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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 **DERECK RONALDO SANCHEZ FUNES**

11 **Petitioner**

12 **vs.**

13 **WARDEN, IMPERIAL REGIONAL**
14 **ADULT DET. FACILITY, ET AL.,**

15 **Respondents.**

16 **Case No.: 26-CV-00189-RBM-DDL**

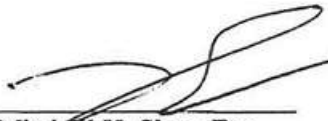
17 **PETITIONER'S REPLY BRIEF**

18 Petitioner, who entered the U.S. as a child, was designated an unaccompanied alien child
19 (UAC) pursuant to 8 U.S.C. §1232 on March 18, 2013. He was released by Department of
20 Homeland Security ("DHS") to the custody of the Department of Health and Human Services
21 ("HHS"), Office of Refugee Resettlement ("ORR"), and pursuant to 6 U.S.C. § 279, was reunited
22 with his family in the U.S. Thereafter DHS detained him without any pre-deprivation hearing,
23 stripping him of his liberty. U.S. Const. Amend. V. Instead of conceding at the time that the
24 Immigration Judge ruled she had no jurisdiction, the Government's response now concedes that
25 he should be provided a bond hearing pursuant to 8 USC 1226(a). See Dkt. 4 at 2. As a result,
26 giving rise to this pending case.
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1 Petitioner argues that his arrest and detention, among other things, violate the Due Process
2 Clause of the Fifth Amendment. The appropriate remedy should be Petitioner's immediate release;
3 which is required to return him to the *status quo ante*—"the last uncontested status which preceded
4 the pending controversy." Pinchi v. Noem, No. 25-cv-05632-RMI (RFL), 2025 WL 1853763 at 3
5 (N.D. Cal. July 4, 2025); Kuzmenko v. Phillips, No. 2:25-cv-00663-DJC-AC, 2025 WL 779743
6 at 2 (E.D. Cal. Mar. 10, 2025); see also Y-Z-L-H v. Bostock, No. 3:25-cv-00965, 2025 WL
7 1898025 at 14 (D. Or. 20205) (ordering immediate release due to violation of 8 C.F.R. §
8 212.5(e)(2)(i)); Valdez v. Joyce, 25 Civ. 4627, 2025 WL 1707737, at 5 (S.D.N.Y. June 18, 2025)
9 (ordering immediate release of unlawfully detained noncitizen); Ercelik v. Hyde, No. 1:25-CV-
10 11007-AK, 2025 WL 1361543, at *15-16 (D. Mass. May 8, 2025) (same); Günaydın v. Trump,
11 No. 25-CV-01151, 2025 WL 1459154, at *10-11 (D. Minn. May 21, 2025) (same).

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14 Alternatively, an Immigration Judge ("IJ") had already found that Petitioner posed no
15 danger to the community and was not a flight risk, and granted a \$2,000 bond (in the alternative);
16 should she have jurisdiction. *See* Dkt. 1, Exhibit B at 2-3. We respectfully ask that the court apply
17 the Immigration Judge's order granting bond and order Respondents to accept the \$2,000 bond.
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20 Date: 1/23/26

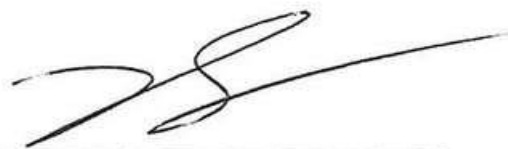
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22 Mitchell H. Shen, Esq.
23 Attorney for Petitioner
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CERTIFICATION OF SERVICE

I, Mitchell H. Shen, hereby certify that on January 23, 2026, a true and correct copy of the foregoing Petitioner’s Reply Brief was served electronically on all counsel of record: Glen Dorgan at glen.dorgan@usdoj.gov and Janet A. Cabral at Janet.Cabral@usdoj.gov, in accordance with the Federal Rules of Civil Procedure.

Respectfully submitted,



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