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9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION

12 JOAQUIN E. VILLALTA SALAZAR,
13 Petitioner-Plaintiff,
14 v.

15 Timothy ROBBINS, et al,
16 Respondents-Defendants.

Case No. 2:25-cv-05473-
VBF-MAR

**Sur-Reply to
Opposition To
Preliminary
Injunction**

1 **INTRODUCTION**

2 Pursuant to Petitioner Joaquin Villalta Salazar's ("Petitioner's" or "Petitioner
3 Villalta's") reply filed on July 16, 2025, Counsel discovered and informed the
4 Court that she believes that Petitioner Villalta is a Class Member of *Hernandez*
5 *Roman*, 20-cv-00768-TJH-PVC. See Exhibit Z (Settlement Agreement) & Exhibit
6 Y (letter from ACLU informing Petitioner that he is a class member).
7

8 In an email exchange with Class Counsel, Attorney Eva Bitran of the ACLU,
9 on July 17, 2025, Attorney Bitran confirmed that Petitioner Villalta is a class
10 member and reached out to opposing counsel to learn why they did not notify her
11 of his re-arrest and re-detention on June 14, 2025 pursuant to the Settlement
12 Agreement.
13

14 Counsel thus is notifying the Court that she confirmed that Petitioner Villalta
15 is a *Hernandez Roman* class member.

16 Under the terms of this agreement, which appear to be in effect for one year
17 starting on June 2, 2025, Respondents cannot detain Petitioner Villalta absent any
18 circumstances that currently exist.
19

20 **ARGUMENT**

21 Pursuant to the confirmation of this status, Petitioner Villalta requests that
22 this Court direct the Respondents not to re-arrest or re-detain him pursuant to the
23 Class Settlement Agreement.
24

1 In the alternative, Petitioner Villalta is seeking the same protection against re-
2 arrest and re-detention that is outlined in this Class Settlement as applied to him.

3 In their opposition, Respondents, in relevant part, argued that a requirement
4 that ICE only re-arrest and re-detain Petitioner Villalta upon a showing of flight
5 risk or public danger would only apply if he had been released on bond.
6

7 Respondents argue that due process is conditioned and limited upon a procedural
8 position over which a non-citizen may or may not have control.

9 The reality is that our Courts, and our Constitution, have routinely recognized
10 that due process exists—not just as an individual right—but as the only means by
11 which government excess and abuses of power can be checked. For instance, in a
12 compelling dissent, Justice Ginsburg disabuses the notion that the Fourth
13 Amendment’s exclusionary right is a mere right of a defendant because it is “a
14 remedy applicable only when suppression would result in appreciable deterrence
15 that outweighs the cost to the justice system.” *Herring v. United States*, 555 U.S.
16 135, 150, 129 S. Ct. 695, 706, 172 L. Ed. 2d 496 (2009) (Ginsburg, J., dissenting).
17

18 This is why the exclusionary rule “also serves other important purposes: It
19 ‘enabl[es] the judiciary to avoid the taint of partnership in official lawlessness,’
20 and it ‘assur[es] the people—all potential victims of unlawful government
21 conduct—that the government would not profit from its lawless behavior, thus
22 minimizing the risk of seriously undermining popular trust in
23
24

1 government.” *Herring*, 555 U.S. at 150 (quoting *United States v. Calandra*, 414
2 U.S. 338, 357, 94 S. Ct. 613, 38 L. Ed. 2d 561 (1974) (Brennan, J., dissenting)).

3 From February 2022 to June 2025, Petitioner Villalta wore an ankle bracelet,
4 voluntarily and promptly reported 40 times, and complied with all conditions of his
5 release. On June 14, 2025, ICE revoked his liberty for the stated reason that his re-
6 arrest and re-detention (and potential refolement to El Salvador or a third party) is
7 “what President Trump wants.”

8
9 Revoking Petitioner Villalta’s liberty for purely political reasons threatens
10 the foundation of the Rule of Law in our democracy. “Stated simply, what it
11 means to have a system of government that is bounded by law is that everyone is
12 constrained by the law, no exceptions. And for that to actually happen, courts must
13 have the power to order everyone (including the Executive) to follow the law—full
14 stop. To conclude otherwise is to endorse the creation of a zone of lawlessness
15 within which the Executive has the prerogative to take or leave the law as it
16 wishes, and where individuals who would otherwise be entitled to the law's
17 protection become subject to the Executive's whims instead.” *Trump v. CASA*,
18 *Inc.*, No. 24A884, ___ U.S. ___ 2025 WL 1773631, at *44 (U.S. June 27, 2025)
19 (Jackson, J., dissenting).
20
21

22 If this case is not resolved by the *Hernandez Roman* protections, Petitioner
23 Villalta requests that this Court import those same principles regarding the re-arrest
24

1 of a non-citizen only when their post-release conduct establishes a flight risk or
2 danger to the public. *Hernandez Roman* applied those protections to all class
3 members, regardless of whether they were released by bond, the COVID
4 population reduction order, or a separate habeas petition. See Class Agreement,
5 Exhibit Z, at Section III.A. There is no reason why this Court then cannot adopt
6 and apply those limitations to Respondents to ensure that any re-arrest or re-
7 detention comports with the Settlement's protections that no person shall have their
8 liberty revoked without the recognized legitimate reasons of being a threat to
9 public safety or posing a risk that they will not appear at any future hearing.
10

11 This Court has the legal authority to ensure that Petitioner Villalta has the
12 same guarantee. Not based on how he was first released in 2022. Not because he
13 someone deserves these rights. But these protections are ones that will give all of
14 society that Respondents will not exercise their power in a manner that is arbitrary,
15 unfair, or serving the whims of a political agenda.
16

17 **CONCLUSION**

18 For good cause, Petitioner requests that the Court enjoin Respondents from
19 re-arresting or re-detaining him unless and until he engages in conduct that
20 demonstrates that he is a flight risk or a danger to the public.
21

1 Dated: July 17, 2025

Respectfully submitted,

2

/s/ Kari Hong

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Kari Hong

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Attorney for Petitioner

Joaquin Villalta-Salazar

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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorneys and also have knowledge based on information and belief. I hereby verify that the factual statements made in the attached Reply are true and correct to the best of my knowledge.

Executed on this July 17, 2025, in Missoula, MT.

/s/ Kari Hong
Kari Hong
Attorney for Petitioner