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United States District Court
Western District of Washington
At Seattle

JAN 26 2026

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

Luis Sanchez-Alonso,) Case No. 2:25-cv-02748-TL
 Petitioner,)
 vs.) Petitioner's Reply
 To
 Pamela Bondi et al.,) Federal Respondents'
 Respondents.)
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I. Introduction

• Aforesaid petitioner seeks release from his current unlawful civil re-detention at NWIPC; including enjoining respondents from re-detaining him until they have obtained valid travel documents, enjoining them from re-detaining him unless they provide him a federal-due-process-compliant procedure wherein he has a reasonable opportunity to be heard at a meaningful time and in a meaningful manner; enjoining them from applying their third-country removal policy against him unless and until said policy passes statutory and constitutional muster; and any other relief this Court sees equitable.

• Petitioner was purely arrested for technical violations; and it appears respondents have sentenced him to indefinite detention. He was compelled to swiftly and blindly contest his OSUP revocation on

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1 on same day as his arrest without ability to submit
 2 exculpatory or mitigating evidence supportive of
 3 release — insufficient notice and interview. Irregard-
 4 less of compliance with notice and interview rules, under
 5 federal due process, *Zadvydas v. Davis*, and
 6 *Mathews v. Eldridge*, respondents must provide him
 7 with a pre-deprivation hearing before an impartial
 8 decision-maker, which they failed to do. Their lack
 9 of urgency concerning alleged violations avinces that
 10 they don't consider them high priority.

11 • Respondent ~~is~~ implicitly concede repatriation to
 12 Cuba is impossible; ergo, his current civil detention
 13 is punitive, given that the 90-day-removal period and
 14 the *Zadvydas* 180-day period expired 13 years ago.
 15 They are continuing their current "arrest-first-ask-
 16 questions-later" modus operandi by now alleging his
 17 removal is reasonably foreseeable, given that they are
 18 conducting some kind of "internal legal process review"
 19 regarding how a Mexican removal can transpire.

20 They have not revealed how long this sub-rosa review
 21 is going to take; they have not elaborated how this
 22 secretive review is going to persuade Mexican
 23 officials to provide them with travel documents; they
 24 have not revealed if they have even conversed with
 25 Mexican officials on the momentous matter of
 26 removing petitioner to a country unknown to him.
 27 Their likelihood-removal-statements are secretively
 28 speculative and lack any supportive evidence.

Despite their Mexico-assertion, respondents are cognizant that a Mexico-deportation is impossible herein, given that one of their deportation officers testified that Mexico only accepts noncitizens from other countries if they willingly go.

- Their indestructible obsession with reiterating the same failed D.V. D. v. DHS argument is intriguing. One more reiteration in a new case will not change its meritless third-country policy is unconstitutionally punitive, and does not provide noncitizens with notice and meaningful opportunity to contest.

- Excluding 2017 arrest wherein he traveled to relevant jail and surrendered to resolve an old 2007 warrant, petitioner's only valid arrest and convictions stemmed from two related 2005 incidents; hence, it has been over 20 years since his last currently valid arrest and conviction. I.e. others vacated and voided over nonunanimous jury verdict.

II. Argument

- Petitioner incorporates by reference herein the entirety of his motion for TRO / Preliminary Injunction and its Declaration supportive thereof (dated December 31, 2025). he further incorporates herein by reference his ~~and~~ Memorandum of Points and Authorities and his Declaration supportive of habeas petition (date both dated 1/11/26)

(a) pre-deprivation hearing - Protect liberty interest

• "Nothing in Zadvydas... ^{provide} [respondents] with carte blanche to re-detain noncitizens without any process so long as the detention last less than 3 months." Alva v. Kaiser, 2025 US Dist Lexis 163060 ★ at 11 (N.D. Cal. 2025).

• Under the federal due process clause, Mathews v. Eldridge, and Zadvydas, respondents are required to provide petitioner with a pre-deprivation hearing before an impartial decision-maker before OSOP revocation, in order to safeguard his liberty interest of freedom. See Tesara v. Wamsley, 2025 US Dist Lexis 179205, ★ at 8 (W.D. Wash. Sept 2025); Khim v. Bondi, 2025 US Dist Lexis 261018, ★ 10-11 (W.D. Wash. Dec 2025).

• Petitioner herein was never given a "reasonable opportunity to be heard at a meaningful time and in a meaningful manner." Mathews v. Eldridge, 429 US 319, 333 (1976). Indeed, respondents' action here is egregious, and there is nothing about it regarding meaningful in time and manner? see his Declaration supportive of Reply.

• Respondents are asserting petitioner violated his civil immigration probation; however, the "factual dispute as to petitioner's alleged parole violation should be resolved at a pre-deprivation hearing,

rather than after the fact by this court."

Tesara v. Wansley, 2025 U.S. Lexis 231958,
 * at 17 (W.D. Wash. 2025) (subsequent history).

• The aforementioned cannot be said to comport with due process. Hence, petitioner's right to ~~due~~ due process was violated for failure to provide said pre-deprivation hearing.

(b) Insufficient Notice/Interview

• "When a petitioner is provided notice on the same day that the informal interview is conducted, they are substantially prejudiced in preparing competent arguments and/or gathering documents to regain their freedom. What results for such a situation is a deprivation of a meaningful opportunity to be heard on the incredibly important issue of re-obtaining their freedom." *Saengphet v. Noem*, 2025 U.S. Dist. Lexis 228889, * 20-21 (S.D. Cal. Nov. 2025).

• In *Saengphet v. Noem*, *Supra*, the court delineated the government's action of providing notice on same day as said interview as "egregious" and "compelling petition to contest his re-detention blindly." *Id.* * at 21. Hence, the government "failed to satisfy the notice requirement" under 241.13(c)(3). *Id.* * at 21.

• In their return, respondents boldly assert that they provided petitioner with adequate notice and informal interview. Apparently, a statutorily compliant informal interview is comprised of the following steps:

① said interview is conducted within hours after arrest;

② noncitizen has less than 15 seconds to peruse the notice containing revocation-reasons;

③ said interview lasts less than one minute;

④ noncitizen is not allowed to submit any exculpatory or mitigating evidence in support of release;

⑤ noncitizen can only sign and verbally thereto, and ICE officer can pick and choose what to write about his/her response.

See petitioner's Declaration supportive of his Reply to Federal respondents, submitted contemporaneously with reply.

• The aforementioned cannot possibly comport with any statutory law governing ~~the~~ revocation. Indeed, if the aforesaid does comport with any regulation, then they surely violate petitioner's federal due process rights.

(c) alleged technical violations of civil OSUP

• Respondents are asserting that petitioner violated numerous conditions. Nevertheless, as stated hereinbefore, he has never been given a reasonable opportunity to contest said allegations.

• Moreover, ~~in some~~ when some of these allegations supposedly transpired, respondents released petitioner twice in 2017: ① In early 2017, before he was released from Douglas County Jail, ICE officers spoke to him for a few minutes, and thereafter, allowed the jail to release him (see his Declaration supportive of his Reply).

② In late 2017, petitioner was released from Monroe County Jail after he surrendered to resolve an old 2007 warrant; petitioner believes ICE implicitly released him because Florida cooperates with immigration authorities whenever someone is arrested; it is more likely than not that ICE was apprised of petitioner's jail visit, but chose not to put a detainer. See City of S. Miami v. DeSantis, 561 F Supp 3d 1211 (S.D. Fla 2021) (concerning FL's anti-sanctuary-city laws).

• Likewise, respondents waited 7 months to arrest petitioner for his most recent alleged violation: "you were sent a notice to report to Portland, Oregon." See Respondents' Ex E, page one. It appears they have been aware of his address for sometime now;

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1 given that said "notice" was sent to petitioner "on
2 5/14/2025 (See said Ex E, Page one), and that
3 he was arrested at the address he has lived for
4 over 2 years. See his Declaration supportive of
5 his reply.

6 • Because of their lack of urgency relating to said
7 violation, respondent's contention that the government
8 has a strong interest in arresting petitioner thereover
9 is fatally undermined: P. 17, Federal Respondents'
10 return. See Guillermo M. Ro v. Kaiser, 791 F.Supp 3d
11 1021, 1036 (2025) ("ICE likely had the ability
12 to obtain the police report when it learn of the arrest
13 in mid-May. Yet, ICE did not consider it high
14 priority." "Respondents'... conduct demonstrates
15 their lack of urgency.")

16 "That petitioner's alleged violations occurred
17 months before they were acted upon, petitioner
18 has had multiple appointments and conversations
19 with ICE whereon alleged violations could have been
20 addressed but were not, undermines any suggestion
21 that the government's interest must be satisfied
22 immediately or that the cost of procedural safe-
23 guards would be insurmountable." Petrov v.
24 Hermosillo, 2026 US Dist Lexis 7557 (W.D.
25 Wash. Jan. 2026).

26 "Other courts have rejected the argument that 'ICE
27 [can] re-detain those released for purely technical
28 violations; like being [] late to a check-in,"

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without regard to whether that technical violation means that one is a flight risk or danger. Guillermo M. R. v. Kaiser, 2025 WL 1983677, at *8 (N.D. Cal. July 17, 2025), see Espinoza v. Kaiser, 2025 WL 2581185, at *12-14 (E.D. Cal. Sept 5, 2025) (finding that petitioner who was re-detained after missing a check-in completely and failing to update ICE with a change of address had protected liberty interest which required post-deprivation bond hearing). "

Velela v. Robbins, 2025 US Dist Lexis 219172, * at 12 (E.D. Cal. Nov. 6, 2025).

• As in Velela v. Robbins supra, federal respondents herein "do not argue that a missed check-in or failure to seek advance approval to move means that petitioner is a flight risk or danger to the community." Id. at 12.

In fact, in their document labeled "Order of Supervision Revocation Assessment," ICE officer did not check mark the "serious violence threat" box, but only check-marked the "other" box without writing anything or that he was a flight risk or danger. See page 4 of Ex. E of Respondent's return.

///

///

Petitioner believes that regardless of any
 supposed violation, he was going to get arrested
 that day, because of the new administration.
 See Pena-Gil v. Lyons, 2025 US Dist Lexis
 230775 (2025) (petitioner compliant
 with OSUP for 30 years — still arrested
 after new administration), Arostegui-Campo
v. Noem, 2025 US Dist Lexis 231888
 (2025) (petitioner compliant for 21
 years; the "only explanation was because
 his re-detention was 'due to the administration').
Id. at 4-8.

(d) Standardless OSUP Rules

In their return, respondents appear to be implying
 that petitioner should be held indefinitely for
 a technical violation of a civil ICE prohibition.
 Assuming arguendo that petitioner did violate
 the aforementioned, it is illogical to even
 suggest that the government can arrest noncitizens
 whenever they desire, and keep them detained
 indefinitely.

In a criminal context, as petitioner's
 Declaration supportive heretofore shows, Oregon
 criminal parolees usually get a jail-sanction
 of 5-30 days for technical violations. Re-
 spondents have civilly sanctioned petitioner to
 almost 2 months and counting, with no
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end in sight of imprisonment.

• The reason respondents are implying said indefinite re-detention may be lawful is that the OSUP Immigration regulations of OSUP revocation are standardless and, hence, violate Federal Due process.

"Substantive due process protects individuals from the arbitrary deprivation of their liberty by government." Brittain v. Hansen 451 F.3d 982, 991 (9th Cir. 2006). Sessans v. DPMaya, 584 US 148 (2018); Smith v. Gagen, 415 US 566, 574-75 (1974) (standardless and vagueness encourages arbitrary, discriminatory enforcement).

• For yet another reason, his current civil re-detention is violative of Federal Due Process Clause, given that the rules governing his revocation are standardless.

(e) Impossibility of Mexico removal.

• It is interestingly unorthodox the U.S. attorneys continue to copy-and-paste the same DVD v. DHS class action argument rejected by numerous courts. Abubaka v. Bond 2025 US Dist Lexis 225917, at 5-6 (W.D. Wash. Nov 17 2025) ("government's briefing on this topic
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1 is almost word-for-word identical to the govern-
 2 ment's briefing on the topic in the Nguyen and
 3 Battodano cases. "); Eshaghpour v. Bondi,
 4 2026 US Dist Lexis 7477 (W.D. Wash.
 5 Jan 2026) ("the same argument in prior cases,
 6 and courts in this district have consistently
 7 rejected the government.") Id. at *11.

8
 9 • It is regrettable that third-country policy
 10 is punitive and does not offer noncitizens
 11 proper due process. ~~ICE has carried out~~ This
 12 court should take judicial notice of the following:

13 ① ICE has carried out highly publicized
 14 third country deportations to South Sudan
 15 and Eswatini; on July 6, 2025, ICE
 16 deported 8 men to South Sudan; the men
 17 have been detained incommunicado ever since;

18
 19 on July 19, 2025, ICE deported five men
 20 to Eswatini wherein they are being held
 21 in solitary confinement;

22
 23 ② the government paid El Salvador to torturistically
 24 imprison more than 200 Venezuelans in
 25 CECOT.
 26

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1 • Lastly, their Mexico-removal argument is baseless.
 2 Their own Deportation Officer (Officer Martin
 3 Parsons) testified via a declaration that
 4 "Mexico will accept third-country deportees
 5 'only if [they] would willingly go to Mexico.'"
 6 Aróstegui-Campo v. Noem 2025 U.S. Dist
 7 Lexis 231888, *at 11 (S.D. Cal. 2025);
 8 Suarez-Ramirez v. Borja, 2026 U.S. Dist
 9 Lexis 7768 (W.D. Wash. Jan. 2026)

10
 11 • Respondents are merely continuing their
 12 "self-apparent tactic of 'arrest first, ask
 13 questions later.'" Medina v. Hermosillo, 2025
 14 US Dist Lexis 263806, *at 10 (D. Or.
 15 Pop. Dec. 22, 2025) ("This cant is becoming
 16 all too familiar with "said tactic". As he asserted
 17 in page 2 hereof (lines 11-27); they don't
 18 specify what is this "Internal legal process
 19 review." How is it going to assist them in
 20 obtaining travel documents? Have they even spoken
 21 to Mexican officials about this? How long
 22 is this surreptitious review going to take?
 23 Said likelihood-removal argument may be the most
 24 baseless one yet. Hence, given that the 90 day
 25 removal period and the Zadvydas-180 day
 26 period expired 13 years ago; and that his

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USA removal is unlikely; his current re-detention is simply punitive and violates his Federal Due process rights.

(F) 20 years since last valid arrests

• As he stated in page 3 hereof (lines 14-19), petitioner has only one valid arrest and conviction in the last 20 years: see his Declaration supportive of his reply.

• Surely, it would be a miscarriage of justice and violative of Federal Due Process, if the wrongful convictions and arrests that were vacated are used against him for purely punitive reasons in a civil matter. Wrongful convictions and arrests should not be exploited in any setting.

III. Conclusion

• Wherefore, petitioner prays this court grant the relief requested in his petition, including the reliefs cited in lines 14-27 of page one hereof.

Dated this 20 day of Jan 2026; Respectfully Submitted,


Luis Sanchez-Alfaro
Pro Se Petitioner

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