

1 **MARDY M. SPROULE**  
2 California State Bar No. 207048  
3 LAW OFFICES OF MARDY M. SPROULE  
4 15141 Whittier Blvd, Suite 250  
5 Tel (323)726-0999  
6 Fax (323)726-0990  
7 Email: Mardy.Sproule@att.net

8 Attorney for Petitioner, *Raul Pineda Martinez*

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 Raul Pineda MARTINEZ,

12 Petitioner,

13 v.

14 KRISTI NOEM, et al.,

15 Respondents,

Case No.: 5:25-cv-03371-HDV-AJR

PETITIONER'S REPLY IN SUPPORT  
OF PETITION FOR WRIT OF  
HABEAS CORPUS AND MOTION  
FOR TEMPORARY RESTRAINING  
ORDER / ORDER TO SHOW CAUSE

Honorable Judge Hernan D. Vera  
United States District Judge

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3                   **HABEAS CORPUS AND MOTION FOR TEMPORARY RESTRAINING**  
4                   **ORDER / ORDER TO SHOW CAUSE**

5                   Petitioner, Raul Pineda Martinez (“Mr. Pineda Martinez”), respectfully  
6 submits this Reply in Support of Petition for Writ of Habeas Corpus and Motion  
7 for Temporary Restraining Order / Order to Show Cause in response to  
8 Respondents’ Return to Habeas Petition.  
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11                   Respondents’ filing fails to establish the lawfulness of Petitioner’s continued  
12 detention and does not meet the government’s burden under the Due Process  
13 Clause and controlling precedent.  
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15                   For the reasons below and those previously submitted, Petitioner requests  
16 that the Court grant the TRO, issue an OSC, and order Petitioner’s immediate  
17 release on the bond and conditions ordered on June 24, 2010 or July 21, 2025.  
18

19                   I.           **Introduction**

20                   Respondents’ Return fails to show that Petitioner’s ongoing detention is  
21 lawful or constitutionally permissible. Respondents completely fail to address that  
22 the government violated Mr. Pineda Martinez’s constitutionally protected rights to  
23 due process not once, but twice, inconsistent with binding precedent, including  
24 *Zadvydas v. Davis*, 533 U.S. 678 (2001), *Jennings v. Rodriguez*, 583 U.S. 281  
25 (2018).  
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1 Respondents have not met its burden to justify ongoing civil detention, nor  
2 has it shown that removal is reasonably foreseeable. Respondents further fail to  
3 provide any competent additional evidence supporting the alleged danger or flight  
4 risk that has not already been thoroughly assessed by two separate Immigration  
5 Judges on two separate occasions more than a decade apart, on the identical facts  
6 (at the July 28, 2010 bond hearing and the July 21, 2025 bond hearing). As a result,  
7 Petitioner's continued deprivation of liberty violates the Fifth Amendment's Due  
8 Process Clause.  
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13 **II. Argument**

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15 *A. Title 8 U.S.C. §1226(a)*

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17 In its response, Respondents acknowledge that Petitioner appears to be  
18 eligible for a bond hearing under 8 U.S.C. §1226(a), [Dkt. 6]. As this issue is no  
19 longer in dispute, we ask the Court to analyze his prolonged detention that  
20 continues even after he has already been granted bond twice, by two separate  
21 immigration judges, under 8 U.S.C. §1226(a).  
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25 *B. June 28, 2010 Bond Order*

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27 Petitioner has been in the United States since 1993. His criminal record  
28 consists of misdemeanor DUI offenses from 1993, 2003 and 2006. **[Dkt. 1, Ex. G,**

1 **pg. 45]**. In 2010, he was stopped for a traffic violation. 2010 was the last time he  
2 had any interaction with the police. From that interaction, they placed an ICE hold  
3 on him and he was transferred to ICE custody. He was held by DHS under 8  
4 C.F.R. §236, 8 U.S.C. §1226(a), which is *no longer* in dispute by the parties [**Dkt.**  
5 **1, Ex. B, pg. 35]** [**Dkt. 6, pg. 2]**. Removal proceedings were then initiated against  
6 him, these are the same removal proceedings he is still in 15 years later under the  
7 same Notice to Appear issued on June 24, 2010, and under the *same circumstances*  
8 with the *same criminal record*. He sought bond redetermination pursuant to 8  
9 U.S.C. §1226(a), which the parties agreed then and now is proper. In 2010, when  
10 his 1993-2010 criminal record was somewhat “fresher”, both a DHS official and an  
11 Immigration Judge independently made the determination that he was not a flight  
12 risk or a danger to the community and agreed to release him on bond. [**Dkt. 1, Ex.**  
13 **B, pg. 35; Ex. D, pg. 38]**.

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20 Sometime around June 2025, just prior to his redetention, without any kind  
21 of notice or hearing, his bond was either revoked or cancelled<sup>1</sup> possibly in violation  
22 of 8 C.F.R. §§241.4(l), 236.1. On June 6, 2025, he was redetained. The Fifth  
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27 <sup>1</sup> The 2010 bond was posted by Petitioners former spouse, Yesenia Colindres. Due  
28 to her unfortunate passing on April 11, 2021, Petitioners current spouse is unable  
to obtain information regarding the bond. [**Dkt. 1, Ex. E, pg. 39]**.

1 Amendment recognizes that even noncitizens have a liberty interest in not being  
2 arbitrarily redetained. In *Jorge M. F. v. Wilkinson*, 534 F.Supp.3d 1050, 1054  
3 (N.D. Cal. April 14, 2021), the district court granted an emergency temporary  
4 restraining order (TRO) preventing the government from re-detaining the petitioner  
5 without providing sufficient notice and an opportunity for a hearing on the legality  
6 of detention. No such notice or hearing was provided to Mr. Pineda Martinez.  
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10 Respondents argue that this Court's decision in *Helal* is distinguishable  
11 because in *Helal* the Court's analysis was grounded in the fact that *DHS* had  
12 already determined Helal did not pose a flight risk or danger, and then re-detained  
13 him with no hearing, no explanation, and no procedural step to revisit that prior  
14 determination. That is why the Court viewed the re-detention as constitutionally  
15 suspect [*emphasis added*][**Dkt. 6, pg. 4**]. Respondents are correct that in *Helal* ICE  
16 initially determined that he was not a flight risk or danger to the community and he  
17 was released pursuant to 8 U.S.C. §1226(a). For two years Mr. Helal complied  
18 with conditions of his release and committed no crimes. Despite his compliance, in  
19 September 2025 he was arrested without an opportunity to be heard regarding the  
20 revocation of his release or the appropriateness of his detention. *Helal v. Janecka*  
21 *et al.*, 5:25-cv-02650-HDV-JC (C.D. Cal. Oct. 24, 2025) [Dkt. 12]. This case is  
22 even more compelling than *Helal*, in that Mr. Pineda Martinez has lived his life in  
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1 the United States for 32 years. On June 28, 2010, a DHS official determined and an  
2 *Immigration Judge*, who is a higher authority than DHS, ordered that Mr. Pineda  
3 Martinez did not pose a flight risk or danger to the community and ordered him to  
4 be released. There was nothing deficient about that order. For fifteen years Mr.  
5 Pineda Martinez complied with conditions of his release and committed no crimes.  
6 Despite his compliance, ICE unlawfully either revoked or cancelled his bond, re-  
7 detained him with no warning, no hearing, no explanation, and no procedural step  
8 to revisit that prior determination. That is why this Court needs to view this re-  
9 detention as constitutionally suspect as well. *See Helal v. Janecka et al.*, 5:25-cv-  
10 02650-HDV-JC (C.D. Cal. Oct. 24, 2025).

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16 *C. July 21, 2025 Bond Order*

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18 After being taken back into custody, Petitioner submitted a new bond  
19 redetermination request pursuant to 8 U.S.C. §1226(a). On July 21, 2025, the  
20 second Immigration Judge found that Mr. Pineda Martinez had met his burden to  
21 show that he was not a danger to the community because of the age of his criminal  
22 history and he did not have any new criminal history since 2010. The court  
23 considered mitigating factors, including any rehabilitative efforts and remorse and  
24 other supporting evidence, and found it to be sufficient to offset any danger that  
25 time had passed since the salient criminal history to reflect rehabilitation; and the  
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1 record did not support a finding that he was a flight risk that no amount of bond  
2 and a combination of other conditions of release would be appropriate. The court  
3 considered of significance that he had strong ties to the United States. [**Dkt. 1, 51-**  
4 **58**]. The Court the ordered his release on an \$8500 bond. DHS appealed on the  
5 grounds that he was not eligible for bond under 8 U.S.C. §1226(a) but argued that  
6 he was being held under 8 U.S.C. §1225, contrary to their own 2010 determination.  
7 The BIA's sole focus was whether Mr. Pineda Martinez is present without  
8 admission. As Respondents' acknowledge in their response, Petitioner appears to  
9 be eligible for a bond hearing under 8 U.S.C. §1226(a), hence the entire basis of  
10 their appeal is now a non-issue [**Dkt. 6**]. That also means that Petitioner was  
11 wrongfully and unnecessarily deprived of his opportunity and ability to post the  
12 July 21, 2025 bond. Full Stop.  
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19 Nevertheless, Respondents appear to solely rely on a December 8, 2025  
20 *Rodriguez* Bond hearing held before a third Immigration Judge as if that hearing  
21 cures the systemic and repeated violations of Petitioner's constitutional rights. In  
22 2013, the District Court certified a class of nearly "[a]ll non-citizens within the  
23 Central District of California" who have been detained for at least 180 days under  
24 INA sections 235(b), 236(a), 236(c); and 241(a) and issued a permanent injunction  
25 requiring class members "be afforded bond hearings after six months of detention."  
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1 *Rodriguez v. Holder*, No. CV 07-3239 TJH (RNBx), 2013 WL 5229795 at \*1, \*3  
2 (C.D. Cal. Aug. 6, 2013) (excluding persons subject to "a national security  
3 detention statute"), aff'd in part, rev'd in part sub nom. *Rodriguez v. Robbins*, 804  
4 F.3d 1060 (9th Cir. 2015), rev'd sub nom. *Jennings v. Rodriguez*, 583 U.S. 281  
5 (2018). The United States Court of Appeals for the Ninth Circuit (Ninth Circuit)  
6 subsequently narrowed the class to exclude persons detained under section 241(a)  
7 and affirmed the injunction. *Rodriguez*, 804 F.3d at 1086. The United States  
8 Supreme Court reversed. *Jennings*, 583 U.S. at 311-12. However, neither the  
9 Supreme Court nor the Ninth Circuit explicitly vacated, stayed, or otherwise  
10 modified the underlying permanent injunction. See *Rodriguez v. Marin*, 909 F.3d  
11 252, 256 (9th Cir. 2018) ("Like the Supreme Court, we do not vacate the  
12 permanent injunction pending the consideration of these vital constitutional  
13 issues."). Thus, "the permanent injunction . . . remain[s] in effect" in the Central  
14 District, and the Court retains jurisdiction to conduct a custody redetermination  
15 hearing pursuant to this authority. *Rodriguez v. Marin*, No. CV 07-03239-TJH  
16 (SPx), 2020 WL 13724475, at \*3 (C.D. Cal. May 28, 2020).  
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24 Because Petitioner was unlawfully redetained on June 6, 2025 and remains  
25 in unlawful mandatory detention since then, on December 2, 2025, DHS filed a  
26 Notice of Custody Redetermination Hearing Under *Rodriguez v. Robbins*.  
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1 Although Petitioner is not seeking review of the third Immigration Judge's  
2 December 8, 2025 decision before this Court, it is important to note that the only  
3 evidence presented by DHS to meet their burden of "clear and convincing  
4 evidence" for the *Rodriguez* Bond hearing is the same I-213 that we filed at Dkt. 1,  
5 Ex. G, pg. 43-45, listing the same stale criminal history from 1993-2010, it is also  
6 the same evidence presented and considered by the two other Immigration Judges  
7 who found him *not* to be a flight risk or danger to the community:  
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#### 11 CRIMINAL HISTORY

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13 On 03/09/1993 PINEDA was convicted in the Superior Court of California,  
14 County of Los Angeles for the offense of VC 23152(B) driving under the  
15 influence of alcohol/drugs. Pineda was sentenced to 13 days incarceration.

16 On 06/09/2003 PINEDA was convicted in the Superior Court of California,  
17 County of San Bernardino for the offense of VC 23152(B) driving under the  
18 influence of alcohol/drugs. Pineda was sentenced to 60 month's probation.

19 On 08/07/2006 PINEDA was convicted in the Superior Court of California,  
20 County of San Bernadino for the offense of VC 23152(B) driving under the  
21 influence of alcohol/drugs. Pineda was sentenced to 120 days.

22 On 04/28/2010 PINEDA was convicted in the Superior Court of California,  
23 County of San Bernardino for the offense of VC 12500(A) driving got a  
24 license. Pineda was sentenced to 10 days in jail.

25 Respondents now want this Court to completely discount the two prior bond  
26 orders and only give weight to the third bond order that was triggered by his  
27 unlawful prolonged detention. Had Respondents not violated Petitioner's right to  
28 due process twice, he would not have had to endure the unlawful prolonged

1 detention and he would not have had the *Rodriguez* Hearing and poisonous fruit  
2 that came along with it. “It is well established that the deprivation of constitutional  
3 rights ‘unquestionably constitutes irreparable injury.’” *Melendres v. Arpaio*, 695  
4 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).  
5 “[U]nlawful detention certainly constitutes ‘extreme or very serious’” injury which  
6 “is not compensable in damages.” *Hernandez v. Sessions*, 872 F.3d 976, 999 (9th  
7 Cir. 2017). It is not question of whether Mr. Pineda Martinez will be irreparably  
8 harmed if he remains unlawfully detained, he has been irreparably harmed.  
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13 Petitioner asks this Court to address the issues brought forth by Petitioner,  
14 the unlawful revocation of the June 28, 2010 bond order and the unlawful  
15 continued detention despite the July 21, 2025 bond order; and not the *Rodriguez*  
16 bond order that was conducted during an unlawful detention. Petitioner  
17 understands he has the recourse of administrative review of that order, but this  
18 Court should not be assured that administrative review would allow the BIA to  
19 correct its own mistakes and to preclude the need for judicial review. *See, e.g.,*  
20 *Zaragoza Mosqueda et al. v. Noem et al.*, No. 5:25-cv-02304-CAS-BFM (C.D.  
21 Cal. Sept. 8, 2025) [Dkt.11]. Continuing to jail Petitioner—after two Immigration  
22 Judges IJ already found he is neither a danger nor a flight risk and set bond—bears  
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1 no reasonable relation to any legitimate purpose and is arbitrary in violation of  
2 substantive due process. See *Zadvydas*, 533 U.S. at 690.  
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4  
5 **CONCLUSION**

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7 For the foregoing reasons, the Court should grant Petitioner's TRO/OSC  
8 Application.  
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10 Dated: December 20, 2025

Respectfully Submitted,  
S/ Mardy M. Sproule

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12 Attorney for Raul E. Pineda Martinez,  
13 Email: Mardy.Sproule@att.net  
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**WORD COUNT CERTIFICATION**

The undersigned, counsel of record for Petitioner certifies that this Memo contains 2,332 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 20, 2025

Respectfully Submitted,

S/ Mardy M. Sproule

Attorney for *Raul Pineda Martinez*

Email: Mardy.Sproule@att.net

**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2025, I electronically filed the foregoing Petitioners' REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR TEMPORARY RESTRAINING ORDER / ORDER TO SHOW CAUSE with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties shall be served in accordance with the Federal Rules of Civil Procedure.

Dated: December 20, 2025

Respectfully Submitted,  
S/ Mardy M. Sproule

Attorney for Raul E. Pineda Martinez,  
Email: Mardy.Sproule@att.net