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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 JIANLONG DONG,

12 Petitioner,

13 v.

14 SERGIO ALBARRAN ET AL.,

15 Respondents.
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19
20
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No. 1:26-CV-05205-DAD-JDP

RESPONSE TO PETITION

22 **INTRODUCTION**
23

24 The petition should be denied, or alternatively limited to ordering a prompt, individ-
25 ualized custody redetermination before an immigration judge (IJ) under § 1226(a).
26 Petitioner Jianlong Dong's prior release did not create an entitlement because his release
27 was expressly conditioned on compliance with laws and program terms, and DHS re-de-
28 tained him based on new criminal conduct.

1 If the Court again rejects the government's statutory position, due process is satis-
 2 fied by an IJ bond hearing on a short timeline with the Government bearing a
 3 clear-and-convincing burden—an approach this Court has repeatedly employed in similar
 4 re-detention scenarios. *See Medrano Marquez v. Chestnut*, No. 1:26-cv-02181-DAD-CSK
 5 (E.D. Cal. Mar. 24, 2026); *Saavedra Rocha v. Mullin*, No. 1:26-cv-04013-DAD-CSK (E.D.
 6 Cal. June 5, 2026); *Singh v. Warden, Golden State Annex*, No. 1:26-cv-01973-DAD-CSK
 7 (E.D. Cal. May 16, 2026)).

8 BACKGROUND

9 Dong is a citizen of China who unlawfully entered the United States in 2023, was
 10 surrendered to Border Patrol, received a Notice to Appear, and was released on an order of
 11 recognizance. Exh. A at 7–13. His release was conditioned on his agreement to not violate
 12 any laws or ordinances. *Id.* at 10.

13 He was arrested for driving under the influence (DUI) of alcohol on July 1, 2024,
 14 and convicted of misdemeanor wet and reckless driving in violation of Cal. Vehicle Code
 15 § 23103 on March 19, 2025. Doc. 1-2 at 21, 24–25. On March 28, 2026, he was stopped for
 16 running a stop sign, performed poorly on field coordination tests, had a breath alcohol test
 17 double the legal limit, and was again arrested for DUI. *Id.* at 42–43. The second DUI has
 18 not been resolved. *Petition* at 3.

19 On June 24, 2026, Department of Homeland Security (DHS) officers detained Dong
 20 for violating the terms of his release due to his criminal history. Exh. A at 3. He was
 21 transferred to the Golden State Annex the same day and is scheduled for another immi-
 22 gration court hearing on July 24, 2026. Exh. B.

23 ARGUMENT

24 I. Due process does not require immediate release; a short-timeline § 1226(a) 25 bond hearing suffices.

26 If the Court concludes the current custody arises under § 1226(a), the appropriate
 27 remedy for any defect is an individualized bond hearing before an IJ rather than release.
 28

1 This Court has tailored similar remedies in re-detention scenarios involving alleged
2 violations of release conditions; directing a custody redetermination on a short timeline.
3 See *O.A.C.S. v. Wofford*, No. 1:25-CV-01652-DAD-CSK (HC), 2025 WL 3485221, at *4-5
4 (E.D. Cal. Dec. 4, 2025).

5 The same approach fits here. DHS identified repeated violations that Dong does not
6 appear to dispute. Exh. A at 2–3; *Petition* at 3. Dong merely appears to dispute whether
7 the conduct makes him a danger to the community or a flight risk. *Petition* at 3. The exist-
8 ence of the conduct and whether it constitutes changed circumstances or shows danger
9 warrant IJ findings, not court-ordered release.

10 **II. A post-custody bond hearing with tailored safeguards satisfies due process**
11 **under *Mathews v. Eldridge*.**

12 *Mathews v. Eldridge* requires balancing (1) the private interest, (2) the risk of erro-
13 neous deprivation and the value of additional safeguards, and (3) the Government's
14 interests. 424 U.S. 319, 335–36 (1976).

15 The private interest in freedom from restraint is substantial but tempered by the
16 detention framework during removal proceedings. *Demore v. Kim*, 538 U.S. 510, 528–31
17 (2003). The risk of erroneous deprivation if a bond hearing occurs is low: Dong was con-
18 victed once and arrested a second time for DUI. Exh. A at 2–3; *Petition* at 3. Whether that
19 makes him a danger is a factual issue an IJ can quickly resolve in the ordinary agency
20 bond process.

21 The value of additional judicial safeguards beyond a prompt bond hearing is mod-
22 est. Immediate release or court-led fact-finding would duplicate the IJ's role and disrupt
23 the statutory scheme. A short timeline for an IJ hearing is sufficient to guard against er-
24 ror; no novel procedures are required to satisfy due process in this re-detention context.

25 DHS's interest in ensuring Dong's appearance and protecting the public strongly fa-
26 vors agency fact-finding rather than court-ordered release. Sending the dispute to the IJ
27 aligns those interests with due process and avoids the disruption of immediate release. On
28 balance, *Mathews* does not require release and is satisfied by a prompt hearing.

CONCLUSION

The Court should deny the petition because Dong is properly detained under 8 U.S.C. § 1225(b). If the Court rejects this argument, it should order a bond hearing. When DHS redetains a noncitizen after a meaningful change in circumstances due process requires only that a neutral decisionmaker assess whether the latest information affects dangerousness or flight risk. A post-custody bond hearing fully satisfies that requirement.

Dated: July 15, 2026

Respectfully submitted,

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