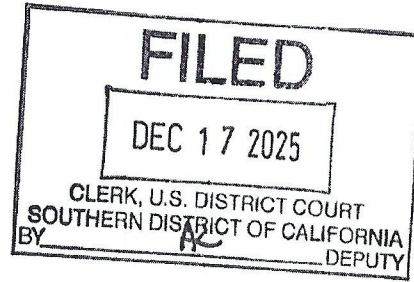

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Hon. Dana M. Sabraw
United States District Judge



ORLANDO ALFREDO GIMENEZ GIL,
Petitioner,

v.

WARDEN, OTAY MESA DETENTION CENTER, et al.,
Respondents.

Case No. 3:25-cv-03279-DMS-VET

PETITIONER'S RESPONSE TO ORDER REQUIRING SUPPLEMENTAL BRIEFING

I. INTRODUCTION

Petitioner Orlando Alfredo Gimenez Gil respectfully submits this response pursuant to the Court's Order Requiring Supplemental Briefing dated December 9, 2025.

Petitioner is currently detained at Otay Mesa Detention Center. As of the date of this filing, Petitioner has not yet received Respondents' supplemental return, which the Court ordered Respondents to file by December 12, 2025. Due to delays inherent in detention mail delivery, Petitioner files this response without the benefit of reviewing Respondents' supplemental submission, solely to comply with the Court's deadline of December 15, 2025.

Petitioner respectfully reserves the right to supplement or amend this response should Respondents' supplemental return raise new factual assertions or legal arguments.

II. RESPONSE TO THE COURT'S QUESTIONS

1. Whether Petitioner's parole was revoked prior to the dismissal of his removal proceedings on June 24, 2025

To Petitioner's knowledge, his humanitarian parole was not formally revoked prior to the dismissal of his removal proceedings.

Petitioner entered the United States lawfully through CBP One and was granted humanitarian parole (DT). Although DHS later announced a termination of certain parole programs effective April 18, 2025, Petitioner was never personally served with a parole revocation notice, nor was he afforded any hearing or individualized determination regarding parole termination.

At the time of his detention on June 24, 2025, Petitioner was:

Actively appearing at immigration court hearings;

In compliance with all court requirements; and

Actively pursuing asylum protection.

Accordingly, Petitioner maintains that no valid parole revocation occurred prior to the dismissal of proceedings, or, alternatively, that any purported termination occurred without due process.

2. Whether dismissing removal proceedings and initiating expedited removal without parole or an opportunity to be heard violates due process under *Mathews v. Eldridge*

Yes. Petitioner respectfully submits that this sequence of actions violates the Fifth Amendment's Due Process Clause under the balancing test established in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

a. Private Interest at Stake

Petitioner's physical liberty is at stake—"the most elemental of liberty interests." Prolonged civil immigration detention without parole or hearing constitutes a severe deprivation.

b. Risk of Erroneous Deprivation

The risk of error was substantial because:

Petitioner was detained immediately after dismissal of proceedings;

DHS initiated expedited removal without parole or hearing;

Petitioner was not given an opportunity to contest detention; and

Petitioner had already received a positive credible fear determination.

This mirrors concerns identified by this Court in *Noori v. Larose*, and by other courts addressing similar DHS practices following the 2025 Designation.

c. Government's Interest

While the government has an interest in immigration enforcement, that interest does not outweigh constitutional due process, especially where parole, supervision, or bond hearings are available alternatives.

Accordingly, Petitioner submits that the dismissal of proceedings followed by expedited removal detention without parole or hearing is constitutionally deficient.

3. Whether the 2025 Designation applies to individuals who entered the U.S. prior to its effective date

Petitioner respectfully submits that the 2025 Designation should not be applied retroactively to individuals, like Petitioner, who:

Entered the United States lawfully prior to the Designation's effective date;

Were already placed into § 1229a removal proceedings; and

Were actively pursuing asylum protections.

Retroactive application raises serious due process and fair notice concerns, particularly where individuals relied on existing legal frameworks governing parole, removal proceedings, and asylum eligibility.

Nothing in the Designation clearly authorizes DHS to retroactively convert pending or dismissed § 1229a cases into expedited removal proceedings without parole or hearing.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully submits that:

His parole was not lawfully revoked prior to detention;

The procedural sequence employed by DHS violates due process; and

The 2025 Designation should not apply retroactively to his case.

Petitioner respectfully requests that the Court:

1. Consider this response timely filed despite detention-related mail delays;
2. Permit supplementation if necessary after receipt of Respondents' supplemental return; and
3. Grant appropriate habeas relief consistent with constitutional due process.

Petitioner submits the attached exhibits in support of this response, including official records establishing the date of detention, custody status, and procedural posture of his immigration case.

Attached Exhibits:

Exhibit A – ICE Custody Confirmation

Exhibit B – Otay Mesa Intake Property Receipt

Exhibit C – EOIR Dismissal Record

Exhibit D – BIA Appeal Receipt

Exhibit E – I-94 / CBP One Record

IV. VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: December 13, 2025
San Diego, California

Respectfully submitted,



ORLANDO ALFREDO GIMENEZ GIL
Petitioner, Pro Se



Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

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V. CERTIFICATE OF SERVICE

I certify that on this date, a copy of this filing was placed in the institutional mail system for service upon Respondents and the U.S. Attorney's Office.

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