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9 UNITED STATES DISTRICT COURT

10 SOUTHERN DISTRICT OF CALIFORNIA

11 ARMANDO MONJARAZ RAMOS,
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13 Petitioner,

14 v.

15 U.S. Immigration and Customs
16 Enforcement, et al.,

17 Respondents.
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Case No.: 26-cv-03381-RSH-JLB

**RESPONSE TO AMENDED
PETITION FOR WRIT OF HABEAS
CORPUS AND MOTION TO
ENFORCE JUDGMENT**

On January 22, 2026, Petitioner was granted habeas relief, and this Court ordered that Respondents provide Petitioner with a bond hearing before an immigration judge (IJ) pursuant to 8 U.S.C. § 1226(a). *Monjaraz v. Casey et al*, 26-cv-00047-RSH-MMP, ECF No. 8. (S.D. 2026). On January 29, 2026, Respondents provided Petitioner with the Court ordered bond hearing. Petitioner was ultimately denied bond by the IJ. On February 2, 2026, Petitioner filed a Motion to Enforce the Court's judgement. *See id.*, ECF No. 9. On February 20, 2026, the Court denied Petitioner's Motion to Enforce Judgement. On June 3, 2026, Petitioner filed a second petition for writ of habeas corpus. *Ramos v. U.S. Immigration and Customs Enforcement (ICE)*, 26-cv-03381-RSH-JLB, ECF No. 1 (S.D. 2026). On July 8, 2026, Petitioner filed an Amended Petition and Motion to Enforce Judgement, again claiming that Respondents violated this Court's order by providing Petitioner with an inadequate bond. *See id.*, ECF No. 11. For the foregoing reasons, this Court should deny Petitioner's Amended Petition and Motion to Enforce Judgement.

I. Argument

A. Respondent's Renewed Motion Should be Dismissed as Duplicative or Moot

Respondents hereby move to dismiss this Amended Petition and Motion to Enforce Judgement as duplicative or moot, as the issue of whether Respondents complied with this Court's order has already been briefed, litigated and ruled on by this Court. *Monjaraz v. Casey et al*, ECF Nos 9, 12, 13, 14.

On January 22, 2026, the Court granted Petitioner's habeas petition and ordered that he be provided with a bond hearing before an Immigration Judge (IJ). *See id.* at ECF No. 8. The IJ denied Petitioner's bond request, and Petitioner subsequently filed a Motion to Enforce Judgement. *See id.*, ECF No. 9. On February 20, 2026, this Court denied Petitioner's Motion to Enforce, holding that "Petitioner's motion to enforce would effectively ask this Court to review the immigration court's weighing of the evidence, which Petitioner disclaims in his reply brief, and which the Court is unwilling to do in the context of the relief previously ordered here." *See id.*, ECF No. 14.

1 Because the Amended Petition and Motion to Enforce Judgement currently before
2 the Court raises the same issues that the Court already resolved in the government's favor
3 during the Petitioner's filing of the first Motion to Enforce Judgement of the first habeas
4 petition, Respondents request the Court to dismiss it as duplicative or moot. *See Ramirez*
5 *v. Benov*, No. 13-cv-01906 AWI MJ, 2014 WL 3529779, at *1 (E.D. Cal. July 15, 2014)
6 ("[A] moot petition must be dismissed because nothing remains before the Court to be
7 remedied.") (citing *Spencer v. Kemna*, 523 U.S. 1, 18 (1998)).

8 **B. Respondent's Complied with the Court's Order**

9 Petitioner claims that Respondents violated this Court's order as the bond hearing
10 provided by Respondents was constitutionally defective because Petitioner's "bond hearing
11 was fundamentally unfair and violated the Due Process Clause of the Fifth Amendment."
12 *Ramos v. U.S. ICE*, ECF No. 11 at 4. However, contrary to Petitioner's claim, Respondent's
13 complied with the order.

14 In a custody redetermination under section 236(a) of the Immigration and
15 Nationality Act, 8 U.S.C. § 1226(a) (2000), where an alien must establish to the satisfaction
16 of the Immigration Judge that he or she does not present a danger to others, a threat to the
17 national security, or a flight risk, **the Immigration Judge has wide discretion in deciding**
18 **the factors that may be considered.** *Matter of Guerra*, 24 I&N Dec. 37 (BIA
19 2006)(emphasis added).

20 Here, Petitioner does not dispute that the burden was properly placed on him to show
21 he was not a danger to the community or a flight risk. Rather, Petitioner contests the IJ's
22 finding that Petitioner was a flight risk. *See Ramos v. U.S. ICE*, generally ECF No. 11. The
23 IJ has wide discretion to make the determination as to whether Petitioner is a flight risk as
24 established by *Matter of Guerra*. At Petitioner's bond hearing, the IJ allowed both parties
25 to present evidence and make arguments. After considering the evidence and arguments,
26 the IJ held that Petitioner had not met his burden to show he is not a "flight risk." *See*
27 Exhibit 1 (IJ Order); *see also* Exhibit 2 (IJ Bond Memorandum).

1 Therefore, given that this finding was within the IJ's discretion, Respondent's did
2 not violate the District Court's order and provided Petitioner with a bond pursuant to 8
3 U.S.C. § 1226(a).

4 **C. Administrative Remedies Should Be Exhausted**

5 The Court should ensure Petitioner properly exhausts administrative remedies. The
6 Ninth Circuit requires that "habeas petitioners exhaust available judicial and
7 administrative remedies before seeking relief under § 2241." *Castro-Cortez v. INS*, 239
8 F.3d 1037, 1047 (9th Cir. 2001). "When a petitioner does not exhaust administrative
9 remedies, a district court ordinarily should either dismiss the petition without prejudice
10 or stay the proceedings until the petitioner has exhausted remedies, unless exhaustion is
11 excused." *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011); *see also Alvarado*
12 *v. Holder*, 759 F.3d 1121, 1127 n.5 (9th Cir. 2014) (issue exhaustion is a jurisdictional
13 requirement); *Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (no jurisdiction to
14 review legal claims not presented in the petitioner's administrative proceedings before
15 the BIA).

16 Here, Petitioner was already provided with a bond hearing pursuant to 8 U.S.C. §
17 1226(a). Petitioner has filed a bond appeal before the Board of Immigration Appeals
18 (BIA). *See* Exhibit 3 (BIA Bond Appeal Receipt); *see also* Exhibit 4 (BIA Briefing
19 Schedule). Accordingly, the Court should dismiss without prejudice or stay these
20 proceedings until the bond appeal is decided before the BIA.

21 **II. CONCLUSION**

22 For the foregoing reasons, Respondents respectfully request that the Court dismiss
23 this action.

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25 DATED: July 23, 2026

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United States Attorney

26 *s/ Antonio Estrada*
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