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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Manuel Armando Ruiz Rodriguez,

Petitioner,

v.

John Mattos, *et.al.*

Respondents.

Case No. 2:26-cv-00316-RFB-EJY

**Federal Respondent's Response to
Amended Petition for a Writ of Habeas
Corpus Under 28 U.S.C. § 2241 (ECF
No. 6)**

Federal Respondents hereby file their Response to Petitioner Manuel Armando Ruiz Rodriguez' Amended Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (ECF No. 6) per this Court's Order to Show Cause, ECF No. 7.

I. Factual Background

On August 18, 2025, Petitioner Manuel Armando Ruiz Rodriguez ("Petitioner") was encountered by Enforcement and Removal Operations (ERO) officers at the Clark County Detention Center after being arrested for driving under the influence. *See I-213 and NTA, attached as Exhibit A.* Petitioner is a citizen of El Salvador who entered the United States without inspection at an unknown place in 2007, and was not in possession of valid immigration documents allowing him to be or remain in the United States legally. **Exhibit A.**

Federal Respondents' position is that 8 U.S.C. § 1225(b)(2)(A) applies to Petitioner and he should be mandatorily detained and hence his Petition should be denied. Federal

Respondents are fully aware of this Court's previous ruling on similar matters involving 8 U.S.C. § 1225(b)(2)(A) and 8 U.S.C. § 1226(a) and the recent vacatur of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Federal Respondents are not waiving nor conceding their previous consistent position that 8 U.S.C. § 1225(b)(2)(A) applies to Petitioner as opposed to 8 U.S.C. § 1226(a).

II. Legal Argument

A. Incorporation By Reference of the United States' Prior Responses

Federal Respondents hereby incorporate by reference the Federal Respondents' Response in *Jacobo Ramirez v. Noem*, Case No. 2:25-cv-02136-RFB-MDC (D. Nev. Oct. 30, 2025). The *Jacobo Ramirez* Response addresses substantially the same questions at issue in the case at bar regarding DHS's authority to detain individuals under § 1225(b)(2) who are not yet admitted and whose cases remain in pending removal proceedings.

For efficiency and consistency, Federal Respondents adopt the *Jacobo Ramirez* Response in full. As the response demonstrates, Petitioner's lawful detention under § 1225(b)(2)(A) is mandatory by statute. Further, as the response demonstrates, the Court lacks jurisdiction to adjudicate this matter.

B. A Growing Body of Well-Reasoned and Persuasive Authority Supports the Federal Respondents' Legal Positions Including the Recent Fifth Circuit Court of Appeals Decision in *Buenrostro-Mendez v. Bondi*, 2026 U.S. App. LEXIS 3899 (5th Cir. 2026).

In the recent decision on February 6, 2026, from the Fifth Circuit Court of Appeals, *Buenrostro-Mendez v. Bondi*, 2026 U.S. App. LEXIS 3899 (5th Cir. 2026) the Court ruled, "unadmitted aliens apprehended anywhere in the United States are ineligible for release on bond, regardless of how long they have resided inside the United States." *Id.* at 9 (quoting *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216). In *Buenrostro-Mendez* the court stated, "The Supreme Court has said, Section 1225(b)(2) operates as a "catchall provision that applies to all applicants for admission not covered by [subsection (b)(1)]." *Jennings v. Rodriguez*, 583 U.S. 281, 287, 138 S. Ct. 830, 837 (2018). Section 1225(b)(2) does not include any exception that permits the government to release detained aliens on bond." *Id.* at 7. In

1 *Buenrostro-Mendez* the court explained, “unlike § 1225(b), § 1226(a)(2)(A) permits, but does
2 not require, the Attorney General to release detained aliens on "bond of at least \$1,500
3 with security approved by, and containing conditions prescribed by, the Attorney
4 General." *See also* 8 C.F.R. §§ 236.1(c)(8), (d), 1236.1(d)(1), 1003.19. Because § 1226 is not
5 limited to applicants for admission, it also covers numerous grounds of deportability,
6 including for admitted aliens who overstay or violate the terms of their visas, engage in
7 conduct that renders them removable, or were improperly admitted. Not all aliens detained
8 under § 1226(a) are eligible for release on bond. If an alien has committed one of the
9 criminal offenses enumerated in § 1226(c), he loses his bond eligibility. 8 U.S.C. §
10 1226(c)(1)(A)-(E). The Laken Riley Act, enacted in 2025, expanded § 1226(c) by adding
11 new bases for ineligibility for bond. *See* 8 U.S.C. § 1226(c)(1)(E). Aside from being
12 ineligible for bond, aliens covered by § 1226(c) also may not be granted parole under 8
13 U.S.C. § 1182(d)(5)(A).” *Id.* at 8. In *Buenrostro-Mendez*, the court emphasized that 8 U.S.C.
14 § 1225(b)(2)(A) requires detention without eligibility for bond of individuals like Petitioner
15 who entered the U.S. without being admitted and stated, “The statute unambiguously
16 provides for mandatory detention”. *See* 8 U.S.C. § 1225(b)(2)(A) (providing that aliens
17 “shall be detained”) (emphasis added); *see also Jennings*, 583 U.S. at 302, 138 S. Ct. at 845
18 (“§§1225(b)(1) and (b)(2) mandate detention of aliens throughout the completion of
19 applicable proceedings and not just until the moment those proceedings begin.”) (emphasis
20 added). And “neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond
21 hearings.” *Jennings*, 583 U.S. at 297, 138 S. Ct. at 842. *Id.* at 11-12.

22 In *Buenrostro-Mendez* the court explained how 8 U.S.C. § 1225(b)(2)(A) and 8
23 U.S.C. § 1226(a) operate and overlap by stating, “It is true that § 1226 applies to aliens in
24 the United States. That it does so, however, does not preclude § 1225 from also applying to
25 such aliens. As the government acknowledges, the two provisions overlap. Accordingly, for
26 petitioners to find support in *Jennings*, they must overread the Supreme Court's language. In
27 particular, they seem to infer that when the Supreme Court specified that § 1226 applies to
28 aliens inside the United States, it implied that § 1225 does not apply to such aliens. But this

1 is the exact sort of language-parsing inquiry that the Supreme Court has cautioned lower
2 courts against. *See Nat'l Pork Producers Council v. Ross*, 598 U.S. 356, 373-74, 143 S. Ct. 1142,
3 1155 (2023) ("[T]he language of an opinion is not always to be parsed [like the] language of
4 a statute." (quoting *Reiter v. Sonotone Corp.*, 442 U.S. 330, 341, 99 S. Ct. 2326, 2332 (1979))).
5 Moreover, even if this court should conduct a granular analysis of the language in *Jennings*,
6 doing so supports the government's interpretation. In claiming that the Supreme Court's
7 pronouncement that § 1225(b) applies to aliens who are seeking admission supports their
8 interpretation, the petitioners inexplicably assume that the Supreme Court understood
9 "seeking admission" in the same way that petitioners do. It demonstrably did not.
10 Elsewhere in *Jennings*, the Supreme Court explained that "§ 1225(b) applies to aliens
11 seeking entry into the United States ('applicants for admission' in the language of the
12 statute)." *Jennings*, 583 U.S. at 297, 138 S. Ct. at 842. That language supports the
13 government's contention that "applicants for admission" are according to the statute
14 seeking entry or admission. And it suggests that when the Supreme Court described § 1225
15 as applying to aliens "seeking admission," it understood that to mean aliens who, like the
16 petitioner here, are present in the United States without admission." *Id.* at 20-22. In
17 *Buenrostro-Mendez*, the court addressed the issue of government's longstanding practice
18 which allowed illegal resident aliens who are present without being admitted, to seek
19 release on bond under § 1226(a) instead of detaining them pursuant to § 1225(b)(2)(A) and
20 explained, "While that is true, the government's past practice has little to do with the
21 statute's text. The text says what it says, regardless of the decisions of prior
22 Administrations. Years of consistent practice cannot vindicate an interpretation that is
23 inconsistent with a statute's plain text". *See, e.g., Pereira v. Sessions*, 585 U.S. 198, 204, 138 S.
24 Ct. 2105, 2111 (2018). In *Pereira*, the court considered whether notices to appear for
25 removal proceedings under 1229(a) had to specify the time and place of removal
26 proceedings. *Id.* at 202, 138 S. Ct. at 2110. Despite 21 years during which the government
27 consistently served notices to appear that omitted time and place information, the court
28 rejected the government's practice based on the text of § 1229(a). *Id.* at 205, 209, 138 S. Ct.

1 at 2111, 2114. The same approach is appropriate here. Regardless of the government's past
 2 practice and regardless of Congress's silence on § 1225(b)(2)(A), the text controls.” Id. at
 3 22.

4 *Buenrostro-Mendez* applies to this case, since Petitioner entered the U.S. without
 5 inspection and is an applicant for admission who is lawfully mandatorily detained under §
 6 1225(b)(2)(A) and is not subject to discretionary detention under 8 U.S.C. § 1226(a).
 7 Although *Buenrostro-Mendez* is not a case from the Ninth Circuit Court of Appeals, it is a
 8 very recent Circuit Court of Appeals decision, which is cited as persuasive authority that
 9 squarely addresses the issues involving 8 U.S.C. § 1225(b)(2)(A) and 8 U.S.C. § 1226(a)
 10 and supports the Federal Respondents’ position.

11 In addition, the United States notes the following recent decisions, each of which
 12 concludes that, when properly interpreted and applied, the governing statutes support the
 13 Federal Respondents’ position in this case: *Chavez v. Noem*, No. 25-02325, 2025 WL
 14 2730228 (S.D. Cal. Sept. 24, 2025); *Vargas Lopez v. Trump*, No. 25-526, 2025 WL 2780351
 15 (D. Neb. Sept. 30, 2025); *Cirrus Rojas v. Olson*, No. 25-cv-1437, 2025 WL 3033967, at *1
 16 (E.D. Wis. Oct. 30, 2025); *Barrios Sandoval v. Acuna*, No. 25-01467, 2025 WL 3048926
 17 (W.D. La. Oct. 31, 2025); *Silva Oliveira v. Patterson*, No. 25-01463, 2025 WL 3095972
 18 (W.D. La. Nov. 4, 2025); *Mejia Olalde v. Noem*, No. 25-00168, 2025 WL 3131942 (E.D.
 19 Mo. Nov. 10, 2025); *Garibay-Robledo v. Noem*, 1:25-cv-00177 (N.D. Tex. 2025); *Montoya*
 20 *Cabanas v. Bondi*, 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Altamiro*
 21 *Ramos v. Lyons*, 2:25-cv-09785, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025); *Cortes Alonzo*
 22 *v. Noem*, No. 1:25-cv-01519, 2025 WL 3208284, at *1 (E.D. Cal. Nov. 17, 2025).

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III. Conclusion

For the foregoing reasons, Federal Respondents respectfully request that the Court deny Petitioner's Amended Petition for Writ of Habeas Corpus.

Respectfully submitted this 25th day of February 2026.

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