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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 Victor Hugo Quintana Chagolla,
13 Petitioner,
14 v.
15 John Mattos, *et al.*,
16 Respondents.

Case No. 2:25-cv-02435-MMD-EJY
Reply in Support of Petition

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1 INTRODUCTION

2 Victor Hugo Quintana Chagolla (Quintana) filed a petition for writ of habeas
3 corpus on December 8, 2025.¹ In it, Quintana challenges his continued detention in
4 ICE custody. He raises two main issues: first, that his detention is unconstitutional
5 because the Immigration Judge (IJ) decision finding Quintana poses a danger to the
6 community and denying his release on bond was legally erroneous and violated his
7 due process rights; and second, that he should be afforded a second bond hearing
8 because his detention without the opportunity to seek release on bond has become
9 prolonged. Respondents filed their response on January 6, 2026, asking this Court
10 to deny Quintana’s petition and arguing he should remain detained.² None of their
11 arguments are persuasive. This Court should order Quintana’s release, or a new
12 bond hearing.

13 STATEMENT OF FACTS AND PROCEDURAL HISTORY³

14 Quintana is a citizen of Mexico who had lawfully come and gone from the
15 United States since October of 2023 subject to a NAFTA nonimmigration status for
16 professional workers.⁴ On September 20, 2024, Quintana was convicted following a
17 guilty plea to luring or attempt to lure a person believed to be a child, which is a
18 category B felony. On September 20, 2024, he was sentenced to a stipulated
19 sentence of a maximum of five years of probation, and a suspended sentence of four
20 to ten years in the Nevada Department of Corrections. The plea agreement provided
21 that upon successful completion of probation with an honorable discharge, Quintana
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23 ¹ ECF No. 1-1.

24 ² ECF No. 13.

25 ³ Any factual allegations in this section that do not cite to a specific document
are made on information and belief.

26 ⁴ ECF No. 13-2 at 2, 4. *See also* United States Citizenship and Immigration
27 Services, TN USMCA Professionals, <https://www.uscis.gov/working-in-the-united-states/temporary-workers/tn-usmca-professionals>, (last accessed Jan. 16, 2025).

1 could withdraw his plea to the luring offense, and instead plead guilty to open or
2 gross lewdness, a gross misdemeanor.⁵ Quintana overstayed his lawful entry period
3 and became unlawfully present in the United States while he was on probation.
4 From September 20, 2024, when Quintana was sentenced until he was detained by
5 ICE on April 2, 2025, Quintana fully complied with all of his probation
6 requirements, as well as requirements to register as a sex offender. In fact, ICE
7 officers sought out and detained Quintana when he appeared for an appointment on
8 April 2, 2025, at Parole and Probation.⁶

9 About a month into his detention by ICE, Quintana sought a bond hearing in
10 immigration court and a hearing was held on May 13, 2025.⁷ Quintana had retained
11 counsel and counsel entered an appearance in his immigration case shortly before
12 the bond hearing was held, but counsel did not appear at the bond hearing.⁸ The
13 bond hearing was held anyway, and Quintana represented himself.⁹ At that hearing
14 the IJ found Quintana to be a danger to the community. That determination was
15 apparently based solely on Quintana's single conviction for luring or attempt to lure
16 a person believed to be a child.¹⁰ The IJ's order contains absolutely no reasoning or
17 explanation for the finding. It simply says bond was denied because "Respondent is
18 a danger to the community."¹¹

20 ⁵ Ex. 2 at 1.

21 ⁶ ECF No. 13-2 at 3.

22 ⁷ ECF No. 13-4.

23 ⁸ ECF No. 1-1 at 3.

24 ⁹ ECF No. 1-1 at 3.

25 ¹⁰ ECF No. 13 at 3 ("The IJ denied bond due to finding that Petitioner is a
26 danger to the community because of his recent conviction for the crime of
Enticement of a Minor for Indecent Purposes.") Notably, that is not the crime that
Quintana was convicted of.

27 ¹¹ ECF No. 13-4 at 2.

1 In Quintana's immigration proceedings he argued that he is not removable
2 because he is a U.S. citizen by birth due to his father being a U.S. citizen and
3 meeting the requirements to pass that citizenship to Quintana by virtue of their
4 relationship.¹² The fact that his father is a U.S. citizen is not contested.¹³
5 Nonetheless, Quintana was ordered removed on September 12, 2025.¹⁴ He appealed
6 his removal order to the Board of Immigration Appeals where it remains pending.¹⁵
7 A briefing schedule has not been issued.¹⁶

8 ARGUMENT¹⁷

9 This Court should grant relief in the form of ordering Quintana's release
10 because the IJ's bond decision was legally erroneous and violated Quintana's due
11 process rights, or by granting Quintana a new bond hearing because his detention
12 since his last bond hearing has become prolonged and now violates his rights to
13 procedural due process rights. Respondents argue that this Court should deny relief
14 because they say Quintana has been afforded due process, and that he has not
15 exhausted his administrative remedies "since there is currently an appeal pending
16 before the BIA."¹⁸ However, all their arguments fail. This Court should grant relief.

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21 ¹² ECF No. 13-6 at 4.

22 ¹³ ECF No. 13-2 at 2 (indicating Quintana's father's nationality is "United
States".)

23 ¹⁴ Ex. 1.

24 ¹⁵ Ex. 1.

25 ¹⁶ Ex. 1.

26 ¹⁷ The arguments raised here closely track the arguments raised in
Quintana's § 2241 petition, which should be liberally construed because it was filed
pro se without the benefit of counsel. See ECF No. 1-1.

27 ¹⁸ ECF No. 13 at 2.

1 **I. This Court should order Mr. Quintana Chagolla's release because the**
2 **IJ's denial of bond on the basis of dangerousness was legally**
3 **erroneous (Claims One and Two).**

4 **A. Legal Framework and Jurisdiction**

5 Under the authority of 8 U.S.C. §1226(a), ICE may arrest and detain
6 noncitizens during their removal proceedings. Such noncitizens are entitled to a
7 bond hearing in immigration court, absent certain circumstances implicating
8 mandatory detention statutes, none of which apply here. *See Obregon v. Sessions*,
9 No. 17-CV-01463-WHO, 2017 WL 1407889, at *3 (N.D. Cal. Apr. 20, 2017) (“[t]he
10 Attorney General has discretion to continue to detain such individuals or release
11 them on bond or conditional parole and has delegated this authority to the IJs.”)
12 citing 8 C.F.R. §§ 1003.19, 1236.1 (2006). The precedential BIA decision *Matter of*
13 *Guerra*, 24 I&N Dec. 37 (BIA 2006), sets out the 9 factors to be considered in
14 assessing an individual's request for release on bond. Those factors are:

15 (1) whether the [noncitizen] has a fixed address in the
16 United States; (2) the [noncitizen]'s length of residence in
17 the United States; (3) the [noncitizen]'s family ties in the
18 United States, and whether they may entitled the
19 [noncitizen] to reside permanently in the United States in
20 the future; (4) the [noncitizen]'s employment history; (5)
21 the [noncitizen]'s record of appearance in court; (6) the
22 [noncitizen]'s criminal record, including the extensiveness
23 of criminal activity, the recency of such activity, and the
24 seriousness of the offenses; (7) the [noncitizen]'s history of
25 immigration violations; (8) any attempts by the
26 [noncitizen] to flee prosecution or otherwise escape from
27 authorities; and (9) the [noncitizen]'s manner of entry to
the United States.

1 *Id.* at 40.

2 Respondents did not raise any challenges to this Court's jurisdiction to
3 consider this issue. Quintana nevertheless briefly addresses this Court's jurisdiction
4 for this Court's convenience. This Court has jurisdiction to consider this issue
5 through a federal habeas petition because "the Supreme Court has held that section
6 1226(e) does not limit a court's habeas jurisdiction or prohibit a federal court from
7 hearing a habeas petition 'challenging[ing] the statutory framework that permits
8 his detention without bail' or bringing 'constitutional challenge[s].'" *Obregon*, 2017
9 WL 1407889, at *4, citing *Demore v. Kim*, 538 U.S. 510, 516-17 (2003).

10 Furthermore, "[t]he Ninth Circuit has held that federal courts may entertain
11 habeas claims alleging constitutional and legal error in the discretionary process."
12 *Obregon*, 2017 WL 1407889, at *4 citing *Singh v. Holder*, 638 F.3d 1196, 1202
13 (2011); *see also Perez v. Wolf*, 445 F. Supp. 3d 275, 284 (N.D. Cal. 2020) (finding
14 jurisdiction over petitioner's due process challenge to IJ bond decision where
15 petitioner argued that, "because the Government failed to meet its evidentiary
16 burden, the IJ's discretionary decision itself was constitutionally flawed".)

17 **B. Quintana should be released because the IJ's decision that**
18 **Quintana presents a danger is legally erroneous and was not**
19 **supported by evidence and therefore violates his Fifth**
20 **Amendment due process rights.**

21 Here, in assessing Quintana's request for release on bond, the IJ was
22 obligated to consider the factors outlined by the BIA in *Matter of Guerra*. Those
23 factors are listed above. In light of those factors, the evidence simply does not
24 support denying Quintana's request for bond on the basis of danger to the
25 community. Applying the *Guerra* factors to the facts of Quintana's case, the IJ's
26 finding of dangerousness was simply not supported by evidence and was legally
27 erroneous.

1 The following facts should have been considered under *Guerra*. Quintana had
2 entered the United States legally under the NAFTA professional worker admission
3 category and had a history of lawful entries and exits, showing a history of
4 compliance with United States immigration laws. He did not ever overstay his
5 lawful entry period until he was placed on probation, which complicated his ability
6 to lawfully come and go. As evidenced by the fact that his entry category was a
7 NAFTA professional, Quintana had a stable employment history and a professional
8 background. Quintana has family ties to U.S. citizens, including his father, and a
9 colorable claim that he is a U.S. citizen. Quintana attended all court hearings
10 related to his criminal conviction and did not attempt to flee prosecution. He was
11 also fully compliant with his probation and sex offender registration requirements.
12 As far as his criminal history, Quintana has the single conviction for luring or
13 attempt to lure a person believed to be a child. It is a category B felony, but
14 Quintana's plea agreement explained that Quintana would be allowed to withdraw
15 that plea and enter a plea to a gross misdemeanor upon successful completion of
16 probation.¹⁹ His compliance until he was detained by ICE gives every indication
17 that Quintana would have successfully completed probation. Furthermore, the fact
18 that the State stipulated to a sentence of probation for a maximum of five years,
19 and that that sentence was agreed to and imposed by the court, strongly
20 undermines the IJ's determination that this single conviction supports a
21 dangerousness finding.²⁰ Finally, if there were any risk of danger, it would be
22 mitigated by the fact that Quintana would still be subject to probation if released,
23 which includes additional safeguards such as monitoring and supervision.
24 Additional support for Quintana's argument that the IJ's decision was not
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26 ¹⁹ Ex. 2 at 1.

27 ²⁰ Ex. 2 at 1, ECF No. 13-3 at 2.

1 supported by evidence is the fact that the IJ's decision contains literally no
2 reasoning or explanation.

3 At bottom, the facts of Quintana's single criminal conviction do not support a
4 dangerousness finding. This is even more clear when considered against all of the
5 other facts of Quintana's case that should have been considered under *Matter of*
6 *Guerra*. Accordingly, the IJ's finding of dangerousness was legally erroneous and
7 not supported by evidence. This Court should order that Quintana be released from
8 ICE detention during the remainder of his immigration proceedings absent a
9 change of circumstances that would justify detention. Should Quintana be released,
10 he will continue to serve his state probationary sentence.

11 Respondents argue that this claim should be denied because Quintana did
12 not appeal the IJ's bond denial.²¹ On information and belief, Quintana attempted to
13 appeal through his attorney but was told the appeal was rejected due to a filing
14 error. In any case, "[a] court may waive the prudential exhaustion requirement if
15 'administrative remedies are inadequate or not efficacious, pursuit of
16 administrative remedies would be a futile gesture, irreparable injury will result, or
17 the administrative proceedings would be void.'" *Perez*, 445 F. Supp. 3d at 285 citing
18 *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004).

19 Here, irreparable injury would result from failing to excuse the exhaustion
20 requirement based on the BIA's failure to accept Quintana's bond appeal because it
21 would result in Quintana's continued unlawful detention, which has already
22 spanned almost seven months since bond was denied based on the unlawful
23 dangerousness finding. "It is well established that the deprivation of constitutional
24 rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695
25 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).
26

27 ²¹ ECF No. 13 at 4.

1 Where the “alleged deprivation of a constitutional right is involved, most courts
2 hold that no further showing of irreparable injury is necessary.” *Warsoldier v.*
3 *Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005) (quoting 11A Charles Alan Wright
4 et al., *Federal Practice and Procedure*, § 2948.1 (2d ed. 2004)). Furthermore,
5 unlawful detention itself “constitutes extreme or very serious damage, and that
6 damage is not compensable in damages.” *Hernandez v. Sessions*, 872 F.3d 976, 999
7 (9th Cir. 2017) (internal citations omitted). On top of that, Quintana will suffer
8 irreparable harm because Quintana’s ability to seek important documentation of his
9 father’s citizenship and residency as it relates to Quintana’s citizenship claim is
10 significantly curtailed by his detention. In other words, his detention substantially
11 interferes with his ability to prevail on the merits of his claim for relief from
12 removal. Given that the BIA has not even issued a scheduling order in Quintana’s
13 appeal on the merits of his removal case, his detention is likely to continue for a
14 significant length of time. Thus, to the extent this Court finds Quintana did not
15 exhaust his administrative remedies with regards to this claim, this Court should
16 waive exhaustion to prevent irreparable harm.

17 **II. This Court should grant Mr. Quintana Chagolla a new bond hearing**
18 **in immigration court because his ongoing detention without a bond**
19 **hearing has become prolonged and violates his rights to procedural**
20 **due process (Claims 3 and 4).**

21 Quintana’s continued detention without a new custody redetermination (bond)
22 hearing has become prolonged. It has now been seven months since his first and only
23 bond hearing. Accordingly, his prolonged detention without a subsequent bond
24 hearing violates his procedural due process rights. If this Court does not order release
25 pursuant to the arguments raised *supra*, this Court should order that Quintana
26 receive a new bond hearing in immigration court, with the burden of proof on the
27 government to establish flight risk or dangerousness warranting continued
detention.

1 In considering the issue of prolonged detention in ICE custody during removal
2 proceedings without a bond hearing, the Ninth Circuit has expressed “grave doubts
3 that any statute that allows for arbitrary prolonged detention without any process is
4 constitutional or that those who founded our democracy precisely to protect against
5 the government’s arbitrary deprivation of liberty would have thought so.” *Rodriguez*,
6 909 F.3d at 256. Addressing a similar issue, Justice Kennedy, concurring in *Demore*
7 *v. Kim*, 538 U.S. 510, 532 (2003), pronounced that “since the Due Process Clause
8 prohibits arbitrary deprivations of liberty, a lawful permanent resident alien such as
9 respondent could be entitled to an individualized determination as to his risk of flight
10 and dangerousness if the continued detention became unreasonable or unjustified.”
11 Other circuits have similarly determined that unreasonably prolonged detention
12 violates a noncitizen’s due process rights. *See Black v. Decker*, 103 F.4th 133 (2d Cir.
13 2024); *Reid v. Donelan*, 17 F.4th 1, 7 (1st Cir. 2021). Furthermore, “[n]early all district
14 courts that have considered the issue agree that prolonged mandatory detention
15 pending removal proceedings, without a bond hearing, will – at some point – violate
16 the right to due process.” *Vargas v. Wolf*, No. 2:19-cv-02135-KJD-DJA, 2020 WL
17 1929842, at *7 (D. Nev. Apr. 21, 2020) quoting *Banda v. McAleenan*, 385 F. Supp. 3d
18 1099, 1116 (W.D. Wash. 2019), *appeal dismissed*, 2019 WL 5885047 (9th Cir. Oct. 9,
19 2019). *See also De Leon v. Mayorkas*, No. 2:23-cv-02073-GMN-VCF, 2024 WL 343437
20 (D. Nev. Jan. 29, 2024); *Ortiz-Castillo v. United States*, No. 2:23-cv-01485-RFB-MDC,
21 2024 WL 756075 (D. Nev. Feb. 23, 2024), and *Arechiga v. Archambeault*, No. 2:23-cv-
22 00600-CDS-VCF, 2023 WL 5207589 (D. Nev. Aug. 11, 2023) (acknowledging
23 prolonged mandatory detention in immigration custody without a bond hearing can
24 violate the Due Process Clause).

1 **A. Quintana’s continued detention without a second bond hearing**
2 **violates his due process rights pursuant to *Mathews v.***
3 ***Eldridge*.**

4 In the absence of precedential guidance regarding the point at which a
5 noncitizen’s mandatory detention without a bond hearing becomes unconstitutional,
6 courts in this circuit have used various legal tests to determine whether due process
7 compels a bond hearing in a particular case. Many courts have used the test from
8 *Mathews v. Eldridge*, 424 U.S. 319 (1976), to evaluate whether an ICE detainee’s
9 continued detention without a bond hearing has become unconstitutional. *See e.g. De*
10 *Leon*, 2024 WL 343437. Recognizing that “due process is flexible and calls for such
11 procedural protections as the particular situation demands,” *Mathews*, lays out a
12 three-factor test to analyze whether a claimant has been provided with adequate due
13 process. *Ortiz-Castillo*, 2024 WL 756075, at *2 citing *Mathews*, 424 U.S. at 333. These
14 factors are: (1) “the private interest that will be affected by the official action;” (2)
15 “the risk of erroneous deprivation of such interest through the procedures used, and
16 probable value, if any, of additional or substitute procedural safeguards;” and (3) “the
17 Government’s interest, including the function involved and the fiscal and
18 administrative burdens that the additional or substitute procedural requirements
19 would entail.” *Mathews*, 424 U.S. at 334-35.

20 As applied to Quintana’s case, the factors this Court should consider in
21 determining whether a new bond hearing is warranted are as follows: (1) Quintana’s
22 liberty interest; (2) the risk that Quintana is erroneously deprived of his liberty due
23 to his continued mandatory detention without a bond hearing, and the probable value
24 of an additional bond hearing in ensuring that he is not erroneously deprived of his
25 liberty; and (3) the Government’s interest in detaining Quintana without affording
26 him a new bond hearing, and the fiscal and administrative burdens that affording
27 him a bond hearing would entail.

1 **1. The first *Mathews* factor weighs heavily in Quintana’s**
2 **favor because his liberty interest is substantial.**

3 Quintana, currently detained for almost eight months since his first and only
4 opportunity to seek release on bond, has been subjected to prolonged detention. *See*
5 *Lopez v. Garland*, 631 F. Supp 3d 870, 880 (E.D. Cal. 2022) (finding detention of
6 approximately one year without a bond hearing to be unreasonable and listing cases
7 in which detention of less than a year without a bond hearing was deemed
8 unreasonable). His private interest in being free from prolonged detention is clearly
9 substantial. *See Singh v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011) (“[t]he private
10 interest here – freedom from prolonged detention – is unquestionably substantial.”)
11 Therefore, this factor weighs strongly in Quintana’s favor.

12 Courts have found that the interest in being free from prolonged detention
13 may be diminished where a petitioner plays a role in his prolonged detention by his
14 decision to challenge his removal order. *See Rodriguez Diaz*, 53 F. 4th at 1207-08.
15 However, here, Quintana has raised substantial and legitimate challenges to his
16 removal given that he has made a colorable showing that he is a United States
17 citizen. Quintana’s liberty interest should not be diminished as a result of the
18 exercise of his appellate rights, especially where his challenges are not lacking in
19 merit. If this Court finds his liberty interest is diminished by his actions, it should
20 be to a minimal degree. *See Ortiz-Castillo*, 2024 WL 756075, at *3 (determining that
21 petitioner’s liberty interest was only minimally diminished by his challenges to his
22 removal where he raised legitimate collateral challenges to his removal order and
23 made use of the statutorily permitted appeals process.)

24 **2. The second *Mathews* factor weighs in favor of Quintana**
25 **because he can show that his continued detention**
26 **without a bond hearing is likely to result in the**
27 **erroneous deprivation of his liberty.**

1 The second factor weighs in Quintana's favor because there is a significant
2 risk that he is being erroneously deprived of his liberty. It has been over seven
3 months since the government has had to provide any justification for continuing to
4 detain Quintana. The passage of a substantial period since a determination was
5 made regarding whether Quintana needs to be detained establishes a risk that he is
6 erroneously being subjected to continued detention. The risk is even greater in this
7 case because the IJ provided no explanation or reason for her dangerousness
8 finding, and because Quintana has significant community ties and support showing
9 that he would likely be released on bond if given the opportunity.²² There is also no
10 reason to believe Quintana would be a danger to the community if released, because
11 he would still be on probation and subject to the related monitoring and conditions
12 as additional safeguards. Furthermore, as explained *supra* in Section I, at a bond
13 hearing, the government would be unable to establish that Quintana is a flight risk
14 or danger to the community.

15
16 **3. The third *Mathews* factor weighs in favor of Quintana**
17 **because the administrative and fiscal burden of**
18 **conducting a bond hearing is not significant and neither**
19 **is the government's interest in detaining Quintana**
20 **without a new bond hearing.**

21 The third and final *Mathews* factor weighs in Quintana's favor. While the
22 government "has a strong interest in preventing aliens from 'remain[ing] in the
23 United States in violation of our law'" and "has an obvious interest in 'protecting the
24 public from dangerous criminal aliens,'" those interests are not the ones implicated
25 by this petition. *See Rodriguez Diaz*, 53 F.4th at 1208 (*quoting Demore*, 538 U.S. at
26 518, 515). "It is important to stress that the government interest at stake here is not
27 the continued detention of Petitioner, but the government's ability to detain him

²² Ex. 3.

1 without a [second] bond hearing. *Singh v. Garland*, No. 1:23-CV-01043-EPG-HC,
2 2023 WL 5836048, at *6 (E.D. Cal. Sept. 8, 2023) (internal quotations omitted). *See*
3 *also Henriquez v. Garland*, No. 5:22-cv-00869-EJD, 2022 WL 2132919, at *5 (N.D.
4 Cal. June 14, 2022) (“Although the Government has a strong interest in enforcing
5 the immigration laws and in ensuring that lawfully issued removal orders are
6 promptly executed, the Government’s interest in detaining Petitioner without
7 providing an individualized bond hearing is low”).

8 The government’s interest in continuing to detain Quintana without giving
9 him a new bond hearing is minimal, especially because “[c]ourts generally have
10 found that the cost of providing a bond hearing is relatively minimal.” *Id. See also*
11 *Singh v. Barr*, 400 F. Supp. 3d 1005, 1021–22 (S.D. Cal. 2019) (“given the minimal
12 cost of conducting a bond hearing, and the ability of the IJ to adjudicate the
13 ultimate legal issue as to whether [Petitioners] continued detention is justified, the
14 Court concludes that the government’s interest is not as weighty as [Petitioner’s]”)
15 (internal quotations omitted).

16 **B. This Court should order Respondents to release Quintana or**
17 **provide a constitutionally adequate hearing to seek release on**
18 **bond.**

19 Quintana’s continued detention violates his rights under the Due Process
20 Clause of the United States Constitution.²³ Accordingly, to the extent this Court does
21 not grant relief under Claims One and Two of Quintana’s petition,²⁴ he must be
22

23 ²³ Respondents raise no meritorious challenges to this claim. Instead, they
24 argue that release is not warranted under *Zadvydas*, which is inapposite to this
25 case because *Zadvydas* concerns detention under 8 U.S.C. §1231 for individuals
26 with a final order of removal. Quintana is still in removal proceedings and is
detained under the discretionary authority of 8 U.S.C. §1226(a). The *Zadvydas*
argument is irrelevant.

27 ²⁴ To be clear, Quintana believes release is the appropriate remedy given that
the bond determination was legally erroneous and a violation of due process. To the

1 given a constitutionally adequate hearing in which he can seek release on bond with
2 the burden on the government. If Quintana is not granted such a hearing, he must
3 be released from his unconstitutional detention. *See, e.g., Lopez Reyes v. Bonnar*,
4 362 F. Supp. 3d 762, 778 (N.D. Cal. 2019) (granting relief and ordering the
5 government to either hold a timely bond hearing or release the petitioner); *Singh v.*
6 *Barr*, 400 F. Supp. at 1022 (granting relief and ordering the government to hold a
7 new custody hearing with the burden on the government within 15 days or release
8 the petitioner); *Ortiz-Castillo*, 2024 WL 756075 (granting petition and ordering
9 respondents to provide petitioner with a bond hearing before an immigration judge
10 with the burden on the government within 30 days); *Arechiga*, 2023 WL 5207589
11 (ordering Respondents to provide a bond hearing in front of an immigration judge
12 with the burden on the government within 21 days, and that failure to do so may
13 result in release of the petitioner).

14 CONCLUSION

15 This Court should grant the petition and order that Quintana be released
16 from ICE custody. To the extent this Court does not grant relief on Grounds One
17 and Two of the petition, this Court should grant relief on Grounds Three and Four
18 and order that Quintana receive a new bond hearing in immigration court.

19 Dated January 16, 2026.

20 Respectfully submitted,

21 Rene L. Valladares
22 Federal Public Defender

23 */s/ Laura Barrera*
24 _____
25 Laura Barrera
26 Assistant Federal Public Defender

27 _____
extent this Court does not grant relief on that claim, it should order that Quintana
receive a new bond hearing.

