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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SOHAN LAL Petitioner, v. JEREMY CASEY, Warden of the Imperial Regional Detention Center; TODD LYONS, Acting Director of Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, Attorney General of the United States Respondents.	Civil Action No. 3:26-cv-001545-DMS-JLB

PETITIONER'S REPLY: RESPONDENTS' PROPOSED BOND HEARING DOES NOT REMEDY THE CONSTITUTIONAL VIOLATION

Respondents indicate that they do not oppose providing Petitioner with a bond hearing. While that concession confirms that individualized process is required, it does not resolve the constitutional violation presented in this case.

A. The Due Process Violation Occurred When DHS Revoked Petitioner's Liberty Without Pre-Deprivation Process

This case does not arise from a mere delay in providing a bond hearing. Rather, Petitioner challenges the Government's revocation of previously granted liberty without any pre-deprivation process.

As alleged in the Petition, DHS released Petitioner on his own recognizance; permitted him to remain at liberty for an extended period while fully complying with all conditions; and re-detained him without notice, without any alleged violation, and without any hearing before a neutral decisionmaker.

Under established due process principles, once the government grants conditional liberty, it may not revoke that liberty without constitutionally adequate procedures. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

That violation is complete at the moment of re-detention.

B. A Post-Deprivation Bond Hearing Does Not Cure the Violation

The bond hearing proposed by Respondents is a post-deprivation remedy. It does not address the constitutional requirement that process be provided before liberty is taken.

A bond hearing does not provide the advance notice to which Petitioner was entitled; does not allow Petitioner to contest the basis for detention prior to custody; and does not remedy the lack of any pre-deprivation determination.

Where the government fails to provide required pre-deprivation process, subsequent procedures do not cure the violation. The constitutional deficiency lies in the absence of process at the time of the deprivation, not merely in the absence of a later hearing.

C. The Appropriate Remedy Is Release, Not Prospective Process Alone

Because Petitioner's detention resulted from a constitutionally deficient process, the appropriate remedy is to restore the status quo prior to the unlawful deprivation.

Here, that means release. At minimum, continued detention pending a bond hearing would allow the Government to benefit from its failure to provide constitutionally required procedures. Due process does not permit the Government to detain first and provide process later. This is particularly so where, as here, the Government has identified no violation, no changed circumstance, and no individualized basis justifying Petitioner's re-detention. Given the absence of any violation, risk, or changed circumstances, continued detention pending a bond hearing is not justified.

D. Respondents' Concession Confirms Petitioner's Entitlement to Relief

Respondents' non-opposition to a bond hearing confirms that Petitioner is not properly subject to categorical mandatory detention; and individualized process is required.

That concession supports, rather than undermines, Petitioner's request for habeas relief.

CONCLUSION

Because Respondents revoked Petitioner's liberty without any pre-deprivation process, a bond hearing does not remedy the constitutional violation. The Court should grant the Petition and order Petitioner's immediate release, or, in the alternative, impose relief that fully addresses the due process violation.

Respectfully,

/s/Gurpreet Kaur

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Dated this 24th day of March, 2026.