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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Gamaliel Rodriguez Pastrana,

Plaintiff,

v.

FERETI SEMAIA, Warden of the
Adelanto Detention Center; EARNESTO
SANTACRUZ, Current or Acting Field
Office Director, Los Angeles Field Office,
U.S. Immigration and Customs
Enforcement; TODD M. LYONS, Acting
Director of U.S. Immigration and Customs
Enforcement; MARKWAYNE MULLIN,
Secretary of the U.S. Department Of
Homeland Security; and TODD
BLANCHE, Attorney General of the
United States, in their official capacities

Defendants

No. 2:26-cv-03880-CAS-DTB

PETITIONER'S REPLY TO
FEDERAL RESPONDENTS' RESPONSE
FOR TEMPORARY RESTRAINING ORDER

I. PETITIONER HAS MET HIS BURDEN FOR PRELIMINARY INJUNCTIVE RELIEF AND RESPONDENTS HAVE FAILED TO REBUT THAT SHOWING

Respondents' opposition does not undermine Petitioner's entitlement to relief. In his opening briefing, Petitioner satisfied his burden under *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008), demonstrating a strong likelihood of success on the merits, ongoing irreparable harm from unconstitutional detention, and that the balance of equities and public interest favor immediate relief. Nothing in Respondents' opposition disrupts that showing. Rather than addressing the constitutional violations of Due Process presented in which Petitioner's liberty was revoked on April 9, 2026, Respondent's opposition turns solely on a claim that ICE has absolute and unilateral authority to enforce Petitioner's outstanding removal order from September 1, 2016, and an assumption that no procedural deficiencies existed in the OSUP revocation. Further, Respondents do not engage in the procedural due process framework governing re-detention after release. Where the government fails to rebut a petitioner's constitutional showing, preliminary injunctive relief is warranted. See *Winter*, 555 U.S. at 20.

II. RESPONDENTS IGNORE THE GOVERNING MATHEWS FRAMEWORK

Petitioner's opening briefing set forth the factual and legal basis for his procedural due process claim under *Mathews v. Eldridge*, 424 U.S. 319 (1976). The record before the Court reflects that Petitioner lived in the community for 14 years pursuant to the government's last discretionary ICE bond release decision and complied with all immigration obligations. He did not have any contact with ICE until March 2025 when he was called into the ERO office in Los Angeles, California. As stated in Petitioner's Habeas complaint, he complied with all requirements including in-person visits at the ERO office and ISAP office, phone calls, home visits, and biometric/photos, and wearing an ankle monitor. Respondents do not engage this legal analysis. Their opposition does not cite *Mathews*, does not address any of the governing factors, and does not dispute the circumstances under which Petitioner's liberty was revoked. Instead, Respondents rely exclusively on a categorical statutory theory and proceed as though procedural due process is inapplicable. That position is inconsistent with controlling law.

1 Respondents further fail to identify any countervailing governmental interest sufficient to
2 justify dispensing with basic procedural safeguards. Their failure to articulate any such interest
3 weighs heavily under *Mathews*. Petitioner has established a prima facie procedural due process
4 violation, and the government offers no response to the governing constitutional framework.
5 Preliminary injunctive relief is warranted.

6 **A. Multiple Procedural Deficiencies in OSUP Revocation Exist**

7 Petitioner has established that his re-detention on April 9, 2026, occurred **without**
8 **adequate notice or an informal hearing, without any contemporaneous individualized**
9 **finding of changed circumstances, or a finding of a violation of the conditions of release.**
10 There is no legal justification for the revocation of Petitioner's OSUP despite recently served
11 documents on herein Counsel that were not previously discoverable prior to April 20, 2026.

12 Respondents argue that Petitioner was given notice on April 9, 2026 (See **Exhibit B** - ICE
13 Form 71-091, *Notice of Revocation and of Release*, attached to the Government's Opposition).
14 Contrary to Respondents' allegation that Petitioner was served with notice of his revocation of
15 OSUP, regulations require ICE to "*articulate a meaningful, individualized basis for revocation*
16 *sufficient to give the noncitizen notice of the grounds for re-detention and an*
17 *opportunity to respond.*" *Vo v. Lyons*, Civ. No. 25-cv-533-JLTSM, 2026 WL 323133, at *4
18 (D.N.H. Jan. 27, 2026) (Laplante, J.); See also *Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1019
19 (2025) (Sotomayor J., statement respecting the Court's disposition of the application) (explaining
20 that, to revoke release under § 241.4, the government "must provide adequate notice" of the
21 grounds for revocation in order to permit the noncitizen a meaningful "opportunity to respond"
22 (quoting 8 C.F.R. § 241.4)); accord *Sarail A. v. Bondi*, 803 F. Supp. 3d 775, 787 (D. Minn. 2025)
23 (noting the same requirement under § 241.13). "[G]eneric and conclusory statements" offered in a
24 Notice of Revocation "are insufficient bases for revoking . . . supervised release" under either
25 regulation, as "dozens of federal courts across the country" have concluded. *Hall v. Nessinger*,
26 C.A. No. 25-cv-667JJM-PAS, 2026 WL 18583, at *7 (D.R.I. Jan. 2, 2026) (collecting cases);
27
28

1 See also *Vo*, 2026 WL 323133, at *5 (“Courts in this circuit have repeatedly rejected attempts to
2 justify immigration detention or re-detention based on conclusory or post hoc rationales rather
3 than contemporaneous, individualized findings.”).

4 Petitioner brings to the Court’s attention the very first portion of this ICE Form 71-091,
5 which states that OSUP was **revoked because “the purposes of release have been served.”** This
6 vague decision was made without any further details. This affirms the absence of any
7 particularized findings required to support a release revocation. See *Ceesay v. Kurzdorfer*, 781 F.
8 Supp. 3d 137, 159-62. It is worth mentioning that ICE declined to allege that Petitioner’s OSUP
9 was revoked, because he violated the conditions of his release, a changed circumstance arose, or
10 his conduct, or other circumstance indicates that his release was no longer appropriate. Notably
11 all of these other scenarios require details to be included in ICE Form 71-091.

12 The only justification that the Government defaults to is Petitioner’s outstanding removal
13 order from September 2016. However, that removal order was clearly the basis of calling
14 Petitioner into ERO’s custody on March 12, 2025. And this basis was expressly indicated to him
15 and herein counsel on that date. In fact, herein counsel attempted to file an I-246, Emergency Stay
16 of Removal with ICE on March 12, 2025, with supporting documentation. However, Form I-246,
17 Emergency Stay of Removal, the required \$155 Money Order and supporting documents were
18 turned away, because of the deportation officer made a determination that it was “not necessary
19 seeing that he had produced evidence of a pending T-Visa with USCIS, had significant family ties
20 including a daughter in a mental health institution, and a spouse with a disability.” In Petitioner’s
21 case, OSUP was the elected regulatory scheme for noncitizens with an outstanding removal order
22 and with pending relief before USCIS. Thus, after his custody review on March 12, 2025, it was
23 the Government who released him subject to OSUP to begin with. Now, the Government cannot
24 simply change its mind without offering a factual basis, and to do so when counsel was not
25 present.

26 Similarly, courts have found that the conclusory assertion that the “purposes of his release
27 have been served” fails to apprise the noncitizen of the factual basis upon which his release is

1 being revoked, and thereby fails to afford him a meaningful opportunity to be heard in response.
2 *See Sarail A.*, 803 F. Supp. 3d at 787 (“Simply to say that circumstances had changed or there
3 was a significant likelihood of removal in the foreseeable future is not enough. Petitioner must be
4 told what circumstances had changed or why there was now a significant likelihood of removal in
5 order to meaningfully respond to the reasons and submit evidence in opposition, as allowed under
6 § 241.13(i)(3).”).

7 It is also Petitioner’s contention that OSUP revocation was unlawful, because the officer
8 who signed ICE Form 71-091 lacked the regulatory authority to do so. This distinction is critical
9 because the Government’s own federal regulations have implemented procedures to lawfully
10 revoke OSUP. In short, 8 C.F.R. § 241.4(l)(2) empowers the INS “Executive Associate
11 Commissioner” to revoke release on discretion when, in his or her opinion: “(i) The purposes of
12 release have been served; (ii) The alien violates any condition of release; (iii) It is appropriate to
13 enforce a removal order . . . ; or (iv) The conduct of the alien, or any other circumstance, indicates
14 that release would no longer be appropriate.” . . .

15 A “district director” or any other official who is “delegated the function or authority for a
16 particular geographic district, region, or area” may also revoke an order of supervision, 8 C.F.R. §
17 1.2., but only upon findings that “revocation is in the public interest and circumstances do not
18 reasonably permit referral of the case to the Executive Associate Commissioner.” 8 C.F.R. §
19 241.4(l)(2).

20 As the *Ceesay* court explained, when the Homeland Security Act of 2002 transferred INS
21 functions to DHS, the authority of the Executive Associate Commissioner to revoke release was
22 conferred on the Executive Associate Director of ICE, and the authority of the district director
23 was transferred to the Field Office Director. *Ceesay*, 781 F. Supp. 3d at 159-61. The court
24 concluded, for two reasons, that the person who revoked Ceesay’s release, the Assistant Field
25 Office Director, did so without clear authority. First, the delegation order granting the Assistant
26 Field Officer Director some authority did not specifically delegate the authority to revoke an
27 order of supervision. *Id.* at 161-62. Second, the court found that the Assistant Field

1 Officer Director did not make the findings required to support a release revocation: that
2 revocation was in the public interest and circumstances did not reasonably permit referral of the
3 case to the Executive Associate Director of ICE. *Id.* at 162. The court then concluded that
4 “Ceesay’s release was not properly revoked, and he is entitled to release on that basis alone.” *Id.*
5 (citing *Rombot v. Souza*, 296 F. Supp. 3d 383, 386-89 (D. Mass. 2017) (expressing doubt as to
6 whether Field Office Director had authority to revoke release and finding that failure to make
7 required findings required release of petitioner)).

8 In Petitioner’s case, Officer Vega, SDDO - A much lower ranked official in relation to
9 either the Field Office Director (FOD), or the Executive Associate Director (EAD) for ICE
10 Enforcement and Removal Operations (ERO) as required under 8 CFR Section 241.4 signed the
11 OSUP revocation order. (See **Exhibit B** - ICE Form 71-091, *Notice of Revocation and of Release*,
12 attached to the Government’s Opposition). The government’s failure to follow its own procedures
13 in revoking his OSUP and re-detaining the petitioner is sufficient on its own to find a clear
14 violation under the Due Process Class, the Administrative Procedure Act, and the Accardi
15 doctrine, under which courts can set aside an agency action for failure to follow its own
16 procedures.

17 Several recent federal district cases have adopted this reasoning, granting habeas petitions
18 based at least in part on the fact that revocation was ordered by someone without regulatory
19 authority to do so. *See, e.g., Zhu v. Genalo*, 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025), at *8;
20 *M.S.L. v. Bostock*, 2025 WL 2430267, at *9-*10 (D. Or. Aug. 21, 2025).

21 The *Cessay* court also found that ICE failed to provide Ceesay with the informal post-
22 detention interview required by § 241.4(1), citing numerous cases holding that such an interview
23 is required regardless of the reason for the revocation. *Cessay*, 781 F. Supp. 3d 163-64 (citing
24 *Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1019 (2025) (Sotomayor, J. statement respecting the
25 Court’s disposition of the application); *M.Q. v. United States*, 776 F. Supp. 3d 180, 190 n.1
26 (S.D.N.Y. 2025); *Doe v. Smith*, 2018 WL 4696748 (D. Mass. Oct. 1, 2018)). The court concluded
27 that “because ICE did not follow its own regulations in deciding to re-detain Ceesay, his due

1 process rights were violated, and he is entitled to release. And even if that were not so, he would
2 still be released because he was not afforded even the minimal due process that protects
3 everyone—citizens and noncitizens—in the United States.” *Id.* at 166. See also *Grigorian v.*
4 *Bondi*, 2025 WL 2604573, at *9 (S. D. Fla. Sep. 9, 2025) (“The opportunity to contest detention
5 through an informal interview is not some ticky tacky procedural requirement; it strikes at the
6 heart of what due process demands.”); *Diaz v. Wofford*, 2025 WL 2581575 (E. D. Cal. Sep. 5,
7 2025) (petitioner denied notice and opportunity to be heard likely to succeed on the merits of due
8 process claim); *K.E.O. v. Woosley*, 2025 WL 2553394, at *6 (W. D. Ky. Sep. 4, 2025) (notice of
9 revocation 90 days after the fact does not cure due process violation of lack of notice upon
10 revocation and failure to give interview promptly after); *Orellana v. Baker*, 2025 WL 2444087
11 (D. Md. Aug. 25, 2025) (lack of any written notice or opportunity to be heard constitute stark
12 violation of due process); *Zhu*, 2025 WL 2452352, at *9 (failure to provide notice or an interview
13 violated due process); *M.S.L.*, 2025 WL 2430267, at *10-*12 (failure to give interview until 27
14 days after revocation of release violated due process). But see *Barrios v. Ripa*, 2025 WL 2280485
15 (questioning whether regulation providing for notice and opportunity to be heard applies only to
16 revocation for violation of OSUP, and not for revocation to accomplish removal, but finding that
17 petitioner had received notice and an informal interview anyway).

18 Similar to *Ceesay*, Petitioner was not given any meaningful opportunity to provide
19 documentation, or have access to counsel during this informal post-detention interview required
20 by § 241.4(1). Instead, Petitioner’s informal interview took place on-the-spot by a lower-level
21 deportation officer named “J. Gastelum (10980), Deportation Officer. It is no surprise that the
22 notes indicate “No statement given” and the detainee “did not provide a written statement” and
23 detainee “did not provide documents.” (See Exhibit C, Alien Informal Interview Upon
24 Revocation of Order of Supervision Under 8.C.F.R. Section 241.4 (I); 8.C.F.R. Section 241.13 (i)
25 attached to the Government’s Opposition). It is not feasible to expect Petitioner to be able to avail
26 himself of any meaningful opportunity once his liberty was revoked while at the same time
27 being requested to produce documents to prove his liberty should be restored. Not even an

1 experienced attorney would be expected to instantly provide a written statement and documents
2 after being immediately detained. There was simply insufficient time to expect Petitioner to
3 meaningfully respond to the government's satisfaction where adequate notice was not afforded
4 initially. Two wrongs do not make a right.

5 The basis for revoking a noncitizen's release must be communicated to the noncitizen at a
6 time and in a manner that permits him to marshal evidence demonstrating that his liberty ought
7 not be restrained. See *Aponte-Rosario v. Acevedo-Vildá*, 617 F.3d 1, 9 (1st Cir. 2010) (“[I]t is well-
8 settled that the essential requirements of procedural due process include adequate notice and an
9 opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” (quoting *Amsden v.*
10 *Moran*, 904 F.2d 748, 753 (1st Cir. 1990))). In this case, that did not occur.

11 Now, while “not every procedural misstep raises a constitutional issue . . . , where an
12 immigration ‘regulation is promulgated to protect a fundamental right derived from the
13 Constitution or a federal statute,’ like the opportunity to be heard, ‘and ICE fails to adhere to it,
14 the challenged [ICE] action is invalid.’” *Rombot v. Souza*, 296 F. Supp. 3d 383, 388 (D. Mass.
15 2017) (brackets omitted) (quoting *Waldron v. I.N.S.*, 17 F.3d 511, 518 (2d Cir. 1993)); see also
16 *United States v. Caceres*, 440 U.S. 741, 751 n.14 (1979) (“Where the rights of individuals are
17 affected, it is incumbent upon agencies to follow their own procedures.” (quoting *Morton v. Ruiz*,
18 415 U.S. 199, 235 (1974))).

19 For the above-mentioned failures, ICE has failed to conform with the release revocation
20 regulations and violated Petitioner's Due Process under his Fifth Amendment as a deprivation of
21 liberty without adequate process, see *Zadvydas v. Davis*, 533 U.S. 678, 690 (“Freedom from
22 imprisonment . . . lies at the heart of the liberty [the Due Process] Clause protects”), a violation of
23 the Administrative Procedure Act as arbitrary and capricious and contrary to law, and a violation
24 of the Accardi doctrine for failure of the agency to follow its own procedures affecting a
25 fundamental right.

26 //

1 **B. Immediate Release is the Appropriate Remedy for Procedural Deficiencies**
2 **Sufficiently Egregious to Violate Petitioner's Due Process**

3 Contrary to Respondents' recommendation to cure a procedural deficiency, immediate and
4 automatic release is still attainable and can be granted by this Court. When the revocation of a
5 noncitizen's supervised release fails to adhere to regulatory procedures that safeguard
6 noncitizens' due process rights, courts have found the appropriate remedy to be release subject to
7 the conditions of the noncitizen's previous order of supervision. M.S.L., 2025 WL 2430267, at
8 *11; see, e.g., Rombot, 296 F. Supp. 3d at 389; see also Funes v. Francis, 810 F. Supp. 3d 472,
9 502 (S.D.N.Y. 2025) (identifying "numerous cases releasing habeas petitioners held in custody
10 following procedural due process violations" and rejecting the argument "that the remedy in
11 habeas for a procedural due process violation resulting in a loss of liberty is an order mandating
12 corrective 'process'"). Thus, this Court should find that such relief is warranted here.

13 **III. RESPONDENTS HAVE FAILED TO SHOW THAT REMOVAL TO HONDURAS**
14 **IS IN THE REASONABLE FORESEEABLE FUTURE**

15 Petitioner does not concede that he has a final order of removal since September 1, 2026,
16 after his application for Asylum, Withholding of Removal, and CAT was denied by an
17 immigration Judge. Petitioner was placed under OSUP between March 12, 2025 until April 9,
18 2026, when it was illegally revoked. The total time Petitioner was under OSUP was for a period
19 of 393 days, or 12 months and 28 days. At no point during that period of custody review did
20 Respondents ever request travel documents from Honduras to execute the final order of removal.
21 If Respondents truly believed that there was a significant likelihood of removal in the reasonably
22 foreseeable future, then the Government should have requested his travel documents and executed
23 the outstanding removal order initially. Respondents continuously want to have it both ways.

24 To the Contrary, Respondents chose **not** to accept herein counsel's Form I-246,
25 Application for an Emergency Stay on March 12, 2025, because Respondents used agency
26 discretion in finding that he did have pending collateral relief albeit his final order of removal.
27 This agency decision in effect challenges the Respondents' position that removal was imminent
28 or

1 reasonably foreseeable. To support Petitioner's case, he presented documentation to the
2 satisfaction of ERO on March 12, 2025, including at various ISAP check-ins to continue to prove
3 the pending relief before USCIS, namely a U Nonimmigrant Visa ("U-Visa) and a T
4 Nonimmigrant Visa ("T-Visa") since 2025.

5 Respondents also have the legal authority to request that USCIS expedite both
6 applications for a final resolution on both applications, including inadmissibility waivers that
7 would waive his underlying final order of removal. Both applications for collateral relief undercut
8 Respondents claim that there is a significant likelihood of his removal. Petitioner has two avenues
9 to remain lawfully in the United States. Instead, the Government is electing to ignore their
10 inherent government authority which arbitrarily and capriciously denies Petitioner of Due Process
11 rights.

12 Again, Respondents have not articulated any changed circumstances to reflect that USCIS
13 has denied those pending applications for collateral relief that would now make his removal
14 significantly more likely. Respondents' decision to revoke Petitioner's OSUP was thus arbitrary.

15 **IV. PETITIONER'S DETENTION FOR A PERIOD OF LESS THAN SIX MONTHS IS**
16 **NOT DISPOSITIVE**

17 Whether Petitioner has been detained for less than six months under the *Zadvydas*
18 framework is also misplaced. Petitioner need not be detained for six months for a court to find a
19 constitutional violation exists, and for the appropriate remedy be immediate release.

20 Respondent argues that the Petition should be dismissed as premature because Petitioner's
21 detention is presumptively lawful under the Supreme Court's decision in *Zadvydas v. Davis*, 533
22 U.S. 678 (2001), in which the Court held that detention for a period of less than six months
23 following the issuance of a removal order is generally reasonable. [ECF No. 9 at 8–9]. Because
24 Petitioner's detention has lasted to date only 14 days, Respondent contends that *Zadvydas* and its
25 progeny mandate dismissal. [*Id.*].

26 Respondent's argument misunderstands the Petition. Petitioner's challenge does not go to
27 the length of his detention but rather to Respondent's overwhelming failure to abide by its own

1 regulations in revoking Petitioner's Order of Release on Recognizance and its decision to detain
2 Petitioner without affording him the process required by those regulations or otherwise affording
3 him notice and an opportunity to be heard as required under the Fifth Amendment. In that sense,
4 this case is similar to *Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 2604573, at *6
5 (S.D. Fla. Sept. 9, 2025). There, the Government revoked an order of supervised release and
6 detained an immigrant subject to a final order of removal for a period far shorter than what the
7 Supreme Court blessed in *Zadvydas*. *Id.* at *1. Nonetheless, the Honorable Rodolfo A. Ruiz, II,
8 proceeded to consider the merits of the petitioner's challenge to his detention; namely, that "[t]he
9 process afforded" to the petitioner concerning the revocation of his order of supervised release
10 and subsequent detention "fail[ed] to comply with ICE's own regulations or comport with
11 traditional notions of due process." *Id.* at *9.

12 In short then, *Zadvydas* and its presumptive length of time for detention is inapposite.
13 That case does not grace Respondent with a six-month safe harbor from any and all judicial
14 scrutiny. The challenges asserted here would presumptively lie whether Petitioner had been
15 detained one day or one year.

16 Even if Petitioner was not entitled to the procedural protections afforded to immigrants
17 under 8 C.F.R. § 241.13 and § 241.4, Petitioner is entitled to release pursuant to the Due Process
18 clause. "Freedom from imprisonment—from government custody, detention, or other forms of
19 physical restraint—lies at the heart of the liberty [the Due Process] Clause protects." *Zadvydas*,
20 533 U.S. at 690. Here, Petitioner has been in custody for 14 days (and counting), "without ever
21 having received a meaningful opportunity to be heard or to contest the basis for his re-detention."
22 *Id.* Remarkably, Respondent has essentially nothing to say on this issue, besides the naked,
23 unsupported assertion of ICE's authority to "revoke[] [an Order of Release on Recognizance] at
24 any time in the discretion of the district director, acting district director, deputy district director,
25 assistant district director for investigations, assistant district director for detention and
26 deportation, or officer in charge (except foreign), in which event the alien may be taken into
27 physical custody and detained." [ECF No. 9 at 11–12; *see also id.* at 12 ("[A]n order of

1 recognizance can be revoked at any time”]. Perhaps because of that stark assertion of
2 authority, Respondent has never argued—let alone put forth evidence to suggest—that the
3 revocation of Petitioner’s Order of Release on Recognizance complied with the requirements of
4 the Fifth Amendment or its own regulations. That complete disengagement from the
5 constitutional heft of Petitioner’s challenge speaks volumes.

6 Accordingly, this Court should find that the process by which Respondent revoked
7 Petitioner’s Order of Release on Recognizance and subsequently detained him violates applicable
8 statutory law and regulations as well as the Due Process Clause of the Constitution in line with
9 the *Matthews v. Eldridge* analysis conducted by other courts in this District. *See, e.g., Mora*
10 *Arellano v. Warden Federal Bureau of Prisons et al.*, 26-20044-CIV-ALTONAGA (Jan. 23,
11 2026), ECF No. 10 at 8–12 (Altonaga, C.J.).

12 **V. RESPONDENTS HAVE BREACHED A DUTY OF CARE TO PETITIONER**
13 **UNDER THE FIFTH AMENDMENT AND FOURTEENTH AMENDMENT**

14 Under the Constitution, the government has a duty to provide for the “basic human needs”
15 of people in its custody, a class that includes immigrant detainees. *DeShaney v. Winnebago Cnty.*
16 *Dep’t of Soc. Servs.*, 489 U.S. 189, 200 (1989) (citing *Estelle v. Gamble*, 429 U.S. 97, 103–04
17 (1976); *Youngberg v. Romeo*, 457 U.S. 307, 315–16 (1982)). These “basic human needs” include
18 “food, clothing, shelter, medical care, and reasonable safety.” The Constitution is supplemented
19 by statutory law, most notably the Immigration and Nationality Act (INA). Under this act, federal
20 immigration officials must establish “acceptable conditions of confinement.”

21 Petitioner raises additional constitutional violations not previously alleged in the original
22 Habeas complaint, because it was not ripe. Suspicious circumstances surrounding Petitioner’s
23 custody raises questions about the possibility of foul play at the Desert View Annex which
24 suddenly caused Petitioner to be rushed to the hospital on April 20, 2026. **Exhibit H**. It should be
25 noted that Petitioner remains at the hospital to date. Petitioner’s admission to the hospital for a
26 “knee injury” was not discovered until April 22, 2026, by herein counsel and his immediate
27 family who were left in the dark about his medical condition requiring emergency care. Petitioner
28

1 did not have any prior medical history of knee injuries. For this reason, it is deeply disturbing that
2 Petitioner is hospitalized for this medical condition, and that no ERO officer has communicated to
3 counsel, or his immediate family, what the circumstances were that caused his hospitalization.

4 Additionally, in the last 14 days that Petitioner has been in custody, herein counsel has
5 been unable to confirm that Petitioner has remained at Desert View Annex Detention Center
6 despite this Court granting an emergency TRO ordering that Respondents not transfer him out of
7 this jurisdiction issued on April 10, 2026. The reason behind this is that Respondents have failed
8 throughout the entirety of the 14 days to make him searchable in the publicly accessible ICE
9 Detainee Locator. It is imperative that Petitioner's exact whereabouts be ascertainable to ensure
10 Respondents' compliance with the TRO in place. Lastly, Respondents' actions have interfered
11 with Petitioner's access to Counsel. **Exhibit H.**

12 **VI. CONCLUSION**

13 Petitioner has met his burden for preliminary injunctive relief. Respondents have failed to
14 rebut that showing, failed to justify the unlawful revocation of OSUP or that it was done so in a
15 way that was compliant with agency standards, and failed to engage the governing constitutional
16 framework. The Court should grant the writ, order Petitioner's immediate release
17 restore him to the status quo ante, including reinstating his prior OSUP agreement on March 12,
18 2025, without the punitive GPS ankle monitor. It should enjoin Respondents from re-detaining
19 him absent a constitutionally adequate pre-deprivation hearing at which the government bears the
20 burden of proof.

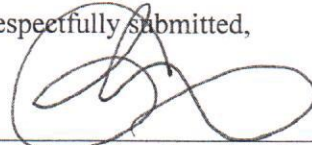
21 **EXHIBITS**

22 **Exhibit H**

**True and Correct Copy of Email Communications with ERO
regarding Petitioner's Custodial Status, Location, Access to
Counsel, and Medical Condition (April 2026)**

1 Dated: April 23, 2026

2 Respectfully submitted,

3 

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EXHIBIT H

From: ADE ERO Response.
To: Christine Brito; ADE ERO Response.
Cc: #APCERO000-500.; #APCERO501-999.
Subject: RE: Urgent RE: [REDACTED]
Date: Thursday, April 23, 2026 11:20:11 AM
Attachments: [image001.png](#)
[image002.png](#)

Good afternoon,

Your client is currently receiving treatment at the hospital. Due to his location, there are protocols when requesting a phone call. I do apologize but, we did not receive have a phone call request from your client yesterday. The last phone call request that we received was on 4/21/2026, which he was able to make to his spouse. Since you are requesting a phone call now, I will notify the onsite staff and authorized a phone call to his counsel, that is within the hospital policy. Feel free to reach out to us again if you haven't received a call from your client, but keep in mind, we are unable to force any individual from calling their counsel.

Respectfully,

Juan Gutierrez
Supervisory Detention and Deportation Officer, FOU
ICE Enforcement and Removal Operations
Los Angeles Field Office, Adelanto IPC
Desk: 760-561-6100 ext: 196428

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: Thursday, April 23, 2026 10:59 AM
To: ADE ERO Response, <ADEEROResponse@ice.dhs.gov>
Cc: #APCERO000-500, <#APCERO000-500@ice.dhs.gov>; #APCERO501-999, <#APCERO501-999@ice.dhs.gov>
Subject: RE: Urgent RE: A [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.

To ERO,

I was expecting a call from my client yesterday and did not receive one. At this point, I am going to assume my client's right to speak to his counsel is being violated. Moreover, his spouse attempted to speak to him last night after nearly three days of zero communication, but he was abruptly forced off the phone. His spouse was never informed he was in the hospital since April 20, 2026, nor was his counsel until we began to inquire why we had not heard from him. Still, neither his spouse nor herein counsel have been properly informed of the circumstances that led to the knee injury. To be frank, my client's knee injury while detained should be deemed suspicious until his custodian can clarify with evidence that this was not foul play.

Please have my client call his counsel immediately. It is imperative.

Thank you,
Christine Brito

From: ADE ERO Response, <ADEEROResponse@ice.dhs.gov>

Sent: Wednesday, April 22, 2026 2:04 PM

To: Christine Brito <Christineb@britoesq.com>

Cc: #APCERO000-500, <#APCERO000-500@ice.dhs.gov>; #APCERO501-999, <#APCERO501-999@ice.dhs.gov>

Subject: RE: Urgent RE: A 

Good day,

I am writing to inform you that your client suffered a knee injury on Monday, April 20, 2026, and is currently in the hospital. He is in stable condition. ERO will make arrangements to have your client contact you directly.

Please let me know if you require further information.

L. Robles

Deportation Officer

Los Angeles Field Office, Adelanto Sub-Office

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

O: (760)561-6300 XT 196467

10400 Rancho road

Adelanto, CA 92301

From: Christine Brito <Christineb@britoesq.com>

Sent: Wednesday, April 22, 2026 1:45 PM

To: ADE ERO Response, <ADEEROResponse@ice.dhs.gov>; #DVFERO501-999, <#DVFERO501-999@ice.dhs.gov>

999@ice.dhs.gov>

Subject: Urgent RE: A [REDACTED]

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Good Afternoon,

I am writing about my concerns regarding my client. He has not appeared in the ICE detainee locator for the entire 13 days he has been custody. Also now, I called Desert View Detention Facility to send him a message for an attorney call back and I was informed he was not listed in the 10am rosters. Can you please inform me what is going on?

Thank you,
Christine

From: ADE ERO Response, <ADEEROResponse@ice.dhs.gov>

Sent: Friday, April 10, 2026 1:20 PM

To: Christine Brito <Christineb@britoesq.com>; #DVFERO501-999, <#DVFERO501-999@ice.dhs.gov>

Subject: RE: A [REDACTED]

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

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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: A 

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: A 

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: A [REDACTED]

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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