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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

ALEKSANDR ZATEEV,
Petitioner,

v.

JEFFREY LYNCH, Warden, Golden State
Annex;
SERGIO ALBARRAN, Field Office Director,
San Francisco Field Office, U.S. Immigration
and Customs Enforcement, U.S. Department of
Homeland Security;
TODD M. LYONS, Acting Director, U.S.
Immigration and Customs Enforcement, U.S.
Department of Homeland Security;
KRISTI NOEM, in her official capacity,
Secretary, U.S. Department of Homeland
Security; and
PAMELA BONDI, in her official capacity,
Attorney General of the United States,
Respondents-Defendants.

DETAINED

Case No. 1:26-cv-05086-DAD-CKD

Immigration Alien No. 

**PETITIONER'S REPLY IN SUPPORT
OF MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

The Court's July 2, 2026 Order framed the only question this reply need
address. The Court directed Respondents to state whether any provision of law or
fact distinguishes this case from its decisions in *Ayala Cajina*, *Perez*, *Chavarria*,
Yang, *Quichimbo-Jimenez*, *Cardenas*, and *J.P.C.*, and advised that it would treat a

failure to distinguish those cases as a concession that they control. Respondents conceded. Their opposition identifies no fact or law that materially distinguishes this case from the Court's prior decisions, and they do not oppose consolidation under Rule 65(a)(2) or resolution of the petition without a hearing. On the Court's own terms, that resolves the matter, and the writ should issue.

ARGUMENT

I. Respondents Conceded the Only Question the Court's Order Posed.

The July 2 Order was explicit about what Respondents had to do and what would follow if they did not. It required them to substantively address whether any provision of law or fact distinguishes this case from the seven decisions the Court identified — each a case in which the Court granted relief to a noncitizen who was released and then re-detained without a pre-deprivation hearing — and it advised that a failure to distinguish those cases would be construed as a concession that they are “not substantively distinguishable.” Respondents made that concession expressly, stating that no substantive factual or legal issue “materially distinguish[es] it from the cases identified in the Order.” The Order further provided that, if the Court concludes Petitioner is entitled to the requested relief, it will rule on the merits of the underlying petition, and Respondents do not oppose

that course. Nothing remains to decide. The Court’s prior decisions control, and they require issuance of the writ and Petitioner’s immediate release.

II. Respondents’ Remaining Legal Theory Is Not a Distinction.

Respondents’ opposition rests on a single legal argument — that Petitioner is an “applicant for admission” subject to mandatory detention under 8 U.S.C. § 1225(b)(2). That is not a factual or legal distinction from the Court’s prior cases; it is the same theory the Court has already rejected. *See Wasef v. Chestnut*, 2026 WL 392389, at *2–*3 (E.D. Cal. Feb. 11, 2026) (§ 1225(b)(2) does not mandate detention of a paroled noncitizen released and arrested in the interior, and declining to follow *Buenrostro-Mendez v. Bondi* — the decision Respondents lead with). Respondents do not mention *Wasef* or any of the decisions the Court identified. Their theory gives the Court no basis to reach a different result than it reached in each of those cases.

CONCLUSION

On Respondents’ concession, Petitioner respectfully requests that the Court grant the motion, proceed under Rule 65(a)(2) to grant the petition for a writ of habeas corpus, order Petitioner’s immediate release on his prior conditions of supervision, enjoin his re-detention absent written notice and a pre-deprivation hearing, and continue its July 2 order barring his removal and transfer.

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3 Dated: , 2026

4 Respectfully submitted,

5 /s/ Regina Jacobson

6 Regina Jacobson (SBN 233127)

7 LAW OFFICE OF REGINA JACOBSON

8 Attorney for Petitioner ALEKSANDR ZATEEV