

TIMOTHY COURCHAINED
United States Attorney
District of Arizona

RACHEL E. NAVA
Assistant United States Attorney
Arizona State Bar No. 030630
Two Renaissance Square
40 North Central Avenue, Suite 1800
Phoenix, Arizona 85004-4449
Telephone: (602) 514-7500
E-Mail: Rachel.Nava@usdoj.gov
Attorneys for Respondents

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

Jose Guadalupe Castro Pena,

Petitioner,

v.

Kristi Noem, et al.,

Respondents.

No. 2:26-cv-01846-PHX-KML (JZB)

**RESPONSE TO PETITIONER'S
MOTION TO ENFORCE
JUDGMENT AND FOR IMMEDIATE
RELEASE**

Respondents, by and through undersigned counsel, hereby respond in opposition to Petitioner's Motion to Enforce Judgment and for Immediate Release ("Motion") (Doc. 14).

I. Respondents have fully complied with the Court's order.

On March 20, 2026, the Court ordered Respondents to provide Petitioner a bond redetermination hearing within seven days or release Petitioner from custody under the same conditions that existed before detention. Doc. 7 at 2. Respondents complied with the Court's order and provided Petitioner with a timely bond hearing under 8 U.S.C. § 1226(a) on March 25, 2026, and filed a notice of compliance on March 26, 2026. Doc. 12 at 1.

Although Petitioner challenges the nature of the proceedings, he concedes that the Immigration Judge conducted a bond redetermination hearing within the required time period. Doc. 14 at 1-4. It is thus an undisputed fact that Respondents have complied in full with the Court's order. There is nothing left for this Court to enforce. Petitioner's legal

1 arguments concerning the constitutional adequacy of the bond proceedings cannot be raised
2 anew within the context of a motion to enforce and they fall outside the scope of the Court's
3 order. Doc. 14 at 1-4. Thus, the Motion lacks any colorable claim and should be denied.

4 **II. The Court lacks jurisdiction to review challenges to the adequacy of**
5 **Petitioner's bond proceedings.**

6 As argued above, Petitioner's Motion disguises a legal challenge to the constitutional
7 adequacy of the bond hearing as a motion to enforce the Court's habeas order. Doc. 14 at 3-
8 4. This Court lacks jurisdiction to review such a challenge.

9 As specified in section 1226(e), federal courts lack jurisdiction to review Immigration
10 Judge's decisions in bond proceedings. *See* 8 U.S.C. § 1226(e) ("The Attorney General's
11 discretionary judgment regarding the application of this section shall not be subject to
12 review. No court may set aside any action or decision by the Attorney General under this
13 section regarding the detention of any alien or the revocation or denial of bond or parole.").
14 The proper mechanism to obtain review of an Immigration Judge's decision on bond or
15 otherwise challenge bond proceedings is through the Board of Immigration Appeals ("BIA").
16 *See* 8 CFR § 1003.1(b)(7) (2026).

17 Instead, Petitioner asks this Court to circumvent the BIA and review the adequacy
18 and legality of the bond proceedings contrary to the plain language of section 1226(e). Doc.
19 14 at 3-4. The BIA has the authority to review the Immigration Judge's bond determination
20 and order relief if warranted. Thus, the issues raised in Petitioner's Motion are not properly
21 before this Court, particularly within the context of a motion to enforce.

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1 **III. Conclusion.**

2 For these reasons, Respondents respectfully request this Court deny Petitioner's
3 Motion.

4 Respectfully submitted this 18th day of May, 2026.

5 TIMOTHY COURCHINE
6 United States Attorney
7 District of Arizona

8 s/ Rachel E. Nava
9 RACHEL E. NAVA
10 Assistant United States Attorney
11 *Attorneys for Respondents*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on the 18th day of May, 2026, I sent this document via United
14 States Mail to:

15 Jose Guadalupe Castro Pena
16 Alien Number 
17 Eloy Detention Center
18 1705 East Hanna Road
19 Eloy, Arizona 85131
20 Phone: (520) 464-3000

21 s/ Rachel E. Nava
22 United States Attorney's Office
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