

/s/ Jarad Lance Lott

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CERTIFICATE OF SERVICE

I certify that on February 24, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jarad Lance Lott

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