UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRUNO FELIPE GREGORIO *Petitioner,* v. **KEVIN RAYCRAFT, in his official capacity as Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement;** **KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY;** **BONDI, Pamela, in her official capacity of Attorney General of the United States.** *Respondents.*	CASE NO.: 1:26-cv-640 Hon.. Robert J. Jonker

REPLY TO RESPONSE IN OPPOSITION

Respondents cannot and have not attempted to meaningfully contest that individuals in Petitioner's exact posture have been detained, if at all, under 8 U.S.C. § 1226(a), with the right to a bond hearing before an immigration judge. Rather than address the illegality of the government's abrupt abandonment of that long-settled interpretation, Respondents invoke a series of threshold arguments in an effort to avoid judicial review. None of their attempts has merit.

Respondents' exhaustion argument fails because no administrative path exists: *Matter of Yajure-Hurtado* categorically strips immigration judges of jurisdiction to hear bond requests from individuals like Petitioner. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Respondents still insist § 1225(b)(2)(A) applies simply because he entered without inspection, an interpretation precluded by statutory text, regulations, and decades of uniform practice. They claim he has received due process because he "may request a bond hearing," even though the agency itself has eliminated that jurisdiction. Due process does not tolerate illusory procedures, particularly where the deprivation of freedom lies "at the heart of the liberty the Clause protects." *Zadvydas v. Davis,* 533 U.S. 678, 679 (2001). Yet Respondents seem to be satisfied with representing to the courts and the country at large that this phantom judicial equity should be sufficient when guarding inalienable rights.

Respondents argue the APA is unavailable because he challenges detention rather than final agency action, but his petition squarely challenges the July 8, 2025, DHS directive and *Yajure-Hurtado*, which bind immigration judges, dictate classification, and carry immediate legal effect. Finally, the respondents' contention that only the local Field Office Director is a proper respondent is incorrect, as this action challenges nationwide policies created and enforced by DHS and EOIR leadership, all of whom are proper respondents.

Recent authority further confirms that the Respondents' position is unlawful and underscores why habeas relief remains necessary. On November 25, 2025, the Central District of California certified a nationwide class and granted partial summary judgment holding that DHS's policy violates the INA. *Maldonado Bautista v. Santacruz Jr.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025). The court entered final judgment on December 18, 2025. Prior to that

judgment, Respondents argued in federal courts that *Bautista* was "non-binding" because it lacked finality. (**See Exhibit B, Govt Response in W.D. La.**).

Most recently, the *Bautista* Court granted Petitioners' motion to enforce the judgment and expressly vacated *Matter of Yajure Hurtado*, eliminating any remaining basis for Respondents to rely on that decision. Although this order has been stayed for all putative class members outside of the District Court's jurisdiction, the District Court's findings are still illustrative. The court documented widespread nationwide noncompliance with its Final Judgment, including hundreds of post-judgment habeas filings and continued reliance on *Yajure Hurtado* by immigration courts. Indeed, EOIR has previously instructed immigration judges to continue following *Matter of Yajure Hurtado* because "*Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay, or enjoin Yajure Hurtado." **(Exhibit D, Email from Judge Teresa L. Riley)**. The need for habeas relief therefore remains acute to ensure uniform compliance with the federal court's orders and to protect Petitioner's statutory and constitutional rights.

Because Respondents have refused to honor the *Bautista* nationwide rulings, continued litigation in this District is essential. A Writ of Habeas Corpus from *this* Court is the only mechanism to secure Petitioner's immediate release or hearing and enforce the rights declared in *Bautista* against the specific officials holding him in Michigan. Respondents' opposition in this very case proves the necessity of this Writ. They argue that Petitioner, a member of the *Bautista* class, is nonetheless properly detained under § 1225(b)(2). This confirms that without a direct order from this Court to the custodian in this District, Respondents will continue to ignore the nationwide class certification and detain Petitioner indefinitely.

Respondents offer no reasonable justification for detaining Petitioner as though he were an applicant for admission at a port of entry. Their opposition relies on the same misclassification that dozens of federal courts have rejected, and it ignores the sweeping constitutional consequences of denying an entire population access to any form of custody review. As Petitioner is detained under the wrong statute, has been denied the bond hearing that § 1226(a) and the Due Process Clause guarantee, and faces ongoing unlawful confinement that only this Court can remedy, the petition for habeas corpus must be granted.

ARGUMENT

A. Detaining a Special Immigrant Juvenile with Deferred Action Is Arbitrary, Contrary to Congressional Design, and Further Confirms the Unlawfulness of Petitioner's Custody

Respondents' response ignores the facts that the federal government has already determined that Petitioner is entitled to humanitarian protection under the Special Immigrant Juvenile ("SIJ") provisions of the Immigration and Nationality Act and has granted him deferred action. Those determinations matter. Congress created SIJ status specifically to protect children who have been abused, abandoned, or neglected and for whom reunification with one or both parents is not viable. 8 U.S.C. § 1101(a)(27)(J). Obtaining SIJ classification requires multiple layers of governmental review. A state court must first make detailed factual findings concerning abuse, abandonment, or neglect, and federal immigration authorities must then independently adjudicate and approve the SIJ petition. Petitioner successfully completed that process. USCIS approved his SIJ petition, formally recognizing that he falls within this humanitarian protection

framework. The government then went further: DHS granted Petitioner deferred action, an exercise of prosecutorial discretion reflecting the agency's determination that removal should not be pursued while he remains eligible to pursue lawful permanent residence. *See Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 484 (1999). These decisions represent affirmative governmental determinations that Petitioner should remain in the United States.

Against that backdrop, Respondents' position, that the government may detain Petitioner indefinitely as though he were a newly encountered border applicant, makes little sense. The INA's SIJ framework was designed to allow vulnerable children to remain safely in the United States and eventually adjust status to lawful permanent residence. *See* 8 U.S.C. § 1255(h). The statute eliminates several grounds of inadmissibility and provides a pathway to permanent residence precisely because Congress determined that these individuals merit humanitarian protection. Detaining an SIJ beneficiary who has already been granted deferred action directly undermines that statutory structure. The government cannot simultaneously recognize Petitioner as a protected child eligible for permanent residence, exercise prosecutorial discretion to allow him to remain in the country, and treat him as though he were a border entrant who must be mandatorily detained.

Respondents attempt to avoid this contradiction by emphasizing that SIJ classification "does not confer lawful status." That observation is irrelevant. The question before the Court is not whether SIJ constitutes admission; it is whether the government may detain someone whom it has already determined should remain in the United States pursuant to a humanitarian statutory scheme. Nothing in § 1225(b)(2) requires that result. And interpreting the statute to authorize

detention under these circumstances would produce precisely the kind of irrational outcome courts seek to avoid when construing statutory schemes.

Petitioner's SIJ classification and deferred action therefore further illustrate the arbitrary nature of his detention. He is not a newly encountered noncitizen seeking entry into the United States. He is an individual whom the federal government has already vetted, granted humanitarian protection, and authorized to remain while pursuing lawful permanent residence. Detaining such an individual, without a bond hearing and without any individualized determination of flight risk or danger, serves no legitimate immigration purpose. It instead reflects the kind of categorical, policy-driven detention that courts have repeatedly rejected when evaluating immigration custody under the Due Process Clause.

At minimum, Petitioner's SIJ status and deferred action underscore the constitutional concerns presented here. When the government has already determined that an individual should remain in the United States and pursue lawful permanent residence, continued civil detention without individualized review is especially difficult to justify under *Mathews v. Eldridge*, 424 U.S. 319 (1976).

B. Petitioner Is Not Required to Exhaust Administrative Remedies Because Exhaustion Would Be Futile, Is Not Statutorily Required, and Cannot Apply Where the Agency Has Categorically Foreclosed Relief

Respondents' exhaustion theory depends on an administrative path that does not exist. Although they claim Petitioner could seek a bond hearing and then appeal to the Board of Immigration Appeals, the government's own policy categorically strips immigration judges of

bond jurisdiction over individuals like Petitioner. The government cannot demand exhaustion while simultaneously eliminating the remedy it says Petitioner must pursue.

Section 2241 imposes no statutory exhaustion requirement. Courts do not require a futile ritual for the sake of formality. The administrative process has been turned into a futile, pre-determined ritual. The attached declarations confirm a systemic, national pattern where Immigration Judges (IJs) have categorically denied bond motions, explicitly asserting they lack jurisdiction to redetermine custody because of the binding nature of *Matter of Yajure-Hurtado*. **(See Exhibit A)**. This is a denial of authority at the entry-point of relief, rendering the subsequent Board of Immigration Appeals (BIA) appeal moot: the BIA cannot review the merits of a bond when the IJ's denial was based purely on a procedurally defective jurisdictional claim. To appeal a jurisdictional bar is simply to prolong unlawful detention.

Respondents misconstrue *Leonardo v. Crawford, Rabi v. Sessions*, and similar cases. Those decisions involved petitioners who received an actual bond hearing from an immigration judge with jurisdiction, after which BIA review was available. *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011). In that context, exhaustion was required because the agency could provide relief. Here, Petitioner challenges his detention precisely because immigration courts refuse to provide bond hearings at all. *Yajure-Hurtado* bars jurisdiction in the first instance, eliminating the administrative path that respondents describe. Judges in this District have already recognized that exhaustion is unwarranted under these circumstances. See *Sanchez Alvarez v. Noem*, 2025 WL 2942648, at *3 (W.D. Mich. Oct. 17, 2025); *Hernandez Garcia v. Raycraft*, 2025 WL 3122800, at *5 (W.D. Mich. Nov. 7, 2025); *Rodriguez Carmona v. Noem,* 2025 WL 2992222, at *4 (W.D. Mich. Oct. 24, 2025). Crucially, this Court has already recognized in *Juarez Mendez v. Raycraft, No. 1:25-cv-01323, (W.D. Mich. Nov. 18, 2025)* **(See Exhibit C)**, that

exhaustion is not required where the legal issue is predetermined. Requiring Petitioner to formally request a bond hearing just to receive a pre-written denial order based on *Yajure-Hurtado* serves no purpose other than delay.

Respondents argue that Petitioner must first request a bond hearing to exhaust remedies. This ignores the reality of the administrative record. As detailed in the attached declarations from immigration practitioners, Immigration Judges are not merely denying bond on the merits; they have refused to schedule hearings or accept evidence, citing *Yajure-Hurtado* as a total jurisdictional bar. **(See Exhibit A)**. In *Juarez Mendez v. Raycraft, No. 1:25-cv-01323, (W.D. Mich. Nov. 18, 2025)* **(See Exhibit C)**, this Court recognized that exhaustion is not required where the BIA has issued a binding precedential decision that predetermines the outcome. Requiring Petitioner to wait weeks for a pro forma denial order based on a policy this Court has already found unlawful is the definition of a futile exercise.

Respondents also misapply the prudential exhaustion factors. The first factor of agency expertise has no role where the issue is a pure question of law: whether § 1225(b)(2)(A) or § 1226(a) governs Petitioner's detention. That question requires no factual development, and the BIA cannot reconsider *Yajure-Hurtado* in an individual case. The second factor of avoiding bypass of the administrative scheme likewise fails because there is no available scheme to bypass; Respondents have closed every administrative door. The third factor of whether the agency could correct its own mistake underscores the futility: *Yajure-Hurtado* categorically predetermines the outcome. The government has created an executive ouroboros, where the remedy prescribed is consumed by the unlawful actions of the agency itself. Even if an immigration judge accepted a bond request, the BIA would be bound to reverse. Requiring

Petitioner to attempt this empty exercise would only prolong unlawful detention in violation of the Constitution.

Most importantly, the affidavits submitted with this reply confirm what Respondents refuse to acknowledge: there is no administrative path for Petitioner to exhaust. Sworn declarations from immigration attorneys practicing in over **twenty-five jurisdictions**, including Baltimore, Chicago, Cleveland, Detroit, El Paso, Los Angeles, and New York, demonstrate that exhaustion is not merely futile, it is structurally impossible. **(See Exhibit A, various affidavits)**. Immigration Judges (IJs) nationwide have uniformly interpreted *Matter of Yajure-Hurtado* and the July 8, 2025, DHS directive as a complete jurisdictional bar.

This record proves that the administrative remedy Respondents insist upon is a mirage. No IJ will hear Petitioner's bond request on the merits, and the BIA will not review a decision IJs are forbidden to make. To require exhaustion in the face of such predetermined, systemic rejection would be to demand a 'futile ritual' that serves only to prolong Petitioner's unlawful detention.

C. The Government Lacks Statutory Authority to Detain Petitioner Under Section 1225(b)(2)

1. Respondents' Categorical Interpretation is Entitled to Zero Deference Under *Loper Bright*

Respondents' entire statutory argument rests on a "standardized" interpretation of the INA that they claim mandates detention regardless of the duration of a noncitizen's presence in the interior. However, under *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024), this Court is not bound by, and must not defer to, an agency's interpretation of a statute simply because the government finds it convenient. In this case, Respondents have made a "categorical policy

choice" to treat a person who has lived openly in the U.S. for over two years as if they were standing at the border. This Court must exercise its independent judgment to determine if 8 U.S.C. § 1225(b)(2), a statute designed for the "inspection" of "arriving" aliens, can be stretched to authorize the warrantless arrest of an interior resident. Because the statute is a narrow inspection provision, the government's attempt to convert it into a boundless detention power is a legal error that this Court must correct *de novo*

2. **Respondents' Reading of § 1225(b)(2) Violates the Canon Against Surplusage**

Respondents argue that § 1225(b)(2) is a "catchall" that mandates detention for anyone present without admission. This interpretation renders other portions of the INA entirely superfluous. Specifically, if § 1225(b)(2) already mandated detention for all non-admitted persons in the interior, then Congress's recent enactment of the Laken Riley Act, which created specific mandatory detention categories for those inadmissible under § 1182(a)(6)(A), would have been an exercise in futility.

Respondents' claim that this is merely "common redundancy" fails. The Laken Riley Act's focus on § 1182(a)(6)(A) (presence without admission) proves that Congress understands § 1226(a) to be the default rule for those in the interior, with § 1225(b)(2) reserved for the initial inspection process at the border. Because Petitioner was paroled and released into the interior years ago, Respondents' reliance on a "border inspection" statute to justify his current warrantless detention is a statutory misapplication.

D. Petitioner Is Not Properly Detained Under § 1225(b)(2), and Respondents' Interpretation Misrepresents the Statutory Text, Structure, History, and Purpose of IIRIRA.

Respondents insist that § 1225(b)(2) mandates detention of anyone present in the United States without admission, but this reading ignores the text and function of § 1225. Section 1225(a)(3) governs inspection of individuals "seeking admission" at or near the time they present themselves for entry, and § 1225(b)(2) applies only when an "examining immigration officer determines" during that inspection that an individual is not "clearly and beyond a doubt entitled to be admitted." As the *Bautista* court held, the mandatory detention provision of § 1225(b)(2) contains a specific factual predicate: a determination by an 'examining immigration officer' regarding admissibility. In Petitioner's case, while he was encountered by CBP, he was not processed for expedited removal or mandatory detention at that time. Instead, he was released into the interior with a Notice to Appear, initiating § 1229a proceedings. This initial processing confirms that the agency itself did not treat him as an 'applicant for admission' subject to mandatory detention upon entry. DHS cannot now, months later, after arresting him at a check-in, retroactively apply a border-processing statute that requires a contemporaneous determination by an examining officer. Nothing in the INA permits DHS to retroactively convert a previous entry into an "ongoing inspection" to impose border-style detention.

Respondents further argue that anyone "seeking to remain" is "seeking admission," but "seeking admission" is a term of art limited to presenting oneself for inspection, not to remaining in the United States during removal proceedings. While the government is likely delighted by the prospect of twisting settled law and basic language to fit their own agenda, it is the proverbial forcing a square peg into a round hole, and the Court should be skeptical of such reasoning. Congress could have drafted § 1225(b)(2) to cover "any alien present without admission." It did not. Respondents' interpretation, which asserts that all unadmitted aliens are 'applicants for admission,' 'unacceptably collapse[s] § 1226 into nonexistence. This violates the settled rule

against surplusage, as the court found, noting that only Petitioner's reading allows § 1225 and § 1226 to exist in 'harmony' and maintains an 'appreciable or meaningful distinction' between the permissive 1226 and the restrictive 1225.

Respondents' reliance on *Buenrostro-Mendez v. Bondi*, 2026 WL 323330 (5th Cir. Feb. 6, 2026), is misplaced. As an initial matter, *Buenrostro* is not binding in this Circuit. More importantly, the Fifth Circuit did not address the precise posture presented here, which is an individual long released into the interior following CBP custody and later subjected to mandatory detention based on DHS's recent policy shift. Nor did *Buenrostro* consider the widespread historical practice, recognized by multiple district courts, of processing similarly situated noncitizens under § 1226(a) with access to bond hearings. At minimum, *Buenrostro* reflects an emerging disagreement among courts regarding the government's novel interpretation of § 1225(b)(2). In this posture, this Court must conduct its own independent analysis of the statutory scheme. See *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024). For the reasons set forth above, the better reading of the INA confirms that Petitioner's detention is governed by § 1226(a), not § 1225(b)(2).

Mandatory detention turns on a determination made during inspection, not on DHS's preferred reclassification. The government's interpretation fails to account for Congress's choice to use the active term "seeking" in describing those immigrants covered by § 1225(b)(2). "Seeking" "implies action[.]" Lopez-Campos v. Raycraft, No. 2:25-cv-12486 at *6, 2025 WL 2496379, at *6 (E.D. Mich. Aug. 29, 2025); see also *Sumba v. Crowley*, No. 1:25-cv-13034, 2025 WL 3126512, at *4 (N.D. Ill. Nov. 9, 2025) ("a present participle stated in the progressive tense [] implies some ongoing, affirmative action[.]" (emphasis in original)).

Nor does Respondents' claim that § 1226(a) remains applicable only to admitted noncitizens align with the statutory design. Section 1226(a) governs the overwhelming majority of removal cases, including all interior arrests of noncitizens, whether they entered lawfully or unlawfully. Their reliance on § 1226(c) or the Laken Riley Act is misplaced; those provisions expand mandatory detention for specified criminal categories, not for long-term residents who are not undergoing inspection.

Finally, the respondents' argument that parole under § 1182(d)(5) is the Petitioner's sole release mechanism assumes he is properly detained under § 1225(b)(2). He is not. Under the correct framework of § 1226(a), immigration judges retain bond authority. Parole is not a substitute for individualized custody review and cannot constitutionally replace bond hearings.

E. Petitioner's Mandatory, Indefinite Civil Detention Grossly Violates Due Process

Respondents' due process argument relies on incorrect readings of Supreme Court precedent and a misunderstanding of the protections owed to long-term residents arrested inside the United States. *Shaughnessy v. United States ex rel. Mezei* and *Kaplan v. Tod* involved returning individuals stopped at the border; *Thuraissigiam* involved a recent entrant apprehended within yards of the border and placed in expedited removal. *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953); *Kaplan v. Tod*, 267 U.S. 228 (1925); *DHS v. Thuraissigiam*, 591 U.S. 103 (2020). None concerned an individual like Petitioner, who was previously released by CBP, and is in full § 1229a proceedings.

For more than a century, the Supreme Court has held that once a noncitizen enters the country and is found within the United States, they are entitled to greater protections than those turned away at the border. *Yamataya v. Fisher*, 189 U.S. 86 (1903). Respondents cite *Yamataya*

selectively while ignoring its core holding: interior residents, even if they entered unlawfully, are owed meaningful due process. "Therefore it is not competent for the Secretary of the Treasury or any executive officer, at any time within the year limited by the statute, arbitrarily to cause an alien who has entered the country, and has become subject in all respects to its jurisdiction, and a part of its population, although alleged to be illegally here, to be taken into custody and deported without giving him all opportunity to be heard upon the questions involving his right to be and remain in the United States." *Id.*

Respondents assert that because Petitioner "has not been admitted," he receives only the minimal process afforded to arriving aliens. That is patently false. The Fifth Amendment protects "all persons" within the United States, *Zadvydas*, 533 U.S. at 693, and especially those who, like Petitioner, have lived here for many years and established substantial connections. Courts in this District have repeatedly rejected the government's due process theory in cases involving long-term residents classified under § 1225(b)(2). See *Hernandez Garcia v. Raycraft*, 2025 WL 3122800, at 6 (W.D. Mich. Nov. 7, 2025); *Sanchez Alvarez v. Noem*, 2025 WL 2942648, at 7 (W.D. Mich. Oct. 17, 2025); *Rodriguez Carmona v. Noem,* 2025 WL 2992222, at 6 (W.D. Mich. Oct. 24, 2025).

Respondents' claim that Petitioner has "access to counsel," "notice," and "may request a bond hearing" is not only incorrect, it makes a mockery out of due process. He cannot request a bond hearing because *Yajure-Hurtado* removes immigration judge jurisdiction for individuals categorized under § 1225(b)(2). The availability of removal proceedings does not satisfy due process where the detention itself is unlawful, and Respondents' assertion that detention has been "brief" ignores the open-ended nature of custody in this situation, something *Demore* explicitly warned against. 538 U.S. at 529.

Courts evaluating prolonged interior detention consistently apply the factors under *Mathews v Eldridge*. *See Santiago Santiago v. Noem*, 3:25-cv-00361-KC (W.D. Tex. October 1, 2025). All three factors compel relief: (1) Petitioner's liberty interest is at the core of the Due Process Clause; (2) the risk of erroneous deprivation is high because he has been misclassified under § 1225(b)(2) and denied any chance to show lack of danger or flight risk; and (3) the government's interests are fully protected by a bond hearing- the mechanism Congress authorized in § 1226(a) for § 1229a cases. *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under *Mathews*, due process requires at least one meaningful bond hearing.

F. Petitioner's APA Claims are Properly Before the Court

Respondents argue that Petitioner's APA claims are "not properly before the Court," but that position reflects a misunderstanding of both the petition and the APA. Petitioner is not pursuing a freestanding APA lawsuit or seeking summary judgment on a final rule. He invokes the APA in the limited way habeas permits: to show that the statutory interpretation underlying his detention is unlawful, ultra vires, and contrary to the INA. The APA provides interpretive standards for evaluating the legality of detention; it is not an independent cause of action here.

Respondents incorrectly assume Petitioner filed a "hybrid" APA–habeas action. He did not. Every requested remedy, release and declaratory clarification of the statutory basis for detention, falls squarely within habeas. Habeas courts routinely use APA § 706 standards when determining whether an agency has acted "contrary to law" or "in excess of statutory jurisdiction." Doing so does not convert the case into an APA suit; it applies settled principles permitting habeas courts to reject unlawful interpretations embedded in detention decisions.

Petitioner has not attempted to simultaneously pursue a distinct APA remedy. He has not sought rulemaking, an administrative record, or any relief available only under § 702. He seeks

only release and a declaration that DHS's detention is contrary to the statute. The APA argument simply explains why DHS's July 2025 policy shift is invalid and cannot support detention. Respondents misread § 704 and *Trump v. J.G.G.* 145 S. Ct. 1003 (2025). Section 704 bars freestanding APA suits where habeas provides complete relief; it does not bar habeas petitioners from invoking APA principles.

Petitioner agrees with the Supreme Court in *J.G.G.* that § 2241 is the habeas vehicle to challenge the 'fact or duration' of detention, not the condition. However, the APA serves a critical function: establishing that the underlying agency policy (*Yajure-Hurtado* and the DHS Guidance) is 'ultra vires' and 'in excess of statutory jurisdiction.' By claiming the APA is unavailable, Respondents are essentially asserting a right to hide their 'arbitrary, capricious, and ultra vires' policy decision-making from judicial review, even when that policy leads to illegal confinement.

J.G.G. held only that petitioners seeking release must proceed via habeas, not a standalone APA action. *Id.* Petitioner has done exactly that. The APA therefore, remains available as an interpretive framework for determining whether detention is lawful. Respondents' theory would mean habeas courts could not consider whether DHS acted arbitrarily or beyond statutory authority, even when detention rests on a plainly unlawful interpretation.

G. The Suspension Clause Squarely Protects Petitioner's Habeas Challenge to the Lawfulness of His Detention.

Respondents mischaracterize Petitioner's claim as a challenge to removal, rather than detention, in an effort to place him outside the protection of the Suspension Clause. This is incorrect. The petition challenges his ongoing physical restraint, the statutory basis for that custody, and the government's assertion that he is a mandatory-detention "applicant for admission" without access to bond. The Supreme Court's decision in *Thuraissigiam* does not

limit the Suspension Clause to removal-related claims. Rather, the Court held that the Suspension Clause historically protects "core" habeas claims seeking release from unlawful custody. *Thuraissigiam*, 591 U.S. at 119–21. That is exactly what Petitioner seeks: release from unlawful mandatory detention under a misapplied statute. The petition neither challenges his removal order nor seeks relief from expedited-removal procedures; instead, it challenges his present detention. Nor is Petitioner barred from invoking constitutional protections due to the manner of his entry. Courts in this district and across the country have repeatedly held that § 1225(b)(2) detention of long-term residents arrested in the interior (far outside the border-control context of *Thuraissigiam*) triggers full habeas review. See, e.g., *Hernandez Garcia v. Raycraft,* 2025 WL 3122800, at *6 (W.D. Mich. Nov. 7, 2025).

H. Multiple Federal Respondents Are Proper Because the Petition Challenges Both Custody and the Legal Authority Underlying that Custody.

This case challenges DHS's July 2025 policy shift, the nationwide interpretation of § 1225(b)(2), and the federal executive officials who have promulgated and enforced that interpretation. The Sixth Circuit recognizes that in immigration habeas petitions, "extraordinary circumstances" justify naming higher-level officials when they possess ultimate authority over detention policy or the statutory interpretation being challenged. *Roman v. Ashcroft*, 340 F.3d 314, 320–22 (6th Cir. 2003). That is precisely the situation here: the detention flows directly from federal policy decisions issued at the highest levels of DHS and the Attorney General.

Respondents fail to identify any prejudice or practical impediment created by the presence of additional federal respondents. Their inclusion ensures that the individuals responsible for the policy and statutory interpretation at issue are properly before the Court. This Court expressly rejected the Respondents' attempt to dismiss high-level officials in *Mendez*. The

Court retained Secretary Noem as a respondent specifically to ensure authority to enforce relief in the event of transfers. *Juarez Mendez v. Raycraft, No. 1:25-cv-01323, (W.D. Mich. Nov. 18, 2025)* **(See Exhibit C)**, the same logic applies here: dismissing the policymakers who mandated this unlawful detention regime would frustrate the Court's ability to grant complete relief, particularly given ICE's practice of moving detainees between districts. Furthermore, Secretary Noem is a necessary and proper respondent to ensure the Court retains jurisdiction to enforce relief in the event of a transfer. Given ICE's practice of transferring detainees between facilities and districts, retaining the Department Head is essential to ensure that any Writ issued by this Court cannot be defeated by moving the Petitioner across state lines.

I. Declaratory Relief Is Necessary for Petitioner and the Putative Class.

The need for declaratory relief in this case is underscored by the parallel class litigation now pending in the Central District of California, where the court has already issued three comprehensive rulings rejecting the very statutory arguments Respondents advance here. In *Maldonado Bautista v. Santacruz*, the court held that DHS's July 8, 2025, directive is unlawful because it "contradicts the statutory text, structure, and design of the INA" and impermissibly reclassifies long-term interior residents as "applicants for admission" subject to mandatory detention under § 1225(b)(2). *Maldonado Bautista v. Santacruz Jr.*, 5:25-cv-01873-SSS-BFM (C.D. Cal. November 20, 2025). The court found that such reclassification "collapses the INA's carefully drawn distinction between border processing and interior arrest" and unlawfully strips individuals of their statutory entitlement to bond hearings under § 1226(a). *Id.* That reasoning applies with equal force here, where Petitioner is detained on the basis of the very policy the California court found unlawful.

The same court also certified a nationwide "Bond Eligible Class," encompassing all noncitizens present in the United States without lawful status who entered without inspection, were apprehended in the interior, and are not subject to detention under §§ 1225(b)(1), 1226(c), or 1231. *Id.* In granting certification, the court held that the July 2025 DHS directive operates as a single unlawful, system-wide policy applied uniformly to all putative class members, and that declaratory and injunctive relief under Rule 23(b)(2) is not only appropriate but essential to protect the due-process rights of thousands of similarly situated individuals. *Id.* The court rejected the government's argument that § 1252 bars such relief, finding instead that individuals in Petitioner's posture are detained under § 1226(a) and thus remain entitled to bond determinations. *Id.*

Petitioner is squarely within the class definition and suffers the same unlawful injury: reclassification as an "applicant for admission" after CBP issued a Notice to Appear and released him, denial of bond eligibility, and confinement under a detention statute that does not apply to him. A declaratory judgment from this Court would therefore not only provide complete relief to Petitioner, but also harmonize this District's rulings with the developing national jurisprudence recognizing that DHS's July 2025 reinterpretation is unlawful. As the California court emphasized, only declaratory relief can prevent the government from continuing to apply a legally erroneous and unconstitutional statutory framework to thousands of long-term residents arrested in the interior. Even more pressing is the fact that the Court must send a strong message to the government: that its attempts to warp plain language and readings of statutes, case law, and judicial orders will not be tolerated.

Respondents may argue that the *Bautista* nationwide certification renders this action moot or duplicative. This is incorrect. As the Supreme Court held in *Rumsfeld v. Padilla*,

jurisdiction for core habeas relief lies in the district of confinement with the " immediate custodian". 542 U.S. 426, 434-435 (2004). A declaratory judgment from California, while authoritative on the law, does not carry the coercive power of a Writ of Habeas Corpus directed at Respondents Raycraft and Dunbar. Without a specific order from this Court, Petitioner remains in a legal limbo wherein a member of a victorious class in California, yet physically detained in Michigan by officials who refuse to honor that ruling. This petition is the necessary enforcement mechanism for the rights established in *Bautista*.

CONCLUSION

Respondents bear the burden of justifying civil immigration detention. They have not met that burden here. Their opposition expressly disclaims any attempt to engage with Petitioner's individual circumstances, relying instead on a standardized memorandum untethered to the facts of this case. As a result, Respondents do not dispute that Petitioner entered the United States without permission, lived openly in the interior for an extended period with the government's authorization, filed a timely asylum application, and was arrested without any individualized determination that detention was necessary.

Civil detention must be the product of reasoned, individualized decision-making. Where the government offers no petitioner-specific justification, no procedural safeguards, and no available administrative remedy, continued detention violates the Fifth Amendment. This Court is not required to defer to a detention regime that is defended only in the abstract and unsupported by the record.

For these reasons, Petitioner respectfully requests that the Court grant the writ and order his immediate release. In the alternative, Petitioner requests a prompt bond hearing before a neutral decisionmaker at which the government bears the burden of proving that continued detention is justified.

Dated: March 10, 2026

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