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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Jesus Alonso Luna Rodriguez, **Petitioner,** **v** **Kristi Noem, *et al,*** **Respondents.**	**Case No. 2:26-cv-01509-SPL--JZB** **A#** [redacted] **PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO HABEAS PETITION**

Petitioner Jesus Alonso Luna Rodriguez, files this reply to Respondents' Response to his Petition for a Writ of Habeas Corpus [doc 8]. Respondents assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(a) and urge this Court to reject the holding of *Echevarria v. Bondi, et al.,* No. 2:25-cv-03252-PHX-DWL, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025).

Respondents also argue that this Court should follow the recent Fifth Circuit decision in *Buenrostro-Mendez v. Bondi*, ___ F.4th ___, 2026 WL 323330 (5th Cir. Feb. 6, 2026), which adopts the statutory interpretation position of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025), that all noncitizens present in the United States without admission – no matter how long they have resided here – are still "applicants for admission" under 8 U.S.C. § 1225(a) and not entitled to bond hearings because they are subject to mandatory detention under § 1225(b)(2)(A).

However, *Buenrostro-Mendez* never reached any due process issues, confining its analysis and holding to statutory interpretation. Furthermore, the case was

remanded to the district court "for further proceedings consistent with this opinion." *Buenrostro-Mendez v. Bondi,.* 2026 WL 323330 at *10. Doubtless those further proceedings will entail consideration of the Petitioner's due process claim, which the district court declined to reach in the first instance. *See, Buenrostro-Mendez v. Bondi*, No. 25-cv-3726, 2025 WL 2886346, at *3 n.4 (S.D. Tex. Oct. 7, 2025).

Thus, even in Texas, many district courts have held that *Buenrostro-Mendez* does not foreclose habeas relief on due process grounds. *See, Garcia Balbuena v. Garite et al.,* No. EP-26-CV-00090-DB, at 3 n. 1 (W.D. Tex. Feb. 13, 2026) ("This Court acknowledges the Fifth Circuit's precedential decision in *Buenrostro-Mendez v. Bondi,* No. 25-20496, 2026 WL 323330 (5th Cir. 2026) issued on February 6, 2026, determining Respondents' statutory interpretation of Section 1225(b)'s mandatory detention provision is correct. However, *Buenrosto-Mendez* does not change this case's outcome on procedural due process grounds."); *Cortes Escandon v. Angel Garite et al.,* No. EP-26-CV-314-KC, at *4 (W.D. Tex. Feb. 13, 2026) ("*Buenrostro-Mendez* does not preclude Cortes Escandon's procedural due process claim."); *Mayorga-Valdez v. Lyons, et al.,* No. EP-26-CV-281-KC, at *2 (W.D. Tex. Feb. 12, 2026) ("However, the *Buenrostro-Mendez* court did not reach the due process question, confining its analysis and holding to statutory interpretation."); *Aslonov v. Warden Of The Ero El Paso Camp East Montana, et al.,* No. EP-26-CV-00239-DB, at *2 (W.D. Tex. Feb. 12, 2026) (Respondents argue that the issues regarding "detention should be governed by, 8 U.S.C. § 1226, that Petitioner is being unlawfully detained and deprived of a bond hearing, and that the detention violates the United States Constitution were rejected in *Buenrostro.*" This Court disagrees."); *Marceau v. Noem et al.,* No. EP-26-CV-237-KC, 2026 WL 368953, at *2 (W.D. Tex. Feb. 9, 2026) ("In sum, *Buenrostro-*

Mendez has no bearing on this Court's determination of whether [a habeas petitioner] is being detained in violation of his constitutional right to procedural due process."); *Cumbe Lema v. De Anda-Ybarra et al.,* No. EP-26-CV-249-KC, 2026 WL at *3 (W.D. Tex. Feb. 9, 2026) ("*Buenrostro-Mendez* has no bearing on this Court's determination of whether Cumbe Lema is being detained in violation of his constitutional right to procedural due process.); *Hassen v. Noem*, No. 3:26-cv-48-DB, at *4 n.1 (W.D. Tex. Feb. 9, 2026), ECF No. 8 ("*Buenrostro-Mendez* does not change this case's outcome on procedural due process grounds.").

The Seventh Circuit, in a preliminary ruling, recently determined that the government was "not likely to succeed on the merits" of its argument that aliens present in the United States without admission are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1061-62 (7th Cir. 2025). The Ninth Circuit will hear argument on this issue on March 4, 2026, in *Rodriguez Vazquez v. Bostock*, No. 25-6842 (9th Cir.).

As discussed in the Response, a Bond Eligible Class class was recently certified in *Maldonado Bautista v. Santacruz*, defined as:

> [a]ll noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody

Maldonado Bautista v. Santacruz, 2025 WL 3288403 at *9 (C.D.Cal. 11/25/2025).

Petitioner is clearly a member of the Bond Eligible Class certified in *Maldonado Bautista*. Because the court in *Maldonado Bautista* granted only class-wide

declaratory relief,[1] an individualized habeas order is required for Petitioner to receive his bond hearing. A challenge to the legality of detention is a core habeas claim which must be raised against the Petitioner's immediate custodian. *Calderon v. Ashmus*, 523 U.S. 740, 747 (1998).

On 2/18/2025 an Order Granting Plaintiff Petitioners' Motion to Enforce Judgment entered in *Maldonado Bautista,* explicitly vacating the holding of *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (B.I.A. 2025) as contrary to law under the Administrative Procedures Act, 5 U.S.C. § 706(2)(A). *See, Maldonado Bautista v. Santacruz,* 2026 WL 3288403 at *9 (C.D.Cal. 2/18/2025). Although a stay of that order was granted by the Ninth Circuit Court of Appeals on 3/5/2026, Ninth Circuit docket no. 26-1044, entry 5, this Order also supports Petitioner's request for habeas relief.

CONCLUSION

Petitioner Jesus Alonso Luna Rodriguez requests the Court grant his petition for habeas and require Respondents to immediately release him or, in the alternative, schedule him for a bond hearing within seven (7) days under 8 U.S.C. § 1226, without

[1] 8 U.S.C. § 1252(f)(1) provides that only the Supreme Court "shall have jurisdiction or authority to enjoin or restrain the operation of the provisions of part IV of this subchapter, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996..." *Garland v. Aleman Gonzalez,* 596 U.S. 543, 556 (2022) confirmed that a U.S. District Court could not issue class-wide injunctive relief. However, declaratory actions remain permissible under 8 U.S.C. § 1252(f)(1). *See, e.g., Nielsen v. Preap*, 586 U.S. 392, 402 (2019) (explaining that § 1252(f)(1) did not eliminate "jurisdiction to entertain the plaintiffs' request for declaratory relief"); *Steffel v. Thompson*, 415 U.S. 452, 471 (1974) ("Though it may be persuasive [declaratory relief] is not ultimately coercive.").

regard to the holding of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025).

Dated: March 12, 2026

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