

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Juan Daniel Luna-Gonzalez v. Kristi Noem, et al.

No. CV-25-03794-PHX-MTL (DMF) · No. No. CV-25-03794-PHX-MTL (DMF) · Decided November 26, 2025

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Juan Daniel Luna-Gonzalez, No. CV-25-03794-PHX-MTL (DMF) 10 Petitioner,
ORDER 11 v. 12 Kristi Noem, et al., 13 Respondents. 14 15 Petitioner filed an Amended Verified
Petition for Writ of Habeas Corpus under 16 § 2241 challenging his immigration detention.1 (Doc.
12.) Petitioner also filed an Ex Parte 17 Motion for Temporary Restraining Order and Preliminary
Injunction.

The Court denied 18 the request for ex parte relief and ordered expedited briefing of the Petition
and Motion for 19 Preliminary Injunction. (Doc. 5.) The Amended Petition and Motion are fully
briefed. 20 (Docs. 11, 14, 15, 18.)

For the reasons that follow, the Amended Petition is granted, and 21 Respondents must either
release Petitioner from custody or provide a bond hearing within 22 ten days. 23 I. Background 24
Petitioner states he was born in Mexico in 1997 and brought to the United States in 25 1999. (Doc.
12 ¶ 25.) Petitioner has Deferred Action for Childhood Arrivals (“DACA”) 26 status, which is
valid until October 15, 2026.

(Id. ¶ 26.) On June 20, 2025, Petitioner was 27 involved in a traffic stop, arrested for being in the
United States without proper documents, 28 1 Petitioner’s Amended Petition is substantively
identical to his original Petition except that it names a previously unidentified John Doe
Respondent. 1 and transferred to immigration detention. (Id. ¶ 3.)

On July 2, 2025, DHS issued a Notice 2 to Appear charging Petitioner with inadmissibility under
8 U.S.C. § 1182(a)(6)(A)(i). (Id. 3 ¶ 6.) 4 A July 8, 2025 policy guidance memorandum issued by
Acting ICE Director Todd 5 Lyons announced that DHS had revisited the government’s legal
position on detention and 6 release authorities.

Under this “revisited” legal position, noncitizens present without 7 admission are now subject to
mandatory detention under 8 U.S.C. § 1225(b), rather than 8 discretionary detention under 8
U.S.C. § 1226(a), because, under 8 U.S.C. § 1225(a)(1), 9 they are deemed applicants for
admission. (Doc. 12 at 3 n.11.) 10 Petitioner requested a custody redetermination before an
Immigration Judge (“IJ”).

11 The IJ denied the request on the basis that he lacked jurisdiction to grant Petitioner bond 12
because DHS classified him as being detained under § 1225(b)(2). (Doc. 1, Ex. 8.) 13 Petitioner

alleges his arrest violated the Fourth Amendment and 8 U.S.C. 14 § 1357(a)(2); and his detention violates the Administrative Procedures Act, the Accardi doctrine, and his substantive and procedural due process rights.

(Doc. 12 at 16-22.) He 16 seeks release from detention and an order declaring his arrest and continued detention are 17 unlawful. 18 II. Analysis—Interpretation of 8 U.S.C. § 1225 and 8 U.S.C. § 1226 19 Respondents state they “are aware of a prior ruling in this District rejecting 20 [Petitioner’s] arguments, see e.g., *Francisco Cerritos Echevarria v. Pam Bondi, et al.*, 21 2:25-cv-03252-DWL-ESW, (D.

Ariz. Oct. 3, 2025), but [] respectfully maintain that 22 Petitioner has not been deprived of due process, and falls within the definition of an 23 ‘arriving alien’ warranting mandatory detention as the removal process unfolds. 24 Respondents also respectfully maintain that a person is an ‘applicant for admission’ until 25 an immigration official has inspected that person and determined that they are admissible 26 into the United States.” (Doc.

11 at 12.) 27 Among other things, Respondents contend that Echevarria did not “consider other 28 pieces of statutory context.” (Id.) The Court respectfully disagrees, as Echevarria contains 1 an extensive discussion of the statutory context. Echevarria, 2025 WL 2821282 at *5 2 (“Although [Respondents’] approach has surface appeal, the Court perceives at least two 3 problems with it: first, it ignores some of the additional requirements imposed by 4 § 1225(b)(2)(A); and second, it fails to account for the broader statutory scheme, 5 particularly in light of how that broader scheme has been interpreted by the Supreme 6 Court.”); id. at *7 (“Putting aside these textual problems with Respondents’ position, 7 Respondents’ narrow focus on § 1225(a)(1) also ignores the complexities of interpreting 8 the INA, a dense statute... which must be interpreted against the backdrop of our 9 constitutional principles, administrative law, and international treaty obligations.

Divining 10 its meaning is ordinarily not for the faint of heart. To that end, in determining whether 11 Congress has specifically addressed the question at issue, the court should not confine itself 12 to examining a particular statutory provision in isolation. Rather, it must place the 13 provision in context, interpreting the statute to create a symmetrical and coherent 14 regulatory scheme.”) (cleaned up).

Nothing in Respondents’ brief persuades the Court that 15 this analysis was mistaken. 16 The Court is aware of several decisions adopting Respondents’ argument. *Valencia v. Chestnut*, 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025); *Alonzo v. Noem*, 2025 WL 18 3208284 (E.D. Cal. Nov. 17, 2025); *Mejia Olalde v. Noem*, 2025 WL 3131942 (E.D. Mo. 19 Nov. 10, 2025); *Sandoval v. Acuna*, 2025 WL 3048926 (W.D.

La. Oct. 31, 2025); *Rojas v. Olson*, 2025 WL 3033967 (E.D. Wisc. Oct. 30, 2025); *Garibay-Robledo v. Noem*, No. 21 1:25-CV-177-H, Doc. 9 (N.D. Tex. Oct. 24, 2025); *Vargas Lopez v. Trump*, 2025 WL 22 2780351 (D. Neb. Sept. 30, 2025), *Chavez v. Noem*, 2025 WL 2730228 (S.D. Cal. Sept. 23 24, 2025); *Pipa-Aquise v. Bondi*, No. 25-1094, 2025 WL 2490657 (E.D. Va. Aug.

5, 2025); 24 *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913 (D. Mass. July 28, 2025). But it is 25 unsurprising that judges across the country are not in full agreement on how this issue 26 should be resolved. It is also fair to note that Respondents’ view represents the minority 27 position—in the weeks since Judge Lanza considered the issue in *Echevarria*, dozens of 28 other courts have reached the same conclusion.

See, e.g., *Quinapanta v. Bondi*, 2025 WL 1 3157867, *6 (W.D. Wisc. Nov. 12, 2025) (“[M]ore than 45 district courts have now 2 rejected similar arguments made by respondents here and ordered bond hearings for 3 noncitizens who, like petitioner, were apprehended within the United States years after 4 entering without admission or inspection unless implicated by any criminal activity 5 covered by § 1226(c).

These decisions, along with a growing number of others now 6 including this court have concluded that the statutory text, the statute’s history, 7 Congressional intent, and § 1226(a)’s application for the past three decades support its 8 application to noncitizens in petitioner’s position.”) (cleaned up).

Having reviewed the 9 recent decisions adopting the minority view, the Court agrees with the conclusion reached 10 by Judge Lanza in *Echevarria*. For these reasons, the Petition is granted as to Petitioner’s 11 Fifth Claim for Relief, and Petitioner must receive a bond hearing under 8 U.S.C. 12 § 1226(a). 12 13 ... 14 ... 15 ... 16 ... 17 ... 18 ... 19 ... 20 ... 21 ... 22 ... 23 ... 24 ... 25 ... 26 ... 27 ... 28 2 Because the Court grants relief as to the Fifth Claim for Relief, it will deny the remainder of the Petition as moot.

1 IT IS THEREFORE ORDERED: 2 1. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is granted as to 3 Petitioner’s Fifth Claim for Relief. The remainder of the Petition is denied 4 as moot. 5 2. Respondents must provide Petitioner a bond redetermination hearing within 6 ten days or release him from custody under the same conditions that existed 7 before his detention.

8 3. Respondents must provide a notice of compliance within three days of 9 releasing Petitioner or providing him a bond hearing. 10 4. All remaining motions are denied as moot. 11 5. The Clerk of Court shall enter judgment in Petitioner’s favor and close this 12 case. 13 Dated this 26th day of November, 2025. 14 Wicked T. diburde Michael T. Liburdi 17 United States District Judge 18 19 20 21 22 23 24 25 26 27 28 _5-

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-arizona-united-states-district-court-for-the-distri/2025/juan-daniel-luna-gonzalez-v-kristi-noem-et-al-5jkcqp5>