

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

RAUL M.C., Petitioner	§ § § § § § § §	Civil Action No. 1:25-cv-327
v. Warden for the Port Isabel Detention Center, <i>et al., in their official capacities,</i> Respondents.		

PETITIONER’S SUPPLEMENTAL BRIEFING

Pursuant to the Court’s Order (Dkt. No. 7), Petitioner respectfully submits this supplemental briefing to clarify the bearing of the *Franco Gonzalez v. Holder* class certification on this case.

I. *Franco* provides procedural context for Petitioner’s prior release.

Petitioner is a member of the certified class in *Franco Gonzalez v. Holder*, No. CV 10-02211 (DTBx), 2013 WL 8115423 (C.D. Cal. Apr. 23, 2013) (hereinafter, “*Franco*”). Petitioner referenced *Franco* to explain the procedural framework under which his prior bond hearing was conducted. Under *Franco*, certain noncitizens may not be detained for more than 180 days unless the Department of Homeland Security establishes, by clear and convincing evidence, that continued detention is justified. *Id.*

This framework differs materially from bond proceedings conducted under 8 U.S.C. § 1226(a), where the noncitizen ordinarily bears the burden of proving that he merits release. In contrast, *Franco* places the burden squarely on the government.

Petitioner's prior bond hearing was conducted pursuant to this *Franco* framework. At that hearing, the government bore the burden of proof and affirmatively agreed that Petitioner did not present a danger to the community. Notably, the government stipulated that Petitioner should be released, and the Immigration Judge ordered Petitioner's release on bond. Since that time, there has been no allegation of any bond violation or changed circumstances. Nevertheless, and contrary to its prior stipulation, the government has re-detained Petitioner without any hearing or opportunity to be heard.

This background information demonstrates that Petitioner was lawfully released pursuant to a formal adjudication, in which the government conceded it could not meet its burden, and that his release was not discretionary or informal. The constitutional violation challenged here arises from Respondents' subsequent revocation of that grant of liberty without any process, in violation of the Fifth Amendment.

II. *Franco* has no direct bearing on habeas relief.

Petitioner remains a member of the certified *Franco* class. The *Franco* class requires the government to provide: (1) legal representation in the form of a Qualified Representative to all Class Members found mentally incompetent to represent themselves in immigration proceedings; and (2) bond redetermination hearings for all Class Members detained for more than six months. *See Franco-Gonzalez v. Holder*, CV 10-02211, Partial Judgment and Permanent Injunction (C.D. Cal. R. Apr. 23, 2013). It also sets forth procedures and processes for identification of *Franco* Class Members and assessments of the mental competency of such Class Members to represent themselves in immigration proceedings. *See Franco-Gonzalez v. Holder*, CV 10-02211, Order Further Implementing This Court's Permanent Injunction (C.D. Cal. R. Oct. 29, 2014).

Petitioner does not challenge the government's failure to provide a *Franco*-compliant bond hearing, nor does he seek to enforce the *Franco* injunction in this proceeding. Here, Petitioner's habeas claim arises from the government's re-detention of an individual already granted bond, without notice, hearing, or opportunity to contest detention. The Fifth Amendment provides an independent basis for habeas relief, regardless of any procedural mechanisms or remedies established under *Franco*.

Dated: January 12, 2026

Respectfully submitted,

By: /s/ Rebecca Chavez

Rebecca Chavez

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CERTIFICATE OF SERVICE

I certify that on January 12, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/Rebecca Chavez
Rebecca Chavez