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Attorney for Respondents

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

C.R.J.M.,

Petitioner,

v.

ROBERT F. KENNEDY, JR. *et al.*,

Respondents.

CASE NO. 2:26-CV-00742-DJC-EFB

RESPONDENTS' RETURN ON HABEAS
PETITION AND OPPOSITION TO RELIEF;
RESPONSE TO ORDER TO SHOW CAUSE

I. INTRODUCTION

This Court should deny petitioner's habeas petition because he is mandatorily detained pursuant to 8 U.S.C. § 1226(c)(1)(E) (the Laken Riley Act). Respondents respectfully request that the habeas petition be denied on the merits. Respondents do not request a hearing and do not intend to file additional affirmative briefing at this point.

II. BACKGROUND

On or about November 26, 2015, Petitioner was encountered by Border Patrol near the Colombia Port of Entry in Laredo, Texas. Exhibit 1 (attached).¹ He was an unaccompanied minor. *Id.* He was

¹ Respondent respectfully requests that the Court take judicial notice of the attached exhibits (1-213, Laken Riley Act summary, and Hearing Notice) to pursuant to Federal Rule of Evidence 201(b)(2), because their contents "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." *See also, e.g., Dent v. Holder*, 627 F.3d 365, 371 (9th Cir. 2010) (taking judicial notice of documents in an alien's "A-file" on the basis that "they are official agency records"); *Da Cunha v. Freden*, 2025 WL 3280575, at *2 (W.D.N.Y. Nov. 25, 2025) (taking judicial notice of an

1 issued a Notice to Appear on November 26, 2015. *Id.* On June 9, 2020, an immigration judge terminated
2 his case. *Id.* On February 10, 2026, ICE officers conducted targeted enforcement operations and
3 encountered Petitioner as a passenger in the suspected target's vehicle. *Id.* When officers stopped the
4 vehicle, Petitioner attempted to reach for his knife while instructed to exist the vehicle, escalating the
5 situation and posing a potential threat to officer safety. *Id.* Officers responded quickly and prevented
6 Petitioner from accessing the weapon. Record checks indicated Petitioner did not have lawful status in the
7 United States. He was processed as an administrative warrant and Notice to Appear, amenable to removal
8 under 8 USC § § 1182(a)(6)(A)(i) and (a)(7)(A)(i). Petitioner was recently convicted on October 28, 2025
9 of Robbery and Burglary, and sentenced to six months probation. *Id.* Petitioner is subject to mandatory
10 detention, pursuant to the Laken Riley Act (LRA), Pub. L. No. 119-1, 139 Stat. 3, 8 U.S.C. §
11 1226(c)(1)(E). Exhibit 2 (attached). Petitioner's next hearing before an immigration judge is March 19,
12 2026 at 2 pm. Exhibit 3 (attached).

13 III. ARGUMENT

14 **Petitioner is Unlikely to Succeed on the Merits Because His Detention was**
15 **Mandatory and His Due Process Rights were Not Violated**

16 Petitioner argues against his detention, claiming violations of the Due Process clause, the
17 Trafficking Victims Protection Reauthorization Act (TVPPRA), the Foundation Rule and ORR policy.
18 ECF1 13-16. Petitioner's claims are without merit. Petitioner is being detained pursuant to the
19 mandatory detention provision of 8 USC § 1226(c)(1)(E) under the Laken Riley Act. Petitioner has not
20 demonstrated how his due process rights or the foundation rule, or ORR policy have been violated. A
21 violation of the TVPPRA is not implicated merely because of a detention under the Laken Riley Act, and
22 Petitioner has not demonstrated that the TVPPRA somehow prohibits detention under the Laken Riley
23 Act.

24 Specifically, the Laken Riley Act amends the categories of aliens subject to mandatory detention
25 under INA § 236(c), 8 U.S.C. § 1226(c), by adding an additional category at INA § 236(c)(1)(E), 8
26 U.S.C. § 1226(c)(1)(E), to require the Secretary of Homeland Security to detain any alien who:
27 _____
28 alien's Form I-213).

(i) is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a); and
(ii) is charged with, is arrested for, is convicted of, admits having committed,
or admits committing acts which constitute the essential elements of any
burglary, theft, larceny, shoplifting, or assault of a law enforcement officer
offense, or any crime that results in death or serious bodily injury to another
person.

The Laken Riley Act further clarifies that, under the mandatory detention category at
8 U.S.C. § 1226(c)(1)(E), the terms “burglary,” “theft,” “larceny,” “shoplifting,” “assault of a law
enforcement officer,” and “serious bodily injury” “have the meanings given such terms in the jurisdiction
in which the acts occurred.” INA § 236(c)(2), 8 U.S.C. § 1226(c)(2). Among other offenses, Petitioner
was recently convicted of burglary. Exhibit 1. A plain reading of the statute makes it clear that petitioner’s
conviction for Burglary subjected him to mandatory detention pursuant to 8 USC § 1226(c)(1)(E).

The Department of Homeland Security (DHS) initially determines whether an alien is subject to
mandatory detention under INA § 236(c), 8 U.S.C. § 1226(c), and Immigration Judges cannot redetermine
the conditions of custody imposed by DHS with respect to aliens in removal proceedings subject to
mandatory detention. 8 C.F.R. § 1003.19(h)(2)(i)(D). However, an alien subject to mandatory detention
may seek a determination from an Immigration Judge regarding whether the alien is “properly included”
in a mandatory detention category. See 8 C.F.R. § 1003.19(h)(2)(ii); *Matter of Joseph*, 22 I&N Dec. 799
(BIA 1999). Additionally, The Laken Riley Act amended the judicial review provision at, 8 U.S.C. §
1226(e). The provision as amended provides that no court “may set aside any action or decision by the
Attorney General” under INA § 236, 8 U.S.C. § 1226, “regarding the detention of any alien or the
revocation or denial of bond or parole.” INA § 236(e), 8 U.S.C. § 1226(e). Accordingly, the process due
for Petitioner is to simply seek determination from an Immigration Judge regarding whether he was
properly included in a mandatory detention category. Accordingly, Petitioner’s due process rights are
limited to whatever statutory rights Congress provides. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)
 (“certain constitutional protections available to persons inside the United States are unavailable to aliens
outside of our geographical borders.”); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022)
(same). None of Petitioner’s due process rights were violated and his habeas petition should be denied.

This Court has found serious questions going to the application of the Laken Riley Act where
noncitizens were arrested but prosecutors ultimately declined to file charges and closed the case. *Singh*,

1 supra, 2026 WL 266021 at *2; *S.E. v. Noem*, No. 1:26-cv-00356-DAD-SCR, 2026 WL 206085 (E.D.
2 Cal. Jan. 27, 2026). As shown above, this is not the case here. Petitioner was convicted of Burglary.
3 Exhibit 1. None of Petitioner's constitutional or due process rights were violated and his request for
4 habeas relief must be denied.

5 Furthermore, Petitioner presented a safety concern to officers so that there is no clear indication
6 that placing him where he is currently detained is a violation of 8 USC § 1232(c)(2)(A).

7
8 **I. CONCLUSION**

9 Section 1226(c)(1)(E) mandates Petitioner's detention and the facts of this case present no due
10 process concern, or other violation of law. Respondents respectfully request the Court deny the instant
11 habeas petition.

12 Dated: March 9, 2026

ERIC GRANT
United States Attorney

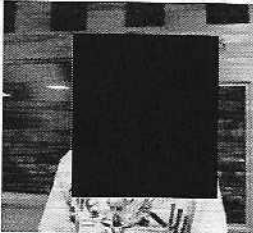
14
15 By: /s/ ANTHONY ANDREWS
16 ANTHONY ANDREWS
17 Assistant United States Attorney
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EXHIBIT 1

U.S. Department of Homeland Security

Subject ID : [REDACTED]

Record of Deportable/Inadmissible Alien

Family Name (CAPS) J [REDACTED] M [REDACTED], C [REDACTED] R [REDACTED]		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship EL SALVADOR	Passport Number and Country of Issue	File Number		Height 70	Weight 45	Occupation UNR	
U.S. Address See Narrative				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time,				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence				F.B.I. Number			
Date of Birth [REDACTED] Age: [REDACTED]				Date of Action 02/10/2026		Location Code SPM/SPM	
City, Province (State) and Country of Birth LA PILA, CHALATENANGO, EL SALVADOR				Form : (Type and No.) Lifted ☐ Not Lifted ☐			
NIV Issuing Post and NIV Number				Social Security Account Name			
Date Visa Issued				Social Security Number			
Immigration Record NEGATIVE				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children None	
Father's Name, Nationality, and Address, if Known [REDACTED] NATIONALITY: EL SALVADOR ADDRESS: [REDACTED] EL SALVADOR				Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed				Fingerprinted? ☒ Yes ☐ No		Systems Checks	
Name and Address of (Last)(Current) U.S. Employer				Type of Employment Unemployed or Retired		Salary Hr	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
FIN: [REDACTED]		Left Index fingerprint			Right Index fingerprint		
							
FAMILY INFORMATION Father: [REDACTED] is a citizen of EL SALVADOR. Mother: [REDACTED] is a citizen of EL SALVADOR. Spouse: Subject is not married. Child: Subject does not have children or dependents.							
SUBJECT HEALTH STATUS The subject claims good health. ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				M 6550 GRASSO Deportation Officer			
Distribution:				Received: (Subject and Documents) (Report of Interview) Officer: M 6550 GRASSO on: February 10, 2026 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Officer: MOFFETT, GRAYSON			

2 of 3 Pages

Alien's Name J. [REDACTED] M. [REDACTED] C. [REDACTED] R. [REDACTED]	File Number [REDACTED] Event No: [REDACTED]	Date 02/10/2026
Subject has no applications for relief pending.		
CRIMINAL HISTORY: Subject was convicted on 10/28/2025 for Robbery and Burglary. Subject was sentenced to 6 months of probation. Probation Officer Contact: Bobby Lewis 651-249-4396 Bobby.Lewisiii@ramseycounty.us		
HEALTH AND HUMANITARIAN: SUBJECT appears to be in good health SUBJECT was given several phone calls SUBJECT declined offers to contact his parent SUBJECT was provided with a list of free legal services.		
DISPOSITION: SUBJECT will be processed as a WA / NTA. SUBJECT is amenable to removal under the following sections of the INA: 212a6Ai ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) 212a7AiI IMMIGRANT WITHOUT AN IMMIGRANT VISA		
OTHER IDENTIFYING NUMBERS ----- ALIEN- [REDACTED]		
Signature M 6550 GRASSO	Title Deportation Officer	

EXHIBIT 2



OOD
PM 25-11

Effective: January 30, 2025

To: All of EOIR
From: Sirce E. Owen, Acting Director
Date: January 30, 2025

SIRCE
OWEN

Digitally signed by
SIRCE OWEN
Date: 2025.01.30
16:43:47 -05'00'

LAKEN RILEY ACT

PURPOSE:	To provide guidance on the newly-enacted Laken Riley Act
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

On January 29, 2025, President Donald Trump signed the Laken Riley Act into law. Pub. L. 119–1. The Laken Riley Act amends the Immigration and Nationality Act (INA) to provide an additional category of aliens who are subject to mandatory detention. This Policy Memorandum provides guidance on provisions of the Laken Riley Act directly relevant to EOIR operations.

Specifically, the Laken Riley Act amends the categories of aliens subject to mandatory detention under INA § 236(c), 8 U.S.C. § 1226(c), by adding an additional category at INA § 236(c)(1)(E), 8 U.S.C. § 1226(c)(1)(E), to require the Secretary of Homeland Security to detain any alien who:

- (i) is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a); and
- (ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or any crime that results in death or serious bodily injury to another person.

The Laken Riley Act further clarifies that, under the mandatory detention category at INA § 236(c)(1)(E), 8 U.S.C. § 1226(c)(1)(E), the terms “burglary,” “theft,” “larceny,” “shoplifting,” “assault of a law enforcement officer,” and “serious bodily injury” “have the meanings given such terms in the jurisdiction in which the acts occurred.” INA § 236(c)(2), 8 U.S.C. § 1226(c)(2).

The Department of Homeland Security (DHS) initially determines whether an alien is subject to mandatory detention under INA § 236(c), 8 U.S.C. § 1226(c), and Immigration Judges cannot redetermine the conditions of custody imposed by DHS with respect to aliens in removal proceedings subject to mandatory detention. 8 C.F.R. § 1003.19(h)(2)(i)(D). However, an alien subject to mandatory detention may seek a determination from an Immigration Judge regarding

whether the alien is “properly included” in a mandatory detention category. *See* 8 C.F.R. § 1003.19(h)(2)(ii); *Matter of Joseph*, 22 I&N Dec. 799 (BIA 1999). Accordingly, all Immigration Judges and Appellate Immigration Judges should ensure that the provisions of the Laken Riley Act are properly applied to any relevant custody-related determinations.

The Laken Riley Act also amended the judicial review provision at INA § 236(e), 8 U.S.C. § 1226(e). The provision as amended provides that no court “may set aside any action or decision by the Attorney General” under INA § 236, 8 U.S.C. § 1226, “regarding the detention of any alien or the revocation or denial of bond or parole.” INA § 236(e), 8 U.S.C. § 1226(e).

The Laken Riley Act made further amendments to other provisions of the INA that do not directly address EOIR operations. Nevertheless, EOIR employees are encouraged to review the full text of the Laken Riley Act for additional information.

This PM is not intended to, does not, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing herein should be construed as mandating a particular outcome in any specific case. Nothing in this PM limits an adjudicator’s independent judgment and discretion in adjudicating cases or an adjudicator’s authority under applicable law.

Please contact your supervisor if you have any questions.

EXHIBIT 3

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
CONCORD IMMIGRATION COURT

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Mar 3, 2026
EAD Clock:

TO:

J [REDACTED] M [REDACTED], C [REDACTED] R [REDACTED]
COMPASS CONNECTIONS FIELD STAFF
2301 PENNSYLVANIA AVE
FAIRFIELD, CA 94533

RE:

[REDACTED] J [REDACTED] M [REDACTED], C [REDACTED] R [REDACTED]

Notice of In-Person Hearing

Your case has been scheduled for a MASTER hearing before the immigration court on:

Date: Mar 19, 2026
Time: 2:00 P.M. PT
Court Address: 1855 GATEWAY BLVD., SUITE 850
10TH FL., CTRM 17, CONCORD, CA 94520

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]

TO: [M] Noncitizen | [] Noncitizen c/o Custodial Officer |

[] Noncitizen ATT/REP | [E] DHS

DATE: 3/3/2026 BY: COURT STAFF SIM

Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

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ਨੋਟਿਸ ਨੂੰ ਓਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੇਜ 'ਤੇ ਕੋਡ ਨੂੰ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইন নাটিশ পড়ার জন্য এই পেজের কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entelijan pou eskane kòd ki nan paj sa a pou li avè a sou entènèt.

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