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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSIAS ANTONIO PRADO HERNANDEZ,

No. 1:26-CV-05330-KES-EPG

Petitioner,

**MOTION TO DISMISS PETITION FOR
WRIT OF HABEAS CORPUS AND ALL
INJUNCTIVE RELIEF**

v.

WARDEN OF THE CALIFORNIA CITY
DETENTION CENTER,

Respondent.

Petitioner's request for habeas and injunctive relief should be denied because he already received the relief he requested in *Josias Antonio Prado Hernandez*, No. 1:26-cv-02879-MWJS (E.D. Cal. Apr. 29, 2026) (*Prado I*). In *Prado I*, the Court granted the petition in part and dismissed the request for temporary restraining order as moot. *Id.* As relief, the Court ordered that Petitioner be provided a bond hearing, placing the burden on the respondent to demonstrate by clear and convincing evidence that Petitioner is a flight risk or danger to the community. *Id.*

On or about May 6, 2026, Petitioner, with the benefit of counsel, received his bond hearing. Exhibit A (Order of the Immigration Judge). Bond was denied on account of finding Petitioner to be a danger to the community. *Id.* Petitioner reserved his right to appeal, which was due June 5, 2026. *Id.*

Unhappy with the result, and instead of exercising his right to appeal the bond decision, Petitioner filed the instant habeas petition and renewed his motion for temporary restraining order.

1 Dkts. 1, 2. Because nothing material has changed—the only new fact is two months have passed since
2 he was denied bond—this action in its entirety should be dismissed under claim-preclusion principles
3 and the abuse-of-the-writ doctrine.

4 In the instant petition, Petitioner claims that he was denied bond “because I have traffic
5 violations and one DUI.” Dkt. 1 at 6, ¶ 13. The Order of the Immigration Judge establishes otherwise.
6 Exhibit A. It appears that Petitioner intends to challenge the bond denial, but this is not the forum in
7 which to do so.

8 **I. ARGUMENT**

9 **A. Claim preclusion and abuse-of-the-writ doctrine bars relief.**

10 Petitioner litigated his request for habeas relief challenging his detention. The Court gave
11 Petitioner the relief he requested in the form of a bond hearing. *Prado I*. That decision has not been
12 appealed. Claim preclusion applies because the present petition arises from the same transactional
13 nucleus of facts, the prior judgment was on the merits, and the parties are the same. *See Howard v. City*
14 *of Coos Bay*, 871 F.3d 1032, 1039 (9th Cir. 2017). The res judicata consequences of a final federal
15 judgment are not altered by later disagreements with its reasoning; it binds the parties. *See Federated*
16 *Dep’t Stores, Inc. v. Moitie*, 452 U.S. 394, 398–402 (1981). The only asserted “new” fact is the passage
17 of time since the prior denial. Time does not create a new claim; at most it reframes already-adjudicated
18 theories with elapsed time.

19 Independent from claim preclusion, the petition fails under the abuse-of-the-writ doctrine
20 because it repeats claims that were or could have been raised earlier and shows neither cause and
21 prejudice nor a fundamental miscarriage of justice if the new petition is rejected. *See McCleskey v.*
22 *Zant*, 499 U.S. 467, 494–95 (1991); *Calderon v. U.S. Dist. Ct.*, 163 F.3d 530, 538 (9th Cir. 1998).

23 **B. Petitioner’s failure to challenge the bond hearing bars relief in this forum.**

24 When a petitioner is denied bond, he “may request an additional bond hearing whenever he
25 experiences a material change in circumstances.” *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th
26 Cir. 2022). The regulations for bond hearings under § 1226(a) permit additional hearings “upon a
27 showing that the alien’s circumstances have materially changed since the prior bond determination.” 8
28 C.F.R. § 1003.19(e). An Immigration Judge will order Petitioner’s release if he shows by a

1 preponderance of the evidence that he is not “a threat to national security, a danger to the community at
 2 large, likely to abscond, or otherwise a poor bail risk.” *Matter of Guerra*, 24 I&N Dec. 37, 40 (B.I.A.
 3 2006).

4 Additionally, Petitioner should be required to exhaust his administrative remedy before filing a
 5 habeas petition. When, as here, the Petitioner is prudentially required to exhaust administrative
 6 remedies but has failed to do so, the district court may dismiss the petition without prejudice or stay the
 7 proceedings until the petitioner has exhausted administrative remedies. *Hernandez v. Sessions*, 872 F.3d
 8 976, 988 (9th Cir. 2017). Requiring Petitioner to exhaust his administrative remedy under section
 9 1226(a) through the immigration court would allow the agency to address the detention issue in the first
 10 instance and may “preclude the need for judicial review.” *Okoth v. Kaiser*, No. 1:25-cv-01936-KES-
 11 SAB, 2026 WL 45199, at *4 (E.D. Cal. Jan. 7, 2026).

12 Petitioner’s removal proceedings are moving forward as he is set for a July 28, 2026, hearing in
 13 immigration court at 8:00 a.m. (EOIR Automated Case Information, acis.eoir.justice.gov, enter 
 14  and Mexico).

15 **C. Petitioner’s detention is governed by Section 1225(b)(2)**

16 Petitioner is an “applicant for admission” who is subject to mandatory detention. Section
 17 1225(b)(2) provides for mandatory detention. The plain language of § 1225 is rightly applied to aliens
 18 in this category. *See Alonzo v. Noem*, 2025 WL 3208284, at *2–4 (E.D. Cal. Nov. 17, 2025) (Shubb, J.);
 19 *id.* at *3 (citing two decisions); *Altamirano Ramos v. Lyons*, 2025 WL 3199872, at *4–8 (C.D. Cal. Nov.
 20 12, 2025); *id.* at *8 (citing three more decisions); *but see Alonzo*, 2025 WL 3208284, at *2–3 (conceding
 21 that “many courts,” both in this District and elsewhere, have held to the contrary).

22 The due process claims of applicants for admission are coextensive with the applicable detention
 23 statute. In *DHS v. Thuraissigiam*, 591 U.S. 103, 138–40 (2020), the Supreme Court reiterated the
 24 “important rule” that “as to ‘foreigners who have never been naturalized, nor acquired any domicile or
 25 residence within the United States, nor even been admitted into the country pursuant to law,’ ‘the
 26 decisions of executive or administrative officers, acting within powers expressly conferred by Congress,
 27 are due process of law.’” *Id.* at 138 (emphasis added; *quoting Nishimura Ekiu v. United States*, 142 U.S.
 28 651, 660 (1892)). The Court held that “an alien who tries to enter the country illegally is treated as an

1 ‘applicant for admission,’ § 1225(a)(1),” and that such an alien “has only those rights regarding
 2 admission that Congress has provided by statute.” *Id.* at 140. Crucially, “the Due Process Clause
 3 provides nothing more.”¹ *Id.* (emphasis added); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S.
 4 206, 215 (1953)).

5 An “alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been
 6 admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)
 7 (quoting 8 U.S.C. § 1225(a)(1)). Congress by statute has provided Petitioner with the right to contest his
 8 removal. But Congress by §1225(b) has at the same time mandated that, while Petitioner exercises those
 9 rights, he must be detained. Under *Thuraissigiam* and *Shaughnessy*, the Due Process Clause provides
 10 nothing more.

11 Respondents acknowledge the cases to the contrary in this District. But *Thuraissigiam* explained
 12 that Congress “addressed” the problems of flight risk and the high costs of detention “by providing more
 13 expedited procedures for certain ‘applicants for admission.’” 591 U.S. at 108. Moreover, despite its
 14 singular use of the phrase “regarding admission,” *Thuraissigiam* also makes broad reference to the “due
 15 process rights” of aliens at the threshold of entry, without drawing forced distinctions between
 16 admission and other key aspects of the immigration process — such as detention — with which
 17 admission is typically intertwined. *Id.* at 139 (emphasis added); *see also Carlson v. Landon*, 342 U.S.
 18 524, 538 (1952) (“Detention is necessarily a part of [the] deportation procedure.”).

19 Petitioner does not have a liberty interest in remaining out of custody during the pendency of
 20 removal proceedings. Petitioner (1) had an encounter with law enforcement; (2) had a period of release
 21 terminated because of that law enforcement encounter. Exhibits B (I-213), C (rapsheet).

22
 23
 24 ¹ As the Eighth Circuit has recently observed, there is no warrant in this context “for a multi-
 25 factor ‘reasonableness’ test” of the kind exemplified by *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976),
 26 because *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Demore v. Kim*, 538 U.S. 510 (2003), “have
 27 already done whatever balancing is necessary.” *Banyee v. Garland*, 115 F.4th 928, 933 (8th Cir. 2024);
 28 *accord Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022) (acknowledging that “the
 Supreme Court when confronted with constitutional challenges to immigration detention has not
 resolved them through express application of *Mathews*,” but “assum[ing] without deciding that *Mathews*
 applies here”); *id.* at 1214 (Bumatay, J., concurring) (similarly observing that in “resolving similar
 immigration-detention challenges, the Supreme Court has not relied on the *Mathews* framework”).

1 The agency's previous determination to grant release—particularly if that release was
2 conditional and petitioner violated those conditions—does not alter petitioner's status nor endow
3 petitioner with constitutional rights not provided for by statute. It is the statute that is the sole source of
4 constitutional rights in the case of arriving aliens, and the statute here provides for mandatory detention.
5 *Shaughnessy*, 345 U.S. at 215. This application is constitutional as applied to petitioner's case.

6 **D. Response to Court's July 13, 2026, Order to Show Cause**

7 In response to this Court's July 13, 2026, Order (Dkt. 6), Respondent has established that this
8 case is distinguished from the cases cited for the following reasons: (1) this is a second habeas petition
9 and request for injunctive relief, (2) Petitioner received relief in a prior habeas action, (3) Petitioner
10 received a bond hearing, and (4) Petitioner is a habitual offender. The other petitioners' cases do not
11 have these facts in common.

12 **II. CONCLUSION**

13 In sum, Petitioner received the relief requested and as the Court found appropriate. As an
14 unadmitted alien, Petitioner is due the process that Congress has created. That process includes
15 mandatory detention while Petitioner exercises his statutory right to challenge removal. The petition
16 should be dismissed.

17 Dated: July 15, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

By: /s/ Elisa M. Rodriguez
ELISA M. RODRIGUEZ
Assistant United States Attorney
Attorneys for Respondents

EXHIBIT A



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT

Respondent Name:

PRADO-HERNANDEZ, JOSIAS
ANTONIO

To:

Vizcardo, Christopher Alvin
1258 W South Jordan Pkwy
Ste. 303
South Jordan, UT 84095

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

05/11/2026

☐ Unable to forward - no address provided.

☒ Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

☐ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

☐ Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**. This is a final order. No appeal is available.

Date: 05/06/2026



Immigration Judge: BADRINATH, VIKRAM 05/11/2026

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Respondent Name : PRADO-HERNANDEZ, JOSIAS ANTONIO | A-Number



Riders:

Date: 05/11/2026 By: Mariscal, Claudia, Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT**

Respondent Name:

PRADO-HERNANDEZ, JOSIAS
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South Jordan, UT 84095

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

05/11/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☒ Denied, because

I. DANGER TO THE COMMUNITY

The Court finds that the U.S. Department of Homeland Security has met its burden by "clear and convincing" evidence that the Respondent presents a danger to other persons or property. Matter of Urena, 25 I&N Dec. 140, 141 (BIA 2009) ("Dangerous [noncitizens] are properly detained without bond."). In the instant case, the Respondent has been previously arrested and charged with multiple criminal offenses. The Respondent's criminal convictions are all recent occurring between March 2024 and February 2026. When the Court weighs the totality of the circumstances, the Court concludes that the circumstantial and direct evidence clearly demonstrate that the Respondent poses a danger to other persons or property should he be released. Id.

A. Operating a Vehicle with a License

The Respondent's criminal behavior begins with a relatively innocuous offense but evolves into more serious and dangerous activity. First, on March 21, 2024, the Respondent was convicted by the Ogden City Justice Court, for the offense of Operating a Vehicle without Insurance, in violation of 41-12A-302, Misdemeanor C, for which he was sentenced to a term of 90 days ordered him to pay a fine of four hundred dollars (\$400). See Bond Exhibit ("Bond Exh.") 4 (Record of Deportable/Inadmissible Alien (Form I-213)).

Next, on June 19, 2024, the Respondent was convicted by the Murray Justice Court, for the offense of Reckless Driving, in violation of 41-6A-528, Misdemeanor B, for which he was sentenced to a term of zero days of incarceration and ordered to pay a fine of six-hundred ninety (\$690) dollars. *Id.* at 2. During the hearing, the Respondent testified to the facts and circumstances surrounding this incident. He testified that he was leaving work at approximately 7am to 8am in the morning, was driving approximately 15-20 miles per hour, when he crashed his vehicle into fixed object (i.e., a drum). As a result of this crash, the air bags in the vehicle deployed and the vehicle was totaled; the insurance company did not pay for any repairs to the vehicle. The Respondent denied having consumed alcohol, but admitted that he fell asleep just before the crash occurred. The Court finds that this criminal offense resulted in harm to property.

C. Driving Under the Influence Offense

Although the Respondent's criminal activity in the United States began with a conviction for "Operating a Vehicle Without a License," and escalated to "Reckless Driving," the record shows that he was convicted of a progressively more severe and dangerous offense. *Id.*

In the this regard, on August 20, 2024, the Respondent was convicted by the Davis County Justice Court, for the offense of Driving under the Influence - 1st Offense in 10, in violation of Utah Code § 41-6A-502 (1) + (2A), Misdemeanor B, for which he was sentenced to a term of 180 days of incarceration, forty-eight (48) hours of community service, and ordered to pay a fine of \$1390.00. *Id.* at 2; see also Bond Exh. 2 (Respondent's Evidence), Tab S (Criminal Court Minutes, State of Utah).

The record shows that the Respondent was arrested at 2:18am in May 12, 2024. *Id.* He was initially charged with three (3) offenses, to wit: (1) FAIL TO OPERATE WITHIN A SINGLE LANE in violation of Utah Code § 41-6A-710(1)(A); (2) DRIVING ON SUSPENDED OR REVOKED LICENSE - Class C Misdemeanor, in violation of Utah Code § 53-3-227 (1); and (3) DRIVING UNDER THE INFLUENCE - 1ST OFFENSE IN 10 YEARS ("DUI") - Class B Misdemeanor, in violation of Utah Code § 41-6A-502 (1) + (2A).

During the bond hearing, the Respondent testified to the underlying facts and circumstances concerning his DUI offense. The Respondent testified that he had consumed three (3) to four (4) alcoholic beverages in a Salt Lake City, Utah bar approximately one (1) hour before operating a motor vehicle. The Respondent testified that he "felt okay," and was not impaired to the slightest degree. The Respondent testified that he was stopped by police because he was unable to drive straight in his own lane. The Court finds that the Respondent was apparently swerving in his own lane. After the Respondent was stopped, he was forced to perform Field Sobriety Tests, a blood alcohol level was checked, and he was charged

Ultimately, the Respondent was convicted of DRIVING UNDER THE INFLUENCE - 1ST OFFENSE IN 10 YEARS, Class B Misdemeanor, while the other charges against him were dismissed. During those criminal proceedings, the Respondent failed to appear and a warrant for his arrest was issued. See Bond Exh. 2, Tab S, EOIR p. 94-95.

1. PROBATION VIOLATION (Dec. 19, 2024)

Notwithstanding the Respondent's escalation criminal offenses, the record also reveals that the Respondent committed a probation violation. See Bond Exh. 2, Tab S, (Minutes, Second Judicial District, Davis County Justice Court, Davis County, State of Utah), EOIR p. 91 (Dec. 19, 2024). In this regard, the Justice Court made an explicit finding that the "[b]ased on [a] review [of the file and docket] , I have determined that the defendant has violated probation, (77-18-108 (3) (A) , UTAH CODE ANN.)" Id. Specifically, the Respondent was in violation of his probation because he failed to complete: (1) Substance Abuse Assessment; (2) Compensatory Community Service; (3) Return to Court to Pay Fines and Fees. Id. During the hearing, the Respondent testified that he did not participate in any rehabilitative classes, or other substance abuse programs. Here, the Respondent failed to comply with Court orders and thus his probation was violated. Id. The Court finds that the Respondent's probation violation is a serious adverse factor where, as here, the Respondent has been convicted of both recent and serious offenses.

As a result of his DUI conviction, the Respondent was also ordered to have an ignition interlock device installed on his vehicle. Such a device insures that an individual who has a DUI conviction record, cannot operate a vehicle while intoxicated. Here, the Respondent was ordered to have such a device installed. During the bond hearing, the Respondent testified that he knew he was prohibited from operating a motor vehicle that did not have such a device installed.

D. Ignition Interlock Device Violation

Despite these convictions, and the orders of the Court to not operate a vehicle without an ignition interlock device, the Respondent engaged in further criminal activity. Specifically, on February 24, 2026, the Respondent was again convicted by the Ogden City Justice Court, for the offense of Interlock Restricted Driver Operating Vehicle, in violation of 41-6A-518.2, Misdemeanor B, for which he was sentenced to a term of six (6) days in jail. The Court finds the Respondent's failure to follow the Court's orders as serious aggravating factors.

During the bond hearing, the Respondent testified on direct that he drove another individual's vehicle because of an emergency. However, when queried by the Court as to the nature of the emergency, the Respondent testified it was to purchase groceries (i.e., food and water) at a local grocery store. The Respondent testified that

his mother purchases groceries at a store within walking distance, but that he chose to operate a vehicle to do so. The Court finds the Respondent's testimony to not be credible that the purchase of groceries to be an "emergency." During the hearing, the Respondent testified that there were other options available, including a grocery store within walking distance. The Court finds it deeply troubling that the Respondent chose to directly, and voluntarily, disobey Court orders simply to purchase groceries. The Court finds this to be a serious adverse factor against the Respondent.

II. FINDINGS AND ANALYSIS

The Court finds that the Respondent's repeated contact with law enforcement is deeply troubling. Here, the Respondent's arrest and conviction record show increasing criminal activity - ranging from Operating a Vehicle without Insurance to Reckless Driving, Driving Under the Influence, and a Ignition Interlock Device Violation. The Court finds the Respondent's DUI conviction to be both recent and serious. The Board of Immigration Appeals has held multiple DUI convictions during the statutory period render an individual statutorily ineligible for cancellation of removal under section 240A(b) of the Immigration & Nationality Act insofar as such a person cannot show "good moral character." *Matter of Castillo-Perez*, 27 I&N Dec. 664 (A.G. 2019).

Even setting good moral character aside, an alien with multiple DUI convictions would likely be denied cancellation of removal as a purely discretionary matter. See *Moncrieffe*, 569 U.S. at 204 ("The Attorney General may, in his discretion, . . . deny relief if he concludes the negative equities outweigh the positive equities of the noncitizen's case[.]").

Although the Respondent has one (1) DUI conviction, he also has a conviction for Reckless Driving, and he violated the criminal court's orders not to operate a vehicle without an ignition interlock device that resulted in another conviction. The Court is primarily concerned with the Respondent's repeated, escalating criminal history of four (4) convictions - one (1) for DUI, one for Reckless Driving, another for Violation of Ignition Interlock Device Requirement, and Operating a Vehicle without Insurance. All of these convictions underscore the Respondent's apparent inability to conform his conduct to the law. At the outset, the Court finds that the consumption of alcohol prior to the operation of a motor vehicle is deeply concerning. Driving under the influence is an "extremely dangerous crime." *Matter of Siniauskas*, 27 I&N Dec. 207, 208 (BIA 2018) (quoting *Begay v. United States*, 553 U.S. 137, 141 (2008)). Because the "very nature of the crime of [driving while intoxicated] presents a 'serious risk of physical injury' to others," the Court finds the respondent's criminal history to be a significant adverse consideration in his bond proceedings. See *Matter of Siniauskas*, 27 I&N Dec. at 208-209; *Marmolejo-Campos v. Holder*, 558 F.3d 903, 913 (9th Cir. 2009). All fifty (50) states in the country have spoken clearly on the morality of DUI offenses. *Birchfield v. North Dakota*, 136 S. Ct. 2160, 2166 (2016) (noting that there is a national consensus that drunk and other forms of impaired driving are unacceptable conduct that imposes intolerable harms on society);

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See id. (“Drunk drivers take a grisly toll on the Nation’s roads, claiming thousands of lives, injuring any more victims, and inflicting billions of dollars in property damage every year.”); Mitchell v. Wisconsin, 139 S. Ct. 2525, 2531 (2019) (plurality opinion) (noting “the country’s efforts over the years to address the terrible problem of drunk driving”); Ledezma-Cosino v. Sessions, 857 F.3d 1042, 1047 (9th Cir. 2017) (en banc) (“Driving under the influence is, self-evidently, a public harm.”). Multiple DUI convictions represent a repeated failure to meet the community’s moral standards, rather than a “single lapse” that would be less probative of moral character. Matter of B-, 1 I&N Dec. 611, 612 (BIA 1943).

Significantly, all of the Respondent's criminal activity is recent. Thus, the Respondent presents to the Court with recent and serious criminal activity. Further, the Court finds that the seriousness of the respondent's criminal behavior relating to DUI reflects that he poses a danger to the community, especially where, as here, the Respondent has more than one arrest and conviction, to wit: Reckless Driving, Violation of Ignition Interlock Device. Here, the repetitive nature of his arrests is highly indicative of future dangerousness. See Matter of Siniauskas, 27 I&N Dec. at 209. Given the nature of the convictions, including the underlying facts and circumstances, the Court finds that the U.S. Department of Homeland Security has clearly met its burden to demonstrate that the Respondent is a substantial danger. Matter of Guerra, 24 I&N Dec. 37, 39-40 (BIA 2006). The Respondent also testified that he has not completed any type of rehabilitation such as the completion of counseling or classes to address his DUI behavior, to rebut the government's showing. See Bond Record of Proceedings, A204-645-045. Indeed, the record reveals that the Respondent has committed a succession of more serious offenses, one after the other, even after having been convicted, and even after having been placed on probation. The Respondent failed to appear for at least one of his scheduled hearings and violated probation. The Court is left with the firm conviction that the Respondent's criminal behavior demonstrates that his release would pose a danger to the community and other persons and property. Matter of Urena, 25 I&N Dec. at 141.

Considering the record as a whole, including the Respondent's four (4) convictions, including a DUI, reckless driving, and violation of ignition interlock device requirements, his probation violation, and the lack of evidence demonstrating any form of rehabilitation, the Court finds that the Respondent constitutes a danger to the community. Matter of Siniauskas, 27 I&N Dec. 207, 208- 09 (BIA 2018).

Accordingly, the request for custody redetermination is, hereby, DENIED.

IT IS SO ORDERED.

- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:

☒ Other:

This bond hearing was heard pursuant to the Order of the U.S. District Court, Eastern District of California, dated April 29, 2026, requiring the Court to hear the bond request pursuant to section 236(a) of the Immigration & Nationality Act.



Immigration Judge: BADRINATH, VIKRAM 05/11/2026

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 06/05/2026

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Respondent Name : PRADO-HERNANDEZ, JOSIAS ANTONIO | A-Number : 

Riders:

Date: 05/11/2026 By: Mariscal, Claudia, Court Staff