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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KANATBEK ALMAZBEK UULU,

Petitioner,

v.

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

Respondents.

No. 1:25-CV-01812-WBS-CKD

RESPONDENTS' OPPOSITION TO MOTION
FOR TEMPORARY RESTRAINING ORDER

The Respondents oppose the Petitioner's motion for a temporary restraining order ("TRO").¹ The Petitioner is a Kyrgyzstan national who arrived in the United States in December 2024 without the required documentation and who does not have lawful status in the country. Specifically, he arrived at the border in a vehicle with others that tried to blow through the checkpoint. The vehicle was stopped by CBP, and all occupants were arrested. The Petitioner raised an asylum claim and was subsequently detained under 8 U.S.C. § 1225(b)(1)(B)(ii) and placed into expedited removal proceedings. Since then, he has had multiple immigration court hearings that have been continued. All but one of the hearings was continued at his request. He has been detained for approximately fourteen months total,

¹ The Petitioner previously filed a pro se habeas petition. He was subsequently appointed counsel and ordered to file a supplemental petition by February 13, 2026. Dkt. 8, 11. The parties agreed that the Respondents would then have twenty-one days to file a response. Dkt. 11. Now, the Petitioner seems to have filed a pro se motion for a TRO without input from his counsel.

1 and his next hearing is scheduled for February 26, 2026. Exhibit 1, Declaration of ICE Deportation
2 Officer Alejandro Parra Jaimes.

3 The sole argument that the Petitioner raises in his motion is that his prolonged detention without
4 a hearing violates the Due Process Clause of the Fifth Amendment. Dkt. 12. This argument, however,
5 is foreclosed by statute and inconsistent with Supreme Court precedent. As an alien arriving without a
6 valid entry document, the Petitioner is subject to mandatory detention. 8 U.S.C. § 1182(a)(7)(A)(i)(I); 8
7 U.S.C. § 1225(b)(1)(B)(ii). Specifically, an alien with “a credible fear of persecution ... shall be
8 detained for further consideration of the application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii). This
9 mandatory detention may not be reconsidered by an Immigration Judge based on any alleged lack of
10 danger or flight risk posed by the alien, as the relevant regulation provides that an Immigration Judge
11 may not redetermine the conditions of custody imposed by the DHS on “[a]rriving aliens in removal
12 proceedings” such as the Petitioner. 8 C.F.R. § 1003.19(h)(2)(i)(B); *Matter of Jonathan Javier Yajure*
13 *Hurtado*, 29 I&N Dec. 216 (BIA 2025) (“[U]nder a plain language reading of section 235(b)(2)(A) of
14 the INA, 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant
15 bond to aliens . . . who are present in the United States without admission.”).

16 The Petitioner’s detention, despite its length, is therefore mandated by statute. “As with any
17 question of statutory interpretation, [the] analysis begins with the plain language of the statute.”
18 *Jimenez v. Quarterman*, 555 U.S. 113, 118 (2009), citing *Lamie v. United States Trustee*, 540 U.S. 526,
19 534 (2004). The INA defines an “applicant for admission” as an “alien present in the United States who
20 has not been admitted or who arrives in the United States (whether or not at a designated port of arrival
21 ...) ...” 8 U.S.C. § 1225(a)(1). The Supreme Court has explained that 8 U.S.C. § 1225(b)(1) is “quite
22 clear” and “unequivocally mandate[s]” detention. *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018).
23 Indeed, *Jennings* highlighted the express requirement of the statute and acknowledged that “the word
24 ‘shall’ usually connotes a requirement.” *Id.* at 303, quoting *Kingdomware Technologies, Inc. v. United*
25 *States*, 579 U.S. 162, 171 (2016). To that end, “[r]ead most naturally, § 1225(b)(1) ... thus mandate[s]
26 detention of applicants for admission until certain proceedings have concluded,” which is when
27 “immigration officers have finished ‘consider[ing]’ the asylum application.” *Jennings*, 583 U.S. at
28 283, 287.

1 Applicants for admission, including those referred for removal proceedings after establishing a
2 credible fear of persecution or torture, are subject to detention under 8 U.S.C. § 1225(b)(1) and are not
3 owed a bond hearing before an Immigration Judge. 8 U.S.C. § 1225(b)(1)(B)(ii); 8 U.S.C. §
4 1225(b)(1)(B)(iii)(IV) (“Any alien subject to the procedures under this clause shall be detained pending
5 a final determination of credible fear of persecution and, if found not to have such a fear, until
6 removed.”).

7 In *Demore v. Kim*, 538 U.S. 510 (2003), the Supreme Court rejected a facial challenge to an
8 alien’s mandatory civil detention pending removal proceedings under a different but similar statute, 8
9 U.S.C. § 1226(c). In *Demore*, the Supreme Court found that even prolonged mandatory detention
10 during civil removal proceedings did not violate the Constitution’s due process safeguards. 538 U.S. at
11 530-31. While the Supreme Court recognized that mandatory detention normally lasts for a “limited
12 period” of time, the Court held that mandatory detention could run for a much longer period while still
13 being constitutional, for instance, where, as in this case, the alien took actions to continue and lengthen
14 his removal proceedings. *Id.* at 531. Thus, in recognizing that “mandatory” detention pending removal
15 proceedings properly may be prolonged, the Supreme Court in *Demore* flatly rejected a rule of a
16 compelled detention hearing within a fixed time. *Id.* As in *Demore*, both constitutionally and as a
17 matter of statute, the Petitioner’s continued mandatory civil detention is warranted.

18 Moreover, courts in this District have repeatedly refused to find a specific time limit past which
19 an alien’s detention will be considered presumptively violative of due process. *See, e.g., Aguilar*
20 *Calvillo v. Chestnut et al.*, 1:26-cv-00569-DC-CSK at Dkt. 9 (E.D. Cal. Jan. 31, 2026) (denying release
21 for similarly situated petitioner who had been detained for fourteen months); *Navarrete-Leiva v. United*
22 *States Attorney General, et al.*, 2024 WL 5111780 (E.D. Cal. Dec. 13, 2024) (denying petitioner’s claim
23 that the Constitution requires a bond hearing for continued detention during removal proceedings
24 beyond six months); *Abdul-Samed v. Warden of the Golden State Annex Detention Facility*, 2025 WL
25 2099343 (E.D. Cal. July 25, 2025) (declining to adopt a presumption of reasonableness or
26 unreasonableness as to a period of detention).

27 In *Keo v. Warden of the Mesa Verde Ice Processing Center*, No. 1:24-CV-00919-HBK (HC),
28 2025 WL 1029392 (E.D. Cal. Apr. 7, 2025), *appeal dismissed sub nom. Keo v. Warden*, No. 25-3546,

1 2025 WL 2528945 (9th Cir. June 27, 2025), the court assessed a purported due process violation by a
2 petitioner—a lawful permanent resident who had committed a criminal violation—held under
3 mandatory detention under 8 U.S.C. § 1226(c), who had been detained for approximately 22 months. *Id.*
4 at *4. The Court granted the Respondents’ Motion to Dismiss in that case, finding that, despite the
5 length of the Petitioner’s detention in DHS custody, his continued detention without a bond hearing was
6 constitutional pursuant to the mandatory detention statute so long as his ongoing removal proceedings
7 contemplated a “definite termination point” at the conclusion of those proceedings and his detention was
8 not indefinite. *Id.* at *8. (“ . . . Petitioner’s detention is not indefinite; there is a definite termination
9 point at the conclusion of his ongoing legal challenges. There is no indication that the ongoing removal
10 proceedings do not serve their intended purpose or are intended to incarcerate him for other reasons.
11 Therefore, the Court finds no due process violation in Petitioner’s continued detention under § 1226(c)
12 without a bond hearing”) (internal quotations and citations omitted). While the basis for mandatory
13 detention differs here, the same reasoning applies.

14 For these reasons, the Court should deny the Petitioner’s motion. Such a decision would be
15 consistent with the findings and recommendations that the Honorable Helena M. Barch-Kuchta recently
16 made in *Doe v. Andrews*, 1:25-cv-00333-JLT-HBK at Dkt. 25 (E.D. Cal. Nov. 25, 2025). Those
17 findings and recommendations are currently pending adoption by the Honorable Jennifer L. Thurston.

18
19 Dated: February 5, 2026

Respectfully submitted,

20 ERIC GRANT
21 United States Attorney

22 By: /s/ Joseph Barton
23 Joseph Barton
24 Assistant United States Attorney
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EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Kanatbek Almazbek UULU,

Petitioner,

v.

Warden of the Golden State Annex Detention
Facility, *et al.*,

Respondents.

CASE NO. 1:25-cv-01812-WBS-CKD

**DECLARATION OF
DEPORTATION OFFICER
ALEJANDRO PARRA JAIMES**

I, Alejandro Parra Jaimes, make the following statements under oath and subject to the penalty of perjury:

1. I am a Deportation Officer (DO) with the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), in the Fresno sub-office of the San Francisco Field Office. I have been employed with ICE since February 13, 2022. I currently serve as a DO and am assigned to the Detained Unit, overseeing aliens detained at the Golden State Annex (GSA), which is a detention facility located in McFarland, California, that is managed by the GEO Group, Inc.

2. My responsibilities include, but are not limited to, tracking the progression of detained cases through removal proceedings, tracking detained cases with final removal orders, obtaining travel documents for aliens ordered removed, and effectuating the removal of aliens to their home countries. I am the DO assigned to the case of Kanatbek Almazbek Uulu (Petitioner). The facts in this declaration are based on my personal and professional knowledge, consultation with other DHS and ICE personnel, and reasonable review of official documents, systems, and records maintained by the agency and DHS, and other relevant sources during the regular course of my duties.

3. Petitioner is detained at GSA pursuant to INA § 235(b)(1).

1 4. Petitioner is a native and citizen of Krygyzstan. On December 24, 2024, Petitioner
2 arrived at the Otay Mesa Port of Entry in Otay Mesa, California as a passenger in a vehicle that failed to
3 stop for inspection. Customs and Border Protection (“CBP”) officers stopped the vehicle and
4 apprehended the occupants; CBP turned Petitioner over to ICE.

5 5. Petitioner was placed in expedited removal proceedings and on January 2, 2025, was
6 detained at the Otay Mesa Detention Facility in Otay Mesa, California.

7 6. On February 19, 2025, Petitioner was placed in removal proceedings and served with a
8 Notice to Appear charging him as an arriving alien, inadmissible under Immigration and Nationality Act
9 (“INA”) § 212(a)(7)(A)(i)(1) as an alien who at the time of admission is not in possession of a valid
10 entry document.

11 7. On March 3, 2025, Petitioner appeared pro se at a master calendar hearing and requested
12 a continuance to obtain counsel.

13 8. On April 2, 2025, Petitioner appeared pro se at a master calendar hearing; the hearing
14 was continued due to the inability to obtain a Kyrgyz interpreter.

15 9. On April 9, 2025, Petitioner appeared pro se at a master calendar hearing and requested a
16 continuance to obtain counsel.

17 10. On April 29, 2025, Petitioner appeared pro se at a master calendar hearing, filed an
18 application for relief from removal and requested a continuance to obtain additional evidence.

19 11. On May 27, 2025, Petitioner appeared with counsel at a master calendar hearing and
20 requested a continuance to obtain additional evidence.

21 12. On June 25, 2025, Petitioner appeared with counsel at a master calendar hearing and
22 requested a continuance to obtain additional evidence.

23 13. On July 23, 2025, Petitioner appeared with counsel at a master calendar hearing and
24 requested a continuance to obtain additional evidence.

25 14. On August 5, 2025, Petitioner appeared with counsel at a master calendar hearing and
26 requested a continuance to obtain additional evidence.

27 15. On September 20, 2025, Petitioner was transferred to the Golden State Annex in
28 McFarland, California.

16. On October 3, 2025, Petitioner's counsel filed a motion to withdraw; on October 8, 2025, the immigration judge granted the motion to withdraw.

17. On November 13, 2025, Petitioner appeared pro se at a master calendar hearing; the immigration judge raised concerns regarding portions of Petitioner's evidence and continued the matter for Petitioner to address those concerns.

18. On December 31, 2025, the immigration judge issued a hearing notice resetting Petitioner's case to January 27, 2026.

19. On January 27, 2026, Petitioner appeared pro se at a master calendar hearing and requested a continuance for counsel.

20. Petitioner's next hearing is on February 25, 2026.

I declare, under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is true and correct to best of my knowledge, information, belief, and reasonable inquiry.

Dated: February 5, 2026

ALEJANDRO PARRA JAIMES Digitally signed by ALEJANDRO PARRA JAIMES
Date: 2026.02.05 12:13:12 -08'00'

Alejandro Parra Jaimes
Deportation Officer
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security