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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SALVADOR FLORES GONZALEZ,	)	Case No. 1:26-cv-06150-JLT-EPG
Petitioner,	)	
vs.	)	REPLY
Warden of the Golden State Annex	)	
Detention Facility, Current or Acting	)	
Field Office Director, San Francisco	)	
Field Office, United States Immigration	)	
and Customs Enforcement; Current or	)	
Acting Director, United States	)	
Immigration and Customs Enforcement;	)	
Current or Acting Secretary, United	)	
States Department of Homeland	)	
Security; and Current or Acting United	)	
States Attorney General,	)	
Respondents.	)	

In Response to Docket Entry #7: 1) Petitioner does not request a hearing or additional briefing on the merits aside from this Reply; 2) Petitioner agrees to convert the request for a TRO into a preliminary injunction without further briefing, aside from this reply; and 3) Petitioner does not request additional briefing on the merits of the petition beyond the current Reply.

Petitioner seeks release pending resolution of the habeas petition, protection against re-detention absent individualized findings, and protection against removal to a third country

1 without due process. We request that Respondents also be ordered to return all documents/forms
2 of ID/money that they took away from Petitioner at the time that he was detained¹.

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4 **I. PETITIONER SATISFIES THE REQUIREMENTS FOR A PRELIMINARY**
5 **INJUNCTION**

6 A petitioner seeking a preliminary injunction must demonstrate: (1) a likelihood of
7 success on the merits; (2) a likelihood of suffering irreparable harm absent preliminary relief; (3)
8 that the balance of equities tips in the plaintiff's favor; and (4) that an injunction is in the public
9 interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008); *Hernandez v.*
10 *Sessions*, 872 F.3d 976 (2017). All of the Winter elements fall in favor of a grant of a
11 preliminary injunction.
12

13 **A. PETITIONER HAS DEMONSTRATED A LIKELIHOOD OF SUCCESS ON**
14 **THE MERITS**

15 **Petitioner admitted to failing to properly check in with DHS/ICE but points out that**
16 **the last failure was more than a year ago (on or about June 17, 2025) and ever since then he**
17 **has been perfectly compliant with all DHS/ICE mandates. (Doc. 10-1, pg. 6-7). More than**
18 **this, four of the eight total violations alleged were due to being “out of zone” but Mr. Flores**
19 **was still checking in. Three of the eight violations listed in Doc.10-1 pg. 6, were on the same**
20 **date and within a minute of each other (January 30, 2025; 14:45:40 to 14:45:39)— was this**
21 **an error to count these as separate violations? Petitioner apologizes for any and all**
22 **failures to abide by ICE’s mandate but still believes that due to the fact that the last**
23 **violation was distant in time, and because he presents no flight or safety risk, he should be**
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¹ Note: All of the Exhibits were provided to Respondents Counsel on August 11, 2026 before Respondents’ response was submitted.

1 allowed to be with his family on the same terms of supervision as he was on before his
2 incarceration.

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4 During the same time frame of the alleged violations, the Petitioner remained
5 compliant with all other laws and regulations that he was subject to. On or about March 2,
6 2024, Mr. Flores entered the United States legally and though he was kidnapped and
7 tortured while in Mexico, he waited until he was allowed to enter the United States legally.
8 (*Exhibit A: I-94 Parole granted (DT admission)*, pg.1). Once inside the country he applied
9 for his work permit, based on that admission, and has never missed any immigration court
10 hearings. He *timely* lodged his I589 asylum application within the one year deadline for
11 himself (principal) and his family (derivative beneficiaries in his application). (*Exhibit B:*
12 *February 10, 2025 Time Stamped I589*, pg.2). He has filed his taxes here in the United
13 States and he has no criminal history here in the United States nor anywhere else in the
14 world. (*Exhibit E: Taxes*, pg. 6-7; See also Doc. 10-1, pg.3).

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17 Aside from his compliance with laws and regulations, Mr. Flores has strong ties to
18 the community. He is a father to a son that is excelling in second grade. (*Exhibit D,*
19 *Grades are all As*, pg. 4-5). And a father to a one year old US citizen toddler that needs
20 him home. (*Exhibit C: Birth Certificate* pg.3). Despite the language barrier, Mr. Flores
21 participates in school activities and encourages his son to take advantage of all the
22 educational opportunities that this country has to offer. Mr. Flores is the main and only
23 breadwinner in his family. (*Exhibit F: Recent Pay Stubs*, pg. 8-11). As can be seen in the
24 paystubs he gets paid about \$16 an hour and with that has provided stability and safety to
25 his family. Mr. Flores co-workers write to the Court to describe Mr. Flores as an honest
26 and dedicated person who has been working with them since May 2024 and describe how
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1 sad it is to have such a “promising figure of the community taken away from his family and
2 friends.” (*Exhibit G: Two Letters from Co-Workers*, pg. 12-15).

3
4 The government has not articulated any individualized danger or flight risk basis
5 that warranted Mr. Flores’ detention or continued detention. Mr. Flores is likely to win on
6 the merits of his case.

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9 **B. PETITIONER WILL SUFFER IRREPERABLE HARM ABSENT**
10 **IMMEDIATE RELIEF**
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12 Petitioner is the sole and primary financial provider for his family. (*Exhibit F: Pay*
13 *Stubs* pg. 8-11). His family is currently experiencing financial hardship and fears not being
14 able to pay the rent for the upcoming month. He has two sons here in the United States
15 with him, including a one year old that is a US Citizen and still requires the expenses of
16 diapers and formula on an every day basis.

17
18 The continued separation of Petitioner from his family cannot be adequately
19 remedied and the family’s economic condition is a heavy emotional and financial strain on
20 the petitioner. This ongoing harm becomes more and more severe with each passing day
21 that Petitioner is detained. The petitioner and his family left their native country due to a
22 well founded fear for their safety – now due to Petitioner’s ongoing detention, their safety is
23 once again at risk since the family lost its financial support and hence ability to keep a roof
24 over their head and meet basic needs. The threatened injury is both immediate and
25 irreparable.
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1 It is important to highlight that the irreparable harm is not just financial and
2 emotional, it is also psychologically difficult for Mr. Flores' since he was kidnapped and
3 tortured when he was in Mexico on or about July 25, 2023. Close to the anniversary of that
4 savage attack on his liberty and life, on July 26, 2026, as asked to do so by ICE, he reports
5 to the local ICE headquarters in Fresno, CA as part of the Alternative to Detention (ATD)
6 program and without notice is detained and separated from his family (*Doc. 10-1*, pg. 2).

8 Being detained from his family also has an additional legal irreparable harm. With
9 him detained, his asylum case is sever from his family's asylum hearings. His family now
10 has different court dates than him. This jeopardizes his family's status here in the country
11 since they are beneficiaries under his principal asylum application. (*Exhibit B: Time*
12 *Stamp Asylum App. pg. 2*). The family needs to keep the family's asylum case together or
13 else his wife and child will not be able to properly put forward their defense in immigration
14 court and risk deportation. This detention and continued detention has caused and will
15 continue to cause irreparable financial, emotional, psychological and legal harm absent
16 immediate relief.

19 **C. THE BALANCE OF EQUITIES STRONGLY FAVORS PETITIONER**

20 On one side of the scale, Petitioner faces continued separation from his family,
21 ongoing financial hardship to his household, and the disruption of his role as a father,
22 provider and community member as well as the incarceration affecting the strength of his
23 family's asylum court hearing. The basis of his asylum claim is that he was kidnapped and
24 tortured in Mexico. He found safety when he moved here to the United States with his
25 family. His recent detention that happened just days away from the anniversary of his
26 kidnapping and torture in Mexico has reignited horrible memories that haunt Petitioner
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1 and his family. He cannot sleep and is unable to eat properly due to memories of his
2 previous kidnapping and abuse once again resurfacing in his mind.

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4 The government faces little to no risk from the requested relief where constitutional
5 rights are at stake, particularly the fundamental interest in freedom from physical
6 restraint without due process. *And the government has not stated any particular interest*
7 *in keeping Mr. Flores detained.* The record contains substantial evidence that Petitioner is
8 neither a flight risk nor someone who ignores legal obligations. Petitioner entered lawfully,
9 timely filed his asylum application, has filed his tax returns, has maintained employment,
10 and through his kids and wife and as is evidenced by the letters submitted by his co-
11 workers, has developed extensive ties to his community and a positive reputation.

12
13 The evidence is concrete and it demonstrates that Petitioner has sought to comply
14 with legal requirements throughout his time in the United States. Even when he was
15 detained by ICE, he was not randomly apprehended in the street, he was asked to report to
16 the ICE office and he did as he was told. To his surprise, ICE apprehended him right there
17 in their Fresno headquarters, Mr. Flores did not resist instead he compliant and “was
18 taken into custody without incident.” (Doc. 10-1, pg. 2).

19 20 21 **D. AN INJUNCTION SERVES THE PUBLIC INTEREST**

22 The public interest favors the issuance of preliminary relief. The public has a strong
23 interest in ensuring that government action complies with the law and that individuals are
24 afforded meaningful judicial review of their claim. The public also has a strong interest in
25 preserving family unity where consistent with the law and also to avoid unnecessary hardships
26 on innocent children.
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