

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

**Hector Rodriguez Plascencia v. Pamela Bondi, et al.**

No. CV-25-04140-PHX-DWL (ASB) (D. Ariz. Nov. 21, 2025) · No. No. CV-25-04140-PHX-DWL (ASB); 2:25-cv-04140 · Decided November 21, 2025

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OPINION

Plascencia

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Hector Rodriguez Plascencia, No. CV-25-04140-PHX-DWL (ASB) 10 Petitioner, ORDER 11  
v. 12 Pamela Bondi, et al., 13 Respondents. 14 15 Petitioner filed a verified petition for writ of  
habeas corpus under § 2241 and 16 complaint for injunctive and declaratory relief challenging his  
immigration detention. 17 (Doc. 1.)<sup>1</sup> In a November 7, 2025 order, the Court ordered Respondents  
to show cause 18 (“the OSC”) why the petition should not be granted. (Doc. 6.) The OSC is now  
fully 19 briefed.<sup>2</sup> (Docs. 9-10.) For the reasons that follow, the petition is granted and  
Respondents 20 must either release Petitioner from custody or provide a bond hearing within  
seven days. 21 I. Background 22 Petitioner is a citizen of Mexico who entered the United States  
without inspection 23 in 1998. (Doc. 1 at 6.) On September 11, 2025, Petitioner was arrested and  
taken into 24 custody by ICE. (Doc. 9-1 at 3 ¶ 5.) Petitioner’s Notice to Appear reflects he is an  
alien 25 present in the United States who has not been admitted or paroled. (Doc. 8 at 4.) “On 26 1  
Petitioner also filed a motion for temporary restraining order and preliminary 27 injunction. (Doc.  
2.) 28 2 Petitioner also filed a motion to supplement, which contains the exhibits referenced in  
(but mistakenly not attached to) the petition. (Doc. 8.) That motion is granted.

1 October 6, 2025, Petitioner requested a custody redetermination before an Immigration

2 Judge, but his request was denied on the grounds that the Immigration Court lacked 3  
jurisdiction because DHS had classified him as subject to § 1225(b)(2)” based on the Board 4 of  
Immigration Appeals’ recent decision in Matter of Yajure Hurtado, 29 I&N 216 (B.I.A. 5 2025).  
(Doc. 1 at 7.) Respondents assert that under Matter of Yajure Hurtado, noncitizens 6 present  
without admission are subject to mandatory detention under 8 U.S.C. § 1225(b), 7 rather than  
discretionary detention under 8 U.S.C. § 1226(a), because, under 8 U.S.C. 8 § 1225(a)(1), they are  
deemed “applicants for admission.” (Doc. 9 at 11.) 9 In the petition, Petitioner challenges  
Respondents’ interpretation of 8 U.S.C. 10 § 1225(b)(2). Petitioner requests release from custody  
or an order directing an Immigration 11 Judge to conduct a bond hearing. 12 II. Analysis 13 A.  
Jurisdictional Arguments 14 Respondents contend that “8 U.S.C. §§ 1252(g) and (b)(9) preclude  
review of 15 Petitioner’s claims.” (Doc. 9 at 4-6.) Respondents are mistaken, for the reasons set

forth 16 in *Echevarria v. Bondi*, 2025 WL 2821282, \*2-3 (D. Ariz. 2025). 17 Respondents also contend that “§ 1252(a)(5) provides that a petition for review is 18 the exclusive means for judicial review of immigration proceedings.” (Doc. 9 at 6-7.) This 19 argument fares no better than Respondents’ other jurisdiction-stripping arguments—no 20 final order of removal has been issued as to Petitioner and Petitioner does not purport to 21 challenge that nonexistent order. *Singh v. Gonzales*, 499 F.3d 969, 977-78 (9th Cir. 2007) 22 (emphasizing that “Post-REAL ID Act cases considering the applicability of § 1252 have 23 also distinguished between challenges to orders of removal and challenges that arise 24 independently” and citing, with approval, a passage in an earlier case that “the REAL ID 25 Act’s jurisdiction-stripping provisions . . . does [sic] not apply [if the] claim is not a direct 26 challenge to an order of removal”) (citations omitted). 27 B. Interpretation of 8 U.S.C. § 1225 and 8 U.S.C. § 1226 28 On the merits, Respondents state they “are aware of this Court’s prior decision 1 rejecting Respondents’ position” in *Echevarria* “but respectfully maintain that Petitioner 2 has not been deprived of due process, and falls within the definition of an ‘arriving alien’ 3 warranting mandatory detention as the removal process unfolds.” (Doc. 9 at 13.) Among 4 other things, Respondents contend that *Echevarria* did not “consider other pieces of 5 statutory context.” (Id.) The Court respectfully disagrees, as *Echevarria* contains an 6 extensive discussion of the statutory context. *Echevarria*, 2025 WL 2821282 at \*5 7 (“Although [Respondents’] approach has surface appeal, the Court perceives at least two 8 problems with it: first, it ignores some of the additional requirements imposed by 9 § 1225(b)(2) (A); and second, it fails to account for the broader statutory scheme, 10 particularly in light of how that broader scheme has been interpreted by the Supreme 11 Court.”); id. at \*7 (“Putting aside these textual problems with Respondents’ position, 12 Respondents’ narrow focus on § 1225(a)(1) also ignores the complexities of interpreting 13 the INA, a dense statute . . . which must be interpreted against the backdrop of our 14 constitutional principles, administrative law, and international treaty obligations. Divining 15 its meaning is ordinarily not for the faint of heart. To that end, in determining whether 16 Congress has specifically addressed the question at issue, the court should not confine itself 17 to examining a particular statutory provision in isolation. Rather, it must place the 18 provision in context, interpreting the statute to create a symmetrical and coherent 19 regulatory scheme.”) (cleaned up). Noting in Respondents’ brief persuades the Court that 20 this analysis was mistaken. 21 Respondents also cite a handful of recent decisions in which district courts 22 concluded that individuals like Petitioner are subject to mandatory detention under 23 § 1225(b)(2). *Vargas Lopez v. Trump*, 2025 WL 2780351 (D. Neb. 2025), *Chavez v. Noem*, 24 2025 WL 2730228 (S.D. Cal. 2025); *Sandoval v. Acuna*, 2025 WL 3048926 (W.D. La. 25 2025); *Garibay-Robledo v. Noem*, No. 1:25-CV-177-H, Doc. 9 (N.D. Tex. Oct. 24, 2025). 26 In addition to the cases cited by Respondents, the Court is aware of a few more reaching 27 the same conclusion. *Rojas v. Olson*, 2025 WL 3033967 (E.D. Wisc. 2025); *Valencia v. 28 Chestnut*, 2025 WL 3205133 (E.D. Cal. 2025); *Alonzo v. Noem*, 2025 WL 3208284 (E.D. 1 Cal. 2025); *Mejia Olalde v. Noem*, 2025 WL 3131942 (E.D. Mo. 2025). But it is

2 unsurprising that judges across the country are not in full agreement on how this issue 3 should be resolved—indeed, the Court previously emphasized that “it views this issue as 4 presenting a complicated and debatable question.” Echevarria, 2025 WL 2821282 at \*5. 5 It is also fair to note that the cases cited by Respondents still represent the minority 6 position—in the weeks since the Court considered the issue in Echevarria, dozens of other 7 courts have reached the same conclusion. See, e.g., Quinapanta v. Bondi, 2025 WL 8 3157867, \*6 (W.D. Wisc. 2025) (“[M]ore than 45 district courts have now rejected similar 9 arguments made by respondents here and ordered bond hearings for noncitizens who, like 10 petitioner, were apprehended within the United States years after entering without 11 admission or inspection unless implicated by any criminal activity covered by § 1226(c). 12 These decisions, along with a growing number of others now including this court have 13 concluded that the statutory text, the statute’s history, Congressional intent, and § 1226(a)’s 14 application for the past three decades support its application to noncitizens in petitioner’s 15 position.”) (cleaned up). At any rate, having carefully reviewed the recent decisions 16 adopting the minority view, the Court respectfully declines to revisit the conclusion it 17 reached in Echevarria. 18 ... 19 ... 20 ... 21 ... 22 ... 23 ... 24 ... 25 ... 26 ... 27 ... 28 ... 1 Accordingly, 2 IT IS ORDERED: 3 1. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is granted. 4 2. Respondents must provide Petitioner a bond redetermination hearing within 5 seven days or release him from custody under the same conditions that 6 existed before his detention. 7 3. Respondents must provide a notice of compliance within three days of 8 releasing Petitioner or providing him a bond hearing. 9 4. Petitioner’s Motion to Supplement (Doc. 8) is granted. 10 5. The Clerk of Court shall enter judgment in Petitioner’s favor and close this 11 case. 12 Dated this 21st day of November, 2025. 13 Dominic W. Lanza 16 United States District Judge 17 18 19 20 21 22 23 24 25 26 27 28 \_5-