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6 IN THE UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA

8 HIUVER ARMANDO CASTRO
9 MARADIAGA,

10 Petitioner,

11 v.

12 WARDEN OF GOLDEN STATE ANNEX
13 DETENTION FACILITY, *et al.*,

14 Respondents.

CASE NO. 1:25-CV-01713-DAD-JDP (HC)

PETITIONER'S OPPOSITION TO
RESPONDENTS' MOTION TO DISMISS AND
EMERGENCY REQUEST FOR TEMPORARY
RESTRAINING ORDER AND INTERIM DUE-
PROCESS RELIEF

15 I. INTRODUCTION

16 Respondents move to dismiss this habeas action by asserting that Petitioner's civil detention
17 "restarted" in November 2025 and therefore remains presumptively reasonable. That framing ignores the
18 extraordinary constitutional posture of this case.

19 Petitioner was ordered removed in 2004, detained briefly, and then **released under an order of**
20 **supervision**, under which he lived at liberty in the United States for **more than twenty years**. During
21 those two decades, Petitioner complied with supervision and was not found dangerous, a flight risk, or
22 otherwise unsuitable for release. In November 2025—without any identified violation of supervision
23 conditions, without any neutral custody hearing, and without any individualized finding justifying
24 detention—ICE abruptly re-detained him.

25 The Due Process Clause does not permit the Government to re-impose civil detention after
26 decades of liberty **without providing a meaningful, neutral justification**. At minimum, Petitioner has
27 plausibly alleged unlawful detention. Dismissal is improper. Moreover, because Petitioner remains
28 detained **without any neutral custody determination**, interim relief under Federal Rule of Civil

1 Procedure 65 is warranted.

2 II. FACTUAL BACKGROUND

- 3 1. Petitioner was ordered removed to Laos on or about June 7, 2004.
- 4 2. He was detained by ICE and released under an order of supervision in September 2004.
- 5 3. From 2004 until November 4, 2025—over **twenty years**—Petitioner lived at liberty in the
- 6 United States under ICE supervision.
- 7 4. During that period, Petitioner complied with supervision and was not advised that detention was
- 8 necessary or that removal was imminent.
- 9 5. On November 4, 2025, ICE re-detained Petitioner.
- 10 6. Since re-detention:
 - 11 ○ Petitioner has not received a bond or custody hearing before an immigration judge or
 - 12 other neutral decision-maker;
 - 13 ○ ICE has not articulated any individualized finding of danger or flight risk;
 - 14 ○ ICE has not identified any “changed circumstances” justifying detention after decades of
 - 15 supervision;
 - 16 ○ Removal to Laos remains uncertain and speculative.

17 III. LEGAL STANDARD

18 A motion to dismiss a § 2241 petition tests whether the petitioner has stated a plausible claim for
19 relief. In evaluating a motion to dismiss a § 2241 petition, the Court accepts Petitioner’s factual
20 allegations as true and does not weigh evidence or resolve factual disputes..

21 Separately, courts possess equitable authority under **Federal Rule of Civil Procedure 65** to
22 grant temporary and preliminary injunctive relief where a petitioner demonstrates:

- 23 (1) likelihood of success or serious questions on the merits;
- 24 (2) irreparable harm;
- 25 (3) balance of equities favoring relief; and
- 26 (4) public interest supporting relief.

27 Loss of physical liberty constitutes irreparable harm as a matter of law.

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IV. ARGUMENT

A. Re-Detention After Two Decades of Liberty Without a Neutral Hearing Violates Due Process

Civil immigration detention implicates a “fundamental liberty interest.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Even where Congress authorizes detention, it must remain **reasonable in relation to its purpose**. *Id.* at 699.

This case is constitutionally atypical. Petitioner lived at liberty under supervision for over **twenty years**. Re-detention after such prolonged liberty is not routine and cannot be justified by executive assertion alone. Due process requires a neutral determination that continued detention is necessary.

The Supreme Court has upheld detention without individualized hearings only because such detention was **brief and finite**. *Demore v. Kim*, 538 U.S. 510, 529–30 (2003). Where detention becomes prolonged or disconnected from individualized process, due process demands heightened procedural protections. *Zadvydas*, 533 U.S. at 690; *Diouf v. Napolitano (Diouf II)*, 634 F.3d 1081, 1086–87 (9th Cir. 2011).

Here, Petitioner has received **no neutral hearing at all**. That alone states a viable due-process claim.

B. The Government’s “Clock Restart” Theory Does Not Eliminate Constitutional Scrutiny

Respondents argue that detention “restarted” in November 2025. That argument conflates statutory authority with constitutional permissibility.

After *Jennings v. Rodriguez*, statutory text governs bond authority, but constitutional challenges to detention remain available via habeas. 583 U.S. 281, 311 (2018). The Ninth Circuit has confirmed that courts must evaluate constitutional reasonableness, not merely statutory labels. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1202–03 (9th Cir. 2022).

A formal reset of detention cannot erase the constitutional significance of **two decades of liberty** or excuse the absence of any neutral custody determination.

C. ICE’s Internal Custody Review Does Not Provide Constitutionally Adequate Process

Respondents rely on internal custody review procedures. But agency self-review does not satisfy

1 due process when liberty is restrained.

2 When detention becomes prolonged, due process requires a hearing before a neutral decision-
3 maker at which the Government bears the burden of justification. *Diouf II*, 634 F.3d at 1092.

4 Applying *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), confirms the deficiency:

- 5 • Petitioner's interest in liberty is paramount;
- 6 • The risk of erroneous deprivation is high without a hearing;
- 7 • The Government's burden of providing a hearing is minimal.

8 **D. Petitioner Is Entitled to Temporary Restraining and Preliminary Injunctive Relief**

9 Petitioner has demonstrated at least serious questions on the merits of his due-process claim.

10 Continued detention without a neutral custody determination constitutes irreparable harm. *Zadvydas*,
11 533 U.S. at 690.

12 The balance of equities favors Petitioner, who lived under supervision for decades, while the
13 Government faces no cognizable harm from supervised release. The public interest is served by
14 adherence to constitutional limits on civil detention.

15 Accordingly, interim relief under Rule 65 is warranted.

16 **V. RELIEF REQUESTED**

17 Petitioner respectfully requests that the Court:

- 18 1. Deny Respondents' Motion to Dismiss;
- 19 2. Grant a temporary restraining order and preliminary injunction ordering Petitioner's immediate
20 release under appropriate conditions of supervision;
- 21 3. In the alternative, order a prompt custody hearing before a neutral decision-maker, at which the
22 Government bears the burden to justify continued detention;
- 23 4. Maintain existing non-transfer and non-removal protections; and
- 24 5. Grant such other and further relief as the Court deems just and proper.

25 **VI. CONCLUSION**

26 This case does not involve routine detention. It involves **re-detention after decades of liberty**
27 **without process**. The Constitution requires more. Respondents' motion to dismiss should be denied, and
28 interim relief is warranted.

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2 DATED: February 4, 2026

Respectfully submitted,

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4 By: /s/ Roger H. Ponce
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6 Counsel for Petitioner
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