

1 SALGADO & PERALTA, P.A.
2 Mario Salgado, SBN: 128533
3 605 Market Street, Suite 1111
4 San Francisco, CA 94105
5 Tel: (415) 401-8699

6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8 FRESNO DIVISION

9 Cristian Amaya-Quinteros,

10 Petitioner,

11 v.

12 CORECIVIC, INC., a Maryland corporation,
13 operating the California City Detention
14 Facility; Kristi NOEM, Secretary of the
15 Department of Homeland Security; Pamela
16 BONDI, U.S. Attorney General; in their
17 official capacity; Moises BECERRA, in his
18 official capacity as Field Office of
19 Immigration and Customs Enforcement,
20 Enforcement and Removal Operations.

21 Respondents.

Case Number: 1:25-cv-01672-AC

Petitioner's Reply

22 Petitioner, Cristian Amaya-Quinteros ("Petitioner"), respectfully supplements the
23 previously submitted reply (ECF No. 14) with this reply in support of his petition for writ of
24 habeas corpus (the "Petition").

25 **PRELIMINARY STATEMENT**

26 This case can only be described as Kafkaesque. As repeated from Petitioner's previous
27 reply, Petitioner is not properly classified as a detainee under 8 U.S.C. § 1225, as the expedited
28 removal process initiated against him were effectively abandoned shortly after they began and
they have since been vacated by the Immigration Judge in any case. ECF No. 14. This Court

1 need not look for a legal precedent to find that the Government abandoned the expedited removal
2 process prior to his re-arrest because the facts demonstrate that Petitioner was released without
3 any plans to subject him to “ongoing” proceedings. Rather the Government’s evidence indicates
4 that Petitioner was re-arrested under evolving theories to achieve their goal of removing him
5 from the United States regardless of the liberty interest he accrued in obtaining an immigration
6 benefit while a free man.
7

8 The Government’s own evidence demonstrates that Petitioner was re-arrested after a
9 discretionary release pursuant to section 236 of the Act, but the Deportation Officer who arrested
10 him at the Asylum Office thought he was “removable under Section 212(a)(9)(C)(i)(II)...as an
11 alien who has been ordered removed under section 235(b)(1)...who enter[ed] the United States
12 without being admitted.”¹ ECF No. 22-2, Exh 1. The Deportation Officer’s report also indicated
13 that he believed that “[o]n February 2, 2022, [Petitioner] was released on parole” despite being
14 release pursuant to section 236. *Compare* ECF No. 1, Pet’r Exh. F to ECF No. 22-2, Exh 1. The
15 report indicates that the Deportation Officer believed Petitioner had completed the expedited
16 removal process in 2022 where he states “[Petitioner] was processed an as Expedited Removal
17 with Credible Fear” and that his presence at the San Francisco Asylum Office was
18 “...subsequent to an interview for [an] additional immigration benefit.” ECF No. 22-2, Exh 1.
19 The report does not further detail what the USCIS told the Deportation Officer about the nature
20 of the interview and it is left vague.
21
22
23
24
25

26 ¹ 8 U.S.C. section 1182(a)(9)(C)(i)(II) provides, “Any alien who...has been ordered removed
27 under section 1225(b)(1) of this title, section 1229a of this title, or any other provision of law,
28 and who enters or attempts to reenter the United States without being admitted is inadmissible.

1 The Deportation Officer's presence at the Asylum Office seems to have been to arrest
2 Petitioner for an alleged re-entry with a prior removal order. On the evidence submitted, it is
3 undisputed that Petitioner did not enter after removal and the Government has not presented a
4 theory that he is subject to reinstatement of a prior removal order under section 241(a)(5) of the
5 Immigration and Nationality Act.² If the Deportation Officer's report is written in chronological
6 order, it seems that he only became aware that the interview at the Asylum Office was a credible
7 fear interview when "USCIS APSO determined [Petitioner's] credible fear finding was negative
8 and [Petitioner] requested a review of the determination by an immigration judge." ECF No. 22-
9 2, Exh 1.

12 Under the Government's theory on detention authority, Petitioner was subject to arrest at
13 any time anywhere regardless of the manner of release or the time spent in the United States. The
14 Government makes the argument that discretionary detention, mandatory detention, and parole
15 revocation procedures as laid out in 8 U.S.C. sections 1225, 1226, and 1182(d)(5)(A) do not
16 seem to matter because the Government can detain noncitizens who are inadmissible at any time
17 anywhere. ECF No. 22 at 8 ["...there is no distinction between an arrest at the border or an arrest
18 in the interior contained in 8 U.S.C. section 1225 or 1226...[and] [an][8 U.S.C. section
19 1182(d)(5)(A)] discretionary grant of release did not somehow change Petitioner's status as an
20 applicant for admission nor grant him new substantive rights." ECF No. 22 at 8. The
21 Government's response suggests that Petitioner was released pursuant to the parole authority in 8
22 U.S.C. section 1182(d)(5)(A), but then makes a contradictory statement that "Petitioner's
23 conditional release also was not 'parole into the United States' for the purposes of expedited
24

25
26
27 ² 8 U.S.C section 1231(a)(5) provides "If the Attorney General finds that an alien has reentered
28 the United States illegally after having been removed or having departed voluntarily, under an
order of removal, the prior order of removal is reinstated from its original date and is not subject
to being reopened or reviewed, the alien is not eligible and may not apply for any relief under
this chapter, and the alien shall be removed under the prior order at any time after the reentry.

1 removal proceedings.” ECF No. 22 at 8-9. The Government’s argument seems as confused as the
2 Deportation Officer’s arrest authority and underscores the evolving theories being used to justify
3 Petitioner’s detention. The Government’s request for the Court to reconsider its order for
4 Petitioner’s A-file keeps hidden what appears to be very irregular procedures being used in his
5 apprehension and as such Petitioner opposes the Government’s request. ECF No. 22 at 2 fn.1.
6 Further, the sensitive records the Government seeks to keep confidential relate only to Petitioner
7 and it is nonsensical to withhold Petitioner’s records from himself to protect his own
8 confidentiality.
9
10

11 Although the Government asserts that there was no retaliation behind Petitioner’s
12 termination of deferred action, these proceedings are wrought with unjustified targeting. The
13 Government has access to all of Petitioner’s immigration records and knows that he is a Special
14 Immigrant Juvenile beneficiary awaiting adjustment of status. Despite this, the Government
15 arranged to have the USCIS contact the Deportation Officer and inform him of Petitioner’s
16 interview for an “immigration benefit,” the Deportation Officer arrests Petitioner based on a
17 belief that he re-entered the United States after being expeditiously removed,³ and thereafter the
18 Deportation Officer learned that the AO conducted a credible fear interview that was negative –
19 leaving the Deportation Officer with an alternate justification to detain Petitioner under the
20 expedited removal authority. ECF No. 22-2, Exh 1. The irregularities in these proceedings
21 highlight the Government’s determination to detain noncitizens at all costs and place them in the
22 most uncomfortable positions.
23
24

25 ³ The Government has not provided any records showing the outcome of a credible fear
26 interview in 2022 despite Petitioner providing the only two pages he was provided in a FOIA
27 request indicating that he was provided an interpreter to explain his rights during a proceeding.
28 ECF No. 16, Pet’r Exh. D. The Deportation Officer’s report supports Petitioner’s assertion that
there may have been a conclusion to the expedited removal proceedings contrary to the
Government’s argument that “...he never had a credible fear interview prior to 2025.” ECF 22 at
3.

1 The Government's response acknowledges this Court has granted TROs in *Garcia v.*
2 *Andrews*, No. 1:25-cv-01006, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) and *J.S.H.M. v.*
3 *Wofford*, No. 1:25-cv-01309, 2025 WL 2938808 (E.D. Cal. Oct 16, 2025), but does not address
4 the release of petitioners similarly situated to Petitioner who were subjected to expedited
5 removal processes years before their re-arrest for detained removal proceedings. *Jimenez v. FCI*
6 *Berlin Warden*, No. 25-cv-326-LM-AJ at *10-11 (D.N.H. Sept. 8, 2025); *Romero v. Hyde*, ---
7 F.Supp. 3d ---, 2025 WL 2403827, at *8 (D. Mass. Aug. 19, 2025); *Gomes v. Hyde*, No. 1:25-
8 cv-11571-JEK, 2025 WL 1869299 at *5, *8 (D. Mass. July 7, 2025). ECF No. 22 at 13-14. Nor
9 does the Government acknowledge the litigation in *Maldonado Bautista et al. v. Santacruz et al.*,
10 No. 25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) that provides noncitizens with the
11 opportunity for bond redetermination hearings before IJ's who are detained pursuant to 8 U.S.C.
12 section 1226. The growing litigation on this issue leads to the conclusion, based on twenty years
13 of previous acknowledgement by the Federal Government that "applicants for admission,
14 [noncitizens]who are present without having been admitted or paroled will be eligible for bond
15 and bond redetermination." *Jimenez v. FCI Berlin Warden*, No. 25-cv-326-LM-AJ (D.N.H. Sept.
16 8, 2025) at *16 citing 62 Fed. Reg. 10312-01, 10323 (Mar. 6 1997).

17
18
19
20
21 The Due Process Clause prohibits the government from revoking an existing grant of
22 liberty without first providing notice and a meaningful opportunity to be heard, and that principle
23 applies with full force where DHS seeks to re-detain a noncitizen previously released under 8
24 U.S.C. § 1226(a), 8 C.F.R. § 236.1(9). See *Rodriguez Diaz v. Kaiser*, 2025 WL 3011852, at *7
25 (N.D. Cal. Sept. 16, 2025) applying the rights of citizens on criminal parole in *Morrissey v.*
26 *Brewer*, 408 U.S. 471, 481-82 (1972) to noncitizen civil immigration detainees in *Ortega v.*
27 *Bonnar*, 415 F.Supp.3d 963, 939 (N.D. Cal. 2019). Once DHS has exercised its discretion to
28

1 release a noncitizen into the community, a substantial liberty interest accrues, and detention
2 becomes the exception rather than the rule. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001);
3 *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017). Courts in the Northern District have
4 repeatedly held that DHS may not summarily revoke that liberty interest through re-arrest
5 without first affording pre-deprivation process, including notice of the alleged violations or
6 changed circumstances, a hearing before a neutral decision-maker, and a determination that a
7 material change in circumstances justifies re-detention. *See Rodriguez Diaz v. Kaiser*, 2025 WL
8 3011852, at *6–8 (N.D. Cal. Sept. 16, 2025); *Guillermo M.R. v. Kaiser*, 2025 WL 1983677, at *8
9 (N.D. Cal. July 17, 2025); *Pinchi v. Noem*, 2025 WL 2084921, at *3–5 (N.D. Cal. July 25,
10 2025). A post-arrest bond redetermination hearing does not cure the constitutional defect because
11 it presumes detention and improperly places the burden on the noncitizen to prove a negative—
12 namely, that he is not a danger to the community or a flight risk—rather than requiring the
13 government to justify the deprivation of liberty in the first instance. *See Matter of Guerra*, 24 I.
14 & N. Dec. 37, 40 (BIA 2006); *Guillermo M.R.*, 2025 WL 1983677, at *8. As the Supreme Court
15 has long recognized in the parole-revocation context, due process requires that reincarceration be
16 preceded by a hearing at which the government bears the burden of establishing that continued
17 liberty is no longer warranted. *See Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982).

22 ARGUMENT

23 A TRO and a preliminary injunction are both extraordinary remedies. In general,
24 “[t]emporary restraining orders are governed by the same standard applicable to preliminary
25 injunctions.” *Aiello v. One West Bank*, No. 2:10-cv-0227-GEB-EFB, 2010 WL 406092, at *1 (E.D.
26 Cal. Jan. 29, 2010) (internal citations omitted); *see also* E.D. Cal. L.R. 231(a).

1 For both a TRO and a preliminary injunction, courts consider whether Petitioner has
2 established: “[1] that he is likely to succeed on the merits, [2] that he is likely to suffer
3 irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his
4 favor, and [4] that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555
5 U.S. 7, 20 (2008). Petitioner must “make a showing on all four prongs” of the *Winter* test. *Alliance*
6 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). In evaluating a petitioner’s
7 motion, a district court may weigh petitioner’s showings on the *Winter* elements using a sliding-
8 scale approach. *Id.* A stronger showing on the balance of the hardships may support issuing a
9 preliminary injunction even where the petitioner shows that there are “serious questions on the
10 merits ... so long as the [petitioner] also shows that there is a likelihood of irreparable injury and
11 that the injunction is in the public interest.” *Id.* Simply put, Petitioner must demonstrate, “that [if]
12 serious questions going to the merits were raised [then] the balance of hardships [must] tip[]
13 sharply” in Petitioner’s favor in order to succeed in a request for a preliminary injunction. *Id.* at
14 1134–35.

15
16
17
18 Petitioner seeks emergency injunctive relief to halt his continued unlawful detention
19 following DHS’s summary revocation of his release. For nearly four years, Petitioner lived in the
20 community, applied for and received an immigration benefit that is a pathway to lawful
21 permanent residency, and was re-arrested without notice, without a hearing, and without any
22 determination by a neutral decision-maker that a material change in circumstances rendered him
23 a flight risk or danger to the community. DHS now continues to detain Petitioner under a theory
24 of continued section 1225 expedited removal proceedings despite those proceedings having been
25 vacated by the Immigration Judge. Absent immediate injunctive relief, Petitioner will remain
26
27
28

1 unlawfully incarcerated in violation of the Fifth Amendment and the Immigration and
2 Nationality Act.

3
4 **I. Petitioner Has a Strong Likelihood of Success on the Merits Because He Was Re-**
5 **Arrested Without a Pre-Deprivation Hearing and Denied Bond Post-Deprivation**
6 **Based on The IJ's Defiance to *Maldonado Bautista et al. v. Santacruz et al.***

7 Petitioner is likely to succeed on the merits of his claim challenging his re-arrest and
8 continued detention without a bond redetermination hearing. It is firmly established that
9 individuals released under INA § 236(a) retain a protected liberty interest, and absent a material
10 change in circumstances justifying detention, they should remain free. *See Rodriguez Diaz v.*
11 *Kaiser*, 2025 WL 3011852, at *6–8 (N.D. Cal. Sept. 16, 2025); *Guillermo M.R. v. Kaiser*, 2025
12 WL 1983677, at *8 (N.D. Cal. July 17, 2025); *Pinchi v. Noem*, 2025 WL 2084921, at *3–5 (N.D.
13 Cal. July 25, 2025); *Ortega v. Bonnar*, 415 F.Supp.3d 963, 939 (N.D. Cal. 2019).

14 Here, the Government has not identified any change in circumstances warranting
15 revocation of Petitioner's release. Petitioner has at all times been cooperative with immigration
16 authorities and obeyed notices sent to this address. Petitioner reported to the Asylum Officer
17 under the guise of a credible fear interview and was arrested based on a mistaken belief he re-
18 entered the country after being previously ordered removed. The circumstances leading to
19 Petitioner's arrest show that he is not a flight risk or danger to the community – to the contrary –
20 he has demonstrated compliance and cooperation.

21
22 Moreover, allowing DHS to re-arrest Petitioner prior to an individualized determination
23 of danger or flight risk constitutes a potential abuse of process. Such preemptive detention
24 undermines the procedural safeguards designed to protect released individuals, particularly when
25 they have consistently complied with immigration authorities.
26
27
28

1 Petitioner is also likely to succeed because DHS and the IJs have elected to treat all who
2 enter the United States without proper legal documentation as “arriving aliens” or “applicants for
3 admission” for purposes of detention—effectively ignoring the distinction between a person who
4 enters the United States without inspection and a person who arrives at a Port of Entry as an
5 arriving alien. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); “Interim Guidance
6 Regarding Detention Authority for Applicants for Admission,” ICE Memorandum (July 8,
7 2025). A U.S. District Court Judge has recently struck this practice down and issued an Order for
8 Summary Judgment, ruling specifically that this practice is unlawful. *Maldonado Bautista v.*
9 *Santacruz*, No. 5:25-CV-01873- SSS-BFM, Documents 81, 82 (C.D. Cal.).

12 Other U.S. District Court Judges have granted habeas corpus petitions where DHS has
13 detained noncitizens previously encountered at the border – some of whom were processed for
14 expedited removal and had those orders vacated by an immigration judge – when they were
15 arrested without a warrant in violation of the discretionary procedures laid out in 8 U.S.C. §
16 1226(a) for interior arrests. *Jimenez v. FCI Berlin Warden*, No. 25-cv-326-LM-AJ at *10-11 (D.
17 New Hampshire Sept. 8, 2025); *Romero v. Hyde*, --- F.Supp. 3d ----, 2025 WL 2403827, at *8
18 (D. Mass. Aug. 19, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299 at *5, *8
19 (D. Mass. July 7, 2025).

22 The Adelanto Immigration Court’s decision to find a lack of jurisdiction in reliance of the
23 invalidated reasoning of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) reinforces
24 Petitioner’s position that he is being arbitrarily detained in violation of her rights before and after
25 her detention. ECF No. 16, Exh. F. The Government wants Petitioner detained and removed
26 despite twenty years of acknowledgement that “applicants for admission, [noncitizens] who are
27 present without having been admitted or paroled will be eligible for bond and bond

1 redetermination.” *Jimenez v. FCI Berlin Warden*, No. 25-cv-326-LM-AJ (D. N.H. Sept. 8, 2025)
2 at *16 citing 62 Fed. Reg. 10312-01, 10323 (Mar. 6 1997).

3
4 The Due Process Clause prohibits the government from revoking an existing grant of
5 liberty without first providing notice and a meaningful opportunity to be heard, and that principle
6 applies with full force where DHS seeks to re-detain a noncitizen previously released under 8
7 U.S.C. § 1226(a), 8 C.F.R. § 236.1(9). *See Rodriguez-Diaz v. Kaiser*, at *7 applying the rights of
8 citizens on criminal parole in *Morrissey v. Brewer*, 408 U.S. 471, 481-82 (1972) to noncitizen
9 civil immigration detainees in *Ortega v. Bonnar*, 415 F.Supp.3d 963, 939 (N.D. Cal. 2019).
10 Once DHS has exercised its discretion to release a noncitizen into the community, a substantial
11 liberty interest accrues, and detention becomes the exception rather than the rule. *See Zadvydas*
12 *v. Davis*, 533 U.S. 678, 690 (2001); *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017).
13 Courts in the Northern District have repeatedly held that DHS may not summarily revoke that
14 liberty interest through re-arrest without first affording pre-deprivation process, including notice
15 of the alleged violations or changed circumstances, a hearing before a neutral decision-maker,
16 and a determination that a material change in circumstances justifies re-detention. *See Rodriguez*
17 *Diaz v. Kaiser*, 2025 WL 3011852, at *6–8 (N.D. Cal. Sept. 16, 2025); *Guillermo M.R. v. Kaiser*,
18 2025 WL 1983677, at *8 (N.D. Cal. July 17, 2025); *Pinchi v. Noem*, 2025 WL 2084921, at *3–5
19 (N.D. Cal. July 25, 2025). A post-arrest bond redetermination hearing does not cure the
20 constitutional defect because it presumes detention and improperly places the burden on the
21 noncitizen to prove a negative—namely, that he is not a danger to the community or a flight
22 risk—rather than requiring the government to justify the deprivation of liberty in the first
23 instance. *See Matter of Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006); *Guillermo M.R.*, 2025 WL
24 1983677, at *8. As the Supreme Court has long recognized in the parole-revocation context, due
25
26
27
28

1 process requires that reincarceration be preceded by a hearing at which the government bears the
2 burden of establishing that continued liberty is no longer warranted. *See Johnson v. Williford*,
3 682 F.2d 868, 873 (9th Cir. 1982).

4
5 **II. Petitioner is Suffering Irreparable Harm Because He Is In Prison Like**
6 **Conditions While In Civil Immigration Detention.**

7 As repeated from Petitioner's initial reply brief, Petitioner faces immediate and
8 irreparable harm absent relief. ECF No. 14. The record shows that detainees at California City
9 Correctional Facility are subjected to persistent cold, inadequate bedding, nutritionally deficient
10 meals, and unreliable access to essential medical care. *See* ECF No. 14., Pet'r Exh. P ¶ 2.A.-R.
11 These are not abstract or generalized complaints but consistent reports from multiple detainees,
12 corroborated by observations, that the facility's environment is harsh, unsafe, and degrading. *See*
13 ECF No. 14., Pet'r Exh. P ¶ 2.A.-R. Confinement in such conditions is not a mere deprivation of
14 freedom—it is an exposure to conditions that threaten health, sleep, bodily integrity, and
15 psychological well-being.
16

17 The extreme cold alone imposes a substantial and ongoing injury. *See* ECF No. 14., Pet'r
18 Exh. P ¶ 2.A.-C. Detainees report that the housing units remain so cold that they are forced to
19 sleep with their shoes on, layer thin sheets that provide no warmth, and use clothing as makeshift
20 insulation—only to be reprimanded by staff for doing so. *See* ECF No. 14., Pet'r Exh. P ¶ 2.A.-
21 C.,O.,R. These conditions are incompatible with basic human dignity and pose a significant risk
22 to physical health, especially for individuals—like Petitioner—who have limited ability to
23 mitigate cold while detained. Exposure to prolonged cold is a recognized driver of respiratory
24 illness, sleep deprivation, and chronic stress.
25

26 The inadequate and nutritionally deficient food similarly harms Petitioner's physical
27 health. ECF No. 14., Pet'r Exh. P ¶ 2.D.-F. Multiple detainees report being served the same
28

1 nutritionally barren meals every day—primarily pasta, beans, and burned rice—sometimes with
2 visibly contaminated water or expired milk that has made detainees ill. ECF No. 14., Pet'r Exh.
3 P ¶ 2.D.-E. At least one detainee developed bleeding gums after a month of detention, indicative
4 of nutritional deficiency. ECF No. 14., Pet'r Exh. P ¶ 2.E. This is not merely unpleasant food; it
5 is food that fails to meet basic nutritional standards and undermines health. For a detainee who
6 relies entirely on the government for sustenance, the state's failure to provide adequate nutrition
7 directly magnifies the harm of erroneous detention.
8

9
10 Petitioner's private interest is further amplified by the systemic denial or delay of medical
11 care. ECF No. 14., Pet'r Exh. P ¶ 2. I.-M. Detainees with chronic conditions report going weeks
12 without medication, having critical procedures such as biopsies refused. ECF No. 14., Pet'r Exh.
13 P ¶ 2.H., J. Others describe hypertension left unchecked, uncontrolled diabetes, and being told to
14 wait months for essential evaluations. ECF No. 14., Pet'r Exh. P ¶ 2. I.-M. The risk of serious,
15 irreversible harm is obvious: untreated chronic illness, preventable complications, and the
16 psychological trauma associated with an atmosphere of intimidation that deters detainees from
17 requesting care at all. ECF No. 14., Pet'r Exh. P ¶ 2. P. These conditions render each additional
18 day of detention not merely a restriction on liberty but a profound threat to health and safety.
19
20

21 **III. Balance of Equities Favor Petitioner As He Has Remained Cooperative With His**
22 **Supervision.**

23 The equities favor Petitioner. The Government will suffer no substantial harm from an
24 injunction postponing detention. DHS can continue to monitor Petitioner while his case proceeds
25 in the Immigration Court, ensuring compliance with all legal obligations.

26 In contrast, Petitioner faces severe consequences from continued detention and the risk of
27 removal. He has already demonstrated compliance with immigration authorities, and his prior
28 release under § 236(a) reflects her low risk of flight or danger. Detaining him now, without

1 individualized determination, would constitute an abuse of authority and result in unnecessary
2 suffering. The equities tip strongly in favor of those whose liberty is at risk when procedural
3 safeguards have been disregarded.

4
5 **IV. The Public Interest Is Not Favored In Housing Petitioner In A Prison When He**
6 **Has Committed No Crime.**

7 The public interest strongly favors protecting individuals from unlawful detention.
8 Ensuring that DHS adheres to statutory and constitutional requirements promotes confidence in
9 the immigration system and prevents arbitrary deprivation of liberty.

10 Moreover, upholding the public interest requires preventing DHS from detaining or
11 removing individuals prior to an individualized determination of risk. Allowing such hasty action
12 would undermine procedural safeguards and create a precedent where detention can occur
13 without proper evaluation of danger or flight risk.

14
15 Respectfully Submitted,

16 Date: December 16, 2025

Respectfully Submitted,

18 /s/ Mario Salgado
19 Mario Salgado, Esq.
20 SALGADO & PERALTA, P.A.
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Mario Salgado, am over the age of 18 years and maintain a business address located at 605 Market Street Suite 1111 in San Francisco, California 94105. I electronically served the **Petitioner's Reply** to the parties listed in ECF.

Date: December 16, 2025

/s/ Mario Salgado
Mario Salgado, Esq.