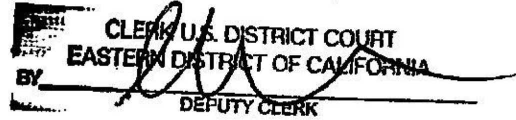
FILED

MAR 27 2026



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

J.O.P.G., Petitioner, vs WARDEN OF THE GOLDEN STATE ANNEX DETENTION FACILITY, et al., Respondent,	Case No. 1:25-cv-01751-KES-SKO (HC) **PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS AND OPPOSITION TO MOTION TO DISMISS**

Respondent contends that I being lawfully detained in connection with my ongoing removal proceedings since being placed in detention by U.S. Immigration and Customs Enforcement on September 17, 2024.

However, the Government's blanket assertion that I can be subject to continued detention without a bond hearing is incorrect. I am entitled to a bond hearing by a neutral

judicial officer who can hold the Government to its burden of proving by clear and convincing evidence that I am a flight risk or the I am danger.

I served nineteen months in ICE detention without a bond hearing and the Government makes no assurance that any bond hearing will be held in the foreseeable future. Given the institutional lapses by the immigration court as a result of the Government's sweeping nationwide enforcement actions, the immigration court system is structurally incapable of protecting my liberty interests by providing me access to and impartial tribunal that can conduct an individualized determination under Section 1226(a) and in compliance with due process.[1]

Accordingly, this court should exercise its equitable authority to order me immediate release. Alternatively, this court may conduct its own bail hearing. At minimum, if the court declines to order release or conduct its own hearing, it should order a bond hearing before an immigration judge with explicit procedural safeguards and retain jurisdiction over this matter to review any determination as to my release to ensure compliance with due process.

BACKGROUND

On September 17, 2024. I was unfairly detained by ICE, I when to my monthly sign at the ICE's office. When I got there, my officer told me that he have to arrested because of my criminal record I have in the past, consequently they put me in custody. After I got arrested in Las Vegas, they transfer me to Calexico, California, then to Golden State Annex Detention center. The Government alleges that my crime of conviction qualifies as felony under 8 u.s.c.§ 1101 and therefore subjects me to mandatory detention under 8 u.s.c.§ 1226(c), but no judicial officer has made that determination.

I know that I have a criminal record in the past, but I ready pay for it. Those charger that they are accused me was about 20 years ago. I was a Resident Permanent for 24 years (1982-2006). while I lived in the U.S. I been a truck driver. I worked in different companies. After my last conviction I have to give up my Green Card. Consequently, I go back to my native country.

After my deportation on 2006. During those 18 years I was in my country I was dedicating my whole life working hard for my family, I was working as a truck driver, and many another things, doing good things. On June, 2024 I came to this wonderful country again asking for asylum. [redacted] This brought me a very large trauma which obligated me to seek refuge and protection in the United States of America. This is why I have a colossal amount of fear to be deported. I am currently in the CPB program and I have to register every month since the day I enter to United States.

As I explain in my *pro se* petition, I want to be released to keep working for my family. I believed that I am a good person with values and principles. I always been taught to do the right thing. And I will keep working hard to have a better future for my family.

ARGUMENT

A. DUE PROCESS REQUIRES THAT AN IMPARTIAL ADJUDICATOR DECIDE IF PETITIONER'S CONTINUED DETENTION BEARS A REASONABLE RELATION FLIGHT RISK AND DANGER TO THE COMMUNITY.

As relevant here, due process requires that immigration detention "bear[] a reasonable relation to the purpose for which the individual was committed."" *Demore v. Kim, 538 U.S. 510, 527 (2003) (quoting Zadvydas v. Davis, 533 U.S. 678, 690 (2001)).* Specifically, immigration detention must be reasonably related to the government's goals of preventing flight and preventing flight and protecting the community from harm and be accompanied by adequate procedural protections to ensure that those goals are being served. See *Zadvydas,* 533 U.S. at 690-91.

chief among these procedural protections is "the guarantee of an impartial and disinterested tribunal," which the Due Process requires "in both civil and criminal cases." Marshall v. Jerrico, Inc., 446 U.S. 238, 242(1980). the immigration court system has been transformed into a body that is structurally incapable of upholding me statutory and constitutional rights.

B. EOIR'S PROFOUND INSTITUTIONAL TRANSFORMATION PRECLUDES IMPARTIAL ADJUDICATION OF MY BOND REQUEST

The immigration court system is not an independent adjudicative body. It operates under the Department of justice (''DOJ"). In the last year the DOJ and its sub-agencies, the Executive Office for Immigration Review (''EOIR"). And the Board of Immigration Appeals ("BIA"), in apparent coordination with the department of Homeland Security ("DHS") have systematically dismantled the integrity of the immigration court system to turn it into an extension of the DHS' deportation and detention operations. The evidence of EIOR's institutional capture falls into five categories, each independently sufficient to establish bias, but together demonstrating destruction of systematic destruction of judicial independence: (1) the ongoing mass-scale purge of immigration judges perceived as obstacles to DHS' enforcement agenda; (2) the parallel purge and reconstruction of the BIA, resulting in a 97% pro-government decision rate; (3) the recruitment and installation of explicitly enforcement-aligned "deportation judges" with dramatically reduced qualifications; (4) EOIR policy directives establishing expectations that adjudications favor the government over non-citizens; and (5) explicit instructions to defy district court rulings that impede DHS's enforcement goals. Each category is addressed in turn below.

1. The Ongoing, Mass-Scale Purge of Immigration Judges Perceived as Obstacles to Enforcement Agenda

As of September 26, 2025, the administration has terminated 128 immigration judges ("IJ").[2] Former New York IJ David K.S. Kim explained the targeting criteria: "I do not know the exact reason for my termination, but most of those dismissed, including myself, were judges with high asylum approval rates."[3] This is not the complaint of disgruntled employees- these are career jurists with decades of combined experience who felt compelled to speak out publicly. The terminated and resigned judges report three consistent themes.

First, explicit pressure to serve as instruments of mass deportation rather than neutral adjudicators. Former Baltimore IJ Emmett Soper stated: "I think the current administration of

the immigration courts does not fundamentally see immigration courts as neutral decision-makers. I think that they see the immigration courts as a tool for this administration to advance its policy objectives."[4] Former San Francisco IJ Jeremiah Johnson similarly understood "the that they should be hearing cases a certain way, deciding cases a certain way. Move faster. Less due process, essentially."[5] Former San Francisco IJ George Pappas was even more direct: "were told to facilitate deportation... Due process is dead in immigration courts."[6]

second, a pervasive climate of fear designed to ensure compliance. Former Baltimore IJ David C. Koelsch described it as "an atmosphere or paranoia and fear, which is exactly what they want."[7] Former Annandale IJ Anan Petit Observed: "there's a climate of fear... judges feel like, if they step a toe out of line right now... or they're one [asylum] grant away from being fired because of the arbitrary nature"."[8] Former New York IJ Carmen Maria Rey Caldas similarly described judges working "under 'constant threat' of getting fired if they don't follow certain rules from leadership."[9]

Third, the inevitable compromise of judicial independence when self-preservation requires favoring the government. Former San Francisco IJ Elizabeth Young explained: "I've talked to many of [judges still serving], and they're like, 'when I go to court, I am concerned about applying the law, but I am also concerned that I should deny more, because if I don't, then I'll get fired."[10] Former Boston IJ Sarah Cade reached her breaking point: I felt I might have to compromise my ethics and might be put in a place where I felt like I was going to be asked to violate due process. So I left and I went to private practice."[11]

the message to remaining immigration judges is unmistakable: neutrality is a terminable offense. No adjudicator can remain impartial when faced with the choice between upholding due process and keeping their position. Any immigration judge assigned to my bond hearing operates under the understanding that granting bond may cost their livelihood.

2. The BIA Purge and Resulting Statistical Evidence of Bias

A parallel purge occurred at the BIA which was reduced from 28 members to 15 members. All Biden appointees on the BIA were fired.[12] The statistical impact is stark. As of

January 22, 2026, the reconstituted BIA has issued 71 published decisions.[13] of those, 69 decisions (97%) favored the administration.[14] By contrast, during the entire four-year span of the prior administration, the BIA issued 76 published decisions.[15] Of those, 46 decisions (60%) favored the administration. The transformation from 60% to 97% pro-government outcomes—achieved through wholesale termination of one administration's appointees- speaks for itself.

3. The Installation and Recruitment of Judges Aligned With Enforcement Agenda

to replace purged judges, the DOJ launched recruitment for what it explicitly marketed as "deportation judges".[16] In addition, the DOJ has authorized up to 600 military lawyers to serve as temporary immigration judges for a renewable term not to exceed six months, while simultaneously eliminating requirements to serve as a temporary immigration judge.[17] Previously, temporary judge candidates were required to served a former immigration judge, appellate immigration judge, or administrative judge within another agency, or to have at least 10 years of immigration law experience. The administration removed those requirements entirely, allowing "any attorney" to be selected as a temporary immigration judge and reduced training to approximately two weeks—far less than the standard training for permanent immigration judges, which included six weeks of initial training, one year of mentorship by experienced judge, and two years of quarterly reviews.[18] Corey Lewandowski, an adviser to DHS Secretary Noem, responded to the announcement by posting: "I see more deportations of illegal immigrants in the near future"[19]—an explicit acknowledgment of the mass deportation policy objective underlying these appointments and the erosion of the institutional boundaries between DOJ and DHS. In December, one of the appointed temporary judges was fires just a month into his six month term. "That judge. Christopher Day, had granted asylum claims in just over half the cases he heard."[20]

4. A Barrage Of EOIR Policy Memoranda Establishing Expectations That Adjudications Favor The Government Over Noncitizens

beyond personnel changes, EOIR's new acting director, since E. Owen, quickly: a string of sharply worded policy memos" that immediately "[set] the tone for her leadership.[21] "Sources familiar with Owen described her as a "restrictionist loyalist" with reputation for denying cases."[22] the Catholic Legal Immigration Network (CLINIC) observed that "these memos also seem intended to reshape EOIR, which is meant to be a neutral arbiter, into a politically driven tool advancing the Trump administration's clearly anti-immigrant view."[23] The policy directives include: a memorandum dated June 2, 2025 warning judges not to demonstrate "bias directed against DHS" or to be "adjudicatory outliers," at risk of "close examination and potential action";[24] a memorandum encouraging judges to deny asylum applications without full evidentiary hearings, styled as efficiency guidance but functioning as a directive to reduce due process protections;[25] and memorandums restricting immigration judges' ability to grant continuances[26] and administrative closure.[27]

1. 5. EOIR Has Issued Explicit directives to Ignore District Rulings That Impede DHS's Policy Objectives

The clearest evidence that EOIR has abandoned its role as neutral tribunal comes from its response to federal court orders protecting bond hearing rights. In *Maldonado Bautista v. Santacruz,* the central district of California issued both declaratory and injunctive relief, holding that noncitizens who entered without inspections but were not apprehended at the border are detained under §1226(a), not § 1225(b)(2), and are therefore entitled to bond hearings. *Maldonado Bautista v. Santacruz,* No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025); *Maldonado Bautista v. Santacruz, No.* 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, *9(C.D. Cal. Nov. 25, 2025). Judge Sunshine Sykes certified a nationwide class and entered final judgment. Id. Rather than comply with the order, EOIR leadership directed all immigration judges to ignores the order. On January 13, 2026 chief Immigration judge Teresa L. Riley sent an email to all immigration judges instructing:

> "please provide the following guidance to all immigration judges forthwith: *Maldonado Bautista* is not a nationwide injunction and does nor purport to vacate, stay, or enjoin *Yajude Hurtado* remains binding precedent on agency adjudications. For clarification, declaratory judgments differs from injunctions in that the former clarifies parties' legal rights and relationships without ordering specific action, while the latter is a court order compelling a party to door stop a specific act. A declaratory judgment is not an equitable remedy and does not, by itself, have the effect of compelling specific action by a party. Thank you for your attention to this matter."[28]

The effect was immediate: ACLU lawyers reported that immigration judges who had begun granting bond hearing in compliance with judge Sykes' ruling reversed course after receiving Chief Judge Riley's directive.[29] immigration judges were placed in an impossible position—comply with federal district court order and risk termination, or defy federal court and retain their positions.

On January 16, 2026, judge Sykes issued a scathing order directly addressing the government's systematic defiance:

> "This matter is yet another in a slew of habeas petitions following the Court's ruling in Bautista v. Santacruz that has unfortunately become routine in this court. But individuals filing these habeas petitions are not to blame; rather, the current volume of habeas petitions and temporary restraining orders filed can be attributed to **Respondent's deliberate choice to continue defying the final judgment entered in Bautista. ...**
>
> Despite the clarity of the court's previous orders and legal doctrines that preclude Respondents from re-litigating issues at the heart of these request, respondents continue to manufacture arguments for sake of opposition. At this point in time, the court can no longer confer Respondents with the benefit of the doubt as the intent of their filings.
>
> Despite the final judgment in Bautista, it appears that immigration judges continue to rely on legal interpretations that were expressly found unlawful. ... Respondents

> are collaterally stopped from re-litigating the issue as to whether Bond Eligible Class members are entitled to the exact relief as provided in the Bautista final judgment. Accordingly, Respondents are collaterally stopped from re-litigating this issue against all members of the Bond Eligible Class."

Palomera Baltazar v. Janecka, No. 5:26-cv-00019-SSS-BFM at *2-3 (C.D. Cal. Jan. 16, 2026). (emphasis added).

Judge Sykes's findings are devastating: the government is not merely disagreeing with her legal conclusions—it is engaged in "deliberate" defiance, "manufacturing arguments," and instructuring immigration judges to rely on "interpretations that were expressly found unlawful." This is not the case of good-faith disagreement over statutory interpretation. It is systematic institutional defiance of federal court orders, orchestrated by EOIR leadership and enforced through the threat of termination. No clearer evidence of institutional capture could exist: when presented with federal court order protecting noncitizens' rights, EOIR's response was to order judges to violate it. The ultimate victim is the detained non-citizen, who like Petitioner, remains detained in violation of the due process and is denied their fundamental right to have impartial adjudicator determine whether their continued detention serves any legitimate purpose related to flight risk or community safety.

PRAYER FOR RELIEF

The "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the constitution. *Velasco Lopez v. Decker,* 978 F.3d 842,855 (2d Cir. 2020); see also *Schlup v. Delo,* 513 U.S. 298, 319 (1995) ("[H]abeas corpus is, at its core, and equitable remedy"). This court should order a remedy that fully addresses the statutory and constitutional violations in this case and is efficient to administer. *Carafas v. LaVallee,* 391 U.S. 234, 238 (1968) (the habeas statute "does nor limit the relief that may be granted to discharge of the applicant from physical custody. It mandate is broad with respect before EOIR—a clearly compromised adjudicatory body—

would not properly redress the statutory and constitutional violations present in this matter, Petitioner urges the court to provide and alternative corrective measure:

1. **First, Petitioner submits that immediate release is the most appropriate remedy.** The Government claims that I am subject to deportation because I was convicted of a crime. However, my immigration proceedings are pending, and respondent gives no assurance that I will be transported or allowed to attended his hearing in the matter. "In recent months, courts across the country have ordered the release of detainees in similar situations." *Moctezuma v. Henkey,* No. 1:25-CV-00741-BL W, 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government's repeated use of unlawful detention policies across the country, causing petitioners to "sit in jail waiting for judicial decision," the court would order immediate release instead of causing additional delay through a bond hearing). (citing *Lepe v. Andrews*, 801 F. Supp. 3D 1104 (E.D.N.Y. Sept. 29, 2025); *Rosado v. Figueroa,* No. 25-cv-2157, 2025 WL 2337099, at *19 (D. Ariz. Aug. 11, 2025); *Pinchi v. Noem,* No. EP-25-CV-361, 2025 WL 2792588, at *13-14 (W.D. Text. Oct. 2, 2025) ("without a legitimate interest in her detention, immediate release appropriately remedies Respondents' violations of [Petitioner's] due process rights through her continued detention.")
2. **In the alternative, I am requests a custody hearing before this court.** The habeas court can hold its own custody hearing and determine whether the government can prove by clear and convincing evidence that I must remain in custody, or whether I may be release on recognizance.[30]
3. **At minimum, the court should order I will be provided a 1226(a) bond hearing, but with additional safeguards.** Specifically, the court should order
   a. A bond hearing where the government shall the burden of establishing by clear and convincing evidence that I poses a danger or flight risk to "[reflect] the concern that' s [b]ecause the alien's potential loss of liberty is so severe... he should not have to share the risk of error equally. "see *Lopez-Arevalo v. Ripa,* F. Supp.3d 668, 688 (W.D. Text. 2025).[31]

b. Provide that the habeas court shall retain jurisdiction to review the immigration judge bond decision to ensure compliance with the court's order and due process.

c. Prohibit ICE from invoking the automatic stay provisions under 8 C.F.R. § 1003.19(i)(2) because this court has ruled that their application violates the procedural due process rights of non-citizens granted bond. See *Gutierrez v. Thompson*, No. 4:25-4695,2025 WL 3187521, at *8 (S.D. Text. Nov. 14, 2025).

DATED this 23th day of March, 2026

respectfully submitted,

/s/Jaime Orlando Padilla Garcia

Certificate of Service:

I certify that on March 23,2026, a copy of the foregoing document, with attachments, was served by mail on:

Antonio Jose Pataca
counsel for Respondent

/s/Jaime Orlando Padilla Garcia

Jaime Orlando Padilla Garcia