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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8 FRESNO DIVISION

9 Cristian Amaya-Quinteros,

Case Number: 1:25-cv-1672-AC

10 Petitioner,

11 v.

**PETITIONER'S OPPOSITION TO
RESPONDENT'S MOTION TO
RECONSIDER.**

12 CORECIVIC, INC., a Maryland corporation;
13 Kristi NOEM, Secretary of the Department of
14 Homeland Security; Pamela BONDI, U.S.
15 Attorney General; in their official capacity;
16 Moises BECERRA, in his official capacity as
17 Field Office Director of Immigration and
18 Customs Enforcement, Enforcement and
19 Removal Operations.

20 Respondents.

21 Petitioner respectfully opposes Respondents' motion to reconsider the order requiring the
22 production of Petitioner's A-File. (ECF No. 33). Petitioner's petition for a writ of habeas corpus
23 asserted that he was subject to the protections of the William Wilberforce Trafficking Victims
24 Protection Reauthorization Act of 2008 (TVPRA 2008), Public Law 110-457, 112 Stat. 5044
25 (Dec. 23 2008), codified in relevant part at 8 U.S.C. § 1232(c)(2)(B) as a special immigrant
26 juvenile but alluded that he may have been a victim of human trafficking by a smuggler. The
27 evidence provided by the Government raises questions that perhaps there was a criminal
28

1 investigation into smuggling where Petitioner could have been a victim where the agent wrote in
2 his declaration:

3
4 Petitioner's file contains personally identifying information
5 obtained through a *law enforcement investigation* involving nearly
6 a dozen individuals who are unrelated to Petitioner's habeas
7 proceedings before the district court or to his immigration
8 proceedings before the Executive Office for Immigration Review
9 (EOIR). ERO is not the owner of the underlying *law enforcement*
10 *investigation*, an coordination with the originating agency is
11 required before any disclosure may be authorized. (*emphasis*
12 *added*).

13 ECF No. 32-1. Petitioner cannot fully develop his entitlement to relief if he is deprived of
14 evidence that could show he is covered by the TVPRA as a human trafficking victim as well as a
15 special immigrant juvenile. The Government's assertion that the notice to appear was sufficient
16 information to resolve this dispute is unavailing because the propriety of the additional charge of
17 section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act is subject to dispute under the
18 United States Court of Appeals for the Ninth Circuit's decision in *Torres v. Barr*, 976 F.3d 918,
19 926 (9th Cir. 2020) and *United States v. Gambino-Ruiz*, 91 F.4th 981, 989 (9th Cir. 2024)
20 because he was issued the notice to appear years after his entry.

21 Petitioner requests this Court order Respondents to provide the entirety of the records in
22 his A-File.

23 In *Dent v. Holder*, 627 F.3d 365, 374 (9th Cir. 2010) the U.S. Court of Appeals for the
24 Ninth Circuit held that failure to provide documents in the Government's possession denied a
25 noncitizen "an opportunity to fully and fairly litigate his removal." In *Dent*, a noncitizen in
26 removal proceedings claimed to have been adopted by a United States citizen but had a difficult
27 time proving it because he was in detention and birth records of his deceased adoptive parent
28 proving she was a United States citizen had been destroyed in a fire. *Id.* at 369. It was not until
Dent was charged with a crime relating to unlawful re-entry that discovery of his A-file was

1 produced showing the Government had a previously submitted naturalization application made
2 on Mr. Dent's behalf when he was 14 years old that proved his adoptive parent was a United
3 States citizen. *Id.* at 370. The Ninth Circuit concluded that Mr. Dent "...having asked for help in
4 getting what records the agency had that bore on his case, should have been given access to his
5 file." *Id.* at 375. Mr. Dent's case was remanded to the United States District Court rather than the
6 BIA on the issue of the naturalization application. *Id.*

8 "It is well established that the Fifth Amendment entitles aliens to due process of law in
9 [removal] proceedings," *Reno v. Flores*, 507 U.S. 292, 306 (1993). "An alien subject to removal or
10 deportation proceedings is guaranteed the opportunity for a full and fair hearing, including the right
11 to present evidence in his behalf, by statute, regulation, and under the Due Process Clause. *Jacinto*
12 *v. INS*, 208 F.3d 725, 727-28 (9th Cir. 2000)

14 The statute governing the conduct of removal proceedings provides that, under regulations
15 of the Attorney General, "the alien shall have a reasonable opportunity to . . . present evidence on
16 the alien's own behalf". 8 U.S.C. § 1229a(b)(4)(B). Similarly, 8 C.F.R. § 240.10 (a)(4) requires that
17 the IJ advise the applicant "that he or she will have a reasonable opportunity to . . . present
18 evidence in his or her own behalf."

20 Although these proceedings are not removal proceedings, the principle is nonetheless the
21 same in that Petitioner cannot be denied evidence in the Government's possession that would
22 justify relief.

24 Therefore, Petitioner respectfully requests that this Court deny Respondents' request.

25 Date: January 16, 2026

Respectfully Submitted,

27 /s/ Mario Salgado
Mario Salgado, Esq.

CERTIFICATE OF SERVICE

I, Mario Salgado, am over the age of 18 years and maintain a business address located at 605 Market Street Suite 1111 in San Francisco, California 94105. I electronically served the **Petitioner's Opposition to Respondent's Motion to Reconsider** to the United States Attorney's Office for the Eastern District of California; 2500 Tulare Street, Suite 4401, Fresno, CA 93721 via the court's filing system.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

Date: January 16, 2026

/s/ Mario Salgado
Mario Salgado, Esq.