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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Gabriel Antonio Maldonado-Jovel,

Petitioner

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

TODD LYONS, in his official capacity as
Acting Director of Immigration and Customs
Enforcement,

MARCOS CHARLES, in his official capacity
as ICE Field Officer Director,

JOHN MATTOS, in his official capacity as the
warden of the Nevada Southern Detention
Facility,

PAMELA BONDI, in her official capacity as
the United States Attorney General,

The Executive Office for Immigration Review

United States Immigration and Customs
Enforcement.

Respondents

Civil No.: **2:26-cv-00360-RFB-EJY**

REPLY TO THE RESPONDENT'S
RESPONSE TO THE VERIFIED PETITION
FOR HABEAS CORPUS

IMMIGRATION HABEAS CASE

I. INTRODUCTION

This case presents a narrow but important question: whether a noncitizen arrested in the interior of the United States may be subjected to mandatory detention under 8 U.S.C. § 1225(b)(2), or whether detention is governed by the discretionary framework of 8 U.S.C. § 1226(a). Respondents' position collapses the Immigration and Nationality Act's structural distinction between border inspection authority and interior arrest authority. The statute does not support that result.

Petitioner does not challenge a removal order. He challenges the Government's authority to detain him without a bond hearing. Habeas jurisdiction therefore lies. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Jennings v. Rodriguez*, 583 U.S. 281, 294–95 (2018). The question before this Court is purely one of statutory interpretation: which detention provision applies.

Respondents rely on *Matter of Yajure Hurtado* and the Fifth Circuit's recent decision in *Buenrostro-Mendez v. Bondi*. Neither controls here. *Buenrostro-Mendez* is not binding in this Circuit and departs from the overwhelming body of district court authority—including numerous decisions in the District of Nevada—holding that § 1226(a), not § 1225(b)(2), governs detention of noncitizens arrested inside the United States. And post-*Loper Bright*, agency interpretations receive no automatic deference where they conflict with the statute's text and structure.

Section 1225 governs inspection at the threshold of entry. Section 1226 governs arrest and detention of noncitizens pending removal proceedings inside the country. Respondents' reading would effectively render § 1226(a) superfluous for a broad class of interior detainees and transform § 1225 into a permanent mandatory detention regime untethered from its border-processing context. The INA does not compel that result.

1 Because Petitioner was apprehended in the interior and placed in removal proceedings, his
2 detention is governed by § 1226(a). He is entitled to an individualized bond hearing. The Petition
3 should be granted.

4 **II. § 1225 IS A BORDER-INSPECTION PROVISION**

5 Section 1225 is a threshold inspection statute. It governs the process by which immigration
6 officers examine individuals who are arriving at, or seeking entry into, the United States and determine
7 admissibility. Its structure reflects that function: subsection (a) addresses inspection, subsection (b)(1)
8 addresses expedited removal, and subsection (b)(2) addresses detention during inspection and
9 admissibility proceedings.
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11 The statute repeatedly ties its operation to the act of seeking entry. *See* 8 U.S.C. § 1225(a)(1)
12 (treating certain noncitizens as “applicant[s] for admission” subject to inspection). The Supreme Court
13 has described § 1225(b) as applying to aliens “seeking entry” and operating during the inspection
14 process. *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018). Nothing in § 1225 suggests that Congress
15 intended it to function as a permanent, interior detention regime untethered from the inspection context.
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17 Reading § 1225(b)(2) to govern any noncitizen present without formal admission, regardless of
18 where or when apprehended, would expand a border-processing provision into a sweeping detention
19 statute. That interpretation would blur the line Congress drew between inspection at the threshold and
20 arrest within the country, and would effectively displace § 1226(a), which expressly governs detention
21 pending removal proceedings after arrest. The statute’s text and structure do not support such a
22 transformation.
23

24 **III. INTERIOR ARRESTS ARE GOVERNED BY § 1226(a)**

25 Section 1226(a) governs the arrest and detention of noncitizens pending removal proceedings
26 after they have been taken into custody within the United States. It authorizes the Government to arrest
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1 and detain a noncitizen “pending a decision on whether the alien is to be removed,” and it expressly
2 permits release on bond except where mandatory detention under § 1226(c) applies. 8 U.S.C. § 1226(a).

3 This provision is the INA’s default interior detention authority. It applies once DHS has
4 initiated removal proceedings and taken the individual into custody inside the country. The Supreme
5 Court has recognized that § 1226 addresses detention during removal proceedings, distinct from the
6 inspection-based regime of § 1225. *See Jennings v. Rodriguez*, 583 U.S. 281, 293–94 (2018). Congress
7 further confirmed the central role of § 1226 in interior detention by enumerating specific categories of
8 mandatory detention within § 1226(c), a step that would be unnecessary if § 1225 already categorically
9 governed all noncitizens present without formal admission.
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11 Respondents’ interpretation would substantially diminish § 1226(a)’s function by shifting a
12 broad class of interior detainees into § 1225’s mandatory detention scheme. But Congress structured
13 the statute differently: § 1225 governs inspection at the threshold of entry; § 1226 governs custody
14 after arrest within the United States. Because Petitioner was apprehended in the interior and placed in
15 removal proceedings, his detention falls under § 1226(a), and he is entitled to an individualized bond
16 determination.
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18 **IV. BUENROSTRO IS NONBINDING AND UNPERSUASIVE**

19 Respondents rely heavily on the Fifth Circuit’s recent decision in *Buenrostro-Mendez v. Bondi*,
20 2026 U.S. App. LEXIS 3899 (5th Cir. Feb. 6, 2026). That reliance is misplaced.
21

22 First, *Buenrostro* is not binding in this Court. It is a Fifth Circuit decision interpreting federal
23 immigration detention statutes in a manner that has not been adopted by the Ninth Circuit and is
24 contrary to numerous district court decisions within this District. This Court is not obligated to follow
25 a single out-of-circuit appellate decision, particularly where it departs from the prevailing
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1 understanding reflected in the overwhelming body of district court authority rejecting the
2 Government's interpretation.

3 Second, *Buenrostro* acknowledged that the majority of district courts to consider this issue had
4 ruled against the Government's position. That consensus reflects the longstanding and settled
5 interpretation of the INA following IIRIRA: noncitizens arrested in the interior and placed in removal
6 proceedings are detained under § 1226(a), not § 1225(b)(2). The Fifth Circuit's departure from that
7 consensus does not erase decades of statutory interpretation or convert a minority view into controlling
8 law.
9

10 Third, *Buenrostro* adopts an overbroad reading of § 1225(b)(2) that fails to account for the
11 INA's structure. The decision treats the phrase "applicant for admission" as dispositive of detention
12 authority without addressing the statute's structural division between border inspection (§ 1225) and
13 interior custody (§ 1226). As explained above, the fact that a noncitizen may be deemed an "applicant
14 for admission" under § 1225(a)(1) does not answer which detention provision governs after arrest
15 within the United States. By collapsing that distinction, *Buenrostro* effectively transforms § 1225 into
16 a sweeping interior mandatory-detention statute—an interpretation that renders § 1226(a) largely
17 superfluous.
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19 Finally, *Buenrostro* relies heavily on textual isolation rather than statutory context. But statutory
20 interpretation requires reading provisions in harmony with the broader structure Congress enacted.
21 Congress specifically placed mandatory interior detention categories in § 1226(c). If § 1225(b)(2)
22 already governed all noncitizens present without admission—wherever found—those targeted
23 amendments to § 1226 would be unnecessary. Courts must avoid interpretations that nullify entire
24 statutory schemes.
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1 In short, *Buenrostro* is not binding on this Court and does not provide a persuasive basis to
2 disregard the INA's structural distinction between border inspection and interior arrest. This Court
3 should decline to follow it.

4 **V. HURTADO RECEIVES NO DEFERENCE**

5 Respondents' position ultimately rests on *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA
6 2025), which reclassified certain interior noncitizens as subject to § 1225(b)(2)'s mandatory detention
7 regime. That decision is not entitled to deference.

8
9 First, courts must exercise independent judgment in interpreting statutes. The Supreme Court
10 has made clear that it is the duty of the judiciary, not the agency, to determine the meaning of federal
11 law. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). Where an agency interpretation
12 conflicts with the statute's text and structure, it must be rejected. *Hurtado* cannot override Congress's
13 statutory framework simply by redefining custody categories through administrative decision.

14
15 Second, *Hurtado* departs from decades of settled practice. For nearly thirty years after IIRIRA,
16 noncitizens apprehended in the interior and placed in removal proceedings were detained under §
17 1226(a), with access to individualized bond determinations unless specifically subject to § 1226(c). An
18 agency's abrupt reinterpretation that upends longstanding statutory implementation, particularly in a
19 manner that expands mandatory detention—warrants careful judicial scrutiny, not reflexive
20 acceptance.

21
22 Third, *Hurtado* collapses distinct statutory provisions. It treats the status-based phrase
23 "applicant for admission" as dispositive of detention authority, effectively converting § 1225 from a
24 border-inspection statute into a sweeping interior detention regime. But the INA assigns different roles
25 to § 1225 and § 1226. An agency cannot rewrite that structure by administrative fiat.
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1 Finally, detention authority implicates core liberty interests. The Supreme Court has repeatedly
2 recognized that immigration detention raises serious constitutional concerns. See *Zadvydas v. Davis*,
3 533 U.S. 678, 690 (2001). Where an agency interpretation expands mandatory detention and eliminates
4 individualized review, courts must ensure that the statute clearly authorizes such a result. Nothing in
5 the INA clearly does so here.
6

7 For these reasons, *Hurtado* is not controlling and should not guide this Court's analysis. The
8 statutory question must be resolved by applying the INA's text and structure, not by deferring to a
9 recent agency departure from longstanding practice.
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11 **VI. CONGRESS CONFIRMED § 1226 GOVERNS INTERIOR DETENTION**

12 Congress's recent amendments to the INA confirm what the statute's structure already makes
13 clear: § 1226, not § 1225, governs detention of noncitizens apprehended in the interior of the United
14 States.

15 In 2025, Congress enacted the Laken Riley Act, which expanded the categories of mandatory
16 detention under 8 U.S.C. § 1226(c). By amending § 1226(c) to add new classes of noncitizens subject
17 to mandatory detention, Congress reaffirmed that § 1226 is the operative detention provision for
18 individuals arrested inside the country pending removal proceedings. If, as Respondents contend, §
19 1225(b)(2) already categorically mandates detention of all noncitizens present without formal
20 admission, wherever found, Congress's targeted expansion of § 1226(c) would have been unnecessary.
21

22 Statutory amendments are meaningful. Courts presume that Congress legislates with awareness
23 of existing statutory structure and does not enact superfluous provisions. By choosing to expand
24 mandatory detention within § 1226(c), Congress demonstrated that it understood § 1226 to be the
25 governing framework for interior custody. It did not amend § 1225 to broaden mandatory detention
26 authority. That omission is telling.
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Moreover, § 1226(c) carefully enumerates specific criminal grounds triggering mandatory detention. That detailed listing would be inexplicable if § 1225(b)(2) already imposed blanket mandatory detention on all noncitizens lacking formal admission. Congress does not craft precise, targeted detention categories in one provision while silently rendering them irrelevant through another.

The Government's interpretation would invert the statute's design. It would treat § 1225 as the dominant detention authority for interior arrests and relegate § 1226 to a narrow or redundant role. But Congress structured the INA differently: § 1225 governs inspection at the threshold of entry; § 1226 governs custody after arrest within the United States. The Laken Riley Act confirms that understanding. For these reasons, Congress's recent amendments reinforce that Petitioner's detention is governed by § 1226(a), entitling him to an individualized bond hearing.

VII. CONSTITUTIONAL AVOIDANCE

Even if the Court were to conclude that the INA's detention provisions are ambiguous, the doctrine of constitutional avoidance compels adoption of the narrower interpretation, that § 1226(a), not § 1225(b)(2), governs Petitioner's detention.

Immigration detention implicates core liberty interests protected by the Due Process Clause. The Supreme Court has repeatedly recognized that "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). While Congress may authorize immigration detention in certain circumstances, courts must ensure that such detention rests on clear statutory authority and does not raise serious constitutional concerns.

Reading § 1225(b)(2) as a categorical, mandatory detention provision applicable to noncitizens apprehended in the interior, regardless of length of residence, ties to the community, or flight risk, would eliminate individualized custody review and potentially authorize prolonged detention without

1 bond. That interpretation would raise substantial due process concerns, particularly for individuals who
2 have lived in the United States for years and are arrested far from the border.

3 By contrast, interpreting the statute consistent with its structure, applying § 1226(a) to interior
4 arrests, avoids those constitutional difficulties. Section 1226(a) permits detention pending removal
5 proceedings but provides for individualized bond determinations before an Immigration Judge. That
6 framework aligns with due process principles and preserves Congress's distinction between border
7 inspection authority and interior custody authority.
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9 Where a statute is susceptible to more than one reasonable interpretation, courts must adopt the
10 construction that avoids serious constitutional problems. Because applying § 1226(a) to Petitioner's
11 detention accords with the INA's structure and avoids significant constitutional concerns, it is the
12 interpretation this Court should adopt.
13

14 **VIII. CONCLUSION**

15 The question before this Court is not whether the Government may detain Petitioner during
16 removal proceedings. It is whether Congress authorized his categorical detention without bond under
17 8 U.S.C. § 1225(b)(2), or whether his custody is governed by the discretionary framework of 8 U.S.C.
18 § 1226(a). The structure, text, and history of the INA confirm that § 1226 governs interior arrests such
19 as this one.
20

21 Respondents' interpretation collapses Congress's carefully drawn distinction between border
22 inspection and interior detention, renders § 1226(a) largely superfluous for a broad class of detainees,
23 and rests on nonbinding and unpersuasive authority. Neither *Buenrostro-Mendez* nor *Matter of Yajure*
24 *Hurtado* compels this Court to disregard the statute's structure. And to the extent any ambiguity exists,
25 the doctrine of constitutional avoidance counsels strongly against adopting an interpretation that
26 authorizes prolonged mandatory detention without individualized review.
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1 Because Petitioner was apprehended in the interior of the United States and placed in removal
2 proceedings, his detention is governed by § 1226(a). He is entitled to an individualized bond hearing
3 before an Immigration Judge.

4 For these reasons, the Court should grant the Petition and order Respondents to provide
5 Petitioner with a bond hearing within a prompt and specified time period, or in the alternative, order
6 his release.
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8 DATED: February 20, 2026
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11 Respectfully submitted,
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