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13 UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA

15 ESTEBAN QUIROGA-CHAPARRO,


16 Petitioner,

17 v.

18 WARDEN OF THE GOLDEN STATE ANNEX  
19 DETENTION FACILITY, ET AL.,

20 Respondents.

Case No. 1:25-cv-1731-AC


Agency No. 

**REPLY BRIEF**

**ORAL ARGUMENT REQUESTED**

Expedited Hearing Requested

21 **INTRODUCTION**

22 It is a bedrock principle of the Due Process Clause that an individual, regardless of citizenship status,  
23 shall not be deprived of liberty without cause. Yet Petitioner Esteban Quiroga-Chaparro—an asylum  
24 applicant who fled his homeland after being  based on his  
25 sexual minority status—has been detained by Immigrations and Customs Enforcement (“ICE”) for over two  
26 months without explanation, cause, or process.

27 Rather than submitting any evidence required to justify their unconstitutional actions, Respondents  
28 make a false legal argument. They ask the Court to depart from longstanding precedent applying 8 U.S.C.  
§ 1226(a) to these facts, and instead to apply their novel interpretation of § 1225(b) here. But courts apply  
§ 1226(a) to the detention of non-citizens, like Petitioner, who are already in the country pending the

1 outcome of removal proceedings. And even if § 1225(b) were to apply to such non-citizens, it would not  
2 apply to Petitioner because he was released on parole before Respondents adopted their new interpretation.

3 Respondents bear the burden of demonstrating that Petitioner poses a danger or is a flight risk before  
4 depriving him of his liberty. But they set forth no evidence that Petitioner violated any conditions of his  
5 parole, that he poses a danger or is a flight risk, or that any circumstances have changed to undermine the  
6 DHS's decision to release him on parole in 2023. Nor could Respondents have presented such evidence.  
7 Tellingly, he was re-arrested (and subsequently re-detained) when he appeared for his in person check-in, in  
8 full compliance with his parole obligations and continues to have no criminal record of any kind.

9 For these reasons and as detailed further below, Petitioner respectfully requests that the Court grant  
10 his Petition and order his immediate release or, in the alternative, that he be provided a bond hearing with  
11 haste.

## 12 ARGUMENT

### 13 **A. Section 1226(a), not 1225(b), governs Petitioner's detention.**

14 Respondents lodge only one, purely legal argument in response to the Petition: that 8 U.S.C.  
15 § 1225(b) renders Petitioner's detention "mandatory." See ECF No. 8 at 4-5. But they fail to mention that  
16 § 1225(b) is only relevant if the Court accepts the government's novel interpretation that it applies "to the  
17 fullest extent authorized by statute." Designating Aliens for Expedited Removal, 90 Fed. Reg. 8139 (Jan.  
18 24, 2025). Prior to January 2025, U.S. immigration law applied § 1225(b) to noncitizens "seeking  
19 admission into the [United States]," whereas § 1226(a) governed detention of noncitizens "already in the  
20 country pending the outcome of removal proceedings," *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018),  
21 including those like Petitioner "who entered the country without admission," *Lepe v. Andrews*, No. 1:25-  
22 CV-01163-KES-SKO (HC), 2025 WL 2716910, at \*8 (E.D. Cal. Sept. 23, 2025). See also *Castillo v.*  
23 *Wofford*, No. 1:25-CV-01586-JLT-HBK, 2025 WL 3466064, at \*4 (E.D. Cal. Dec. 2, 2025) ("[E]xpedited  
24 removal was expanded to apply for the first time to vast numbers of noncitizens present in the interior of the  
25 United States."). The distinction is crucial: detention under § 1225(b) is mandatory, whereas detention  
26 under § 1226(a) is discretionary. See *id.*

27 Courts across the country have rejected the government's proposed interpretation. As one court in  
28 this district explained,

1 The government's proposed interpretation of the statute (1) disregards the  
2 plain meaning of section 1225(b)(2)(A); (2) disregards the relationship  
3 between sections 1225 and 1226; (3) would render a recent amendment to  
4 section 1226(c) superfluous; and (4) is inconsistent with decades of prior  
5 statutory interpretation and practice.

6 *Lepe*, 2025 WL 2716910, at \*4. For these same reasons, the Court should reject Respondents' interpretation  
7 and apply § 1226(a) to Petitioner's detention in accordance with decades of precedent. *See id.*; *Camacho v.*  
8 *Hollinshead*, No. 1:25-CV-00593-BLW, 2025 WL 3228998, at \*6-8 (D. Idaho Nov. 19, 2025); *Rosado v.*  
9 *Figueroa*, No. CV 25-02157, 2025 WL 2337099, at \*8-11 (D. Ariz. Aug. 11, 2025), *report and*  
10 *recommendation adopted*, 2025 WL 2349133 (D. Ariz. Aug. 13, 2025).

11 But regardless of the interpretation, § 1225(b) "does not apply" because Petitioner "was released on  
12 parole by ICE before Respondents adopted the new interpretation." *Castillo*, 2025 WL 3466064, at \*9.  
13 Thus, no matter the interpretation, "detention is not 'mandatory' in this case," *id.*, and Petitioner is entitled  
14 to the due process protections of § 1226(a).

#### 15 **B. Respondents violated Petitioner's constitutional right to due process.**

16 As an initial matter, Respondents do not dispute that Petitioner's detention violates his right to due  
17 process. *See* ECF No. 8 at 5. This alone warrants granting the Petition. *See Henry v. Napa Valley Unified*,  
18 No. 16-CV-04021-MEJ, 2016 WL 7157670, at \*4 (N.D. Cal. Dec. 8, 2016) ("Typically, failure to address in  
19 an opposition argument raised in an opening motion . . . constitutes waiver or concession of the argument.").  
20 Nevertheless, it is abundantly clear that Petitioner's ongoing detention violates his Fifth Amendment right to  
21 due process of law. "[T]o determine whether the procedures (or lack thereof) that have been applied to  
22 Petitioner are sufficient to protect the liberty interest at issue," courts apply the three-part test set forth in  
23 *Mathews v. Eldridge*, 424 U.S. 319 (1976). *Castillo*, 2025 WL 3466064, at \*10. Under this test, the Court  
24 considers: (1) Petitioner's private interest in liberty; (2) the risk of erroneous deprivation of Petitioner's  
25 liberty interest through the procedures used and the probable value of additional procedural safeguards; and  
26 (3) the government's interest in detaining Petitioner without proper process. *See id.* (quoting *Mathews*, 424  
27 U.S. at 334-35). All three *Mathews* factors weigh decisively in Petitioner's favor.

28 *First*, Petitioner has a substantial interest in his freedom. "[E]ven when ICE has the initial discretion  
to detain or release a noncitizen pending removal proceedings, after that individual is released from custody  
[he] has a protected liberty interest in remaining out of custody." *Pinchi v. Noem*, 792 F. Supp. 3d 1025,

1 1032 (N.D. Cal. 2025) (citations omitted); *accord Doe v. Becerra*, 787 F. Supp. 3d 1083, 1093 (E.D. Cal.  
2 2025) (“The Supreme Court has repeatedly recognized that individuals who have been released from  
3 custody, even where such release is conditional, have a liberty interest in their continued liberty.” (collecting  
4 cases)). Since his release in 2023, Petitioner has kept a clean criminal record, began taking English courses,  
5 received employment authorization, and met and married his now-husband, an American citizen. Thus,  
6 Petitioner’s parole allowed him to “build a life outside detention,” *Castillo*, 2025 WL 3466064, at \*10, and  
7 he is currently “experiencing all the deprivations of incarceration, including loss of contact with friends and  
8 family, loss of income earning, interruptions to his education, lack of privacy, and, most fundamentally, the  
9 lack of freedom of movement.” *Gunaydin v. Trump*, 784 F. Supp. 3d 1175, 1187 (D. Minn. 2025). The first  
10 *Mathews* factor strongly favors Petitioner.

11 *Second*, there is clearly a substantial risk of erroneous deprivation. “The Ninth Circuit has held that  
12 when a substantial liberty interest is at stake, the government must prove by clear and convincing evidence  
13 that an individual poses a danger or flight risk before depriving him of liberty.” *Camacho*, 2025 WL  
14 3228998, at \*8 (citing *Singh v. Holder*, 638 F.3d 1196, 1203-04 (9th Cir. 2011)); *see also Martinez v. Clark*,  
15 124 F.4th 775, 785-86 (9th Cir. 2024) (holding the government properly bore the burden of clear and  
16 convincing evidence in court-ordered bond hearing). “DHS necessarily concluded that Petitioner was not a  
17 flight risk or danger to the community” when he was released in 2023. *Castillo*, 2025 WL 3466064, at \*10  
18 (citation omitted). “The government’s decision to release an individual from custody creates ‘an implicit  
19 promise,’ upon which that individual may rely, that their liberty ‘will be revoked only if they fail to live up  
20 to the . . . conditions of release.’” *Pinchi*, 792 F. Supp. 3d at 1032 (quoting *Morrissey v. Brewer*, 408 U.S.  
21 471, 482 (1972)) (cleaned up). Here, Respondents do not even allege that Petitioner violated the conditions  
22 of his release. Respondents detained Petitioner without any individualized justification, any new  
23 information, or any change in circumstances to reconsider its determination that Petitioner is not flight risk  
24 and does not pose a danger. In short, Petitioner’s arrest and ongoing detention are entirely unwarranted.

25 *Third*, “the government has no legitimate interest in detaining individuals who have been determined  
26 not to be a danger to the community and whose appearance at future immigration proceedings can be  
27 reasonably ensured by a lesser bond or alternative conditions.” *Hernandez v. Sessions*, 872 F.3d 976, 994  
28 (9th Cir. 2017); *see also Camacho*, 2025 WL 3228998, at \*9 (“[T]he government’s only apparent interest in

1 detaining Petitioner—which imposes additional fiscal and administrative burdens—is to fulfill an arrest  
2 quota of 3,000 immigration arrests per day set by the current administration.”). Given that Respondents  
3 cannot show Petitioner is a danger or is a flight risk, they have no interest in his detention. Thus,  
4 Respondents violated Petitioner’s constitutional rights when they re-arrested and detained him without any  
5 process. All three *Mathews* factors favor Petitioner.

6 **C. The Court should order Petitioner’s immediate release.<sup>1</sup>**

7 Respondents “failed utterly to articulate a legitimate interest in the Petitioner being detained.”  
8 *Camacho*, 2025 WL 3228998, at \*9. They presented no evidence that Petitioner is a flight risk or poses a  
9 danger to the community, nor could they. Petitioner’s “lack of criminal record, residence in the United  
10 States in the past year without incident, and familial ties to the United States all indicate that he is neither a  
11 danger nor [is] a flight risk.” *Id.* “Given that the government does not assert any other basis for petitioner’s  
12 detention and does not argue that petitioner presents a flight risk or [poses a] danger, the appropriate remedy  
13 is petitioner’s immediate release.” *Lepe*, 2025 WL 2716910, at \*10 (alteration added). The same is true  
14 here, and the Court should similarly order Petitioner’s immediate release.

15 **CONCLUSION**

16 For the foregoing reasons, the Court should grant the Petitioner’s Petition for a Writ of Habeas  
17 Corpus (ECF No. 1) and order his immediate release from custody to be re-united with his husband, an  
18 American citizen. In the alternative, Petitioner requests that the Court provide a bond hearing before an  
19 immigration judge where he will be afforded the opportunity to be released on bail.

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27 <sup>1</sup> Petitioner recognizes that he did not expressly request immediate release from detention as a form of relief  
28 in the Petition. *See* ECF No. 1 at 12-13. But as set forth more fully in Petitioner’s Motion for Temporary  
Restraining Order (ECF No. 9), a post-deprivation bond hearing is insufficient to rectify his unlawful  
detention in light of the government’s complete lack of evidence to support its decision, which first became  
clear to Petitioner in Respondents’ Answer to Petitioner’s underlying motion. ECF No. 8.

1 Dated: December 26, 2025

Respectfully submitted,

2  
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