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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 CRISTIAN AMAYA-QUINTEROS,
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13 Petitioner,
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15 v.
16 CORECIVIC, INC., ET AL.
17
18 Respondents.

CASE NO. 1:25-CV-01672-AC
RESPONDENTS' REPLY IN SUPPORT OF
MOTION TO STAY PROCEEDINGS

18 On January 9, 2026, Respondents filed a motion to stay proceedings. ECF 32. Petitioner timely
19 opposed the motion on January 16, 2026. ECF 34. Respondents now submit their reply.

20 In his opposition, Petitioner noted that he “is not aware of any Ninth Circuit case currently
21 addressing whether noncitizens, like Petitioner, are entitled to a pre-deprivation hearing under the U.S.
22 Constitution.” ECF 34 at 2. However, the appeal in *Bostock* does address the constitutional issue at the
23 heart of Petitioner’s case because the case involves the “entry fiction” doctrine that “aliens who arrive at
24 ports of entry ... are ‘treated’ for due process purposes as if stopped at the border.” *DHS v.*
25 *Thuraissigiam*, 591 U.S. 103, 139 (2020). Here, the facts show Petitioner is likely subject to the entry
26 fiction, and his statutory rights have great weight on determining how much process is due.

27 Here, the court found Petitioner likely to succeed on both his statutory claim (ECF 27 at 11–17)
28 and on his due process claim (ECF 27 at 17–20), but the two claims cannot be easily separated and a

1 change in the law on the statutory question will almost certainly affect the Court's due process analysis.
2 In fact, in finding Petitioner was likely to succeed in his due process challenge, the court specifically
3 rejected Respondents' arguments because they were grounded on the statutory question that the court
4 preliminarily resolved in Petitioner's favor. ECF 27 at 17 ("Because, as discussed above, the court finds
5 that petitioner is not subject to mandatory detention under § 1225(b), respondents' arguments, which
6 rely on this assumption, are rejected."). The argument that statutorily permissible detention complies
7 with due process was central to Respondents' due process argument (ECF 22 at 9–10), and a holding by
8 the Ninth Circuit that aliens in Petitioner's position are subject to mandatory detention under statute
9 would necessarily alter the Court's analysis based on the "entry fiction" discussed in *Thuraissigiam*.

10 A stay to allow the Ninth Circuit to resolve the 8 U.S.C. §§ 1225, 1226 question in *Bostock* will
11 serve sound judicial economy by both resolving the statutory question and providing guidance as to the
12 applicability of Respondents' arguments concerning applicable due process and the "entry fiction" to
13 aliens in Petitioner's position. Therefore, Respondents request the court grant a stay in this matter.

14 Dated: January 21, 2026

ERIC GRANT
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17 /s/ J. Douglas Harman
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