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

ADRIAN GONZALEZ VILLASANA,

Petitioner

v.

WARDEN CENTRAL VALLEY ANNEX, et al.,

Case No.: 1:26-CV-05118-DAD-CKD

**PETITIONER'S REPLY TO
RESPONDENTS' OPPOSITION
TO MOTION FOR
TEMPORARY RESTRAINING
ORDER**

I. Introduction

Petitioner challenges the legality of his continued detention following his abrupt re-detention after having previously been released from immigration custody and permitted to reside at liberty in the United States for approximately three and one-half years.

The question presented is narrow: whether the Department of Homeland Security may revoke a previously granted liberty interest through abrupt re-detention in the interior of the United States without prior notice, without any individualized determination justifying detention, and without constitutionally adequate process.

In its Minute Order, this Court specifically directed Respondents to identify whether any factual or legal issue meaningfully distinguishes this case from *Ayala Cajina v. Wofford*, *Perez v. Albarran*, *Chavarria v. Chestnut*, *Yang v. Kaiser*, *Quichimbo-Jimenez v. Warden*, *Cardenas v.*

1 *Chestnut, J.P.C. v. Chestnut*, and other similar re-detention cases previously decided by this
2 Court. The Court further stated that it would construe any failure to distinguish those decisions as
3 a concession that the cases are not substantively distinguishable.

4 Respondents failed to do so. Rather than identify any constitutionally meaningful
5 distinction from the cases identified by the Court, Respondents principally reassert the same
6 argument that Petitioner remains subject to detention under INA § 235(b) because he is an
7 applicant for admission. Respondents also note that Petitioner's initial encounter with DHS arose
8 following a 2022 DUI arrest. But Respondents do not contend that Petitioner's subsequent re-
9 detention in April 2026 resulted from any newly discovered fact, any violation of Petitioner's
10 release conditions, or any changed circumstance arising after DHS released Petitioner on Form I-
11 220A and permitted him to remain at liberty for approximately three and one-half years.

12 Nor do Respondents dispute the material facts. They do not dispute that DHS released
13 Petitioner from immigration custody in October 2022 despite being aware of the circumstances
14 surrounding his initial encounter with immigration authorities; that Petitioner thereafter remained
15 at liberty for approximately three and one-half years while complying with ICE reporting
16 requirements and participating in his removal proceedings; or that Respondents abruptly re-
17 detained Petitioner during a routine ICE reporting appointment without prior notice, without any
18 identified violation of his release conditions, and without any hearing before a neutral
19 decisionmaker.

20 Because Respondents fail to identify any constitutionally meaningful distinction from this
21 Court's prior re-detention decisions, fail to identify any changed circumstance justifying the
22 revocation of Petitioner's previously granted liberty, and fail to establish that constitutionally
23 adequate process preceded Petitioner's re-detention, the Petition should be granted and Petitioner
24 should be immediately released.

II. Respondents Identify No Meaningful Basis for Departing from This Court's Prior Re-Detention Decisions

In its Minute Order, this Court expressly directed Respondents to address whether any provision of law or fact meaningfully distinguishes this case from *Ayala Cajina v. Wofford*, *Perez v. Albarran*, *Chavarria v. Chestnut*, *Yang v. Kaiser*, *Quichimbo-Jimenez v. Warden*, *Cardenas v. Chestnut*, *J.P.C. v. Chestnut*, and other similar re-detention cases previously decided by this Court. The Court further advised that it would construe any failure to distinguish those decisions as a concession that the cases are not substantively distinguishable.

Respondents have not identified any constitutionally meaningful distinction as directed by the Court. Rather than identify any constitutionally meaningful distinction between Petitioner's circumstances and those presented in this Court's prior re-detention decisions, Respondents principally repeat their position that Petitioner remains subject to detention under INA § 235(b) as an applicant for admission. That is the same statutory argument this Court has repeatedly considered and rejected in materially similar cases.

Respondents also note that Petitioner's initial encounter with DHS in October 2022 followed a DUI arrest and that Petitioner was later convicted of that offense. That historical fact does not meaningfully distinguish this case. DHS was aware of the circumstances surrounding Petitioner's arrest when it elected to release him from immigration custody on Form I-220A in October 2022. DHS likewise remained aware of Petitioner's subsequent conviction while continuing to permit Petitioner to reside at liberty in the community, report to ICE as directed, and participate in his removal proceedings for approximately three and one-half years.

Significantly, Respondents do not contend that Petitioner's April 2026 re-detention resulted from any newly discovered information, any violation of Petitioner's release conditions, any failure to report, or any other changed circumstance arising after DHS granted Petitioner's liberty. Nor do Respondents explain why facts known to DHS when it elected to release Petitioner in 2022 suddenly justified revoking that liberty years later without prior notice, without any individualized determination, and without constitutionally adequate process.

1 Accordingly, Respondents have failed to identify any constitutionally meaningful
2 distinction from this Court's prior re-detention decisions. The only factual difference identified in
3 their opposition concerns information known to DHS before it released Petitioner and therefore
4 does not answer the constitutional question presented by this case: whether the government may
5 revoke previously granted liberty years later without constitutionally adequate process. For the
6 reasons set forth in this Court's prior decisions, the answer is no.

7 **III. Petitioner's Prior Release Created a Protected Liberty Interest That**
8 **Cannot Be Revoked Without Constitutionally Adequate Process**

9 Respondents released Petitioner from immigration custody on or about October 25, 2022,
10 pursuant to a Form I-220A and permitted him to reside at liberty in the United States for
11 approximately three and one-half years. During that period, Petitioner complied with the
12 conditions imposed by DHS, reported as directed to ICE, continued participating in his removal
13 proceedings, and remained at liberty without any allegation that he had violated the conditions of
14 his release or failed to comply with DHS reporting requirements.

15 Respondents subsequently revoked that liberty by abruptly re-detaining Petitioner during
16 a routine ICE reporting appointment on April 29, 2026. Yet Respondents identify no violation of
17 Petitioner's release conditions, no failure to report, no newly discovered information, and no
18 changed circumstance arising after Petitioner's release that would justify revoking Petitioner's
19 previously granted liberty. Nor do Respondents contend that Petitioner received prior notice that
20 his liberty would be revoked or any opportunity to challenge that deprivation before a neutral
21 decisionmaker.

22 This case therefore presents the same constitutional question repeatedly addressed by this
23 Court: whether the government may revoke a previously granted liberty interest years after
24 releasing a noncitizen into the community without prior notice, without an individualized
25 determination, and without an opportunity to be heard before a neutral decisionmaker.
26 Respondents' opposition does not meaningfully answer that question. Instead, Respondents focus
27 almost exclusively on the proposition that Petitioner remains an applicant for admission subject
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1 to detention under INA § 235(b). But that statutory argument does not resolve the constitutional
2 issue presented here. The issue is not Petitioner's statutory classification; the issue is whether
3 Respondents may revoke Petitioner's previously granted liberty without constitutionally adequate
4 process.

5 This Court has repeatedly answered that question in the negative. Because Petitioner was
6 released from immigration custody, permitted to reside at liberty for approximately three and
7 one-half years, and then re-detained without prior notice, without any individualized
8 determination, and without constitutionally adequate process, his continued detention violates the
9 Due Process Clause.

10 **IV. Immediate Release Is the Appropriate Remedy**

11 Where detention violates the Constitution, the traditional remedy in habeas corpus is
12 immediate release. Habeas corpus exists to secure release from unlawful custody, not to permit
13 continued detention while the government attempts to justify a deprivation of liberty after the
14 fact.

15 As set forth above, Respondents have failed to identify any constitutionally meaningful
16 basis for departing from this Court's prior re-detention decisions. Respondents identify no new
17 conduct, no violation of Petitioner's release conditions, no failure to report, and no changed
18 circumstance arising after Petitioner's release that would justify revoking Petitioner's previously
19 granted liberty without constitutionally adequate process.

20 Nor do Respondents identify any individualized basis justifying Petitioner's continued
21 detention. They do not contend that Petitioner violated any condition of release. They do not
22 contend that Petitioner failed to report as directed. They do not identify any new facts arising
23 after Petitioner's release that would explain why detention suddenly became necessary after
24 approximately three and one-half years of liberty in the community.

25 Most importantly, the constitutional violation at issue is the revocation of Petitioner's
26 previously granted liberty without constitutionally adequate process. That violation has already
27 occurred. Respondents released Petitioner from custody in October 2022 and permitted him to
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1 remain at liberty for approximately three and one-half years before abruptly revoking that liberty
2 during a routine ICE reporting appointment without prior notice, without a hearing, and without
3 any individualized determination justifying detention. Under this Court's prior decisions, such re-
4 detention violates due process.

5 Respondents likewise do not oppose this Court resolving the merits of the Petition based
6 upon the existing record. Having fully addressed the issues presented and identified no factual
7 dispute requiring additional proceedings, Respondents have provided no reason to delay the
8 traditional habeas remedy of immediate release.

9 Accordingly, the Court should grant the Petition for Writ of Habeas Corpus and order
10 Petitioner's immediate release from custody.

11 In the alternative, should the Court decline to order immediate release, Petitioner
12 respectfully requests that the Court order a constitutionally adequate custody hearing before a
13 neutral adjudicator at which Respondents bear the burden of establishing by clear and convincing
14 evidence that continued detention is warranted.

15 **V. Conclusion**

16 For the foregoing reasons, Respondents have failed to identify any constitutionally
17 meaningful basis for departing from this Court's prior re-detention decisions, failed to identify
18 any individualized basis justifying Petitioner's continued detention, and failed to establish that
19 constitutionally adequate process was provided before revoking Petitioner's previously granted
20 liberty.

21 Respondents identify no changed circumstance arising after Petitioner's release, no
22 violation of Petitioner's release conditions, and no individualized basis that would justify
23 revoking Petitioner's previously granted liberty without constitutionally adequate process.

24 Accordingly, Petitioner respectfully requests that the Court grant the Petition for Writ of
25 Habeas Corpus and order his immediate release from custody.

26 Petitioner further respectfully submits that the Court may rule directly on the merits of
27 the Petition based on the existing record. Respondents have fully addressed the merits of
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1 Petitioner's claims, expressly do not oppose the Court resolving the Petition on the present
2 record, and have identified no factual dispute requiring an evidentiary hearing. Accordingly, no
3 further proceedings are necessary before granting the requested habeas relief.

4 Respectfully Submitted.

5 /s/ Alejandro J. Monsalve, Esq. CA SBN 324958

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