

Castro-Pena, Jose Guadalupe
A 
Eloy Detention Center
1705 East Hanna Rd
Eloy AZ 85131

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Castro-Pena, Jose Guadalupe,
Petitioner, *Pro-Se*

v.

Noem et al.,
Respondents.

Case 2:26-cv-01846-KML--JZB

MOTION TO ENFORCE JUDGMENT AND FOR IMMEDIATE RELEASE

Petitioner respectfully moves this Court to enforce its prior habeas judgment and grant additional relief due to constitutional deficiencies that occurred during Petitioner's custody redetermination proceedings.

I. INTRODUCTION

On March 20, 2026, this Court granted Petitioner's Petition for Writ of Habeas Corpus and ordered Respondents to provide Petitioner with a constitutionally adequate bond redetermination

hearing or release Petitioner from custody.

Although a bond hearing was later conducted, the proceedings failed to satisfy the requirements of due process and fundamental fairness. Petitioner was effectively deprived of meaningful representation after counsel failed to appear at the hearing due to an unexpected emergency, and the Immigration Judge proceeded despite Petitioner's inability to adequately represent himself or meaningfully present evidence in support of release.

As a result, Petitioner respectfully requests that this Court enforce its prior judgment and order Petitioner's immediate release, or alternatively order a new constitutionally adequate custody hearing before a different Immigration Judge.

II. FACTUAL BACKGROUND

Petitioner remains detained by immigration authorities despite this Court's prior habeas relief.

At the scheduled custody redetermination hearing, Petitioner's attorney failed to appear due to an alleged vehicle emergency and notified the Immigration Court accordingly. Nevertheless, the Immigration Judge proceeded with the hearing despite Petitioner being effectively unrepresented during critical portions of the proceedings.

Petitioner was unprepared to proceed without counsel, unfamiliar with the legal standards governing bond proceedings, and unable to adequately answer questions or fully present favorable evidence and equities supporting release.

During the proceedings, the Immigration Judge appeared frustrated by counsel's absence and proceeded without affording Petitioner a meaningful opportunity to prepare or secure effective representation.

Ultimately, bond was denied based on a finding that Petitioner allegedly constituted a flight risk.

III. ARGUMENT

A. THE BOND PROCEEDINGS FAILED TO SATISFY DUE PROCESS REQUIREMENTS

The Fifth Amendment guarantees noncitizens in immigration detention fundamentally fair proceedings consistent with due process.

Although Respondents technically conducted a bond hearing, the hearing failed to provide Petitioner with a meaningful opportunity to be heard. Petitioner was effectively forced to proceed without representation after counsel failed to appear, and the proceedings continued despite Petitioner's inability to adequately present evidence, arguments, or favorable equities.

The resulting hearing therefore failed to satisfy the constitutional requirements of fundamental fairness contemplated by this Court's habeas order.

B. PETITIONER SUFFERED PREJUDICE AS A RESULT OF THE DEFECTIVE PROCEEDINGS

The absence of effective representation materially affected the outcome of the custody proceedings.

Petitioner possesses substantial favorable equities supporting release, including:

- a. Lack of significant criminal history;
- b. Family ties within the United States;
- c. Community support;
- d. Continued pursuit of immigration relief through proper legal channels;
- e. Lack of danger to the community.

Because these equities were not meaningfully presented or considered during the hearing, Petitioner suffered prejudice and remains subject to continued detention.

C. CONTINUED DETENTION HAS BECOME ARBITRARY AND PUNITIVE

Petitioner's continued detention under these circumstances no longer serves legitimate regulatory purposes and has become arbitrary and punitive in nature.

The Due Process Clause requires more than the mere appearance of a hearing. A custody determination reached through fundamentally defective proceedings cannot satisfy constitutional standards.

IV. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Enforce its prior habeas judgment;
2. Find that the custody proceedings failed to satisfy due process requirements;
3. Order Petitioner's immediate release under reasonable conditions of supervision;
4. Alternatively, order a new constitutionally adequate custody redetermination hearing before a different Immigration Judge; and
5. Grant any additional relief this Court deems just and proper.

Respectfully submitted,

Castro-Pena, Jose Guadalupe
Petitioner
A-Number:

DATED: May 11, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 11 day of May, 2026, I caused a true and correct copy of the foregoing Motion to Enforce Judgment to be served by U.S. Mail upon the following:

Office of the United States Attorney
District of Arizona
Two Renaissance Square
40 North Central Avenue, Suite 1800
Phoenix, Arizona 85004

Castro-Pena, Jose Guadalupe
Petitioner
A-Number: DATED: May 11, 2026