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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 Gamaliel Rodriguez Pastrana,

13 Plaintiff,

14 v.

15 FERETI SEMAIA, Warden of the
16 Adelanto Detention Center; EARNESTO
17 SANTACRUZ, Current or Acting Field
18 Office Director, Los Angeles Field Office,
19 U.S. Immigration and Customs
20 Enforcement; TODD M. LYONS, Acting
21 Director of U.S. Immigration and Customs
22 Enforcement; MARKWAYNE MULLIN,
23 Secretary of the U.S. Department Of
24 Homeland Security; and TODD
25 BLANCHE, Attorney General of the
26 United States, in their official capacities,

27 Defendants.

Case No. 2:26-cv-3880

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION;
POINTS AND AUTHORITIES IN
SUPPORT OF THEREOF**

NOTICE OF MOTION

Petitioner, Gamaliel Rodriguez Pastrana, aka "G.R.P." applies to this Honorable Court for a temporary restraining order enjoining Respondents Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and Todd Blanche, in his official capacity as the U.S. Attorney General, (1) from continuing to detain him based on an unlawful action by ICE, (2) ordering his immediate release from immigration detention; and (3) from re-arresting until he is afforded a hearing before a neutral decisionmaker, as required by the Due Process clause of the Fifth Amendment, to determine whether circumstances have materially changed such that his re-incarceration would be justified, because there is clear and convincing evidence establishing that he is a danger to the community or a flight risk.

DHS is making arrangements to deport Petitioner by tomorrow April 11, 2026 at 12PM, removal is imminent.

If the Court deems oral argument necessary, Petitioner requests to appear by video.

Dated: April 10, 2026

Respectfully submitted,

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1 due process claims, respectfully requests that this Court issue an Ex parte temporary restraining
2 order (“TRO”) immediately releasing him from custody and enjoining the government from re-
3 arresting him absent the opportunity to contest that arrest at a hearing before a neutral decision
4 maker. Confronted with substantially identical facts and legal issues, courts in this circuit have
5 recently granted the exact relief Petitioner seeks. *See J.O.L.R. v. Wofford*, 2025 WL 2718631 * 11
6 (E.D. Cal Sept. 23, 2025); *R.D.T.M. v. Wofford*, 2025 WL 2617255 * 11 (E.D. Cal Sept. 9, 2025),
7 *Garro Pinchi v. Noem*, 2025 WL 1853763, *4 (N.D. Cal. July 4, 2025), *converted to preliminary*
8 *injunction at* __ F. Supp. 3d __, 2025 WL 2084921 (N.D. Cal. July 24, 2025); *Singh v. Andrews*,
9 2025 WL 1918679, *10 (E.D. Cal. July 11, 2025) (granting preliminary injunction).

10 To maintain this Court’s jurisdiction, the Court should also prohibit the government from
11 transferring him to a detention center out of this District until these proceedings have concluded.
12 Furthermore, it would render any decision by this Court futile if were transferred to a detention
13 center outside of the Court’s jurisdiction.

14 II. STATEMENT OF FACTS

15 Since 2025, DHS has initiated an aggressive new enforcement campaign targeting people
16 who have prior orders of removal. This “coordinated operation” is “aimed at dramatically
17 accelerating deportations.” The Trump administration implemented a policy to drastically
18 increase immigration arrests to a target of at least 3,000 per day. The government’s new campaign
19 is also a significant shift from the previous DHS practice of re-detaining noncitizens only after a
20 material change in circumstances. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal.
21 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (describing
22 prior practice). In addition, individuals are now held for extended periods, sometimes days, in
23 temporary holding cells that are not designed for overnight or prolonged detention, often under
24 inhumane conditions. Government officials have justified these harsh conditions not as a matter
25 of necessity, but as an intentional deterrent, which is not a constitutionally permissible reason for
26 detention.

1 Here, Petitioner is a 37-year-old Honduran national, who entered the United States 12
2 years ago or about July 4, 2012, without inspection. Petitioner immediately fell prey to a human
3 trafficking scheme where he was held hostage along with a large group of other trafficking
4 victims in Arizona. After he escaped his traffickers, he served as a key witness in a human
5 smuggling federal case in Arizona. Unfortunately, Petitioner was unjustly charged in the human
6 smuggling scheme after it was initially dismissed. After being released from federal criminal
7 custody, he was transferred to ICE custody and detained for a few months. Petitioner was granted
8 a \$7,500 bond and released from ICE custody in 2012. There is no evidence that ICE placed
9 Petitioner under any OSUP agreement when he was released under bond in 212.

10 Petitioner was placed in removal proceedings where he filed an I-589 Application for
11 Asylum, Withholding of Removal, and protection under CAT. He appeared at all his hearings in
12 immigration court. Petitioner attended all of court hearings.

13 On or about September 1, 2016, his relief was denied resulting in a final order of
14 removal. Petitioner did not have the financial resources to hire counsel to file an appeal on his
15 behalf.

16 On or about March 12, 2025, Petitioner was summoned to the Department of
17 Homeland Security, U.S. Immigrant and Customs Enforcement Office in Los Angeles after
18 receiving correspondence called "Notice to Obligor to Deliver Alien." Petitioner presented
19 himself at that check-in and did not abscond. Herein Counsel presented evidence of Petitioner's
20 equities in the U.S., and his application for collateral relief before USCIS. Given the evidence, an
21 ICE officer notified Petitioner and Counsel that he would be placed on the "4x4" Order of
22 Supervision Program (OSUP), which included in-person ICE check-ins, home visits, telephone
23 calls, and biometric collection using a mandatory phone application installed on his cell phone.
24 Petitioner had been complying with all the requirements of OSUP monthly since March 2025.
25 Recently Petitioner had also been given a GPS ankle monitor in January 2026. At the most recent
26 ICE check-in on April 9, 2026, Petitioner was abruptly redetained, and his OSUP was unlawfully
27 revoked.

1 **On April 10, 2026, herein Counsel has been informed of Petitioner’s imminent**
2 **deportation. Petitioner’s Deportation officer has affirmed that because of Petitioner’s**
3 **“prior order of removal, he will be removed as soon as possible.”**

4 Immediate intervention from this Court is therefore required to ensure that G.R.P. is first,
5 immediately released to return him to a position before he was detained, and second, that ICE
6 provides him a hearing pursuant to the Due Process Clause of the Fifth Amendment before any
7 further attempts to re-detain.

8 **III. LEGAL STANDARD**

9 G.R.P. is entitled to a temporary restraining order if he establishes that he is “likely to
10 succeed on the merits, . . . likely to suffer irreparable harm in the absence of preliminary relief,
11 that the balance of equities tips in [his] favor, and that an injunction is in the public interest.”
12 *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int’l Sales Co. v. John D.*
13 *Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and
14 temporary restraining order standards are “substantially identical”). Even if does not show
15 a likelihood of success on the merits, the Court may still grant a temporary restraining order if he
16 raises “serious questions” as to the merits of his claims, the balance of hardships tips “sharply” in
17 his favor, and the remaining equitable factors are satisfied. *Alliance for the Wild Rockies v.*
18 *Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

19 As set forth in more detail below, G.R.P.. overwhelmingly satisfies both standards.
20 Furthermore, the requirements for issuing a temporary restraining order without notice are
21 met here. *See* Fed. R. Civ. P. 65(b). Herein Counsel notified respondents’ counsel on April 10,
22 2026, that she would be filing the motion by email to the U.S. Attorney’s Office email address for
23 habeas petition filings. G.R.P.. also set out specific facts demonstrating that immediate and
24 irreparable injury, loss, or damage may result before respondents can be heard in opposition. *See*
25 *Pinchi v. Noem*, No. 25-cv-05632-RML, 2025 WL 1853763, at *4 (N.D. Cal. July 4, 2025);
26 *J.O.L.R. v. Wofford*, 2025 WL 2718631 * 11 (E.D. Cal Sept. 23, 2025); *R.D.T.M. v. Wofford*,

1 2025 WL 2617255 * 11 (E.D. Cal Sept. 9, 2025)(granting ex parte temporary restraining order in
2 similar circumstances).

3 **IV. ARGUMENT**

4 **A. PETITIONER WARRANTS A TEMPORARY RESTRAINING ORDER**

5 A temporary restraining order should be issued if “immediate and irreparable injury, loss,
6 or irreversible damage will result” to the applicant in the absence of an order. Fed. R. Civ. P.
7 65(b). The purpose of a temporary restraining order is to prevent irreparable harm before a
8 preliminary injunction hearing is held. See *Granny Goose Foods, Inc. v. Bhd. Of Teamsters &*
9 *Auto Truck Drivers Local No. 70 of Alameda City*, 415 U.S. 423, 439 (1974). is likely to remain
10 in unlawful custody in violation of his due process rights without intervention by this Court.
11 will continue to suffer irreparable injury if he continues to be detained without due process.

12 **1. G.R.P. is likely to succeed in the merits because G.R.P.’s detention**
13 **violates substantive due process**

14 The Due Process Clause applies to “all ‘persons’ within the United States, including
15 [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.”
16 *Zadvydas*, 533 U.S. at 693. “The touchstone of due process is protection of the individual against
17 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the
18 exercise of power without any reasonable justification in the service of a legitimate government
19 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). “Freedom from
20 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
21 the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

22 To comply with substantive due process, the government’s deprivation of an individual’s
23 liberty must be justified by a sufficient purpose. Therefore, immigration detention, which is
24 “civil, not criminal,” and “nonpunitive in purpose and effect,” must be justified by either
25 (1) dangerousness or (2) flight risk. *Zadvydas*, 533 U.S. at 690; see *Hernandez*, 872 F.3d at 994
26 (“[T]he government has no legitimate interest in detaining individuals who have been determined
27 not to be a danger to the community and whose appearance at future immigration proceedings can
28

1 be reasonably ensured by a lesser bond or alternative conditions.”). When these rationales are
2 absent, immigration detention serves no legitimate government purpose and becomes
3 impermissibly punitive, violating a person’s substantive due process rights. *See Jackson v.*
4 *Indiana*, 406 U.S. 715, 738 (1972) (detention must have a “reasonable relation” to the
5 government’s interests in preventing flight and danger); *see also Mahdawi v. Trump*, No. 2:25-
6 CV-389, 2025 WL 1243135, at *11 (D. Vt. Apr. 30, 2025) (ordering release from custody after
7 finding petitioner may “succeed on his Fifth Amendment claim if he demonstrates *either* that the
8 government acted with a punitive purpose *or* that it lacks any legitimate reason to detain him”).

9 The Supreme Court has recognized that noncitizens may bring as-applied challenges to
10 detention, including so-called “mandatory” detention. *Demore v. Kim*, 538 U.S. 510, 532-33
11 (2003) (Kennedy, J., concurring) (“Were there to be an unreasonable delay by the INS in
12 pursuing and completing deportation proceedings, it could become necessary then to inquire
13 whether the detention is not to facilitate deportation, or to protect against risk of flight or
14 dangerousness, but to incarcerate for other reasons.”); *Nielsen v. Preap*, 586 U.S. 392, 420 (2019)
15 (“Our decision today on the meaning of [§ 1226(c)] does not foreclose as-applied challenges—
16 that is, constitutional challenges to applications of the statute as we have now read it.”).
17 G.R.P., has no new criminal record that was not previously disclosed to DHS in 2013, and who is
18 diligently pursuing his immigration case is neither a danger nor a flight risk. Therefore, his
19 detention is both punitive and not justified by a legitimate purpose, violating his substantive due
20 process rights.

21 Indeed, when Respondents chose to release G.R.P. from custody in 2012 on a \$7,500
22 immigration bond that decision represented their finding that he was neither a danger nor a flight
23 risk. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff’d sub nom.*
24 *Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (“Release reflects a determination by
25 the government that the noncitizen is not a danger to the community or a flight risk.”). No
26 material changes in circumstances have transpired since then to disturb that finding.

1 First, because G.R.P.. has no new criminal convictions. Thus, there is no credible
2 argument that he is a danger to the community.

3 Second, as to flight risk, the question is whether custody is reasonably necessary to secure
4 a person's appearance at immigration court hearings and related check-ins. *See Hernandez*,
5 872 F.3d at 990-91. There is no basis to argue that G.R.P., who has attended all his scheduled
6 court hearings and complied with all of his OSUP 4X4 meetings, is a flight risk.

7 Moreover, has a viable path toward immigration relief, further mitigating any risk of
8 flight. *See Padilla v. U.S. Immigr. and Customs Enf't*, 704 F. Supp. 3d 1163, 1173 (W.D. Wash.
9 2023) (holding that there is not a legitimate concern of flight risk where plaintiffs have bona fide
10 asylum claims and desire to remain in the United States). G.R.P.. has filed both a U-Visa and a T-
11 Visa as forms of collateral relief before USCIS since 2025. He has every intention of continuing
12 to pursue his applications for immigration relief.

13 Petitioner also has the legal right to file a motion to reopen his removal proceedings to
14 challenge the underlying removal order in light of his filed collateral relief.

15 In sum, G.R.P..'s actions since Respondents have released him in 2012, and placed him
16 under OSUP in 2025, prove that he is neither a danger, nor a flight risk. Indeed, his ongoing
17 compliance and community ties compel the conclusion that he is even *less* of a danger or flight
18 risk than when he was initially released. Accordingly, G.R.P..'s ongoing detention is
19 unconstitutional, and substantive due process principles require his immediate release.

20 **2. G.R.P.. is Likely to Succeed on the Merits of His Claim That in This**
21 **Case the Constitution Requires a Hearing Before a Neutral**
22 **Adjudicator Prior to Any Re-Incarceration by ICE**

23 G.R.P.. is likely to succeed on his claim that, in his particular circumstances, his current
24 detention is unlawful because the Due Process Clause of the Constitution prevents Respondents
25 from re-arresting him without first providing a pre-deprivation hearing before a neutral
26 adjudicator where the government demonstrates by clear and convincing evidence that there has
27 been a material change in circumstances such that he is now a danger or a flight risk. *See Singh v.*

1 *Holder*, 638 F.3d 1196 (9th Cir. 2011).

2 The statute and regulations grant ICE the ability to unilaterally revoke any noncitizen's
3 release and re-arrest the noncitizen at any time. 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9).
4 Notwithstanding the breadth of the statutory language granting ICE the power to revoke an
5 immigration bond "at any time," 8 U.S.C. 1226(b), in *Matter of Sugay*, 17 I&N Dec. 647, 640
6 (BIA 1981), the BIA recognized an implicit limitation on ICE's authority to re-arrest noncitizens.
7 There, the BIA held that "where a previous bond determination has been made by an immigration
8 judge, no change should be made by [the DHS] absent a change of circumstance." *Id.* In practice,
9 DHS "requires a showing of changed circumstances both where the prior bond determination was
10 made by an immigration judge and where the previous release decision was made by a DHS
11 officer." *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom.*
12 *Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (*emphasis added*).

13 The Ninth Circuit has also assumed that, under *Matter of Sugay*, ICE has no authority to
14 re-detain an individual absent changed circumstances. *Panosyan v. Mayorkas*, 854 F. App'x 787,
15 788 (9th Cir. 2021) ("Thus, absent changed circumstances ... ICE cannot redetain Panosyan.").
16 ICE has further limited its authority as described in *Sugay*, and "generally only re-arrests
17 [noncitizens] pursuant to § 1226(b) after a material change in circumstances." *Saravia*, 280 F.
18 Supp. 3d at 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137
19 (9th Cir. 2018) (quoting Defs.' Second Supp. Br. at 1, Dkt. No. 90) (*emphasis added*). Thus,
20 under BIA case law and ICE practice, ICE may re-arrest a noncitizen who had been previously
21 released from custody only after a material change in circumstances. See *Saravia*, 280 F. Supp.
22 3d at 1176; *Matter of Sugay*, 17 I&N Dec. at 640.

23 ICE's power to re-arrest a noncitizen who is at liberty following a release from custody is
24 also constrained by the demands of due process. See *Hernandez v. Sessions*, 872 F.3d 976, 981
25 (9th Cir. 2017) ("the government's discretion to incarcerate non-citizens is always constrained by
26 the requirements of due process"). In this case, the guidance provided by *Matter of Sugay* – that
27 ICE should not re-arrest a noncitizen absent changed circumstances – is insufficient to protect

1 G.R.P.’s weighty interest in his freedom from unlawful detention.

2 The case of *Phommavongsa v. Chestnut*, No. 1:25-CV-01852-JLT-CDB (HC), 2026
3 WL 114468, at *7 (E.D. Cal. Jan. 15, 2026), is instructive. In that case, Mr. Phommavongsa, a
4 Laotian man with a final order of removal, had been subject to release on an OSUP for 18 years
5 when ICE redetained him at his check-in appointment. *Id.* at *2. While detained, an immigration
6 judge granted Mr. Phommavongsa’s motion to reopen. *Id.* Upon reopening, DHS asserted that
7 statutory authority governing Mr. Phommavongsa’s detention shifted from § 1231 to mandatory
8 detention pursuant to § 1226(c), based on his criminal history. *Id.* at *3. The Court held that,
9 considering Mr. Phommavongsa’s 18 years out on OSUP, had a “he has an underlying,
10 continuing liberty interest from re-detention,” such that he was entitled to a pre-deprivation bond
11 hearing under due process, and ordered his release from custody. *Id.* at *7, *8-10.

12 Federal district courts in California have repeatedly recognized that the demands of due
13 process and the limitations on DHS’s authority to revoke a noncitizen’s bond or parole set out in
14 DHS’s stated practice and *Matter of Sugay* both require a pre-deprivation hearing for a noncitizen
15 on ICE release, like , *before* ICE re-detains him. *See, e.g., Ortega v. Bonnar*, 415 F. Supp.
16 3d 963 (N.D. Cal. 2019); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *3
17 (N.D. Cal. Aug. 23, 2020); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561,
18 at *2 (N.D. Cal. Mar. 1, 2021); *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL 1443250, at
19 *3-4 (N.D. Cal. May 6, 2022) (Petitioner would suffer irreparable harm if re-detained, and
20 required notice and a hearing before any re-detention); *Enamorado v. Kaiser*, No. 25-CV-04072-
21 NW, 2025 WL 1382859, at *3 (N.D. Cal. May 12, 2025) (temporary injunction warranted
22 preventing re-arrest at plaintiff’s ICE interview when he had been on bond for more than five
23 years). *See also Doe v. Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, *4 (E.D. Cal.
24 Mar. 3, 2025) (holding the Constitution requires a hearing before any re-arrest); *Ramirez Clavijo*
25 *v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Garcia v.*
26 *Kaiser*, No. 4:25-cv-06916-YGR (N.D. Cal. Aug. 29, 2025); *Hernandez Nieves v. Kaiser*
27 *Jimenez*, No. 25-CV-06921-LB, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025);

1 *Caicedo Hinestroza et al. v. Kaiser*, No. 25-CV-07559- JD, 2025 WL 2606983 (N.D. Cal. Sept.
2 9, 2025). *Arzate v. Andrews*, Slip Copy, 2025 WL 2230521 (E.D. Cal. Aug. 4, 2025) (The court
3 found Mr. Arzate was likely to succeed on his claim that his re-detention without a new bond
4 hearing violated the Due Process Clause; the court enjoined the government from re-detaining
5 him without first providing a bond hearing where it must prove by clear and convincing evidence
6 that he is a flight risk or a danger to the community); *Pinchi v. Noem*, Slip Copy, 2025 WL
7 1853763 (N.D. Cal. July 4, 2025). Courts analyze procedural due process claims, such as this one,
8 in two steps: the first asks whether a protected liberty interest exists under the Due Process
9 Clause, and the second examines the procedures necessary to ensure that any deprivation of that
10 protected liberty interest accords with the Constitution. *See Kentucky Dep't of Corrections v.*
11 *Thompson*, 490 U.S. 454, 460 (1989).

12 ***a. G.R.P.. Has a Protected Liberty Interest in His Conditional Release***

13 The Due Process Clause protects G.R.P.'s liberty from immigration custody: "Freedom
14 from imprisonment—from government custody, detention, or other forms of physical restraint
15 lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533
16 U.S. 678, 690 (2001).

17 **Between 2012 until April 9, 2026, he had exercised that freedom under DHS's order**
18 **granting him release from custody. Accordingly, he retains a weighty liberty interest under**
19 **the Due Process Clause of the Fifth Amendment in avoiding unlawful re-incarceration.** *See*
20 *Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82
21 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482-483 (1972).

22 In *Morrissey*, the Supreme Court examined the "nature of the interest" that a parolee has
23 in "his continued liberty." 408 U.S. at 481-82. The Court noted that, "subject to the conditions of
24 his parole, [a parolee] can be gainfully employed and is free to be with family and friends and to
25 form the other enduring attachments of normal life." *Id.* at 482. The Court further noted that "the
26 parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live
27 up to the parole conditions." *Id.* The Court explained that "the liberty of a parolee, although

1 indeterminate, includes many of the core values of unqualified liberty and its termination inflicts
2 a grievous loss on the parolee and often others.” Id. In turn, “[b]y whatever name, the liberty is
3 valuable and must be seen within the protection of the [Fifth] Amendment.” *Morrissey*, 408 U.S.
4 at 482.

5 This basic principle – that individuals have a liberty interest in their conditional release –
6 has been reinforced by both the Supreme Court and the circuit courts on numerous occasions.
7 See, e.g., *Young v. Harper*, 520 U.S. at 152 (holding that individuals placed in a pre-parole
8 program created to reduce prison overcrowding have a protected liberty interest requiring
9 predeprivation process); *Gagnon v. Scarpelli*, 411 U.S. at 781-82 (holding that individuals
10 released on felony probation have a protected liberty interest requiring pre-deprivation process).

11 As the First Circuit has explained, when analyzing the issue of whether a specific
12 conditional release rises to the level of a protected liberty interest, “[c]ourts have resolved the
13 issue by comparing the specific conditional release in the case before them with the liberty
14 interest in parole as characterized by *Morrissey*.” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887
15 (1st Cir. 2010) (internal quotation marks and citation omitted). See also, e.g., *Hurd v. District of*
16 *Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) (“a person who is in fact free of physical
17 confinement – even if that freedom is lawfully revocable – has a liberty interest that entitles him
18 to constitutional due process before he is re-incarcerated”) (citing *Young*, 520 U.S. at 152,
19 *Gagnon*, 411 U.S. at 782, and *Morrissey*, 408 U.S. at 482).

20 In fact, it is well-established that an individual maintains a protectable liberty interest even
21 where the individual obtains liberty through a mistake of law or fact. See *id.*; *Gonzalez-Fuentes*,
22 607 F.3d at 887; *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982) (noting that due process
23 considerations support the notion that an inmate released on parole by mistake, because he was
24 serving a sentence that did not carry a possibility of parole, could not be re-incarcerated because
25 the mistaken release was not his fault, and he had appropriately adjusted to society, so it “would
26 be inconsistent with fundamental principles of liberty and justice” to return him to prison)
27 (internal quotation marks and citation omitted).

1 Here, when this Court “‘compar[es] the release in [G.R.P.’s case], with the liberty
2 interest in parole as characterized by *Morrissey*,” they bear similar features in liberty interests.
3 *See Gonzalez-Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, G.R.P.’s release “enables him to do
4 a wide range of things open to persons,” including to live at home, work, care for his family and
5 partner, for whom he is the financial provider, and “be with family and friends and to form the
6 other enduring attachments of normal life.” *Morrissey*, 408 U.S. at 482.

7 G.R.P.. has built a life in the United States in the past 14 years. He has six minor children,
8 three of which are U.S. citizens and is married. He has been the sole provider for his large family
9 of six. He is an experienced and skilled autobody shop painter. He also has no other criminal
10 arrests or convictions other than what ICE was already aware of in 2012. Deporting and any
11 continued detention also penalizes his legal dependents including his children who he has sole
12 custody over. G.R.P.. has extensive family ties in the United States, including lawful permanent
13 resident parents. G.R.P.. has every interest in continuing to wait for a final decision on his two
14 collateral forms of relief with USCIS before he was detained.

15 ***b. G.R.P.’s Liberty Interest Mandates His Release from Unlawful***

16 ***Custody And A Hearing Before any Re-Arrest***

17 G.R.P.. asserts that, here, (1) where his detention would be civil; (2) where he has been at
18 liberty for nearly 14 years, during which time he has appeared at his mandatory court hearings;
19 (3) where he has a viable U-Visa and T-Visa (4) where no change in circumstances exist that
20 would justify his lawful detention; and (5) where the only circumstance that has changed was
21 ICE’s move to arrest as many people as possible under the new administration’s initiative of
22 meeting daily detention quotas, due process mandates that he be released from his unlawful
23 custody and receive notice and a hearing before a neutral adjudicator *before* any re-arrest or
24 revocation of his custody release.
25

26 “Adequate, or due, process depends upon the nature of the interest affected. The more
27

1 important the interest and the greater the effect of its impairment, the greater the procedural
2 safeguards the [government] must provide to satisfy due process.” *Haygood v. Younger*, 769 F.2d
3 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). This Court must
4 “balance [’s] liberty interest against the [government’s] interest in the efficient administration
5 of” its immigration laws to determine what process he is owed to ensure that ICE does not
6 unconstitutionally deprive him of his liberty. *Id.* at 1357.

8 Under the test outlined in *Mathews v. Eldridge*, this Court must consider three factors in
9 conducting its balancing test: “first, the private interest that will be affected by the official action;
10 second, the risk of an erroneous deprivation of such interest through the procedures used, and the
11 probative value, if any, of additional or substitute procedural safeguards; and finally the
12 government’s interest, including the function involved and the fiscal and administrative burdens
13 that the additional or substitute procedural requirements would entail.” *Haygood*, 769 F.2d at
14 1357 (citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

16 The Supreme Court “usually has held that the Constitution requires some kind of a
17 hearing *before* the State deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S.
18 113, 127 (1990) (emphasis in original). Only in a “special case” where post-deprivation remedies
19 are “the only remedies the State could be expected to provide” can the post-deprivation process
20 satisfy the requirements of due process. *Zinermon*, 494 U.S. at 985. Moreover, only where “one
21 of the variables in the *Mathews* equation – the value of pre-deprivation safeguards – is negligible
22 in preventing the kind of deprivation at issue” such that “the State cannot be required
23 constitutionally to do the impossible by providing pre-deprivation process,” can the government
24 avoid providing pre-deprivation process. *Id.*

26 Because, in this case, the provision of a pre-deprivation hearing is both possible and
27

1 valuable to preventing an erroneous deprivation of liberty, ICE is required to provide G.R.P.. with
2 notice and a hearing *prior* to any reincarceration and revocation of his release. *See Morrissey*, 408
3 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56; *Jones*, 393 F.3d at 932; *Zinerman*, 494 U.S. at
4 985; *see also Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452
5 (11th Cir. 1984) (holding that individuals awaiting involuntary civil commitment proceedings
6 may not constitutionally be held in jail pending the determination as to whether they can
7 ultimately be recommitted). Under *Mathews*, “the balance weighs heavily in favor of [G.R.P.’s]
8 liberty” and requires a pre-deprivation hearing before a neutral adjudicator.

10 ***i. G.R.P.’s Private Interest in His Liberty is Profound***

11 Under *Morrissey* and its progeny, individuals conditionally released from serving a
12 criminal sentence have a liberty interest that is “valuable.” *Morrissey*, 408 U.S. at 482. In
13 addition, the principles espoused in *Hurd* and *Johnson* – that a person who is in fact free of
14 physical confinement, even if that freedom is lawfully revocable, has a liberty interest that entitles
15 him to constitutional due process before he is re-incarcerated – apply with even greater force to
16 individuals like G.R.P., who have been released pending civil removal proceedings, rather than
17 parolees or probationers who are subject to incarceration as part of a sentence for a criminal
18 conviction. Parolees and probationers have a diminished liberty interest given their underlying
19 convictions. *See, e.g., U.S. v. Knights*, 534 U.S. 112, 119 (2001); *Griffin v. Wisconsin*, 483 U.S.
20 868, 874 (1987). Nonetheless, even in the context of criminal parolees, the courts have held that
21 they cannot be re-arrested without a due process hearing, during which they can raise any claims
22 they may have regarding why their reincarceration would be unlawful. *See Gonzalez-Fuentes*,
23 607 F.3d at 891-92; *Hurd*, 864 F.3d at 683. Thus, G.R.P. retains a truly weighty liberty interest
24 even though he is under conditional release.

ii. The Government's Interest in Re-Incarcerating Without a Hearing is Low and the Burden on the Government to Refrain from Re-Arresting Him Unless and Until He is Provided a Hearing is Minimal

The government's interest in maintaining an unlawful detention without due process hearing is low, and when weighed against G.R.P.'s significant private interest in his liberty, the scale tips sharply in favor of enjoining Respondents (1) from keeping him in unlawful custody; (2) re-arresting G.R.P.. unless and until the government demonstrates to a neutral adjudicator by clear and convincing evidence that he is a flight risk or danger to the community; and (3) removing him from the United States in violation of an agency order and district court injunction. It becomes abundantly clear that the *Mathews* test favors G.R.P.. when the Court considers that the process he seeks – notice and a hearing regarding whether release from custody should be revoked – is a standard course of action for the government. Providing with a hearing before this Court (or a neutral decisionmaker) to determine whether there is clear and convincing evidence that is a flight risk or danger to the community would impose only a *de minimis* burden on the government, because the government routinely provides this sort of hearing to individuals like G.R.P..

As immigration detention is civil in nature, it cannot serve a punitive purpose. The government's only interest in holding an individual in immigration detention can be to prevent danger to the community or to ensure a noncitizen's appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690.

In this case, the government cannot plausibly assert that it has any basis for detaining G.R.P.. when he was released upon a prior immigration bond in 2012, and since has lived at liberty with his community, without missing any hearings, and without any new criminal convictions.

1 In 2012, DHS officers had already determined that he was not a flight risk or a danger to
2 the community and there are no material changes in circumstances to undermine that
3 determination. *See Morrissey*, 408 U.S. at 482 (“It is not sophistic to attach greater importance to
4 a person’s justifiable reliance in maintaining his conditional freedom so long as he abides by the
5 conditions on his release, than to his mere anticipation or hope of freedom”) (quoting *United*
6 *States ex rel. Bey v. Connecticut Board of Parole*, 443 F.3d 1079, 1086 (2d Cir. 1971).

8 It is difficult to see how the government’s interest in detaining G.R.P., has materially
9 changed since he was released absent any material circumstances indicating he is a danger to the
10 community or a flight risk. The government’s interest in detaining G.R.P. at this time is
11 extremely low. That ICE has a new policy to make a minimum number of arrests each day under
12 the new administration does not constitute a material change in circumstances or increase the
13 government’s interest in detaining him¹.

15 Moreover, the “fiscal and administrative burdens” that his immediate release and a lawful
16 pre-detention hearing would impose is nonexistent in this case. *See Mathews*, 424 U.S. at 334-35.
17 does not seek a unique or expensive form of process, but rather a routine hearing regarding
18 whether his release should be revoked and whether he should be re-incarcerated.
19 As the Ninth Circuit noted in 2017, which remains true today, “[t]he costs to the public of
20 immigration detention are ‘staggering’: \$158 each day per detainee, amounting to a total daily
21 cost of \$6.5 million.” *Hernandez*, 872 F.3d at 996.

23
24 ¹ See “Trump officials issue quotas to ICE officers to ramp up arrests,” *Washington Post* (January 26, 2025), available at:
25 <https://www.washingtonpost.com/immigration/2025/01/26/ice-arrestsraids-trump-quota/>; “Stephen Miller’s Order Likely Sparked
26 Immigration Arrests And Protests,” *Forbes* (June 9, 2025), [https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-](https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millersorder-likely-sparked-immigration-arrests-and-protests/)
27 [millerorder-likely-sparked-immigration-arrests-and-protests/](https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millersorder-likely-sparked-immigration-arrests-and-protests/) (“At the end of May 2025, ‘Stephen Miller, a senior White House
official, told Fox News that the White House was looking for ICE to arrest 3,000 people a day, a major increase in enforcement.
The agency had arrested more than 66,000 people in the first 100 days of the Trump administration, an average of about 660
arrests a day,’ reported the New York Times. Arresting 3,000 people daily would surpass 1 million arrests in a calendar year.”).

1 Alternatively, providing G.R.P.. with a hearing before this Court (or a neutral
2 decisionmaker) regarding release from custody is a routine procedure that the government
3 provides to those in immigration detention facilities daily. At that hearing, the Court would have
4 the opportunity to determine whether circumstances have changed sufficiently to justify his re-
5 arrest. But there is no justifiable reason to re-incarcerate G.R.P.. before such a hearing takes
6 place. As the Supreme Court noted in *Morrissey*, even where the State has an “overwhelming
7 interest in being able to return [a parolee] to imprisonment without the burden of a new adversary
8 criminal trial if in fact he has failed to abide by the conditions of his parole . . . the State has no
9 interest in revoking parole without some informal procedural guarantees.” 408 U.S. at 483.
10

11 Releasing G.R.P.. from unlawful custody and enjoining G.R.P..’s re-arrest until ICE (1)
12 moves for a custody re-determination before an IJ and (2) demonstrates by clear and convincing
13 evidence that G.R.P.. is a flight risk or danger to the community is far *less* costly and burdensome
14 for the government than keeping him detained, which has extraordinarily high daily costs
15 *Hernandez*, 872 F.3d at 996.
16

17 ***iii. Without a Due Process Hearing Prior to Any Re-Arrest, the***
18 ***Risk of an Erroneous Deprivation of Liberty is High, and***
19 ***Process in the Form of a Constitutionally Compliant***
20 ***Hearing Where ICE Carries the Burden Would Decrease***
21 ***That Risk***

22 Releasing G.R.P.. from unlawful custody and providing a pre-deprivation hearing
23 would decrease the risk of him being erroneously deprived of his liberty. Before G.R.P.. can be
24 lawfully detained, he must be provided with a hearing before a neutral adjudicator at which the
25 government is held to show that there has been sufficiently changed circumstances; such
26 circumstances that ICE’s release from custody in 2012 should be altered or revoked because clear
27 and convincing evidence exists to establish that is a danger to the community or a flight risk.
28

1 The procedure G.R.P. seeks – is a hearing in front of a neutral adjudicator at which the
2 government must prove by clear and convincing evidence that circumstances have changed to
3 justify his detention *before* any re-arrest – is much more likely to produce accurate determinations
4 regarding factual disputes, such as whether a certain occurrence constitutes a “changed
5 circumstance.” See *Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir. 1989) (when
6 “delicate judgments depending on credibility of witnesses and assessment of conditions not
7 subject to measurement” are at issue, the “risk of error is considerable when just determinations
8 are made after hearing only one side”). “A neutral judge is one of the most basic due process
9 protections.” *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated on other*
10 *grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). The Ninth Circuit has noted that
11 the risk of an erroneous deprivation of liberty under *Mathews* can be decreased where a neutral
12 decisionmaker, rather than ICE alone, makes custody determinations. *Diouf v. Napolitano* (“*Diouf*
13 *II*”), 634 F.3d 1081, 1091-92 (9th Cir. 2011).

14
15
16 Due process also requires consideration of alternatives to detention at any custody
17 redetermination hearing that may occur. The primary purpose of immigration detention is to
18 ensure a noncitizen’s appearance during removal proceedings: *Zadvydas*, 533 U.S. at 697.
19 Detention is not reasonably related to this purpose if there are alternatives to incarceration that
20 could mitigate the risk of flight. See *Bell v. Wolfish*, 441 U.S. 520, 538 (1979). Accordingly,
21 alternatives to detention must be considered in determining whether G.R.P.’s reincarceration is
22 warranted
23

24 **As the above-cited authorities show, G.R.P. is likely to succeed on his claim that the**
25 **current arrest and detention that ICE effected on April 9, 2026 was an unlawful revocation**
26 **of his OSUP agreement and was part of a collusion scheme.** The Due Process Clause requires
27

1 notice and a hearing before a neutral decision-maker before any reincarceration by ICE. And, at
2 the very minimum, he clearly raises serious questions regarding this issue, thus also meriting a
3 TRO. *See Alliance for the Wild Rockies*, 632 F.3d at 1135.

4
5 **3. G.R.P. Will Suffer Irreparable Harm Absent Injunctive Relief**

6 G.R.P. will suffer irreparable harm if he remains detained, because he will be deported
7 imminently without being provided the constitutionally adequate process that this motion for a
8 temporary restraining order seeks. G.R.P. will also automatically lose his pending T-Visa before
9 USCIS because of an intrinsic requirement that the applicant be physically present in the United
10 States. Stripping him of this collateral relief option would be unfairly prejudicial and cannot be
11 undone. Once the deportation is effectuated, there would be no way to compel DHS to extradite
12 Petitioner's sudden and unlawful revocation of OSUP has caused the primary provider of his
13 family to put in jeopardy his "job, and disrupts family life; and it enforces idleness." *Barker v.*
14 *Wingo*, 407 U.S. 514, 532-33 (1972); *accord Nat'l Ctr. For Immigrants Rights, Inc. v. I.N.S.*, 743
15 F.2d 1365, 1369 (9th Cir. 1984). Moreover, the Ninth Circuit has recognized in "concrete terms
16 the irreparable harms imposed on anyone subject to immigration detention," including "subpar
17 medical and psychiatric care in ICE detention facilities, the economic burdens imposed on
18 detainees and their families as a result of detention, and the collateral harms to children of
19 detainees whose parents are detained." *Hernandez*, 872 F.3d at 995. The government itself has
20 documented alarmingly poor conditions in ICE detention centers. *See, e.g.*, DHS, Office of
21 Inspector General (OIG), Summary of Unannounced Inspections of ICE Facilities Conducted in
22 Fiscal Years 2020-2023 (2024) (reporting violations of environmental health and safety
23 standards; staffing shortages affecting the level of care detainees received for suicide watch, and
24 detainees being held in administrative segregation in unauthorized restraints, without being
25
26
27

1 allowed time outside their cell, and with no documentation that they were provided health care or
2 three meals a day); See also *ee Gomez Ruiz v. ICE*, 3:25-cv-09757-MMC.

3 Here, G.R.P.. has both community and family ties in the United States, including six
4 children. He has lived in the United States for more than half of his life. He has been recognized
5 by his employer for his exceptional work as a autobody shop painter. G.R.P..’s arrest and
6 detention have caused him, his family, and his community tremendous fear of his imminent
7 deportation.

9 G.R.P.. is currently detained at the most substandard and litigated ICE facility – Geo-
10 operated Adelanto Detention Center. Herein Counsel has also been effectively denied access to
11 Petitioner by ICE’s deliberate act of not informing herein counsel of his detention, or by
12 making his whereabouts known in the official government website – the ICE detainer
13 locator system. It is clear that “the deprivation of constitutional rights ‘unquestionably
14 constitutes irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting
15 *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Thus, a temporary restraining order is necessary to
16 prevent from suffering irreparable harm by being subject to unlawful and unjust detention.
17

18 **4. The Balance of Equities and the Public Interest Favor Granting the**
19 **Temporary Restraining Order**

20 The balance of equities and the public interest undoubtedly favor granting this temporary
21 restraining order.
22

23 First, the balance of hardships strongly favors G.R.P.. The government cannot suffer harm
24 from an injunction that prevents it from engaging in an unlawful practice. See *Zepeda v. I.N.S.*,
25 753 F.2d 719, 727 (9th Cir. 1983) (“[T]he INS cannot reasonably assert that it is harmed in any
26 legally cognizable sense by being enjoined from constitutional violations.”). Therefore, the
27

1 government cannot allege harm arising from a temporary restraining order or preliminary
2 injunction ordering it to comply with the Constitution. Further, any burden imposed by requiring
3 the ICE to release G.R.P.. from unlawful custody and refrain from re-arrest unless and until he is
4 provided a hearing before a neutral is both de minimis and clearly outweighed by the substantial
5 harm he will suffer as if he is detained. See *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983)
6 (“Society’s interest lies on the side of affording fair procedures to all persons, even though the
7 expenditure of governmental funds is required.”).

9 A temporary restraining order is in the public interest. First and most importantly, “it
10 would not be equitable or in the public’s interest to allow [a party] . . . to violate the requirements
11 of federal law, especially when there are no adequate remedies available.” *Ariz. Dream Act Coal.*
12 *v. Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2014) (quoting *Valle del Sol Inc. v. Whiting*, 732 F.3d
13 1006, 1029 (9th Cir. 2013)). If a temporary restraining order is not entered, the government would
14 effectively be granted permission to detain G.R.P.. in violation of the requirements of Due
15 Process. “The public interest and the balance of the equities favor ‘prevent[ing] the violation of a
16 party’s constitutional rights.” *Ariz. Dream Act Coal.*, 757 F.3d at 1069 (quoting *Melendres*, 695
17 F.3d at 1002); see also *Hernandez*, 872 F.3d at 996 (“The public interest benefits from an
18 injunction that ensures that individuals are not deprived of their liberty and held in immigration
19 detention because of bonds established by a likely unconstitutional process.”); cf *Preminger v.*
20 *Principi*, 422 F.3d 815, 826 (9th Cir. 2005) (“Generally, public interest concerns are implicated
21 when a constitutional right has been violated, because all citizens have a stake in upholding the
22 Constitution.”).

25 Therefore, the public interest overwhelmingly favors entering a temporarily restraining
26 order and preliminary injunction.

1 **V. CONCLUSION**

2 For all the above reasons, this Court should find that G.R.P.. warrants a temporary
3 restraining order and a preliminary injunction ordering that Respondents (1) release him from his
4 unlawful custody; (2) refrain from re-arresting him unless and until he is afforded a hearing
5 before a neutral adjudicator on whether a change in custody is justified by clear and convincing
6 evidence that he is a danger to the community or a flight risk; and (3) refrain from transferring
7 outside this jurisdiction, or sending him to any place outside of the United States.
8

9
10 Dated: April 10, 2026

11 Respectfully submitted,

12 *Christine Brito*

13 _____
14 Christine Brito, Esq. (CA Bar. No.316536)
15 Law Office of Christine Brito
16 3419 E. Chapman Ave. #355
17 Orange, CA 92869
18 (714)912-5026
19 Christineb@britoesq.com
20 Attorney for Petitioner
21 Gamaliel Rodriguez Pastrana
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY that on April 10, 2026, I served a copy of this Petition for Writ of Habeas Corpus by email to the following individual:

David M. Harris
Chief of the Civil Division
U.S. Attorney's Office
300 N. Los Angeles St. Ste 7516
Los Angeles, CA 90012-3341
Email: David.M.Harris@usdoj.gov

Christine Brito

Christine Brito, Esq. (CA Bar. No.316536)
Law Office of Christine Brito
3419 E. Chapman Ave. #355
Orange, CA 92869
(714)912-5026
Christineb@britoesq.com
Attorney for Petitioner

EXHIBIT A

#56
IMMIGRATION AND CUSTOMS ENFORCEMENT
1705 EAST HANNA ROAD
ELOY, ARIZONA 85131

BOND

BOND

TO
RODRIGUEZ Pastrana, Gamaliel

Date: December 17, 2012

EAZ-C-005844
7,500.00

You have been released from ICE custody pending a final decision in your exclusion/deportation/removal hearing. It is understood that you will be residing at the above address. The law requires you notify the Immigration Judge (at the address shown above) of any address correction or address change. When doing so, be sure to include your name and the File Number shown above in your written communication.

Office of the Immigration Judge
1705 East Hanna Road, Suite 366
Eloy, Arizona 85131

If you have already appeared before the Immigration Judge, you have been told when to appear for a further hearing. If you have yet to appear before the Judge, a notice of hearing will soon be sent to you at the above address. If you have filled out and signed a Motion for Change of Venue, your case may be transferred to the nearest Executive Office of Immigration Review where you reside. If you do not appear for the hearing, three (3) actions can be taken in your case.

1. Your deportation hearing may be held in your absence.
2. If a bond has been paid, it may be breached.
3. A warrant for your arrest may be issued.

I certify that the address listed above, furnished by me to ICE, is correct, and that a copy of this notice has been received by me this date.


Signature of Respondent

December 17, 2012
Date

By Personal Service on respondent

Date

12/17/12

Signature of ICE Employee



Job Title

IEA



Right Index



Photo

Alien Copy

EXHIBIT B

 An official website of the United States government
Here's how you know



EOIR Automated Case Information

Court Closures Today February 25, 2025

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > **RODRIGUEZ-PASTRANA, GAMALIEL** (205-418-606)



Automated Case Information

Name: RODRIGUEZ-PASTRANA, GAMALIEL | A-Number: 



Next Hearing Information



There are no future hearings for this case.



Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

DECISION DATE

September 1, 2016

COURT ADDRESS

5245 PACIFIC CONCOURSE DR #100
LOS ANGELES, CA 90045



BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents,
please contact the immigration court.

COURT ADDRESS

5245 PACIFIC CONCOURSE DR #100
LOS ANGELES, CA 90045

PHONE NUMBER

(310) 335-2100

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EXHIBIT C

PLEASE PROVIDE YOUR DETAILS BELOW (SPANISH)
POR FAVOR ESCRIBA SU INFORMACION ACTUAL

PEREZ

Numero de Inmigracion / Immigration File Number:

[REDACTED]

Nombre Completo / Full Name:

Cornel Rodriguez-Partrano

Su Numero de Telefono / U.S. Phone Number:

[REDACTED]

(Su numero de telefono personal de usted unicamente)

Domicilio o Direccion de Casa / U.S. Home Address:

[REDACTED]

#Numero de Casa/ #Street Number

Nombre de Calle / Street Name

Departamento / Province

Ciudad / City

Estado / State

Código Postal / ZIP Code

Los Angeles

CA

90001

Attorney: States they
prount docs. of wife disability

Phone laddy
updated

SPANISH

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION

File No. 

Date: March 12, 2025

Name: RODRIGUEZ-PASTRANA, GAMALIEL

On September 1, 2016, you were ordered:
(Date of Final Order)

- ☐ Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
☒ Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the agency has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- ☒ That you appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.
☒ That upon request of the agency, you appear for medical or psychiatric examination at the expense of the United States Government.
☒ That you provide information under oath about your nationality, circumstances, habits, associations and activities and such other information as the agency considers appropriate.
☒ That you do not travel outside CALIFORNIA for more than 48 hours without first having notified this agency office of the dates and places, and obtaining approval from this agency office of such proposed travel.
(Specify geographic limits, if any)
☒ That you furnish written notice to this agency office of any change of residence or employment 48 hours prior to such change.
☒ That you report in person on 05/13/2025 08:00 AM to this agency office at:
(Date/Time)

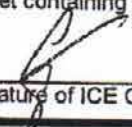
See I-831

(Reporting Address)

- ☒ That you assist U.S. Immigration and Customs Enforcement in obtaining any necessary travel documents.
☐ Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- ☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)


(Signature of ICE Official)

PATATANYAN, ALDON

(Print Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the SPANISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.


(Signature of ICE Official Serving Order)

03/12/2025

(Date)


(Signature of Alien)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION (ADDENDUM)

File No.:



Name: RODRIGUEZ-PASTRANA, GAMALIEL

Date: March 11, 2025

- ☒ That you do not associate with know gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Supervision.
- ☐ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into Service custody and you being criminally prosecuted.
- ☐ Other:

X

Alien's Signature

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF SUPERVISION (OUTPROCESSING CHECKLIST)

All Aliens

- ☐ Probation/Parole Officer Notified
- ☐ Obtain address where living and telephone number
- ☐ Enter into IDENT
- ☐ NCIC Check
- ☐ Travel Document Application

Sex Offenders

- ☐ Probation/Parole Officer Notified
- ☐ Registered as sex-offender as required by state statute within 7 days
- ☐ Victim/Witness Coordinator Notified
- ☐ Victim/Witness Notified
- ☐ Written Proof of Counseling

Substance Abusers

- ☐ Probation/Parole Officer Notified
- ☐ Written Proof of Counseling

Completed By	
ICE Official GASTELUM, J. 10980 <i>Jonathan P</i>	Date 03/12/2025

Concurrence By	
Supervisory ICE Official PATATANYAN, ALDON <i>[Signature]</i>	Date 03/12/2025

U.S. Department of Homeland Security

Continuation Page for Form **I-220B**

Alien's Name RODRIGUEZ-PASTRANA, GAMALIEL	File Number 	Date 03/12/2025
LOCATION OF ICE OFFICE WHICH YOU REPORT TO ----- ICE ERO Los Angeles Field Office 300 N Los Angeles Street, Room 7621 Los Angeles, CA 90012		
Signature  J. 10980 GASTHUM		Title DEPORTATION OFFICER

5 of 5 Pages

EXHIBIT D

From: ADE ERO Response
To: Christine Brito; #DVFERO501-999
Subject: RE: [REDACTED]
Date: Friday, April 10, 2026 1:20:13 PM
Attachments: image001.png
image002.png

Good day, we have received your email. Your client is at Desert View Detention Facility. Subject was brought into custody due to final order of removal.

Subject will be processed for removal to Honduras as soon as possible.

M. Russi
Deportation Officer, Flight Operations Unit
U.S. Immigration and Customs Enforcement
Los Angeles Field Office
Adelanto Processing Center
10400 Rancho Road, Adelanto, CA 92301
(760) 561- 6100

This communication is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this communication should be furnished to the media, either in written or verbal form.

From: ADE.Tasking <ADE.Tasking@ice.dhs.gov>
Sent: Friday, April 10, 2026 11:54 AM
To: Russi, Miguel <Miguel.Russi@ice.dhs.gov>; Robles, Luz E <Luz.E.Robles@ice.dhs.gov>; Preciado, Jorge George <Jorge.G.Preciado@ice.dhs.gov>; Jimenez, Brandon M <Brandon.M.Jimenez@ice.dhs.gov>
Cc: ADE.Tasking <ADE.Tasking@ice.dhs.gov>
Subject: FW: [REDACTED]

Good morning,

Please see below message and respond **NLT 12:00PM, Saturday, April 11, 2026**. When completed please advise APC Tasking so we can close it out on our end.

Respectfully,

M. Emiliano
Deportation Officer, Tasking Unit / LVCO
ICE Enforcement and Removal Operations

Los Angeles Field Office, Adelanto ICE Processing Center
Desk: (760) 561-6100 Ext: 196414

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From: Los Angeles.Outreach <LosAngeles.Outreach@ice.dhs.gov>
Sent: Friday, April 10, 2026 10:29 AM
To: ADE.Tasking <ADE.Tasking@ice.dhs.gov>
Subject: FW: [REDACTED]

Greetings,

Please see email below from atty.

This communication is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this communication should be furnished to the media, either in written or verbal form.

From: Christine Brito <Christineb@britoesq.com>
Sent: Friday, April 10, 2026 10:26 AM
To: Los Angeles.Outreach <losangeles.outreach@ice.dhs.gov>
Subject: [REDACTED]

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click [here](#) and follow instructions.

Hello, I represent Mr. Gamaliel Rodriguez in all matters before ERO and USCIS [REDACTED]
[REDACTED] I would like to receive any documents regarding his detention. He was on an OUSP agreement, so I do not understand why he was detained. The detainee locator is also not reflecting where he is.

Thank you,
Christine Brito

Christine

Yvette Brito
Founder and Managing Attorney

Law Office of Christine Brito
¡Uniendo Familias!
Email: Christineb@britoesq.com
Phone/Text/Zelle: 714-912-5026
Primary Address: 2922 E. Chapman Ave.
Suite 202-C, Orange, CA 92869

Mailing Address (Only)
3419 E. Chapman Ave. #355 Orange, CA 92869