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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Elsa Carolina Mancia,

Petitioner,

v.

Pamela Bondi, *et al.*,

Respondents.

No. CV-26-01392-PHX-DWL (CDB)

**RESPONSE TO RENEWED MOTION
TO ENFORCE**

I. INTRODUCTION

Respondents, by and through counsel, hereby respond to Petitioner's renewed motion to enforce (Doc. 20) ("Motion"). On March 5, 2026, the Court granted Petitioner's *pro se* Petition for Writ of Habeas Corpus, finding that she was entitled to a bond hearing under 8 U.S.C. § 1226(a). *See* Doc. 9. The Court accordingly ordered Respondents to provide such a bond hearing within seven days or else release Petitioner. *Id.* Respondents held a bond hearing on March 11, 2026, in which the immigration judge ("IJ") denied bond. Doc. 16 at 11. Petitioner, now represented by counsel, filed a motion to enforce the judgment on April 14, 2026, arguing that the IJ failed to conduct a constitutionally valid bond hearing because he

1 failed to grant her a continuance. Doc. 16 at 1. The Court granted that motion on April 22,
2 2026, finding that it was improper for the IJ to deny Petitioner a continuance to allow her to
3 retain counsel and present evidence. Doc. 19 at 5–6. The Court accordingly directed
4 Respondents to provide a new bond hearing within seven days of that order. *Id.* at 6.
5 Respondents held that hearing on April 28, 2026. *See* Doc. 20 at 1–2, 23. Petitioner then
6 renewed her motion to enforce on April 29, 2026. Doc. 20.

7 Petitioner’s motion is without merit. Petitioner alleges that none of the six factors
8 considered by the IJ “individually or collectively[] constitute[] evidence that Petitioner is
9 likely to abscond.” Doc. 20 at 2. As the Court found in its prior order granting the first motion
10 to enforce, “if Petitioner were seeking to challenge the IJ’s discretionary weighing of the
11 evidence during her bond hearing, she would not be entitled to relief.” Doc. 19 at 5. Indeed,
12 Congress stripped the Court of all jurisdiction to consider such challenges. 8 U.S.C. § 1226(e)
13 (“The Attorney General’s discretionary judgment regarding the application of this section
14 shall not be subject to review. No court may set aside any action or decision by the Attorney
15 General under this section regarding the detention of any alien or the revocation or denial of
16 bond or parole.”). Petitioner does not allege that she was access to counsel or that she was not
17 allowed to present evidence. As such, there is no basis for Petitioner to challenge the IJ’s
18 order other than a simple disagreement with the result. Challenges to the result of a bond
19 hearing under 8 U.S.C. § 1226(a) are outside the Court’s jurisdiction to hear. The Court should
20 deny the Petition.

21 **II. THE COURT SHOULD DENY THE MOTION.**

22 **a. The bond hearing was constitutionally valid.**

23 Petitioner argues that Respondents failed to provide a constitutionally valid bond
24 hearing because she disagrees with the IJ’s reasoning. *See* Motion at 6–16. However, this is
25 a matter over which the Court has no jurisdiction. Petitioner must seek review from the Board
26 of Immigration Appeals (“BIA”) if she disagrees with the IJ’s order.

27 Immigration officials may grant individuals detained under 8 U.S.C. § 1226 release on
28 bond in most cases. 8 U.S.C. § 1226(a). However, “discretionary judgment regarding the

1 application of this section shall not be subject to review,” and “[n]o court may set aside any
2 action or decision . . . under this section regarding the detention of any alien or the revocation
3 or denial of bond or parole.” 8 U.S.C. § 1226(e). However, the Ninth Circuit has held that
4 Section 1226(e) does not strip courts of jurisdiction to hear challenges to bond decisions
5 grounded in constitutional or statutory claims. *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir.
6 2011) (citing *Al-Siddiqi v. Achim*, 531 F.3d 490, 494 (7th Cir. 2008)). Section 1226(e) also
7 does not bar habeas review of the “application of law to undisputed facts, sometimes referred
8 to as mixed questions of law and fact[.]” *Id.*

9 However, “while a district court has jurisdiction to review mixed questions of law and
10 fact, it must be careful not to encroach upon the IJ’s discretionary weighing of the evidence.”
11 *Ambriz v. Barr*, 420 F. Supp. 3d 953, 960 (N.D. Cal. 2019) (quoting *Slim v. Nielson*, 2018
12 U.S. Dist. LEXIS 147603, 2018 WL 4110551, at *4 (N.D. Cal. Aug. 29, 2018)) (internal
13 quotation marks omitted). The Court has previously denied a challenge to a bond hearing
14 where the Petitioner argued that the IJ “seize[d] upon tenuous factors to characterize
15 Petitioner as a flight risk” and failed to consider all of the factors established by BIA
16 precedent. *Fajardo-Cordova v. McGregor*, 2026 U.S. Dist. LEXIS 61081, at *2–3 (D. Ariz.
17 Mar. 3, 2026).

18 Petitioner’s motion is indistinguishable from the one that the Court denied in *Fajardo-*
19 *Cordova*. Petitioner argues that the IJ considered improper factors and ignored factors
20 required by the BIA. Motion at 16–17 (“The Immigration Judge’s decision does not
21 meaningfully engage with the[] factors [established by BIA precedent]. Instead, it substitutes
22 a handful of generic characteristics for the required individualized analysis.”). This is the
23 exact argument that the Court rejected in *Fajardo-Cordova*. Petitioner argues that the IJ did
24 not conduct an individualized analysis, *id.*, but this is incorrect. The IJ explicitly named seven
25 factors in its written decision, none of which Petitioner argues were unsupported by the
26 record: (1) Petitioner unlawfully entered the United States in 1997, (2) Petitioner has four
27 United States citizen children, (3) Petitioner had temporary protected status but allowed it to
28 lapse, (4) Petitioner did not seek adjustment of status until after she was detained, (5)

1 Petitioner worked in the United States without authorization, (6) Petitioner's application for
2 adjustment of status was denied, and (7) Petitioner failed to depart the United States following
3 a notice sent to her in 2021. Doc. 20 at 22–23. Petitioner's challenge to most of these factors
4 is that they can also apply to others, *see, e.g.*, Motion at 7 (“Entry without inspection is a
5 characteristic shared by a vast number of noncitizens subject to § 1226(a)[.]”), but this does
6 not mean that the IJ's decision to consider them was not individualized. Petitioner argues that
7 certain factors are improper as a matter of law, but she states these legal conclusions without
8 citations to any legal authority. *See*, Petition at 11 (“Courts have repeatedly rejected this type
9 of reasoning. Where the government relies on factors that apply equally to large categories of
10 noncitizens, the resulting determination is not individualized and cannot support continued
11 detention.”), 15 (“An individual in valid TPS status is not required to depart the United States,
12 and continued presence during that time is expressly authorized by federal law.”). Petitioner's
13 remaining challenges simply argue that the IJ should have considered the factors differently.
14 *See* Petition at 8, 9–10, 13. Petitioner has not shown that the IJ considered anything improper,
15 and she has not shown that “the legal framework employed by the [IJ] was itself a violation
16 of due process.” *Fajardo-Cordova*, 2026 U.S. Dist. LEXIS 61081, at *3.

17 **III. CONCLUSION**

18 For the reasons argued above, the Court should deny the renewed motion to enforce
19 the judgment (Doc. 20).

20 RESPECTFULLY SUBMITTED this 19th day of May, 2026.

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