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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 PEDRO SIMON-JUAN,

13 Petitioner,
14

15 v.

16 PAMELA J. BONDI, U.S. Attorney General;
17 et al.,

18 Respondents.
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Case No.: 26-cv-02237-AGS-MMP

SUPPLEMENTAL BRIEFING

1 In his second petition for writ of habeas corpus, Petitioner argues, among other
2 things, that his re-detention¹ violated his right to Due Process under the Fifth
3 Amendment. However, regardless of whether the Court finds that Petitioner's re-
4 detention initially violated procedural due process, because he received a bond hearing at
5 which the immigration judge justified Petitioner's re-detention, the Court should deny
6 the petition. *See* Exhibit 1 (August 2025 Bond Order).

7 While § 1226(b) does not itself require a pre-deprivation hearing, Respondents
8 acknowledge court's have found that it "still require[s] some process—namely, that there
9 be an individualized determination regarding the noncitizen's dangerousness or risk of
10 flight." *O.F.C. v. Almodovar*, No. 25-cv-9816 (LJL), 2026 WL 74262, at *6–15
11 (S.D.N.Y. Jan. 9, 2026). And "[i]n the context of bond revocation under Section 1226(b),
12 any individualized determination requires not only a finding of dangerousness or risk of
13 flight, but also of changed circumstances given that an immigration official or judge has
14 necessarily previously found that the individual does not pose a risk of danger or flight."
15 *Id.* (citing *In re Sugay*, 17 I. & N. Dec. 637, 640 (BIA 1981)); *see also, e.g., Lopez Benitez*
16 *v. Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. 2025) (ordering release from custody where
17 noncitizen was re-detained arbitrarily without any individualized determination of
18 changed circumstances).

19 Here, the evidence shows that an immigration officer made an individualized
20 determination to obtain a warrant for Petitioner's arrest and revoke his OREC based on
21 his criminal conviction. *See* ECF No. 12, Exhibit 3. Furthermore, after re-detention,
22 Petitioner received a bond hearing and was found to be a danger to the community based
23 on his criminal conviction while on release.

24 Accordingly, where ICE took custody of Petitioner and revoked his OREC after he
25 had already been convicted by a state for a crime, a post-arrest hearing is sufficient. *See*

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27 ¹ Petitioner was initially released on an Order of Release on Recognizance (OREC) or
28 conditional parole before he was re-detained on July 9, 2025. ECF No. 12, Exhibit 3 at 2.

1 *e.g., Quinonez Torres v. Hermosillo*, No. 2:26-CV-00076-TLF, 2026 WL 547591, at *10
2 (W.D. Wash. Feb. 23, 2026).

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4 DATED: May 23, 2026

Respectfully submitted,

5 ADAM GORDON
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7 *s/Hunter V. Norton*
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9 Assistant United States Attorney

10 Attorneys for Respondents
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