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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 WILSON HERNAN  
11 QUINALOA YANZANGO,  
12 Petitioner,  
13 v.  
14 OTAY MESA DETENTION CENTER,  
15 Respondent.  
16  
17

Case No.: 26-cv-02614-RBM-VET

**RETURN TO PETITION FOR  
WRIT OF HABEAS CORPUS**

18  
19 **I. INTRODUCTION**

20 On April 6, 2026, the Court dismissed Petitioner's first petition for writ of habeas  
21 corpus. *See* Exhibit 1. The Court found that Petitioner (1) failed to name the warden of  
22 the detention facility where he is being held, (2) failed to assert a proper habeas claim  
23 that challenges the legality or length of his current detention, and (3) failed to provide  
24 sufficient facts for the Court to adjudicate his claims. *Id.* Rather than amending his  
25 petition as the Court instructed it would allow, Petitioner instead filed a new petition  
26 containing all of the original defects. *Id.* at 3. For the foregoing reasons, and for the  
27 reason below, Respondents respectfully request that the Court dismiss this petition as  
28 well.

## II. ARGUMENT

### Petitioner's Claims and Requested Relief are Barred by 8 U.S.C. § 1252

The Court lacks jurisdiction to hear Petitioner's claims as he only challenges his expedited removal order and the negative credible fear determination affirmed by the Immigration Judge (IJ).<sup>1</sup> Though Petitioner brings his habeas action under 28 U.S.C. § 2241, jurisdiction over his claims is barred under 8 U.S.C. § 1252(a)(2)(A), § 1252(e), and § 1252(g).

In general, courts lack jurisdiction to review a decision to commence or adjudicate removal proceedings or execute removal orders. *See* 8 U.S.C. § 1252(g) (“[N]o court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders.”); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) (“There was good reason for Congress to focus special attention upon, and make special provision for, judicial review of the Attorney General’s discrete acts of ‘commenc[ing] proceedings, adjudicat[ing] cases, [and] execut[ing] removal orders’—which represent the initiation or prosecution of various stages in the deportation process.”); *Limpin v. United States*, 828 Fed. App’x 429 (9th Cir. 2020) (holding district court properly dismissed under 8 U.S.C. § 1252(g) “because claims stemming from the decision to arrest and detain an alien at the commencement of removal proceedings are not within any court’s jurisdiction”).

Moreover, “[s]ection 1252(a)(2)(A) is a jurisdiction-stripping and channeling provision, which bars review of almost ‘every aspect of the expedited removal process.’” *Azimov v. U.S. Dep’t of Homeland Sec.*, No. 22-56034, 2024 WL 687442, at \*1 (9th Cir. Feb. 20, 2024) (quoting *Mendoza-Linares v. Garland*, 51 F.4th 1146, 1154 (9th Cir. 2022) (describing the operation of § 1252(a)(2)(A)). These jurisdiction-

<sup>1</sup> *See* Exhibit 3 (“Notice and Order of Expedited Removal”); Exhibit 4 (“IJ Order”); *see also Ass’n of Am. Med. Coll. v. United States*, 217 F.3d 770, 778-79 (9th Cir. 2000); *Finley v. United States*, 490 U.S. 545, 547-48 (1989).

1 stripping provisions cover “the ‘procedures and policies’ that have been adopted to  
 2 ‘implement’ the expedited removal process; the decision to ‘invoke’ that process in a  
 3 particular case; the ‘application’ of that process to a particular alien; and the  
 4 ‘implementation’ and ‘operation’ of any expedited removal order.” *Mendoza-Lineras*,  
 5 51 F.4th at 1155. “Congress chose to strictly cabin this court’s jurisdiction to review  
 6 expedited removal orders.” *Guerrier v. Garland*, 18 F.4th 304, 313 (9th Cir. 2021)  
 7 (finding that the Supreme Court abrogated any “colorable constitutional claims”  
 8 exception to the limits placed by § 1252(a)(2)(A)); *see Dep’t of Homeland Sec. v.*  
 9 *Thuraissigiam*, 591 U.S. 103 (2020) (holding that limitations within § 1252(a)(2)(A) do  
 10 not violate the Suspension Clause). “Congress has chosen to explicitly bar nearly all  
 11 judicial review of expedited removal orders concerning such aliens, including ‘review  
 12 of constitutional claims or questions of law.’” *Mendoza-Linares*, 51 F.4th at 1148  
 13 (citing 8 U.S.C. § 1252(a)(2)(A), (D)); *see Dept’ of Homeland Sec. v. Thuraissigiam*,  
 14 591 U.S. 103, 138-39 (2020) (explicitly rejecting Ninth Circuit’s holding that an  
 15 arriving alien has a “constitutional right to expedited removal proceedings that conform  
 16 to the dictates of due process”).

17 “Congress could scarcely have been more comprehensive in its articulation of the  
 18 general prohibition on judicial review of expedited removal orders.” *Mendoza-Lineras*,  
 19 51 F.4th at 1155. Specifically, Section 1252(a)(2)(A) states:

20 (2) Matters not subject to judicial review

21 (A) Review relating to section 1225(b)(1)

22 Notwithstanding any other provision of law (statutory or nonstatutory),  
 23 including section 2241 of Title 28, or any other habeas corpus provision,  
 24 and sections 1361 and 1651 of such title, no court shall have jurisdiction  
 25 to review-

26 (i) except as provided in subsection (e), any individual  
 27 determination or to entertain any other cause or claim arising from or  
 28 relating to the implementation or operation of an order of removal pursuant  
 to section 1225(b)(1) of this title,

(ii) except as provided in subsection (e), a decision by the Attorney  
 General to invoke the provisions of such section,

1 (iii) the application of such section to individual aliens, including  
2 the determination made under section 1225(b)(1)(B) of this title, or

3 (iv) except as provided in subsection (e), procedures and policies  
4 adopted by the Attorney General to implement the provisions of section  
5 1225(b)(1) of this title.

6 8 U.S.C. § 1252(a)(2)(A). Thus, “Section 1252(a)(2)(A)(i) deprives courts of  
7 jurisdiction to hear a ‘cause or claim arising from or relating to the implementation or  
8 operation of an order of removal pursuant to section 1225(b)(1),’ which plainly includes  
9 [Petitioner’s] collateral attacks on the validity of the expedited removal order.” *Azimov*,  
10 2024 WL 687442, at \*1 (quoting *Mendoza-Linares*, 51 F.4th at 1155) (citing *J.E.F.M.*  
11 *v. Lynch*, 837 F.3d 1026, 1031-35 (9th Cir. 2016) (concluding that the “arising from”  
12 language in neighboring § 1252(b)(9) sweeps broadly)). By challenging the standards  
13 and process by which the expedited removal order was entered against Petitioner, he  
14 necessarily asks the Court “to do what the statute forbids [it] to do, which is to review  
15 ‘the application of such section to [him].’” *Mendoza-Linares*, 51 F.4th at 1155. Most  
16 notably, a determination made concerning inadmissibility “is not subject to judicial  
17 review.” *Gomez-Cantillano v. Garland*, No. 19-72682, 2021 WL 5882034 (9th Cir.  
18 Dec. 13, 2021) (citing 8 U.S.C § 1252(a)(2)(A)(iii)). “And § 1252(a)(2)(A)(iv) deprives  
19 courts of jurisdiction to review ‘procedures and policies adopted by the Attorney  
20 General to implement the provisions of section 1225(b)(1) of this title,’ which plainly  
21 includes [Petitioner’s] claims regarding how [Respondents] have implemented” §  
22 1225(b)(1). *Azimov*, 2024 WL 687442, at \*1 (citing *Mendoza-Linares*, 51 F.4th at  
23 1154–55).

24 In setting forth provisions for judicial review of § 1225(b)(1) expedited removal  
25 orders, Congress expressly limited available relief: “Without regard to the nature of the  
26 action or claim and without regard to the identity of the party or parties bringing the  
27 action, no court may” “enter declaratory, injunctive, other equitable relief in any action  
28 pertaining to an order to exclude an alien in accordance with section § 1225(b)(1) of  
this title except as specifically authorized in a subsequent paragraph of this subsection.”

1 8 U.S.C. § 1252(e)(1)(A). Congress delineated two limited avenues for judicial review  
2 concerning expedited removal orders: (1) narrow habeas corpus proceedings under  
3 § 1252(e)(2); and (2) challenges to the validity of the system under § 1252(e)(3). Any  
4 permissible challenge to the validity of the system “is available [only] in an action in  
5 the United States District Court for the District of Columbia . . .” 8 U.S.C. § 1252(e)(3).

6 Narrow habeas corpus proceedings are expressly “limited to determinations” of  
7 three questions: (1) “whether the petitioner is an alien”; (2) “whether the petitioner was  
8 ordered removed under [section 1225(b)(1)]”; and (3) “whether the petitioner can prove  
9 by a preponderance of the evidence that the petitioner is an alien” who has been granted  
10 status as a lawful permanent resident, refugee, or asylee. 8 U.S.C. § 1252(e)(2)(A)-(C).  
11 “In determining whether an alien has been ordered removed under section 235(b)(1) [8  
12 U.S.C. § 1225(b)(1)], the court’s inquiry shall be limited *to whether such an order in*  
13 *fact was issued and whether it relates to the petitioner*. There shall be no review of  
14 whether the alien is actually inadmissible or entitled to any relief from removal.” 8  
15 U.S.C. § 1252(e)(5) (emphasis added). Petitioner’s primary request within his petition  
16 is to have this Court review DHS’s determination of his inadmissibility and the negative  
17 credible fear affirmance by the Immigration Judge. However, “a habeas court lacks  
18 jurisdiction to review ‘whether the alien [1] is actually inadmissible or [2] entitled to  
19 any relief from removal.’” *Mendoza-Linares*, 51 F.4th at 1158 (quoting 8 U.S.C.  
20 § 1252(e)(5)).

21 None of the three narrow avenues for habeas relief apply here. Petitioner  
22 acknowledges he is an alien seeking asylum. *See* ECF No. 1 at 6-7. Petitioner also does  
23 not allege that he has been granted status previously as a lawful permanent resident,  
24 refugee, or asylee. Moreover, “[t]here is no doubt that an order ‘under section 235(b)(1)’  
25 was in fact issued here, because (1) the order that is in the record and that [Petitioner]  
26 challenges expressly states that it was entered ‘under section 235(b)(1)’ of the INA.”  
27 *Mendoza-Linares*, 51 F.4th at 1158; *See* Exhibit 3. Each of Petitioner’s claims fall  
28 outside the limited habeas corpus authority provided within § 1252(e)(2).



1 Thus, as Petitioner's claims are direct and indirect challenges to his § 1225(b)(1)  
2 expedited removal order and the application of the expedited removal process to  
3 Petitioner, this Court lacks jurisdiction under 8 U.S.C. § 1252.

4 **III. CONCLUSION**

5 For the foregoing reasons, Respondents respectfully request that the Court  
6 dismiss this petition again.

7 DATED: May 6, 2026

Respectfully submitted,

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