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

Nereo Said ORDAZ RESENDIZ,

Petitioner,

v.

WARDEN, Central Valley Annex Detention
Center; et al.,

Respondents.

Case No. 1:26-cv-05256-DJC-JDP

**PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE TO
PETITION FOR WRIT OF
HABEAS CORPUS AND MOTION
FOR TEMPORARY
RESTRAINING ORDER**

I. INTRODUCTION

Respondents' response does not justify Petitioner's continued detention. The Court advised the parties that it intends to rule directly on Claims Two and Three of the Petition: Petitioner's challenge to retroactive application of the Laken Riley Act and his procedural due-process challenge to the revocation of his prior bond. Dkt. 5. Respondents do not address Claim Two at all. They identify no statutory language making amended 8 U.S.C. §1226(c)(1)(E) retroactive, do not address *Landgraf v. USI Film Products*, 511 U.S. 244 (1994), and do not explain how a misdemeanor conviction entered in 2005 can now be transformed into a mandatory-detention predicate under a statute enacted twenty years later.

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1 Respondents' treatment of Claim Three is also insufficient. Their argument is that no pre-
2 deprivation hearing can ever be required under §1226(a), even where the government previously
3 released a noncitizen on an Immigration Judge's bond and later revokes that conditional liberty.
4 Dkt. 7 at 4. That categorical position cannot be reconciled with the nature of Petitioner's liberty
5 interest, the government's advance planning of his arrest, or this Court's recent order in *Carpio*
6 *Melendez v. Warden of Golden State Annex Detention Facility*, No. 1:26-cv-00809-DJC-JDP,
7 ECF Nos. 16–17 (E.D. Cal. Mar. 12 and Mar. 20, 2026).

8 Respondents' sole exhibit does not cure those omissions. The I-213 confirms that
9 Petitioner appeared exactly as ICE directed under the existing delivery bond. Dkt. 7-1 at 2. It
10 confirms that ICE decided in advance to arrest Petitioner "upon his arrival." *Id.* But it supplies no
11 reliable evidence that Petitioner violated a condition of the 2013 bond, became a present danger,
12 or presented a flight risk that could not be addressed through his existing bond or other
13 conditions.

14 The Court should grant the Petition and restore Petitioner to the bond under which he
15 remained at liberty before July 7, 2026. At minimum, the Court should order a prompt hearing at
16 which Respondents bear the burden of proving a lawful mandatory-detention predicate,
17 materially changed circumstances, and the present necessity of confinement.

18 **II. RESPONDENTS DO NOT ANSWER THE LAKEN RILEY ACT**
19 **RETROACTIVITY CLAIM**

20 Claim Two alleges that amended §1226(c)(1)(E) cannot be applied retroactively to
21 Petitioner's 2005 misdemeanor theft conviction. Dkt. 1 ¶¶ 161–85. The Court expressly indicated
22 that it intends to rule on that claim. Dkt. 5.

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1 Respondents offer no response. They do not mention the Laken Riley Act. They do not
2 cite §1226(c)(1)(E). They do not dispute that the relevant conviction occurred approximately
3 twenty years before enactment. They do not identify any retroactivity language. And they do not
4 address the settled presumption that a statute does not attach new legal consequences to
5 completed conduct absent clear congressional direction. See *Landgraf*, 511 U.S. at 265–80;
6 *Vartelas v. Holder*, 566 U.S. 257, 266–73 (2012); *INS v. St. Cyr*, 533 U.S. 289, 321–26 (2001).
7 Respondents instead argue exclusively that §1225(b)(2) governs Petitioner’s detention. Dkt. 7 at
8 1–3. But that does not answer Claim Two. If the Court rejects Respondents’ §1225 theory, as
9 numerous courts in this District have done in comparable cases, Respondents identify no
10 alternative mandatory-detention authority.

11 Applying §1226(c)(1)(E) to Petitioner would have an impermissible retroactive effect.
12 When Petitioner sustained the 2005 misdemeanor conviction, it did not permanently eliminate
13 his eligibility for immigration bond. That is confirmed by the government’s own subsequent
14 conduct: in 2013, an Immigration Judge considered Petitioner’s custody and ordered him
15 released under a \$6,000 bond. Dkt. 1-1 at 7–8. Petitioner then exercised that conditional liberty
16 for nearly thirteen years.

17 Applying the 2025 amendment would now convert that remote misdemeanor into a
18 permanent no-bond predicate. It would therefore attach a severe new legal consequence—
19 mandatory physical confinement—to completed conduct that did not carry that consequence
20 when it occurred.

21 The District of Nevada has already applied *Landgraf* to §1226(c)(1)(E) and concluded
22 that the amendment could not be applied to pre-enactment burglary and larceny arrests. *Alvarado*

1 *v. Bondi*, No. 2:26-cv-00416-APG-DJA, ECF No. 12, at 4–7 (D. Nev. Apr. 9, 2026).

2 Respondents do not address that decision or its reasoning.

3 Claim Two is therefore effectively unopposed. Respondents may not rely upon
4 Petitioner’s 2005 misdemeanor conviction as a mandatory-detention predicate under amended
5 §1226(c)(1)(E).

6 Nor does Petitioner’s pending San Mateo County case establish mandatory detention. The
7 pending charge is one misdemeanor count under California Vehicle Code §4462.5, presenting or
8 displaying false evidence of vehicle registration. Petitioner pleaded not guilty, and the matter
9 remains unresolved. It is not a conviction and is not an offense enumerated in §1226(c)(1)(E).

10 **III. RESPONDENTS’ SECTION 1225(b) ARGUMENT DOES NOT ADDRESS**
11 **PETITIONER’S PRIOR IMMIGRATION-JUDGE BOND**

12 Respondents call Petitioner an “arriving alien.” Dkt. 7 at 1. He is not. Petitioner entered
13 the United States in 2003, lived in the interior for approximately ten years before DHS placed
14 him in proceedings, was placed in ordinary removal proceedings under INA §240 in 2013, and
15 received an Immigration Judge bond order under the regulations implementing INA §236. He
16 then lived in the United States under that bond for nearly thirteen years.

17 Respondents acknowledge that an Immigration Judge set bond in 2013. Dkt. 7 at 1. But
18 they do not explain how an Immigration Judge could have exercised ordinary bond jurisdiction if
19 Petitioner has always been categorically detained under §1225(b).

20 They likewise do not explain why ICE continued to recognize and enforce that bond in
21 2026. ICE issued a Notice to Obligor identifying the existing delivery bond, ordered Petitioner to
22 appear, and warned that nonappearance could result in forfeiture. Dkt. 1-1 at 4–5. ICE then used
the bond to secure Petitioner’s appearance on July 7, 2026.

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1 Respondents cite 8 U.S.C. §1182(d)(5) for the proposition that parole does not constitute
2 admission. Dkt. 7 at 3. That provision is beside the point. Petitioner does not contend that his
3 release constituted lawful admission. He was not released on humanitarian parole under
4 §1182(d)(5); he was released under a monetary bond ordered by an Immigration Judge
5 exercising custody-redetermination authority.

6 The relevant question is not whether release changed Petitioner's admission status. It is
7 whether ICE may disregard an existing §1226 bond order, reclassify Petitioner as categorically
8 detained under §1225(b), and revoke nearly thirteen years of conditional liberty without
9 meaningful process.

10 Respondents' reading also continues to create the same structural problem identified by
11 the majority of courts addressing the issue. Congress expressly placed certain inadmissible
12 noncitizens within §1226(c), including persons inadmissible under §1182(a)(2). The Laken Riley
13 Act added §1226(c)(1)(E), addressing certain persons inadmissible under §1182(a)(6)(A), (6)(C),
14 or (7) who have specified criminal contacts. Those provisions would perform little work if every
15 person inadmissible under §1182(a)(6)(A) were already mandatorily detained under §1225(b).

16 The cases cited by Respondents confirm an acknowledged division of authority. Dkt. 7 at
17 2. The Second, Sixth, Seventh, Tenth, and Eleventh Circuits have rejected or materially
18 undermined Respondents' reading, while Respondents rely principally on the Fifth and Eighth
19 Circuits. *Id.* The Ninth Circuit has not adopted Respondents' interpretation, and numerous
20 decisions in this District have rejected it.

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1 This case presents an additional fact absent from many of those decisions: an actual
2 Immigration Judge bond order that ICE continued to invoke and enforce immediately before re-
3 detention.

4 **IV. THE I-213 DOES NOT ESTABLISH A BOND VIOLATION, PRESENT**
5 **DANGER, OR FLIGHT RISK**

6 Respondents characterize the arrest as occurring “after Petitioner had been arrested
7 multiple times while released.” Dkt. 7 at 1. Their exhibit does not substantiate that assertion.
8 The I-213 states that ICE acted based on “recent criminal arrests in 2026,” but it identifies no
9 2026 criminal case, arrest date, case number, court, disposition, or underlying report. Dkt. 7-1 at
10 2. The only specifically identified recent criminal matter in the present record is the pending
11 2025 Vehicle Code case.

12 The I-213 later lists several generic criminal-history descriptions—assault with a non-
13 firearm deadly weapon, controlled-substance possession, being under the influence, and
14 suspended-license matters—but again provides no dates, case numbers, or dispositions. *Id.* at 3.
15 The document does not establish that these entries reflect post-2013 conduct rather than the
16 historical matters already disclosed in Petitioner’s Immigration Court filing.

17 The distinction is important. Conduct known or available when the Immigration Judge
18 ordered release cannot itself establish a material change arising after the bond determination.
19 The I-213 also states that Petitioner was arrested for “violating the terms of his immigration
20 bond.” *Id.* at 2. But it never identifies the condition allegedly violated. The 2013 order imposed
21 conditions prohibiting drug use and alcohol consumption. Dkt. 1-1 at 7–8. Respondents submit
22 no evidence that Petitioner violated either condition after his release.

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1 The pending Vehicle Code case does not allege drug use, alcohol consumption, or
2 violence. It remains unresolved, and Petitioner pleaded not guilty.

3 The I-213's other inaccuracies further demonstrate why an untested enforcement
4 narrative cannot substitute for a neutral custody determination. It states that Petitioner has no
5 children or dependents, although the record contains birth certificates and Immigration Court
6 materials identifying his children. Dkt. 7-1 at 1; Dkt. 1-1. It labels Petitioner an
7 "Associate/Inactive" of a gang but later records that Petitioner claims no gang membership. Dkt.
8 7-1 at 2–3. It provides no source, date, conduct, validation record, or explanation for the label. It
9 also lists §1229a—the civil removal-proceedings statute—as a "current criminal charge." *Id.* at
10 2.

11 Respondents did not submit the database records, criminal-history report, police reports,
12 custody determination, bond-revocation decision, or Form I-286 on which ICE allegedly relied.
13 The I-213 does establish one fact clearly: Petitioner complied.

14 It states that Petitioner "presented himself as requested on form I-340." *Id.* It states that
15 ICE decided beforehand to arrest him "upon his arrival." *Id.* It further states that officers directed
16 him to a telehealth room for an interview before placing him under arrest. *Id.*

17 The I-213 confirms that ICE knew in advance precisely when and where Petitioner would
18 appear and that the existing bond successfully secured his compliance. Petitioner appeared as
19 directed; he did not abscond, resist, or otherwise create an unexpected enforcement emergency
20 on July 7. Because ICE had already decided to arrest him upon arrival, it had ample time to
21 provide notice and arrange neutral custody review before revoking his release. The I-213 may
22 have supplied a basis to reassess Petitioner's custody status, but it does not establish that

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1 immediate physical confinement was necessary or that ICE could detain him first and require
2 him to seek restoration of liberty afterward.

3 **V. THIS COURT HAS ALREADY REJECTED RESPONDENTS' CATEGORICAL**
4 **PRE-DEPRIVATION ARGUMENT**

5 Respondents assert that neither the INA nor the Constitution can require a pre-deprivation
6 hearing because §1226(a) and its regulations ordinarily provide a custody-redetermination
7 hearing only after detention. Dkt. 7 at 4.

8 That argument overlooks this Court's recent decision in *Carpio Melendez*. There, as here,
9 the petitioner had previously been released from immigration custody and was later re-detained
10 following an encounter with law enforcement. *Carpio Melendez*, ECF No. 16 at 1–2. Magistrate
11 Judge Peterson concluded that the petitioner's release created a protected liberty interest and that
12 the *Mathews* factors required notice and an opportunity to be heard before re-detention. *Id.* at 3–
13 7.

14 The findings and recommendations specifically rejected the proposition that the
15 government's §1225(b) theory disposed of the constitutional claim: "More fundamentally, the
16 government fails to address how its statutory argument responds to petitioner's constitution-
17 based argument." *Id.* at 3.

18 The Court recommended immediate release under conditions no stricter than those in
19 effect before re-detention and an injunction requiring seven days' notice and a pre-deprivation
20 hearing before any future re-detention. *Id.* at 6–7.

21 Judge Calabretta adopted those findings and recommendations in full, granted habeas
22 relief, ordered immediate release under the prior conditions, and prohibited future re-detention
23 absent seven days' notice and a pre-deprivation hearing. *Carpio Melendez*, ECF No. 17 at 1–2.

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1 Respondents do not cite or distinguish *Carpio Melendez*, even though it was decided by this
2 Court less than four months ago.

3 Petitioner's claim is at least as strong. Unlike the petitioner in *Carpio Melendez*,
4 Petitioner's release was not merely an exercise of ICE supervision authority. A neutral
5 Immigration Judge adjudicated custody, ordered release under a \$6,000 bond, and imposed
6 specific conditions. Petitioner then remained at liberty for nearly thirteen years.

7 Nor did an unexpected law-enforcement event make pre-deprivation process
8 impracticable. ICE initiated the July 7 encounter. It selected the date more than one month in
9 advance, demanded Petitioner's appearance under threat of bond forfeiture, and decided in
10 advance to arrest him when he arrived. Dkt. 7-1 at 2.

11 The normal constitutional rule is that the government provides some form of hearing
12 before depriving a person of liberty. *Zinermon v. Burch*, 494 U.S. 113, 127–29 (1990). Post-
13 deprivation process is reserved for circumstances in which advance process is impracticable. *Id.*
14 Respondents identify no such circumstance here.

15 **VI. RODRIGUEZ DIAZ DOES NOT GOVERN REVOCATION OF A PRIOR**
16 **RELEASE ORDER**

17 Respondents rely heavily on *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022).
18 Dkt. 7 at 3–4. That case addressed a materially different claim. *Rodriguez Diaz* considered a
19 facial challenge to the ordinary §1226(a) framework after the petitioner had received an
20 Immigration Court bond hearing at which he bore the burden. 53 F.4th at 1194–95. The Ninth
21 Circuit declined to hold that §1226(a) is facially unconstitutional because it generally places the
22 burden on the detained person at an ordinary custody-redetermination hearing.

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1 *Rodriguez Diaz* did not involve an existing Immigration Judge bond order, the revocation
2 of nearly thirteen years of conditional liberty, ICE's continued enforcement of that bond, or a
3 claim that materially changed circumstances were required before release could be revoked. Nor
4 did it involve a planned arrest at a check-in compelled by the bond or the complete absence of
5 both pre-deprivation and prompt post-deprivation review. Petitioner does not contend that every
6 person initially arrested under §1226(a) must receive a hearing before the arrest occurs. His
7 claim is narrower: after a neutral Immigration Judge ordered his release and he exercised that
8 liberty for nearly thirteen years, ICE could not summarily reverse that adjudicated custody
9 determination without first establishing a lawful basis for revocation.

10 That distinction is reflected in *Carpio Melendez*, which was decided after *Rodriguez Diaz*
11 and applied *Mathews* to re-detention following prior release. *Carpio Melendez*, ECF Nos. 16–17.
12 It is also consistent with *Saravia for A.H. v. Sessions*, 905 F.3d 1137, 1143–45 (9th Cir. 2018),
13 which affirmed relief requiring the government to establish changed circumstances before re-
14 detaining minors whom immigration authorities had previously determined could safely be
15 released.

16 Respondents' interpretation would mean that a prior release order and thirteen years of
17 demonstrated compliance have no constitutional significance: ICE could revoke release without
18 notice, detain the person, and place the entire burden on the detainee to prove again that he
19 deserves liberty. Neither *Rodriguez Diaz* nor the Due Process Clause requires that result.

20 **VII. *Thuraissigiam* and *Mezei* Do Not Eliminate Petitioner's Due-Process Rights**

21 Respondents' reliance on *Department of Homeland Security v. Thuraissigiam*, 591 U.S.
22 103 (2020), and *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953), is misplaced.

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Dkt. 7 at 2–3. Both cases arose from the distinct constitutional rules governing persons treated as being at the threshold of initial entry and claims concerning admission into the United States. Neither addressed the government’s revocation of a longstanding release order governing a person who had lived in the interior for decades and was already in ordinary removal proceedings.

Thuraissigiam involved a recent entrant apprehended almost immediately after crossing the southern border and placed into expedited-removal proceedings. 591 U.S. at 114–17. The petitioner sought additional review of the expedited-removal and credible-fear determinations through which the government had rejected his request to remain in the United States. *Id.* at 117–21. The Court’s discussion of the limited rights available to an applicant for admission was directed to that threshold-admission posture and the petitioner’s attempt to obtain further review of the decision denying admission. It did not address the procedures required before the government may revoke an existing bond order and extinguish years of conditional liberty.

Mezei is similarly remote. There, the government excluded a returning noncitizen at the border and detained him on Ellis Island after refusing him entry. 345 U.S. at 208–10. The Court treated him as stopped at the threshold and not legally present within the United States for purposes of his admission claim. *Id.* at 212–15. Petitioner here was not intercepted while seeking entry, detained at a port, or held during inspection. He entered in 2003, has lived in the interior for more than twenty-three years, was placed in ordinary proceedings under INA §240 in 2013, and was affirmatively released by an Immigration Judge under a monetary bond.

Petitioner also does not seek an unconditional right to enter or remain in the United States. He does not ask this Court to adjudicate removability, grant cancellation of removal, or

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1 review the merits of an admission determination. His removal proceedings will continue
2 regardless of the outcome of this habeas action. The question here is narrower: whether ICE
3 could revoke an existing Immigration Judge bond order and deprive Petitioner of physical liberty
4 without notice, neutral review, or proof that detention had become necessary.

5 Respondents quote *Thuraissigiam* for the proposition that the statutory procedures
6 supplied by Congress constitute all the process due “regarding admission.” Dkt. 7 at 2–3. That
7 qualification is decisive. This case does not concern the process due in deciding whether
8 Petitioner may be admitted. It concerns the process due before the government may imprison a
9 person who was already released by judicial order and who remained at liberty under that order
10 for nearly thirteen years.

11 The language on which Respondents rely is also drawn from cases describing persons
12 who had “never been naturalized, nor acquired any domicile or residence within the United
13 States, nor even been admitted into the country pursuant to law.” *Thuraissigiam*, 591 U.S. at 138.
14 Petitioner’s circumstances bear no resemblance to that description. He has lived in this country
15 since adolescence, is married to a United States citizen, is the father and stepfather of United
16 States citizens, and has participated in removal proceedings for more than a decade. Although
17 those ties do not constitute lawful admission, they underscore why a doctrine developed for
18 persons stopped at the threshold does not resolve the constitutional requirements governing his
19 re-detention in the interior.

20 The Supreme Court has repeatedly recognized that the Due Process Clause protects
21 persons who have entered and are physically present in the United States, including persons
22 whose presence is unlawful. *Zadvydas v. Davis*, 533 U.S. 678, 693–94 (2001). As *Zadvydas*

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1 explained, once a person enters the country, the constitutional protection of the Due Process
2 Clause applies to that person's liberty, regardless of immigration status. *Id.* The protected interest
3 here is therefore not a claimed entitlement to admission. It is the fundamental interest in freedom
4 from arbitrary physical confinement.

5 That distinction is especially important because ICE did not merely continue detention
6 imposed at the border. A neutral Immigration Judge previously determined that Petitioner could
7 be released under a \$6,000 bond and specified conditions. ICE honored and enforced that order
8 for nearly thirteen years. It then invoked the same bond to compel Petitioner's appearance,
9 obtained his compliance, and arrested him without first establishing that he had violated a
10 condition, become dangerous, or become likely to flee.

11 Neither *Thuraissigiam* nor *Mezei* held that the entry fiction erases a liberty interest
12 created by an Immigration Judge's release order. Neither considered whether changed
13 circumstances must be established before such an order is revoked. Neither approved the planned
14 re-detention of a longtime interior resident at a bond-compelled check-in without pre-deprivation
15 or prompt post-deprivation review. And neither held that Congress may authorize arbitrary civil
16 confinement simply by characterizing a longtime resident as an applicant for admission.

17 Respondents therefore cannot rely on *Thuraissigiam* and *Mezei* to avoid the actual due-
18 process question presented here. Whatever process may be sufficient to decide admission at the
19 threshold, those cases do not authorize ICE to revoke Petitioner's adjudicated release and
20 imprison him without notice, neutral review, and an individualized showing that detention has
21 become necessary.

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VIII. THE *MATHEWS* FACTORS REQUIRE RELIEF

A. Petitioner's Private Interest Is Exceptionally Strong

Application of *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), confirms the due-process violation. Petitioner's interest is freedom from physical confinement. *Zadvydas*, 533 U.S. at 690. Before July 7, Petitioner lived at home with his United States citizen family, supported his household, participated in his pending removal case, and provided essential emotional support to his wife. His wife's psychological evaluation documents [REDACTED] the risk of serious deterioration during separation. Dkt. 1-1.

Petitioner's liberty interest is strengthened by the 2013 judicial bond order and the nearly thirteen years during which he exercised that liberty.

B. The Risk of Error Was Substantial

ICE provided no advance notice of its intent to revoke the bond. It did not disclose the evidence on which it relied. It did not provide a neutral hearing. It did not identify the bond condition allegedly violated. And it did not establish that detention was necessary. The only new exhibit contains unsupported assertions, internal contradictions, and obvious factual inaccuracies. Dkt. 7-1.

A neutral hearing would have allowed Petitioner to distinguish historical criminal matters from later conduct, present the actual status of the pending misdemeanor case, contest any unsupported gang characterization, show his compliance with the bond demand, and establish the availability of conditions short of incarceration.

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1 **C. Advance Process Was Entirely Practicable**

2 The government's interest in immediate detention without process was minimal.
3 ICE chose the July 7 date, sent the I-340 more than one month in advance, and knew that
4 Petitioner would appear. The I-213 confirms that ICE had already decided to arrest him upon
5 arrival. Dkt. 7-1 at 2.

6 This was not an unexpected street encounter, an attempted flight, or an emergency
7 presenting immediate danger. It was a planned arrest at a scheduled bond check-in.

8 Requiring notice and a neutral custody determination would not have prevented DHS
9 from seeking revocation. It would merely have required DHS to establish that revocation was
10 lawful and necessary before extinguishing an existing liberty interest. The *Mathews* factors
11 therefore favor Petitioner even more strongly than in *Carpio Melendez*.

12 **IX. IMMEDIATE RESTORATION TO THE PRIOR BOND IS THE APPROPRIATE**
13 **REMEDY**

14 Respondents alternatively suggest that the Court should order an ordinary §1226(a)
15 custody-redetermination hearing at which Petitioner bears the burden. Dkt. 7 at 4.
16 That remedy would not address the violation.

17 Petitioner already obtained a custody determination in 2013. A neutral Immigration Judge
18 ordered release under a \$6,000 bond. The relevant question is not whether Petitioner can prove
19 release eligibility from the beginning. It is whether Respondents can establish materially changed
20 circumstances sufficient to revoke the existing release order.

21 Requiring Petitioner to bear the burden would invert the inquiry and reward ICE for
22 failing to provide process before re-detention.

1 Immediate restoration to the status quo ante is the direct habeas remedy. That is the relief
2 Judge Calabretta ordered in *Carpio Melendez*: release under conditions no stricter than those
3 governing the petitioner before re-detention. ECF No. 17 at 2.

4 The same remedy is appropriate here. Petitioner should be released under the \$6,000
5 bond and conditions in effect immediately before July 7, 2026. Respondents may seek
6 reasonable additional noncustodial conditions if supported by individualized facts.

7 At minimum, the Court should order a hearing within 48 hours at which:

- 8 1. Respondents must identify and prove any asserted mandatory-detention predicate;
- 9 2. Respondents bear the burden of proof by clear and convincing evidence;
- 10 3. Respondents must establish materially changed circumstances since the August 30, 2013
11 bond order;
- 12 4. Respondents must establish that Petitioner presently poses a danger or flight risk;
- 13 5. Respondents must establish that the existing bond and less restrictive conditions cannot
14 reasonably address any demonstrated risk;
- 15 6. the decisionmaker must consider alternatives to detention and ability to pay; and
- 16 7. Petitioner must be released unless Respondents satisfy those burdens.

17 **X. THE REMAINING TRO FACTORS FAVOR RELIEF**

18 Respondents do not meaningfully dispute irreparable harm, the balance of equities, or the
19 public interest. Each day of confinement is an irreparable deprivation of physical liberty. *Arevalo*
20 *v. Hennessy*, 882 F.3d 763, 767 (9th Cir. 2018). The detention also separates Petitioner from his
21 children and from a wife whose psychological condition creates an acute risk of serious
22 deterioration during separation.

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1 Respondents suffer no cognizable injury from restoration of the bond that successfully
2 secured Petitioner's appearance for nearly thirteen years. They remain free to supervise him,
3 impose reasonable reporting requirements, litigate his removal proceedings, and seek future
4 custody upon materially changed circumstances and constitutionally adequate process.

5 The public interest favors compliance with the INA, respect for an Immigration Judge's
6 custody determination, and protection against arbitrary civil confinement.

7 **XI. CONCLUSION**

8 Respondents have not answered Petitioner's Laken Riley Act claim, established that
9 §1225(b) governs, identified a valid mandatory-detention predicate, or justified revocation of
10 Petitioner's prior bond without notice and a hearing.

11 Their own exhibit confirms that Petitioner complied with the I-340, appeared exactly as
12 directed, and was subjected to a planned arrest. It does not establish a bond violation, present
13 dangerousness, flight risk, or the inadequacy of less restrictive conditions.

14 The Court should grant the Petition and order Petitioner's immediate release under the
15 \$6,000 bond and conditions governing his release immediately before July 7, 2026.

16 In the alternative, the Court should order a prompt hearing with the specific procedural
17 protections set forth above and require Petitioner's release unless Respondents satisfy their
18 burden.

19
20 Dated: July 14, 2026

21 Respectfully submitted,
22 By: /s/ Ann Barhoum
ANN BARHOUM
Attorney for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of California using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 14, 2026, in Mill Valley, CA by:

s/ Ann Barhoum
Ann Barhoum

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