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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSE HUGO GONZALEZ-NINO,

12 Petitioner,

13 v.

14 WARDEN OF THE GOLDEN STATE
15 ANNEX DETENTION FACILITY ET
AL.,

16 Respondents.
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20
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No. 1:26-CV-05187-JLT-EPG

**RESPONSE TO ORDER TO SHOW
CAUSE**

22 **INTRODUCTION**

23 The Court should deny the petition because Petitioner Jose Hugo Gonzalez-Nino is
24 detained under 8 U.S.C. § 1225(b). If the Court again rejects that statutory argument, the
25 proper remedy is a prompt bond hearing before an immigration judge (IJ), not immediate
26 release. That approach accords with the statutory framework and ordinary remedial prin-
27 ciples that direct the agency to develop the factual record and make the initial custody
28 determination. *INS v. Ventura*, 537 U.S. 12, 16–18 (2002).

1 This record presents first-time detention following a local DUI arrest and subse-
2 quent ICE arrest. Exh. A at 2, 5. There is no prior DHS custody evaluation of danger or
3 flight risk. Those determinations belong before a neutral IJ on a short, fixed timeline, not
4 by court-ordered release.

5 In similar cases with a colorable detention basis, this Court has ordered bond hear-
6 ings, often within 7–14 days. *See Martinez Hernandez v. Andrews*, No. 1:25-cv-01035 JLT
7 HBK, 2025 WL 2495767, at *12 (E.D. Cal. Aug. 28, 2025); *J.S.H.M. v. Wofford*,
8 No. 1:25-cv-01309 JLT SKO, 2025 WL 2938808, at *18 (E.D. Cal. Oct. 16, 2025); *Justo S. v.*
9 *Cruz*, No. 1:26-CV-00469 JLT SKO (HC), 2026 WL 457120 (E.D. Cal. Feb. 18, 2026).

10 BACKGROUND

11 Gonzalez-Nino, a citizen of Mexico unlawfully entered the United States at an un-
12 known date and time. Exh. A at 2. On May 2, 2026, local police arrested him for driving
13 while intoxicated. *Id.*

14 On May 13, 2026, Immigration and Customs Enforcement (ICE) detained him un-
15 der the authority of an administrative warrant. *Id.* at 5. He remains in ICE custody.

16 He has not applied for relief from removal. *See* Exh. B. His next hearing is July 27,
17 2026. *Id.* at 1.

18 ARGUMENT

19 I. The measured remedy, if § 1226(a) applies, is a prompt bond hearing—not 20 release.

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

25 This Court has tailored similar remedies where detention followed criminal conduct
26 or arrest, directing a custody redetermination on a short timeline before an IJ. *E.g., Justo*
27 *S.*, 2026 WL 457120 at *2. The same approach fits here.

1 DHS discovered Gonzalez-Nino's presence in the United States after his DUI arrest.
2 Exh. A at 2. DHS identified the DUI arrest as relevant to danger and flight risk. *Id.* Those
3 facts warrant a hearing to evaluate danger, not court-ordered release.

4 **II. A post-custody bond hearing satisfies due process under *Mathews v.***
5 ***Eldridge*.**

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

9 The private interest in freedom from restraint is substantial, but it is tempered by
10 Congress's detention framework during removal proceedings. *Demore v. Kim*, 538 U.S. 510,
11 528–31 (2003). The risk of erroneous deprivation after a bond hearing is low; an IJ can
12 promptly evaluate the circumstances surrounding the DUI arrest and evaluate whether
13 Gonzalez-Nino's driving conduct or alcohol use indicates danger or flight risk. Exh. A at 2.
14 Those factual disputes are routinely and reliably resolved in the ordinary agency bond pro-
15 cess.

16 The incremental value of additional judicial safeguards beyond a prompt, post-cus-
17 tody bond hearing is modest. Immediate release or district court fact-finding would
18 duplicate the IJ's role and disrupt the statutory scheme. A short, fixed timeline for an IJ
19 hearing is sufficient to guard against error; no heightened procedures are required to sat-
20 isfy due process.

21 The Government's interest in ensuring appearance and protecting the public favor
22 agency fact-finding rather than court-ordered release. Channeling the dispute to the IJ
23 aligns those interests with robust but ordinary process and avoids the disruption that can
24 attend immediate release. *Ventura*, 537 U.S. at 16–18. On balance, *Mathews* does not re-
25 quire release and is satisfied by a prompt hearing.

CONCLUSION

The Court should deny the petition because Gonzalez-Nino is properly detained under § 1225(b). If the Court rejects that argument, it should order a bond hearing before an IJ. The Court should not order immediate release.

Dated: July 12, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

By: /s/ Jonathan Williams
JONATHAN WILLIAMS
Special Assistant United States Attorney

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.

Addressee:

Jose Hugo Gonzalez-Nino

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/s/ Jonathan Williams

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