UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

LEON AMENDANO, Carlos Hermel,

Petitioner,

v.

PAMELA BONDI, in her official capacity as US Attorney General,

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

RAUL MALDONADO, in his official capacity as Warden of the Brooklyn Metropolitan Detention Center,

TODD LYONS, in his official capacity as Acting ICE Field Office Director,

JOSEPH CARDINALE, in his official capacity as Acting Field Office Director of the New York Field Office for ICE,

Respondents.

Case No. 2:26-CV-1919-DG

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE

LEGAL ARGUMENT

I. Respondents Manufacture a False Consensus by Relying on Out-of-Circuit Authority While the Better-Reasoned Decisions—including Authority Within This Circuit and the Seventh Circuit—Reject Their Perpetual-Applicant Theory

Respondents' opposition attempts to manufacture the appearance of a settled legal rule by selectively citing non-binding, out-of-circuit decisions. That effort collapses under even minimal scrutiny. Their own submission admits what they try to hide: "a larger number of non-binding court decisions across the country have rejected Respondents' statutory construction." *See* ECF Doc. 5 at 4 n4. That admission alone defeats any suggestion of consensus.

Rather than grapple with that overwhelming body of contrary authority, Respondents dismiss it outright as "neither binding nor persuasive." That response is revealing. The issue before this Court is not whether other district court decisions are binding, but whether Respondents'

interpretation of the statute is correct. The fact that most courts addressing the issue have rejected the Government's position is not something to dismiss; it is strong evidence that the Respondents' reading is neither mandated by the statutory text nor consistent with the structure of the INA.

Even the authorities Respondents rely upon confirm the lack of consensus. The Fifth Circuit in *Buenrostro-Mendez v. Bondi* acknowledged that hundreds of district courts have ruled against the Government's position. That is not a settled legal landscape, but, instead, an active and deeply contested one. Respondents' selective reliance on favorable decisions, while ignoring the broader judicial trend, highlights the weakness of their position rather than its strength.

Respondents also highlight that the Second Circuit has not yet resolved the issue and point to the pending appeal in *De Cunha v. Moniz*. That posture further undermines their argument. The fact that the Second Circuit has heard argument and reserved decision confirms that the statutory question remains unresolved in this Circuit. When the governing appellate court has not issued a ruling, and the majority of district courts have rejected the Government's theory, there is no reason to treat Respondents' position as controlling or even presumptively correct.

Within this Circuit, courts have consistently recognized that §§ 1225 and 1226 establish separate detention regimes and have rejected efforts to collapse them into a single, boundless authority. *See, e.g., J.U. v. Maldonado*, 805 F.Supp.3d 482 (E.D.N.Y. Sept. 29, 2025).[1] Respondents' interpretation would eliminate that distinction entirely, turning § 1225(b)(2)(A) into a perpetual detention provision applicable to any noncitizen who has not been formally admitted,

[1] Courts in this Circuit have repeatedly rejected the Government's theory in materially indistinguishable circumstances. *See, e.g., Singh v. Maldonado*, 26-CV-01571, 2026 WL 850670, at *3 (E.D.N.Y Mar. 27, 2026) (rejecting reliance on § 1225 and "join[ing] the majority of courts" applying § 1226); *Lira Caceres v. Shanahan*, No. 26-CV-00016, 2026 WL 233215, at *8 (E.D.N.Y Jan. 28, 2026) (distinguishing noncitizens "seeking admission" from those already present in the United States); *Lopez Benitez v. Francis*, 795 F.Supp.3d 475, 491 (S.D.N.Y. Aug. 13, 2025); *Gomez-Talero v. Maldonado*, No. 26-CV-1625, 2026 WL 926145, at *2 (E.D.N.Y. Apr. 6, 2026); *Sarmiento Guerrero v. Noem*, --- F.Supp.3d ----, 2025 WL 3214787 (E.D.N.Y. Nov. 18, 2025); *Ulloa Montoya v. Bondi*, --- F.Supp.3d ----, 2025 WL 3718694 (E.D.N.Y. Dec. 23, 2025).

regardless of how long they have lived in the United States or where they are encountered. That result is not only unsupported by the statute but is why so many courts have rejected the Respondents' position.

Nor can Respondents rely solely on a few district court decisions within this Circuit to carry their argument. These cases reflect one side of an ongoing judicial divide. More importantly, even within this District, courts have granted habeas relief without endorsing the Government's broad statutory theory. In *Diallo v. Maldonado*, this Court chose not to decide the statutory question in Respondents' favor and instead granted relief on due process grounds, acknowledging that the Government's detention could not be justified as applied.

Finally, Respondents ignore persuasive appellate authority pointing in the opposite direction. The Seventh Circuit has already signaled that the Government's interpretation of § 1225(b)(2)(A) is unlikely to succeed on the merits, further confirming that this is not a one-sided question. *See Castanon-Nava v. U.S. Dept. of Homeland Security*, 161 F.4th 1048 (7th Cir. 2025).

In sum, Respondents' argument depends on reframing a disputed legal issue as a settled one. Their own concession—that most courts oppose them—shows the opposite. When the statutory question remains unresolved, actively litigated, and widely rejected by federal courts, habeas relief remains not only appropriate but essential to prevent detention based on an aggressive and uncertain interpretation of the INA.

II. Respondents' Interpretation Still Fails the Statutory Text and Structure: Section 1225(b)(2)(A) Does Not Authorize Mandatory Detention of a Long-Present Interior Arrestee Who Was Not "Seeking Admission."

Respondents' interpretation cannot be reconciled with the text Congress actually enacted. because it depends on treating every noncitizen who has not been formally admitted as perpetually "seeking admission," regardless of the time, place, or circumstances. The statute does not support the Respondents' theory.

Section 1225(b)(2)(A) specifies that detention is only required in a particular, inspection-related situation: "in the case of an alien who is an applicant for admission," where "the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted," the alien "shall be detained" for removal proceedings. 8 U.S.C. § 1225(b)(2)(A). That language includes several limiting features that Respondents effectively ignore: (1) an "examining" immigration officer engaged in an inspection process; (2) a present-tense individual "seeking admission"; and (3) a statutory framework based on inspection and admission, which Congress placed in § 1225 and not § 1226.

Those limitations matter. Section 1225 covers the inspection and admission process. In contrast, § 1226 provides the general authority to arrest and detain noncitizens already within the United States "pending a decision on whether the alien is to be removed." 8 U.S.C. § 1226(a). The Supreme Court has confirmed this clear distinction, explaining that § 1226 applies to "aliens already in the country pending the outcome of removal proceedings," whereas § 1225 governs the admission process. *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Respondents' interpretation collapses these two separate regimes into one boundless detention authority—precisely what the statute avoids.

The phrase "seeking admission" is doing real work, and Respondents' reading improperly deletes it. As courts in this Circuit have recognized, "seeking admission" cannot be equated with "applicant for admission," nor can it be stretched into a permanent legal status. In *Alvarez Ortiz v. Freden*, the court clarified that "seeking admission" refers to "seeking physical entry at the border, not the legal right to enter." 808 F.Supp.3d 579, 592 (W.D.N.Y. Nov. 4, 2025). Likewise, in *Quituizaca Quituisaca v. Bondi*, the court highlighted that § 1225(b)(2)(A) includes multiple distinct requirements and "suggests that § 1225(b)(2) applies to individuals stopped at the border—

not those … who were already residing in this country." No. 6:25-cv-6527, 2025 WL 3264440, at *3 (W.D.N.Y. Nov. 24, 2025).

That interpretation aligns with the ordinary meaning of the statutory text. "Seeking" describes a present action, not a permanent condition that DHS can retroactively assign years after entry. Under Respondents' view, a person who has lived in the United States for years—working, residing, and building ties—remains forever frozen in the posture of someone at the point of entry. The statute does not permit that fiction.

The structure of § 1225(b)(2) confirms this reading. Its surrounding provisions address categories related to border processing and modes of arrival—such as crewmen, stowaways, and individuals subject to contiguous-territory return. *See* 8 U.S.C. § 1225(b)(2)(B), (C). Courts have recognized that these provisions reinforce the statute's focus on individuals encountered at or near the border during the admission process. *Quituizaca Quituisaca*, 2025 WL 3264440, at *4. Respondents' interpretation ignores that structure and instead converts § 1225(b)(2)(A) into a free-floating detention authority untethered to inspection, geography, or time.

Courts within this Circuit have repeatedly rejected that approach and recognized that §§ 1225 and 1226 establish separate detention regimes tied to different circumstances. *See supra* Section I at page 2 n1. These decisions correctly recognize that § 1225 governs inspection and admission, while § 1226 governs detention of individuals already present in the United States pending removal.

Even Respondents effectively concede that their interpretation is not the prevailing one. They acknowledge that "a larger number of non-binding court decisions across the country have rejected Respondents' statutory construction." That admission highlights the obvious:

Respondents' reading is not based on the statutory text but on an attempt to expand detention authority beyond its limits.

If Congress intended for § 1225(b)(2)(A) to authorize mandatory detention without bond for any noncitizen whom DHS later labels as an "applicant for admission," it would not have used present-tense language, connected the provision to an "examining" officer, or placed it within an inspection-based framework. Respondents' interpretation renders those limitations meaningless. Courts do not interpret statutes in a way that renders Congress's words into surplusage. Moreover, if the Court adopts the Respondents' interpretation, a person could live in the United States for decades, establish family and community ties, and still be treated as if they were standing at the border and be subjected to mandatory detention without bond. That is the elimination of a coherent statutory framework.

Petitioner was not "seeking admission" when he was arrested in the interior of New York after years of presence in the United States. Because § 1225(b)(2)(A) does not apply, Respondents lack statutory authority to subject him to mandatory detention. The governing statute is § 1226(a), which requires an individualized custody determination.

III. This Court Need Not Adopt Respondents' Sweeping Theory to Deny Relief—Diallo Confirms That Habeas Relief Is Warranted Even Without Resolving the Statutory Question in the Government's Favor

Respondents frame this case as turning entirely on a disputed statutory question—whether Petitioner is detained under § 1225 or § 1226. However, this Court has already rejected that premise. Even assuming, arguendo, that the Respondents' statutory position was correct, habeas relief is still warranted where detention violates the Constitution.

In *Diallo v. Maldonado*, this Court confronted the same threshold dispute and declined to resolve it. Instead, the Court stated that "even accepting for present purposes Respondents' assertion that Petitioner is detained pursuant to Section 1225," the petition must be granted because

the petitioner was "in custody in violation of the Constitution." Diallo v. Maldonado, No. 25-CV-5740, 2025 WL 3158295, at *3 (E.D.N.Y. Nov. 12, 2025). That reasoning applies here.

As in Diallo, Respondents assert that Petitioner is subject to mandatory detention under § 1225(b)(2)(A) and therefore not eligible for bond. However, Diallo clarifies that this statutory assertion does not end the inquiry. Habeas relief depends on whether the detention comports with the Constitution, not on whether the Government classifies it under a particular statutory provision. *See* 28 U.S.C. § 2241(c)(3).

Applying that framework, *Diallo* held that detention under § 1225 violated due process where the Government failed to comply with its own governing procedures—specifically, the requirements governing parole and its revocation. 2025 WL 3158295, at *5. The Court emphasized that even within the § 1225 framework, the Government must adhere to statutory and regulatory safeguards, including notice and individualized decision-making. *Id.*

The same principle applies here. Even if this Court accepts Respondents' position that § 1225 governs, Petitioner's detention remains unconstitutional. He has been subjected to categorical no-bond detention without any meaningful individualized review of his liberty interest, despite his long-standing presence, lack of criminal record, and substantial ties to the United States. That is precisely the kind of unchecked executive detention that the Due Process Clause prohibits.

Moreover, *Diallo* confirms that Respondents' reliance on the "entry fiction" doctrine does not shield detention from constitutional review. This Court explicitly applied the *Mathews v. Eldridge* framework and found a due process violation despite the Government's assertion that § 1225 applied. *Id.* at *4–5. In doing so, the Court reaffirmed that noncitizens, regardless of formal admission status, retain the right to challenge unlawful detention through habeas corpus. *See also Velasco Lopez v. Decker*, 978 F.3d 842, 850–51 (2d Cir. 2020).

Respondents attempt to distinguish *Diallo* by pointing to its factual posture, but that effort misses the point. The core holding of *Diallo* is not fact-bound but, instead, doctrinal. The Court need not resolve the statutory classification question where detention independently violates the Constitution. That principle applies with full force here.

Accordingly, even if this Court were inclined to accept Respondents' expansive reading of § 1225(b)(2)(A), it should still grant the writ. Under *Diallo*, the relevant question is whether Petitioner's detention complies with the Constitution. It does not.

IV. The Traffic Stop Was Unlawfully Prolonged to Facilitate Immigration Enforcement, and a Subsequent Administrative Arrest Cannot Cure That Fourth Amendment Violation

Respondents largely sidestep Petitioner's most straightforward constitutional claim: the traffic stop that led to his detention was unlawfully prolonged to facilitate immigration enforcement, in violation of the Fourth Amendment. That omission is telling and fatal.

The governing rule is clear. A traffic stop "become[s] unlawful if it is prolonged beyond the time reasonably required to complete the mission" of addressing the traffic violation. *Illinois v. Caballes*, 543 U.S. 405, 407 (2005). The "mission" of such a stop is limited to tasks like checking identification, verifying registration, and issuing a citation. *Rodriguez v. United States*, 575 U.S. 348, 354–55 (2015). Once those tasks are completed (or should reasonably have been completed), continued detention is unlawful unless supported by independent, reasonable suspicion of additional criminal activity. *Id.* at 355–57.

Here, the record reflects that Petitioner was stopped for alleged traffic violations, cooperated with law enforcement, and was issued citations. At that point, the lawful purpose of the stop had ended. There is no allegation, let alone evidence, that Petitioner engaged in any conduct giving rise to reasonable suspicion of criminal activity beyond the traffic infractions.

Instead, local law enforcement contacted ICE, and Petitioner was held until immigration authorities arrived. That is precisely the type of prolongation the Supreme Court has forbidden. The Fourth Amendment does not permit officers to convert a completed traffic stop into an open-ended detention to investigate civil immigration status or to await federal agents. *See Rodriguez*, 575 U.S. at 355; *see also United States v. Gomez*, 877 F.3d 76, 86–88 (2d Cir. 2017) (prolongation for unrelated purposes without independent justification violates the Fourth Amendment).

Respondents do not meaningfully dispute this sequence of events. Nor do they point to any independent reason to justify extending the stop. That silence concedes the point: Petitioner's seizure became unlawful the moment the traffic stop ended.

Faced with this constitutional defect, Respondents pivot to a different argument entirely: asserting that Petitioner's subsequent arrest by ICE under an administrative warrant was lawful under *Abel v. United States*, 362 U.S. 217 (1960). That reliance is misplaced.

Abel does not authorize the Government to bootstrap a lawful immigration arrest onto an unconstitutional seizure. It stands for the unremarkable proposition that administrative immigration arrests are generally permissible when properly executed. It does not hold—nor could it—that the Government may rely on evidence or custody obtained through a prior Fourth Amendment violation. *See Cotzojay v. Holder*, 725 F.3d 172, 178–79 (2d Cir. 2013) (recognizing that the Fourth Amendment applies in immigration proceedings and that unlawful seizures may taint subsequent enforcement actions).

The constitutional violation here occurred before ICE ever arrived. By the time federal agents encountered Petitioner, he was already being unlawfully detained as a result of an impermissibly prolonged stop. The Government cannot cleanse that illegality by pointing to what

happened afterward. A subsequent administrative arrest does not retroactively justify an unconstitutional seizure.

Nor can Respondents avoid responsibility by emphasizing that the initial stop was carried out by local law enforcement. The Fourth Amendment inquiry centers on the legality of the detention itself, including its length and purpose. When local officers unlawfully prolong a stop to facilitate federal immigration enforcement, and federal agents take custody as a direct result of that unlawful detention, the constitutional violation is inseparable from the resulting custody.

In summary, this case does not involve a lawful traffic stop followed by an independent immigration arrest. Instead, it involves one continuous seizure that became unlawful when officers extended the stop beyond its permissible scope to enable immigration enforcement. Because Petitioner's detention results directly from that unconstitutional seizure, it violates the Fourth Amendment and provides an independent basis for habeas relief.

CONCLUSION

For the foregoing reasons, the Petition should be granted. Respondents' position rests on an overbroad interpretation of § 1225 that conflicts with the statutory framework and the weight of authority, including within this Circuit. However, the Court does not need to settle that issue to provide relief. As *Diallo* confirms, even assuming Respondents' theory, Petitioner's detention violates the Constitution. Because Petitioner is in custody in violation of the Constitution, the Court should grant the writ and order his immediate release, or provide effective relief to cure these violations.

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