

BRENDON WOODS (CA SBN #189910)
Public Defender

RAHA JORJANI (CA SBN #240941)

Managing Immigration Attorney

LYDIA SINKUS (CA SBN #321559)

Immigration Attorney

KELSEY MORALES (CA SBN #312362), *Designation of Counsel for Service*

Immigration Attorney

Office of the Alameda County Public Defender

312 Clay Street, 2nd Floor

Oakland, CA 94607

Telephone: 510 268-7429

Facsimile: 510 268-7462

Email: kelsey.morales@acgov.org

Pro Bono Attorneys for Petitioner

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

JUAN CUEVAS GUZMAN,

Petitioner,

v.

TONYA ANDREWS, in official capacity,
Facility Administrator of Golden State Annex;
ORESTES CRUZ, in official capacity, Field
Office Director of ICE's San Francisco Field
Office; TODD M. LYONS, in official capacity,
Acting Director of ICE; KRISTI NOEM, in
official capacity, Secretary of the U.S.
Department of Homeland Security; PAM
BONDI, in official capacity, Attorney General
of the United States,

Respondents.

Case No. 1:25-cv-01015-KES-SKO

**REPLY TO RESPONDENTS'
OPPOSITION TO PETITIONER'S
MOTION FOR A TEMPORARY
RESTRAINING ORDER**

Immigration Habeas Case

Date: September 5, 2025

Time: 11:00AM

Court: Hon. Kirk E. Sherriff

Petitioner submits this reply to Respondents' oppositions to his motion for a temporary restraining order. *See* ECF No. 8, Respondents' Opposition to Motion for Temporary Order (hereinafter "Opp."); ECF No. 10, Respondents' Supplemental Opposition to TRO Motion (hereinafter "Supp. Opp.").

REPLY TO RESPONDENT'S FACTUAL ARGUMENTS

In their opposition, Respondents state that Mr. Cuevas Guzman's removal proceedings were "dismissed" after he filed an application for a U visa. Opp. at 2. That is incorrect. Rather, an Immigration Judge ("IJ") administratively closed Mr. Cuevas Guzman's proceedings to await the adjudication of his visa with U.S. Citizenship and Immigration Services ("USCIS"). *See* Declaration of Lydia Sinkus (hereinafter "Sinkus Decl.") at ¶ 5; Exhibit ("Exh.") H, Order Granting Administrative Closure.¹ "Administrative closure is a procedure by which an IJ or the BIA temporarily removes a case from the active calendar or docket as a matter of administrative convenience and docket management." *Gonzalez-Caraveo v. Sessions*, 882 F.3d 885, 889 (9th Cir. 2018). "Administrative closure does not result in a final order, and the Department may always move to recalendar the case or seek immediate review of the decision." *Id.* at 981.

REPLY TO RESPONDENT'S LEGAL ARGUMENTS

I. Respondents' Procedural Arguments Against Granting Injunctive Relief Fail.

Respondents contend that the Court should deny Mr. Cuevas Guzman's request for injunctive relief here on two procedural grounds, because of alleged delay in seeking injunctive relief and because it is an "inappropriate request for an ultimate determination on the merits." Opp. at 4-5. Both arguments fail.

¹ Petitioner resubmits Exhibits B, H, and K of the Sinkus Declaration, as it appears they are illegible in the original filing. *See* Declaration of Kelsey Morales.

1 First, Respondents' argument that Mr. Cuevas Guzman cannot seek emergency relief
2 because he did not challenge the government's violations of his constitutional and statutory
3 rights sooner is rich. The government perpetrated the actions at issue in this litigation; it ought to
4 be prepared to take "immediate action" to justify its conduct. Opp. at 1. The government also
5 offers no authority for the proposition that if unconstitutional conduct is not challenged
6 immediately, it must be permitted to proceed unabated while litigation lumbers along. Moreover,
7 a portion of the government's violative conduct occurred merely a few weeks before the filing of
8 the instant petition, on July 22, 2025, when he was denied a bond hearing by the IJ. *See* Exhibit
9 L, IJ Order. The fact that Mr. Cuevas Guzman sought to remedy his unlawful detention by
10 bringing his claim before the agency first should not be held against him.

11 Second, many courts, including this Court, have properly rejected the government's
12 argument that the requested injunctive relief—immediate release and an order enjoining
13 redetention absent notice and an opportunity to be heard before a neutral adjudicator as to the
14 necessity of detention—is an inappropriate request for an ultimate determination on the merits.
15 *See e.g., Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *8
16 (E.D. Cal. Aug. 21, 2025) (recognizing that "awarding temporary relief of the kind requested
17 here does not constitute a final judgment on the merits in this case or foreclose further litigation
18 of the issues raised in petitioner's habeas petition"); *Castellon v. Kaiser*, No. 1:25-CV-00968
19 JLT EPG, 2025 WL 2373425, at *7 n.7 (E.D. Cal. Aug. 14, 2025) (distinguishing *Senate of Cal.*
20 *v. Mosbacher*, 968 F.2d 974, 978 (9th Cir. 1992)).

21 Indeed, granting injunctive relief and ordering Mr. Cuevas Guzman's release does not, as
22 the government alleges, *see* Opp. at 5, deprive the Court of complete briefing on the merits of the
23 petition; rather, his release will "return him to the status quo ante— 'the last uncontested status
24

which preceded the pending controversy.” *Arzate v. Andrews*, No. 1:25-CV-00942-KES-SKO (HC), 2025 WL 2411010, at *8 (E.D. Cal. Aug. 20, 2025). *See also Singh v. Andrews*, No. 1:25-CV-00801-KES-SKO (HC), 2025 WL 1918679, at *5 (E.D. Cal. July 11, 2025) (“In similar detention cases, other courts have considered the last uncontested status to be the moment prior to an unlawful detention.”).

II. Mr. Cuevas Guzman Is Likely to Succeed, or, at a Minimum, Presents Serious Questions, on His Constitutional and Statutory Arguments that His Detention Without Process is Illegal.

A. This Court and many others have determined that redetention of noncitizens like Mr. Cuevas Guzman without notice and process before a neutral adjudicator violates due process.

Respondents claim that, in seeking a pre-deprivation hearing, Petitioner asks this “Court to invent a new procedural rule.” *See* Opp. at 6. But Respondents ignore the multitude of cases, including from this Court, holding that detention of individuals at liberty—whether through a grant of bond (like Mr. Cuevas Guzman) or a grant of parole—without notice and an opportunity to be heard by a neutral adjudicator as to the necessity of their detention violates due process. *See e.g. Arzate*, 2025 WL 2411010, at *7-*8 (E.D. Cal. Aug. 20, 2025) (“[A] pre-deprivation hearing was required to satisfy due process”) (emphasis in original) (citing cases).

Further, these courts have soundly rejected Respondents’ argument that *Morrissey* and its progeny are inapplicable to noncitizens like Mr. Cuevas Guzman. *Id.* That is because “just like a parolee, noncitizens are entitled to the protections of the Due Process Clause.” *Arzate*, 2025 WL 2411010, at *5. *See also Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017) (“[T]he government’s discretion to incarcerate non-citizens is always constrained by the requirements of due process”). Indeed, “[g]iven the civil context, [a noncitizen’s] liberty interest is arguably

1 greater than the interest of parolees in *Morrissey*.” *Ortega v. Bonmar*, 415 F. Supp. 3d 963, 970
2 (N.D. Cal. 2019).

3 Respondents further argue that this “new rule” would afford noncitizens “greater
4 procedural protection than criminal defendants” and that “the petitioner cannot demand greater
5 procedural protections than criminal defendants.” Opp. at 6. This is plainly incorrect. As a civil
6 detainee, Mr. Cuevas Guzman is entitled to “more considerate treatment” and “greater liberty
7 protections” than those who are criminally detained. *Jones v. Blanas*, 393 F.3d 918, 931-32 (9th
8 Cir. 2004). As such, this Court and others have held that “decisions defining the constitutional
9 rights of prisoners establish a *floor* for the constitutional rights of noncitizens in immigration
10 custody.” *Singh v. Andrews*, No. 1:25-CV-00801-KES-SKO (HC), 2025 WL 1918679, at *8
11 (E.D. Cal. July 11, 2025) (emphasis in original). Indeed, as stated by District Court Judge Rita
12 Lin in *Guillermo M. R. v. Kaiser*, No. 25-CV-05436-RFL, 2025 WL 1983677, at *6 (N.D. Cal.
13 July 17, 2025), “[i]f a parolee serving out a sentence for a violent crime, and subject to highly
14 restrictive conditions of release, has a sufficiently strong liberty interests to be entitled to a
15 hearing prior to re-incarceration, then a non-citizen freed from civil detention on bond likely has
16 a similar entitlement.”

17 Respondents argue that Mr. Cuevas Guzman received sufficient process because after he
18 was arrested he was “afforded multiple opportunities to appear before an immigration judge” and
19 therefore that “ample opportunity to address his detention.” Opp. at 7. Notably, Respondents
20 concede that *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976), governs the due process analysis,
21 and waive arguments that the first and third *Mathews* factors favor Mr. Cuevas Guzman. *Id.* As
22 to the *Mathews* second factor (risk of erroneous deprivation of such interest through the
23 procedures used, and probable value, if any, of additional procedural safeguards), Respondents’
24

1 sole argument that Mr. Cuevas Guzman had opportunities to address his detention before the
2 Immigration Court ignores the fact here that the IJ erroneously determined that she lack statutory
3 jurisdiction to review his detention, *infra* Section I.B.2, thereby depriving Mr. Cuevas Guzman
4 of even post-deprivation custody review. Allowing a neutral arbiter to consider and review the
5 necessity of detention here on the merits “would significantly reduce the risk of erroneous
6 deprivation.” *Arzate*, 2025 WL 2411010, at *6 citing *Guillermo M. R.*, 2025 WL 1983677, at *4.

7 **B. Alternatively, Mr. Cuevas Guzman is likely to succeed on his statutory claim**
8 **that his detention without a bond hearing violates the Immigration and**
9 **Nationality Act.**

10 Respondents raise three arguments as to why Mr. Cuevas Guzman is ineligible for a bond
11 hearing under 8 U.S.C. § 1226(a). Each argument fails.

12 **1. Mr. Cuevas Guzman is not an applicant for admission.**

13 Respondents argue that because Mr. Cuevas Guzman entered the United States without
14 admission he is a an “applicant for admission” subject to mandatory detention under 8 U.S.C. §
15 1225(b)(2)(A). Supp. Opp. at 2. This argument ignores the plain language of the statute and the
16 facts in this case.

17 There is no dispute that Mr. Cuevas Guzman was arrested by a warrant in 2011. *See*
18 Exhibit C. The warrant, contained in Form I-200, is dated December 5, 2011. *Id.* It is clearly
19 labeled: “Warrant for Arrest of Alien.” *Id.* The warrant states that detention is “authorized by
20 section 236 of the Immigration and Nationality Act.” *Id.* That same day, DHS issued a Notice of
21 Custody Determination stating that pursuant to 8 U.S.C. § 1226 and 8 C.F.R. § 1226, Mr. Cuevas
22 Guzman should be released on a \$10,000 bond pending a final determination by an IJ in his case.
23 Exhibit E. Petitioner sought IJ review of this custody determination permitted under the statute
24 and on December 20, 2011, the an IJ provided him a \$6,000 bond. Exhibit F. More recently, on

December 6, 2024, the government issued another warrant for Mr. Cuevas Guzman. *See* Exhibit I. This warrant similarly states that detention is authorized by INA § 236. *Id.* Therefore, the record here clearly establishes that the government has consistently treated Mr. Cuevas Guzman as subject to § 1226.

Respondents allege for the first time in their supplemental briefing that the hearing Mr. Cuevas Guzman received in 2011 was “at the discretion of the Executive Branch” because “[i]n 2011, like today, Cuevas was subject to § 1225(b)(2)(A).” Supp. Opp. at 3. But there is “nothing in the record to reflect that hypothesis.” *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588, at *4 (S.D.N.Y. Aug. 13, 2025) (stating that “the Court cannot credit [the government’s] speculation” that § 1225 was applicable to the noncitizen where the none of the documents authorizing the noncitizen’s arrest and release “suggest anything to that effect”). What is clear from the record is that (1) Mr. Cuevas Guzman *was* designated for treatment under § 1226(a) in 2011 and 2024; (2) in 2011, the government did not designate him as an “applicant for admission” in issuing the Notice to Appear, and (3) the government detained him under § 1226 in 2011 and 2025. *See* Exhibits B, C, E, and I. “These facts, taken together, can support only one conclusion—that [Mr. Cuevas Guzman] was not mandatorily detained as a noncitizen ‘seeking admission’ under § 1225(b), but rather as someone ‘already in the country,’ pursuant to Respondents’ discretionary authority under § 1226(a).” *Lopez Benitez*, 2025 WL 2371588, at *5 (internal citations omitted).

Further, the plain text of the INA makes clear that a person inside the United States, arrested by a warrant, like Mr. Cuevas Guzman, is detained under § 1226(a). The opening sentence of § 1226(a) states: “(a) Arrest, detention, and release – *On a warrant* issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien

1 is to be removed from the United States.” (emphasis added). By contrast with § 1226(a), the
2 word “warrant” does not appear anywhere in § 1225. Congress’s specific reference to a
3 “warrant” in § 1226(a) indicates that a person arrested pursuant to a warrant is detained subject
4 to § 1226(a), not § 1225. Likewise, Congress’s decision not to omit the word “warrant” entirely
5 from § 1225 indicates that individuals subject to § 1225 are amenable to warrantless arrests. This
6 clear statutory language shows that Mr. Cuevas Guzman—who was arrested by a warrant—is
7 detained under § 1226(a) and thus entitled to a bond hearing.

8 Other courts to consider this issue have agreed that arrest by warrant subjects a person to
9 INA § 236(a) detention—and thus makes them eligible for a bond hearing. *See e.g., Gomes v.*
10 *Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *6 (D. Mass. July 7, 2025) (“Interpreting
11 Section 1225(b)(2) to mandate Gomes’ detention in these circumstances would contravene
12 Congress’s intent that Section 1226(a)’s discretionary detention framework apply to all
13 noncitizens arrested on a warrant except those subject to Section 1226(c)’s carve-out.”);
14 *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1256 (W.D. Wash. 2025) (“A plain reading of this
15 exception implies that the default discretionary bond procedures in Section 1226(a) apply to a
16 noncitizen who, like Rodriguez, is present without being admitted or paroled but *has not been*
17 implicated in any crimes as set forth in Section 1226(c)”).

18 *Jennings v. Rodriguez*, 583 U.S. 281 (2018), supports Petitioner’s reading of the statutory
19 text. *See Rodriguez*, 779 F. Supp. 3d at 1258 (“[T]he Supreme Court’s opinion in *Jennings* also
20 lends some support to Rodriguez’s proposal for harmonizing Sections 1225 and 1226.”). As
21 described by the *Rodriguez* court:

22 In *Jennings*, the Court framed its discussion of Section 1225 as part of a process
23 that “generally begins at the Nation’s borders and ports of entry, where the
24 Government must determine whether a noncitizen seeking to enter the country
is admissible.” 583 U.S. at 287. Then, when discussing Section 1226, *Jennings*

describes it as governing “the process of arresting and detaining” noncitizens who are living “inside the United States” but “may still be removed,” including noncitizens “who were inadmissible at the time of entry.” *Id.* at 288. The Court then summarizes the distinction as follows: “In sum, U.S. immigration law authorizes the Government to detain certain [noncitizens] *seeking* admission into the country under §§ 1225(b)(1) and (b)(2). It also authorizes the Government to detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c).”

Rodriguez, 779 F. Supp. 3d at 1258 (emphasis in original). As noted in *Jennings*, the statutory framework is understood as § 1225(b)(2) applying to those near the border who are about to cross it or have recently crossed it. It does not apply to individuals like Mr. Cuevas Guzman.

Additionally, Respondents fail to respond and therefore waive any challenge to Mr. Cuevas Guzman’s arguments that the government’s reading of § 1225 as requiring mandatory detention for any type of “applicant for admission”:

- Renders § 1226(c) meaningless, as § 1226(c) already specifically addresses the detention of those who entered without inspection. For example, it refers to those inadmissible under § 1182(a)(6)(A)—present without being admitted—and charged with, arrested for, or convicted of certain enumerated crimes. *See* § 1226(c)(1)(E)(i)-(ii). In other words, being present without admission is *not* enough to require mandatory detention under § 1226(c)(1)(e); one must also be implicated in a certain crime. *Lopez Benitez v. Francis*, 2025 WL 2371588, at *11 (“There would be little need for such a carveout requiring detention of certain criminal noncitizens if § 1226(a) were intended to authorize the categorical detention of any noncitizen unlawfully present inside the country.”). The government’s reading would render this subsection surplusage—an absurd result that this Court must avoid. *See Corley v. United States*, 556 U.S. 303, 314 (2009) (stating that “one of the most basic interpretive canons ... [a] statute should be construed so that effect

1 is given to all its provisions, so that no part will be inoperative or superfluous, void or
2 insignificant.”).

- 3 • Ignores the plain text of § 1225(b)(2), which applies to only those “seeking admission.”
4 TRO Motion at 21. “Respondents’ selective reading of the statute—which ignores its
5 ‘seeking admission’ language—violates the rule against surplusage and negates the plain
6 meaning of the text.” *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 2084238, at
7 *6 (D. Mass. July 24, 2025).

8 **2. Mr. Cuevas Guzman has not had a bond hearing.**

9 The Court should reject Respondents’ argument that Mr. Cuevas Guzman has already
10 “been given all of the procedural protections of a § 1226(a) bond hearing.” Supp. Opp. at 3.
11 Respondents do not dispute that, at the sole hearing Mr. Cuevas Guzman received, the IJ
12 determined that she did not have jurisdiction to hold a custody hearing. *See* Exhibits L and V. In
13 so holding, the IJ necessarily did not consider whether Mr. Cuevas Guzman was a present danger
14 or unmitigable flight risk under *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). Yet, this inquiry
15 is at the heart of the procedural protections provided by INA § 236(a).

16 Due process requires more than just a nominal hearing; it requires due consideration of
17 the arguments presented. *See Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025
18 WL 2337099, at *14 (D. Ariz. Aug. 11, 2025) (determining that a noncitizen “was not afforded
19 any hearing, or procedural safeguards, that balanced her protected liberty interest with the
20 government’s interest in immigration enforcement” where, like here, the IJ determined they
21 lacked jurisdiction to provide a bond hearing).

22 //

23 //

1 **3. Waiting for the Board to issue a decision is neither required nor**
2 **prudent.**

3 Respondents' final argument—that any challenge to the jurisdictional denial of a §
4 1226(a) bond hearing should be raised before the BIA, *see* Supp. Opp. at 4—also fails. As an
5 initial matter, the government speaks out of both sides of its mouth when, in one filing, it argues
6 that Mr. Cuevas Guzman did not seek this Court's intervention fast enough, *see* Opp. at 7-8, and
7 in the other, it suggests Mr. Cuevas Guzman must wait even longer in detention for the BIA to
8 weigh in, *see* Supp. Opp. at 4. Furthermore, to the extent that Respondents suggest that the BIA,
9 not this Court, has jurisdiction over his statutory claim, that argument is plainly wrong. *See Singh*
10 *v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011) (recognizing that habeas review over
11 constitutional claims or claims of law survives 8 U.S.C. § 1226(e)'s jurisdiction stripping
12 provision).

13 Finally, if Respondents' argument is construed as an exhaustion argument, exhaustion is
14 prudential and can be waived if, *inter alia*, “administrative remedies are inadequate or not
15 efficacious,” or “irreparable injury will result.” *Hernandez*, 872 F.3d at 988. This is the case
16 here. As another court has recently recognized, the question Mr. Cuevas Guzman's second claim
17 presents—whether his detention is governed by § 1225(b) or § 1226(a)—is a “question of
18 statutory interpretation [that] belongs to the independent judgment of the courts.” *Rodriguez*, 779
19 F. Supp. 3d at 1251. It would not be efficacious to wait for the BIA to decide the issue when its
20 decision would not be entitled to any deference. *See Loper Bright Enters. v. Raimondo*, 603 U.S.
21 369, 412-13 (2024). Moreover, as set forth *infra* Section III, Mr. Guzman Cuevas has established
22 irreparable injury—both the kind present in any case in which “an individual has been detained
23 for months without a bond hearing, and where several additional months may pass before the
24

1 BIA renders a decision on a pending appeal” and “uncontested evidence of unique harm to
2 him”—warranting waiver of exhaustion. *Rodriguez*, 779 F. Supp. 3d at 1253-55.

3 **III. Contrary to Respondents’ Assertion, the Remaining TRO Factors – Irreparable**
4 **Harm, and the Balance of Equities and Public Interest—Favor Petitioner’s**
5 **Immediate Release.**

6 The Court should reject Respondents’ argument that Mr. Cuevas Guzman waived a
7 showing of irreparable harm based on his detention “by failing to challenge his detention for
8 seven months.” Opp. at 7. Respondents do not provide any support for the proposition that a
9 noncitizen can waive such a fundamental interest in their liberty; indeed, “[f]reedom from
10 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
11 the heart of the liberty that [the Fifth Amendment’s Due Process] Clause protects.” *Zadvydas v.*
12 *Davis*, 533 U.S. 678, 690 (2001). Further, this is not a “manufacture[d] exigency” based on
13 Petitioner’s “own tactical choices.” Opp. at 8. The only “tactical” change that occurred was to
14 that of decades of prior agency practice applying discretionary detention under §1226(a) to
15 noncitizens like Mr. Cuevas Guzman. *Rodriguez*, 779 F. Supp. 3d at 1259. Further, Respondents
16 ignore the fact that Mr. Cuevas Guzman sought release through the agency (which they maintain
17 was appropriate, *supra* Section II.B.3) and timely came to the Court within weeks of the IJ’s
18 erroneous determination that she lacked jurisdiction to hold a bond hearing.

19 Moreover, Respondents fail to recognize that Mr. Cuevas Guzman continues to suffer
20 irreparable injury every day he remains detain in violation of his constitutional and statutory
21 rights. *See* Exh. A; *Hernandez*, 872 F.3d at 995 (“In the absence of an injunction, harms such as
22 these will continue to occur needlessly on a daily basis.”). He continues to suffer from his
23 unlawful detention, and such unlawful detention continues to separate him from children,
24 including his adult son who suffers from a serious mental health condition and his teenage

1 daughter, both of whom do not receive stable shelter from their mother. Exh. A. Lastly, the
2 government's violation of Mr. Cuevas Guzman's constitutional rights suffices on its own as
3 irreparable injury, as "[w]hen an alleged deprivation of a constitutional right is involved, most
4 courts hold that no further showing of irreparable injury is necessary." *Warsoldier v. Woodford*,
5 418 F.3d 989, 1001-02 (9th Cir. 2005).

6 The Court should also reject Respondents' arguments that the balance of equities and
7 public interest do not favor granting injunctive relief. "The public has a strong interest in
8 upholding procedural protections against unlawful detention, and the Ninth Circuit has
9 recognized that the costs to the public of immigration detention are staggering." *Diaz v. Kaiser*,
10 No. 3:25-CV-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025). Mr. Cuevas Guzman's
11 criminal history does not alter this analysis, especially here where Mr. Cuevas Guzman was
12 previously granted an IJ bond, the government does not dispute that his criminal history was
13 available to it for years, and that these outdated facts do not capture the current circumstances of
14 significant positive changes in Petitioner's life. Exh. A. Indeed, the government offers no
15 evidence to support this argument. Rather, the evidence shows that the public – his family and
16 members of the community – seeks Mr. Cuevas Guzman's release from custody.

17 CONCLUSION

18 For all the above reasons, and for the reasons stated in Petitioner's Motion for a
19 Temporary Restraining Order, this Court should find that Mr. Cuevas Guzman warrants a
20 temporary restraining order and a preliminary injunction ordering that Respondents release him
21 from custody and refrain from re-arresting him until he is afforded a hearing that complies with
22 due process on whether his re-detention is justified, including that the government bear the
23 burden of proof by clear and convincing evidence; or, in the alternative ordering that
24

1 Respondents release him from custody if he is not provided a custody redetermination hearing in
2 front of a neutral arbiter within seven days.

3
4 Dated: September 2, 2025

/s/ Kelsey Morales
Kelsey Morales
Attorney for Petitioner