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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

M.A.K.,

Petitioner,

v.

TONYA ANDREWS, in official capacity, Facility Administrator of Golden State Annex Detention Center; SERGIO ALBARRAN, in official capacity, Field Office Director of ICE's San Francisco Field Office; TODD M. LYONS, in official capacity, Acting Director of ICE, MARKWAYNE MULLIN, in official capacity, Secretary of the U.S. Department of Homeland Security; TODD BLANCHE, in official capacity, Acting Attorney General of the United States,

Respondents.

Case No.

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

Immigration Habeas Case

INTRODUCTION

This Reply serves as Petitioner's response to Respondents' failure to distinguish the cases the Court set forward in its Show Cause Order and Respondents' legally and factually incorrect assertions claiming that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). In fact, as a non-citizen living in the United States, 8 U.S.C. § 1226 applies to Petitioner. Under this statute, Petitioner's right to procedural due process was violated and he should be released from detention.

A. Petitioner Should Be Released On the Same Grounds Articulated in the Court's Show Cause Order

This Court ordered Respondents to show cause "as to whether there are any factual or legal issues in this case that distinguish it from the Court's prior orders" in Due Process cases. EFC No. 6. Respondents replied that they "do not distinguish this case from the cases cited in the Court's minute order." ECF No. 7. This admission "is sufficient to support relief on the same grounds and based on the same reasoning as articulated [in the Court's Show Cause Order]." *Rugama v. Chestnut*, 2025 U.S. Dist. LEXIS 264530 at fn. 3. Thus, Petitioner asks this Court to grant his Request for Temporary Restraining Order and Habeas Corpus Petition.

B. Petitioner's Release Is Governed by § 1226, not § 1225(b)(2)

Despite Respondents' assertion, 8 U.S.C. § 1226 governs whether Petitioner may be released from detention or re-detained. Respondents cited to 8 U.S.C. § 1225(b)(2) as justification for the denial of Petitioner's habeas petition and TRO in their Response to the Court's Show Cause Order. This interpretation is incorrect and unlawful. Federal courts have and continue to reject it.[1]

[1] A partial list of such cases can be found here. See, e.g., Guerrero Lepe v. Andrews, --- F. Supp. 3d ---, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); Vasquez Garcia v. Noem, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025) (granting habeas relief); Salazar v. Dedos, 2025 WL 2676729, at *1 (D.N.M. Sept. 17, 2025); Lopez-Campos v. Raycraft, --- F. Supp. 3d ----, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025) (granting habeas relief); Kostak v. Trump, No. 3:25- cv-01093-JE, Doc. 20 (W.D. La. Aug. 27, 2025) (granting preliminary relief); Benitez v. Noem,

While Petitioner has discussed this issue comprehensively in his Petition and TRO, it bears repeating in this reply that Respondents' interpretation of Section 1225(b)(2) defies the INA's text and is, thus, largely unsupported. Section 1225 describes the procedures for the inspection and expedited removal of people detained at the border who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). The Supreme Court itself noted that the mandatory detention scheme in Section 1225(b)(2)(A) applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). They do not apply to those who are re-detained in the interior of the United States months or years or decades later.

In contrast, Section 1226 "provides the general process for arresting and detaining aliens who are present in the United States and eligible for removal." *Chestnut*, 2025 U.S. Dist. LEXIS 264530 at *8. This determination has been decided by over 350 courts across the country that have dealt with this issue. *Id* at *9. Any other reading of the statute, or the application of § 1225(b)(2), would render this statute toothless. Thus, § 1226 governs Petitioner's request and under this statute, his release should be granted because the government has violated his procedural due process rights.

For the distinct reasons outlined above, Respondents have failed to provide any justification for Petitioner's re-detention. Therefore, Petitioner respectfully asks this Court to grant his habeas petition and TRO and order his expeditious release from the government's unlawful detention.

No. 5:25-cv-02190, Doc. 11 (C.D. Cal. Aug. 26, 2025) (granting preliminary relief); Leal-Hernandez v. Noem, 2025 WL 2430025 (D. Md. Aug. 24, 2025) (granting habeas relief); Romero v. Hyde, --- F. Supp. 3d ----, 2025 WL 2403827 (D. Mass. Aug. 19, 2025) (granting habeas relief); Arrazola-Gonzalez v. Noem, No. 5:25-cv-01789-ODW, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025) (granting habeas relief); Aguilar Maldonado v. Olson, 2025 WL 2374411 (D. Minn. Aug. 15, 2025) (granting habeas relief); Dos Santos v. Noem, 2025 WL 2370988 (D. Mass. Aug. 14, 2025) (granting habeas relief); Rocha Rosado v. Figueroa, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025) (report and recommendation to grant habeas relief), adopted, 2025 WL 2349133 (D. Ariz. Aug. 13, 2025) (granting habeas relief); Lopez Benitez v. Francis, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025) (granting individual habeas relief); Maldonado Bautista v. Santacruz, *13 (C.D. Cal. July 28, 2025) (granting preliminary relief); Diaz Martinez v. Hyde, No. CV 25-11613- BEM, --- F. Supp. 3d ----, 2025 WL 2084238, at *9 (D. Mass. July 24, 2025) (denying reconsideration of individual habeas relief); Romero v. Hyde, --- F. Supp. 3d ----, 2025 WL 2403827 (D. Mass. July 19, 2025) (granting habeas relief); Gomes v. Hyde, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting individual habeas relief).

Respectfully submitted this 14th day of July, 2026.

/s/ Chase Morgan
Chase Morgan
Attorney for Petitioner