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

11 ALEJANDRO FLORES JAUREGUI,
12 Petitioner,
13 v.
14 TONYA ANDREWS ET AL.,
15 Respondents.
16

No. 1:26-CV-05178-JLT-EPG

**RESPONSE TO ORDER TO SHOW
CAUSE**

17 INTRODUCTION
18

19 The Court should deny the petition because Petitioner Alejandro Flores Jauregui is
20 detained under 8 U.S.C. § 1225(b). If the Court again rejects that statutory argument, the
21 proper remedy is a prompt, lawful bond hearing before an immigration judge (IJ), not im-
22 mediate release. That approach accords with the statutory framework and ordinary
23 remedial principles that direct the agency to develop the factual record and make the ini-
24 tial custody determination. *INS v. Ventura*, 537 U.S. 12, 16–18 (2002).

25 This case presents re-detention following a material change in circumstances—23
26 violations of the alternatives-to-detention program. Exh. A at 2–3. Flores Jauregui dis-
27 puts the cause and claims a malfunctioning device. Dkt. No. 1 ¶ 23. That dispute goes to
28 flight risk and belongs before a neutral IJ.

1 In similar cases, this Court has ordered bond hearings—often within a short, fixed
2 timeline and, where appropriate, with the Government bearing a clear-and-convincing
3 burden at the hearing. *See Martinez Hernandez v. Andrews*, No. 1:25-cv-01035 JLT HBK,
4 2025 WL 2495767, at *12 (E.D. Cal. Aug. 28, 2025); *J.S.H.M. v. Wofford*, No. 1:25-cv-01309
5 JLT SKO, 2025 WL 2938808, at *18 (E.D. Cal. Oct. 16, 2025).

6 BACKGROUND

7 Flores Jauregi, a citizen of Mexico unlawfully entered the United States in 2024
8 and was detained by the Department of Homeland Security (DHS). Exh. A at 2. DHS
9 served him an expedited removal order. *Id.* He asserted fear of removal to Mexico and re-
10 ceived a positive credible-fear determination. *Id.* DHS then released him with a Notice to
11 Appear, conditioned on electronic monitoring. *Id.* Between January 2025 and June 2026,
12 he violated program conditions more than 20 times. *Id.* at 2–3. He acknowledges the viola-
13 tions but denies responsibility and blames the violations on a malfunctioning ankle
14 monitor. Dkt. No. 1 ¶ 23. On June 27, 2026, DHS re-detained him for violating the terms of
15 release. Exh. A at 2.

16 ARGUMENT

17 **I. The measured remedy, if § 1226(a) applies, is a prompt bond hearing—not**
18 **release.**

19 If the Court concludes the current custody arises under § 1226(a), the appropriate
20 remedy for any defect is an individualized bond hearing before an IJ rather than release.
21 That remedy respects Congress’s assignment of initial custody hearings to the immigra-
22 tion courts and fits ordinary remedial principles. *See Ventura*, 537 U.S. at 16–18.

23 This Court has tailored similar remedies in re-detention scenarios involving alleged
24 ATD violations; directing a custody redetermination on a short timeline. *See Martinez Her-*
25 *nandez*, 2025 WL 2495767, at *12; *J.S.H.M.*, 2025 WL 2938808, at *18. The same
26 approach fits here. DHS identified repeated violations. Exh. A at 2–3. Flores Jauregui dis-
27 puts the cause of the violations. Dkt. No. 1 ¶ 23. Those facts warrant IJ findings, not
28 court-ordered release.

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

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

6 The private interest in freedom from restraint is substantial, but it is tempered
7 here by Congress's detention framework during removal proceedings. *Demore v. Kim*,
8 538 U.S. 510, 528–31 (2003). The risk of erroneous deprivation is low: DHS documented 23
9 ATD violations over an extended period, and Flores Jauregui acknowledges those viola-
10 tions; his dispute concerns cause, not whether the violations occurred. Exh. A at 2–3; Dkt.
11 No. 1 ¶ 23. That type of factual issue—device performance, compliance history, and credi-
12 bility—can be resolved quickly and reliably in the ordinary agency bond process.

13 The incremental value of additional judicial safeguards beyond a prompt, post-cus-
14 tody bond hearing is modest. Immediate release or court-level fact-finding would duplicate
15 the IJ's role and disrupt the statutory scheme. A short, fixed timeline for an IJ hearing is
16 sufficient to guard against error; no heightened or novel procedures are required to satisfy
17 due process in this re-detention posture.

18 The Government's interest in ensuring appearance and orderly removal proceed
19 strongly favor agency fact-finding rather than court-ordered release. Channeling the dis-
20 pute to the IJ aligns those interests with robust but ordinary process and avoids the
21 disruption that can attend immediate release. *Ventura*, 537 U.S. at 16–18. On balance,
22 *Mathews* does not require release and is satisfied by a prompt hearing.

23 **CONCLUSION**

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

1 Dated: July 12, 2026

Respectfully submitted,

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PROOF OF SERVICE

I certify that I am an employee in the Office of the United States Attorney for the Eastern District of California and a person of such age and discretion to be competent to serve papers; that on July 12, 2026, I prepared these documents for mailing and sent them to a member of the U.S. Attorney support staff to place in the United States Mail at Sacramento, California, to deliver to the addressee, at the place and address stated below, which is the last known address.

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