UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

LUIS MANUEL RODRIGUEZ-RODRIGUEZ, Petitioner, v. KEVIN RAYCRAFT, et al., Respondents.	Case No. 3:26-CV-667 JUDGE BENITA Y. PEARSON

PETITIONER'S REPLY TO RESPONDENT'S RETURN OF WRIT

I. INTRODUCTION.

Petitioner filed this Habeas action to challenge the lawfulness of his detention by Respondents. Respondents do not dispute the factual basis of Petitioner's claim, and instead, allege that Petitioner is subject to mandatory detention under 1225(b), and ineligible for custody redetermination hearing before an IJ.

Respondents' argument is misplaced and should fail. Federal courts across the country, including this Court, have, and continue to hold, that detention of none-citizens, like Petitioner, is governed under § 1226(a). Respondents' argument is contrary to overwhelming authority and should fail in parallel with *Lopez v. Raycraft*, and *Echavarria Morales v Noem*.

As outlined below, the Court should reject Respondents' argument and proceed to grant Petitioner's habeas corpus petition and order Respondents to immediately release him.

II. EXHAUSTION IS NOT REQUIRED IN CASES SUCH AS PETITIONER'S.

Respondents' attempt to dismiss the Action fails at the threshold because exhaustion is not required before filing the Habeas Petition. No applicable statute or rule mandates administrative exhaustion, and courts in this circuit have applied the Ninth Circuit precedent in similar cases. *Samanpreet Singh v. Fredrick W. Stevens*, No. 3:26 CV133, 2026 (N.D. Ohio Feb. 18, 2026) (Pearson, J.) at *7 ("requiring Petitioner to go through the administrative process would be fruitless and a waste of time.")

Federal courts have overwhelmingly held, and continue to hold, that exhaustion in § 2241 immigration detention cases is a prudential doctrine—not a jurisdictional bar—and courts retain full discretion to hear habeas claims even where administrative remedies haven't been pursued. *Compare Lopez-Campos v. Raycraft*, 797 F. Supp. 3d 771, 778 (N.D. Ohio 2025). See also, *Echavarria Morales v. Noem*, No. 3:25CV2691, 2026 WL 100583 (N.D. Ohio Jan. 14, 2026) (Pearson, J.) ("Here, all three [Ninth Circuit] factors weigh against requiring exhaustion.").

Similarly, Petitioner's detention includes a due process claim, and requiring exhaustion is inappropriate where Petitioner is challenging the government's legal authority to detain him under a specific statute.

III. CONSTITUTIONAL VIOLATIONS IN PETITIONER'S CASE MERIT IMMEDIATE RELEASE.

Respondents do not allege that Petitioner's re-detention was due to an assessment of either danger or flight risk. Respondents further claim that Petitioner has received notice of the charges against him, has access to counsel, is scheduled to attend hearings with an immigration judge, has the right to appeal the denial of any request for bond, and has been detained by ICE for a relatively short period of time. (*See* ECF No. 4.) Respondents' argument considering *Thuraissigiam* is misplaced, and Petitioner redirects this Court to *A. A. R. P. v. Trump*, 145 S. Ct. 364, 1367 (2025) ("Due Process applies to none-citizens), and *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Accordingly, Petitioner's Fifth Amendment due process rights were, and continue to be, violated, and is, therefore, entitled to immediate release from Respondents' custody

IV. SECTION 1225(B)(2)(A) CANNOT APPLY TO PETITIONER BECAUSE PETITIONER IS NOT AN "APPLICANT FOR ADMISSION" WHO IS "SEEKING ADMISSION" BEFORE AN "IMMIGRATION OFFICER."

Respondents' attempt to subject Petitioner to mandatory detention under § 1225(b)(2)(A) defies the plain text of that provision. Congress made clear that to fall under Section § 1225(b)(2)(A), noncitizens must satisfy three criteria: that they be (1) an "applicant for admission" who is (2) "seeking admission" to the United States (3) before an "immigration officer." By using these three unique terms in the same provision, Congress meant for each of them to introduce *distinct* requirements that must all be satisfied before the provision applies. *See United States, ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023) ("[E]very clause and word of a statute should have meaning." (internal quotations omitted)); *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (similar); *Pulsifer v. United States*, 601 U.S. 124, 141 (2024) (similar).

In their response. Respondents assert that Petitioner is an Applicant for admission, and an alien "seeking admission," (*See Motion*, Dkt # 4, Page ID # 9, 10.). The term "seeking admission" is not defined anywhere in the INA[1], making the structure and context of §1225 even more instructive. Interpreting the INA properly shows that "seeking admission" describes a narrow class of recent arrivals who are presenting themselves for admission at or near the border. Petitioner clearly does not fall within that class.

By deploying "seeking admission" within § 1225's border inspection scheme—and not § 1226—Congress intended to limit this term to covering just the detention of noncitizens seeking admission at or near the border. *See Pizarro Reyes*, 2025 WL 2609425 at *5; *Martinez*, 792 F. Supp. 3d at 211. That is why the statute's implementing regulations, which were "promulgated mere months after passage of the statute and have remained consistent over time," *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 489 (S.D.N.Y. 2025) (cleaned up), describe those seeking admission as "arriving aliens," 8 C.F.R. § 235.3(c)(1), who are "*coming or attempting to come into* the United States," 8 C.F.R. § 1.2 (emphasis added). *See Martinez*, 792 F. Supp. 3d at 219 (the regulations' use of "arriving alien" is "roughly interchangeable with an 'applicant . . . seeking admission'" as used in § 1225(b)(2)(A)). *See also Salcedo Aceros v. Kaiser*, No. 25-cv-06924, 2025 WL 2637503, at *10 (N.D. Cal. Sept. 12, 2025) (same).

[1] At most, the INA provides a definition only for the word "admission": "the lawful entry of the [noncitizen] into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). But this partial definition does not help clarify what the affirmative act of "*seeking* admission" entails in the context of § 1225(b)(2)(A). And in any event, it does not describe what Petitioner is doing here: Petitioner is not before an "immigration officer." *See* Section II.c., *infra*.

Petitioner is not presenting himself for admission at the border; he arrived at the border years ago and has been residing in the United States since. Petitioner simply wishes to remain in the country he has long called home—not to enter it. Petitioner does not satisfy any of these three criteria, let alone all of them. Thus, § 1225(b)(2)(A) cannot govern Petitioner's detention.

V. CONCULSION

For the forgoing reasons, this Court should reject Respondents' argument, grant the Petitioner for Write of Habeas Corpus, and order Petitioner's immediate release from Respondent's custody.

Dated: April 14, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Joseph Mamari
Attorney for Petitioner