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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RONALD OMAR ESPINOZA CALIDONIO,

Petitioner,

v.

WARDEN OF THE GOLDEN STATE
ANNEX FACILITY, et al.,

Respondents.

CASE NO. 1:25-CV-01817-DC-AC

ANSWER TO PETITION FOR WRIT OF HABEAS
CORPUS

The Court should deny petitioner Ronald Omar Espinoza Calidonio's petition for a writ of habeas corpus. Calidonio is subject to mandatory detention during his removal proceedings pursuant to 8 U.S.C. § 1225(b)(2). His detention during those removal proceedings derives from continuances Calidonio himself requested. Furthermore, Calidonio is a danger to the community in the United States because he is a validated member of an international gang who is wanted for homicide-related charges in his home country of El Salvador. Because Calidonio's mandatory detention continues to serve legitimate congressionally mandated goals with a definite end in sight, it does not violate the Fifth Amendment's Due Process Clause—his petition should be denied.

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I. FACTUAL AND PROCEDURAL BACKGROUND

Calidonio is a native and citizen of El Salvador who entered the United States without inspection. Decl. of Deportation Officer Mayra Gallenkamp ¶ 7, Dkt. No. 5-1.¹ Calidonio is the subject of arrest warrants in his home country for conspiring to commit aggravated homicide, illicit associations, aggravated extortion, illicit trafficking, and aggravated theft. *Id.* ¶ 8. He is also a documented member of the Mara Salvatrucha street gang, which is widely known for its violence and as “MS-13.” *Id.* ¶ 21. In October 2024 and after learning from INTERPOL about Calidonio’s wanted status, immigration authorities arrested him and detained him pursuant to 8 U.S.C. § 1225(b)(2). *Id.* ¶¶ 8, 22.

Immigration authorities subsequently placed Calidonio in removal proceedings, and he remained detained under 8 U.S.C. § 1225(b)(2) between late October 2024 and June 10, 2025. *Id.* ¶¶ 9–16, 22. During this time, Calidonio requested various delays in his removal proceedings. *See, e.g., id.* ¶ 11 (noting that Calidonio requested continuance between January and March 2025 to prepare application for relief from removal). After an immigration judge ordered him removed, Calidonio appealed and subsequently sought to delay litigation of this appeal for various reasons. *Id.* ¶¶ 16–20. Calidonio filed his appellate brief before the Board of Immigration Appeals just five days ago. *Id.* ¶ 20.

On December 11, 2025, Calidonio filed a petition asking the Court to hold a bond hearing at which the government would be required to produce clear and convincing evidence that he poses a flight risk or a danger to the community. Pet. Writ Habeas Corpus 17, Dkt. No. 1. Calidonio also asked the Court to order his outright release or, in the alternative, to order a bond hearing before an immigration judge within thirty days. *Id.* On December 15, 2025, the Court directed the government to file a response to Calidonio’s petition. Order, Dkt. No. 3.

II. LEGAL STANDARDS

A. Relevant Immigration Detention Standards

An alien who “arrives in the United States” or is “present in the United States [and] has not been admitted” is an “applicant for admission.” 8 U.S.C. § 1225(a)(1); *see also In re Lemus-Losa*, 25 I. & N. Dec. 734, 743 (B.I.A. 2012) (stating that “Congress has defined the concept of an ‘applicant for

¹ All relevant documents from Calidonio’s alien file are attached as exhibits to Officer Gallenkamp’s declaration.

admission’ in an unconventional sense, to include not just those who are expressly seeking permission to enter, but also those who are present in this country without having formally requested or received such permission”). This definition applies to “all immigrants who have not been lawfully admitted, regardless of their physical presence in the country.” *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020). Additionally, every applicant for admission “must ‘be inspected by immigration officers’ to ensure that they may be admitted into the country consistent with U.S. immigration law.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (citing 8 U.S.C. § 1225(a)(3)).

If an “examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a [removal] proceeding.” 8 U.S.C. § 1225(b)(2). Section 1225(b)(2) “applies to an alien who is physically present in the United States but not lawfully admitted, regardless of how long they have been physically present here.” *Altamirano Ramos v. Lyons*, No. 2:25-CV-09785-SVW-AJR, 2025 WL 3199872, at *8 (C.D. Cal. Nov. 12, 2025) (collecting cases). Pursuant to this statutory scheme, detention pending removal proceedings is mandatory. *See Jennings*, 583 U.S. at 299 (holding that “§ 1225(b)(2) requires detention ‘for a [removal] proceeding’” (alteration in original)); *In re Li*, 29 I. & N. Dec. 66, 68 (B.I.A. 2025) (noting that for applicants for admission “who are placed directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention ‘until removal proceedings have concluded’” (quoting *Jennings*, 583 U.S. at 299)).

B. Relevant Due Process Standards

Consistent with this statutory scheme, “aliens who arrive at ports of entry—even those paroled elsewhere in the country for years pending removal—are ‘treated’ for due process purposes ‘as if stopped at the border.’” *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (2020) (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 215 (1953)). This means that applicants for admission do not enjoy the same set of procedural and substantive due process protections afforded to individuals lawfully in the United States; indeed, “applicants for admission have virtually no constitutional rights regarding their applications.” *Valencia v. Mukasey*, 548 F.3d 1261, 1263 (9th Cir. 2008) (quoting *Landon v. Plasencia*, 459 U.S. 21, 33–34 (1982)). In other words, the only inquiry when an applicant for admission raises a due process claim is “whether the government violated the statutory

1 rights that Congress afforded such applicants.” *Grigoryan v. Barr*, 959 F.3d 1233, 1241 (9th Cir. 2020)
2 (citing *Angov v. Lynch*, 788 F.3d 893, 898–99 (9th Cir. 2015)); *see also* *Alonzo v. Noem*, No. 1:25-CV-
3 01519 WBS SCR, 2025 WL 3208284, at *5 (E.D. Cal. Nov. 17, 2025) (reasoning that “‘the procedure
4 authorized by Congress’ in 8 U.S.C. § 1225 constitutes procedural ‘due process’ as far as petitioner is
5 concerned” (quoting *Shaughnessy*, 345 U.S. at 212)).

6 For this reason, under longstanding Supreme Court precedent analyzing a provision of federal
7 immigration law contiguous to 8 U.S.C. § 1225, “the Government may constitutionally detain
8 deportable aliens during the limited period necessary for their removal proceedings.” *Demore v. Kim*,
9 538 U.S. 510, 526 (2003). Indeed, the Supreme Court “recognize[s] detention during deportation
10 proceedings as a constitutionally valid aspect of the deportation process” because “deportation
11 proceedings ‘would be vain if those accused could not be held in custody pending the inquiry into their
12 true character.’” *Id.* at 523 (quoting *Wong Wing v. United States*, 163 U.S. 228, 235 (1896)). And
13 detention under 8 U.S.C. § 1225(b)(2) “has a definite termination point: the conclusion of removal
14 proceedings.” *Jennings*, 583 U.S. at 304 (internal quotation marks omitted). Based on this established
15 principle, immigration detention can be constitutional even in the absence of any showing that an
16 individual detainee poses a flight risk or a danger to the community. *See Demore*, 538 U.S. at 523–27
17 (discussing *Carlson v. Landon*, 342 U.S. 524 (1952), and finding immigration detention constitutional
18 “even without any finding of flight risk” or “individualized finding of likely future dangerousness”
19 (alteration omitted) (quotation marks omitted)). In other words, “the civil detention of aliens during
20 removal proceedings can serve a legitimate government purpose, which is ‘preventing deportable . . .
21 aliens from fleeing prior to or during their removal proceedings, thus increasing the chance that, if
22 ordered removed, the aliens will be successfully removed.’” *Prieto-Romero v. Clark*, 534 F.3d 1053,
23 1065 (9th Cir. 2008) (quoting *Demore*, 538 U.S. at 528).

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1 **III. ARGUMENT**

2 The Court should deny Calidonio’s petition because he is lawfully—and mandatorily—detained
3 and because the length of his detention without a bond hearing derives largely from his own actions.

4 **A. Calidonio’s detention is mandatory.**

5 Calidonio is an applicant for admission to the United States because he has yet to receive
6 authorization from immigration authorities to be here. 8 U.S.C. § 1225(a)(1); *Torres*, 976 F.3d at 928
7 (defining as applicants for admission “all immigrants who have not been lawfully admitted, regardless
8 of their physical presence in the country”); Gallenkamp Decl. ¶ 7. Furthermore, Calidonio provides no
9 evidence that he established to any United States immigration officer that he is “clearly and beyond a
10 doubt entitled to be admitted” to this country. 8 U.S.C. § 1225(b)(2); *see* Gallenkamp Decl. ¶ 8 (“At the
11 time of arrest, Petitioner admitted to being a citizen and national of El Salvador and record checks
12 confirmed that he did not have legal documents to enter, pass through, or remain in the United States.”).
13 His entitlement to such admission is doubtful at best, given that he is wanted in his home country on
14 allegations of serious and violent criminal conduct. Gallenkamp Decl. ¶ 8.

15 Accordingly, federal immigration law requires that Calidonio be detained while his removal
16 proceedings move forward. *See Jennings*, 583 U.S. at 299 (holding that “§ 1225(b)(2) requires detention
17 ‘for a [removal] proceeding’” (alteration in original)).

18 **B. The length of Calidonio’s detention does not entitle him to a bond hearing.**

19 Calidonio does not claim that mandatory detention under 8 U.S.C. § 1225(b)(2) is facially
20 unconstitutional. Instead, he argues that “[d]etention without a bond hearing is unconstitutional when it
21 exceeds six months.” Pet. Writ Habeas Corpus ¶ 27.

22 In contrast to Calidonio’s claim, the Supreme Court recognizes that detention during removal
23 proceedings remains constitutional so long as it continues to “serve its purported immigration purpose.”
24 *Demore*, 538 U.S. at 527; *accord Zadvydas v. Davis*, 533 U.S. 678, 690–91, 699–700 (2001). That
25 purpose—ensuring a dangerous alien’s appearance for removal proceedings so he can be successfully
26 removed at their conclusion—is present throughout removal proceedings and does not abate over time
27 while those proceedings are still pending. *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1208 (9th Cir.
28 2022); *see also* Gallenkamp Decl. ¶¶ 8, 21 (discussing Calidonio’s criminal history). As the Ninth

Circuit acknowledges, that governmental interest is “of the highest order” and “only increase[s] with the passage of time.” *Rodriguez Diaz*, 53 F.4th at 1208. That is because “[t]he longer detention lasts . . . , the more resources the government devotes to securing an alien’s ultimate removal” and “[t]he risk of a detainee absconding also inevitably escalates as the time for removal becomes more imminent.” *Id.*

Calidonio fails to make any showing that his detention no longer “serve[s] its purported immigration purpose.” *Demore*, 538 U.S. at 527. His detention is limited to the pendency of his removal proceedings and Calidonio makes no showing that the government unreasonably delayed those proceedings, much less that the purpose of his detention is “not to facilitate removal, or protect against risk of flight or dangerousness.” *Rodriguez Diaz*, 53 F.4th at 1218–19 (Bumatay, J., concurring) (quoting *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring)) (alterations omitted). To the contrary, much of the length of Calidonio’s detention traces back to his own requests to delay his underlying removal proceedings. *See* Gallenkamp Decl. ¶¶ 10–20. Because Calidonio’s mandatory detention during removal proceedings under 8 U.S.C. § 1225(b)(2) is for a permissible immigration purpose, he has no due process right to any further bond hearing. *See Rodriguez Diaz*, 53 F.4th at 1218 (Bumatay, J., concurring) (“Consistent with due process, Congress may grant the Executive the authority to detain aliens during removal proceedings—with or without bond hearings.”); *accord Keo v. Warden of Mesa Verde ICE Processing Ctr.*, No. 1:24-CV-00919-HBK (HC), 2025 WL 1029392, at *7 (E.D. Cal. Apr. 7, 2025) (“Due process doesn’t require bond hearings for criminal aliens mandatorily detained under § 1226(c)—even for prolonged periods.”).

But even assuming that detention pending prolonged removal proceedings could—at some point—require an individualized bond hearing, Calidonio’s petition does not show how his situation has reached that point. First, though he argues for a bright-line rule requiring a bond hearing after six months, such a rigid test is not the law. *See Demore*, 538 U.S. at 530–31 (affirming alien’s mandatory detention even though it lasted for more than six months when alien himself requested continuances of removal hearings). Second, much of Calidonio’s detention period is attributable to his own continuance requests and litigating strategy. Gallenkamp Decl. ¶¶ 10–20; *see also Rodriguez Diaz*, 53 F.4th at 1208 (“[W]e cannot simply count his months of detention and leave it at that. We must also consider . . . the fact that his detention was prolonged due to his decision to challenge his removal order.”). Indeed,

Calidonio filed his merits brief with the Board of Immigration Appeals just five days ago even though he filed an initial notice of appeal in July. *Id.* ¶¶ 17, 20.

Calidonio’s detention for a little over a year—where the removal proceedings underlying that detention were “prolonged” almost entirely “due to his decision to challenge his removal order”—neither violates due process principles nor entitles him to a bond hearing. *Rodriguez Diaz*, 53 F.4th at 1208; *see also Demore*, 538 U.S. at 530–31 (rejecting due process challenge to detention during removal proceedings that lasted longer than usual where “respondent himself had requested a continuance of his removal hearing”).

C. Calidonio’s requested relief is inappropriate.

“[C]ompelled release of detainees is surely a remedy of last resort.” *Fraihat v. U.S. Immigr. & Customs Enf’t*, 16 F.4th 613, 642 (9th Cir. 2021). But even if the Court grants Calidonio’s petition, the only appropriate relief is a bond hearing—not release from detention. *See, e.g., Demore*, 538 U.S. at 532 (Kennedy, J., concurring) (explaining that “an individualized determination as to . . . risk of flight and dangerousness” could be proper remedy “if the continued detention became unreasonable or unjustified”); *Prieto-Romero*, 534 F.3d at 1065–66 (rejecting claim that bond hearing where petitioner bore burden of proof was constitutionally inadequate, where petitioner “had an opportunity to contest the necessity of his detention before a neutral decisionmaker and an opportunity to appeal that determination to the BIA”). Moreover, immigration judges and not district courts are the proper decision-makers in any immigration bond hearings. *See, e.g., Mansoor v. Figueroa*, No. 3:17-CV-01695-GPC (NLS), 2018 WL 840253, at *4 (S.D. Cal. Feb. 13, 2018) (explaining that immigration judges are well suited to assess eligibility for release, while district courts generally “lack[] the factual support to make a determination about [a] Petitioner’s risk of flight or dangerousness to the community”).

And even if the Court orders a bond hearing, Calidonio is mistaken that the government should bear the burden of justifying his continued detention by clear and convincing evidence. *See, e.g., Pet. Writ Habeas Corpus* ¶¶ 5–6. The Supreme Court consistently reaffirms the constitutionality of detention pending removal proceedings and has never required the government to justify such detention by clear and convincing evidence. *See Demore*, 538 U.S. at 531; *Reno v. Flores*, 507 U.S. 292, 305–09 (1993);

1 *Carlson*, 342 U.S. at 538; *Zadvydas*, 533 U.S. at 701. In fact, the Supreme Court repeatedly upholds
2 detention pending removal proceedings on the basis of categorical—rather than individualized—
3 assessments that valid immigration purposes warrant interim custody. *See Demore*, 538 U.S. at 531;
4 *Flores*, 507 U.S. at 305–09; *Carlson*, 342 U.S. at 538.²

5 Accordingly, if the Court grants Calidonio a bond hearing, such a hearing should occur before an
6 immigration judge and the burden at any such bond hearing should be placed on Calidonio to
7 demonstrate his entitlement to release.

8 **IV. CONCLUSION**

9 Ronald Omar Espinoza Calidonio continues to exercise his rights to fully litigate his removal
10 before an immigration court. Calidonio’s detention is constitutional and not unduly prolonged. The
11 Court should allow the congressionally authorized immigration system to continue adjudicating the
12 removal of a violent MS-13 gang member like Calidonio, and without releasing him back into a
13 community where he has no legal right to be in the first place.

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15 Dated: December 29, 2025

ERIC GRANT
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17 By: /s/ SAM STEFANKI
18 SAM STEFANKI
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24 ² Indeed, in at least one prior case, the Supreme Court placed the burden on the alien to show that
25 continued detention was unjustified. *Zadvydas*, 533 U.S. at 701 (stating that alien challenging detention
26 must first “provide[] good reason to believe that there is no significant likelihood of removal in the
27 reasonably foreseeable future,” only after which “the Government must respond with evidence sufficient
28 to rebut that showing”). And in an analogous context, the Ninth Circuit recently questioned how the
burden-shifting approach that Calidonio demands could be constitutionally required. *See Rodriguez*
Diaz, 53 F.4th at 1212 (“Nothing in this record suggests that placing the burden of proof on the
government was constitutionally necessary to minimize the risk of error, much less that such burden-
shifting would be constitutionally necessary in all, most, or many cases.”).