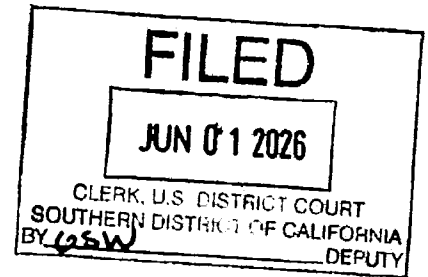


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA



Wosbely Isaac Vasquez Gonzales,

Petitioner,

v.

_____, Warden, Imperial Regional Adult Detention Facility;
_____, Field Office Director, San Diego Field Office, United
States Immigration and Customs Enforcement;

TODD M. LYONS, Acting Director, United States Immigra
tion and Customs Enforcement;

KRISTI NOEM, Secretary of Homeland Security;

PAMELA JO BONDI, United States Attorney General,
in their official capacities,

Respondents.

Civil Action No.: 3:26-cv-03121-CAB-
AHG

**PETITIONER'S REPLY TO
RESPONDENT'S OPPOSITION TO
PETITION FOR WRIT OF HABEAS
CORPUS**

Petitioner, Wosbely Issac Vasquez Gonzalez, acting *pro se*, respectfully submits this Reply to Respondents' Opposition to his Petition for Writ of Habeas Corpus. Respondents' attempt to justify Petitioner's re-detention is legally and factually baseless. Petitioner was released into the community, established a life, and was then arbitrarily re-detained without notice or a pre-deprivation hearing in violation of the Fifth Amendment's Due Process Clause. The only proper remedy for this constitutional violation is immediate release.

INTRODUCTION

Respondents' argument that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b) as an "applicant for admission" is a legal fiction that ignores reality. Petitioner has lived in the United States since he was 15 years old, was released into the community, was granted work authorization, and worked for seven years, becoming the sole provider for his U.S. citizen sister and mother. His re-detention on October 30, 2025, without any prior notice or hearing, was a flagrant violation of his constitutionally protected liberty interest.

As numerous federal courts have recognized in factually identical circumstances, a noncitizen who

has been released into the community has a liberty interest in remaining free, and the government cannot revoke that liberty without due process—specifically, a pre-deprivation hearing. *See Charan S. v. Warden*, No. 1:26-cv-03017-TLN-JDP, slip op. (E.D. Cal. Apr. 28, 2026); *Noelvis Cabreja Liranza v. Warden*, No. 1:26-cv-03512-JLT-EGC, slip op. (E.D. Cal. May 22, 2026). The Government's failure to provide any process renders Petitioner's detention unlawful *ab initio*. A belated, post-deprivation bond hearing cannot cure this fundamental constitutional defect. The only appropriate remedy is to grant the writ and order Petitioner's immediate release.

STATEMENT OF FACTS

Petitioner, Wosbely Issac Vasquez Gonzalez  is a 25-year-old native of Guatemala who entered the United States on December 5, 2015, as a minor. He has a pending asylum application. After his initial entry, he was released by immigration authorities, was granted an Employment Authorization Document and a Social Security number, and integrated himself into his community.

For seven years, he worked in the construction industry in Salisbury, Maryland, and was the sole financial support for his 45-year-old mother and his 7-year-old sister, who is a U.S. citizen. On October 30, 2025, while driving to work with his lawful permanent resident brother-in-law, ICE officers stopped them at a gas station. The officers released his brother-in-law but arrested Petitioner, stating his work permit "was worthless." Petitioner was taken into custody without any notice, warrant, or hearing. He has remained detained ever since at the Wicomico County Detention Center.

Petitioner has a single DUI offense, for which he took full responsibility, completed alcohol education classes, and performed 40 hours of community service at a church. He is not a danger

to the community or a flight risk.

ARGUMENT

I. Petitioner Possesses a Protected Liberty Interest in His Freedom, Which Respondents Violated by Re-Detaining Him Without Due Process.

The Fifth Amendment's Due Process Clause applies to all "persons" within the United States, regardless of their immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). When the government releases a noncitizen from physical custody, it creates a protected liberty interest in that person's continued freedom. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (finding a liberty interest in parole). The decision to release an individual creates an "implicit promise" that their liberty "will be revoked only if [they] fail to live up to the . . . conditions of release." *Charan S.*, No. 1:26-cv-03017-TLN-JDP, at 6 (quoting *Morrissey*, 408 U.S. at 482).

Here, Petitioner was released into the community, granted work authorization, and built a life for nearly a decade. This created a strong, reliance-based liberty interest. See *Marlo Benito Quichimbo-Jimenez v. Warden*, No. 2:26-cv-00739-DAD-EFB, at 3 (E.D. Cal. Mar. 10, 2026) (finding that previously releasing a noncitizen "created a reliance interest" in his continued freedom). Respondents offer no evidence that Petitioner violated any condition of his release. He was working, supporting his family, and pursuing his asylum claim. His re-detention was arbitrary and violated this protected liberty interest.

II. Due Process Required a Pre-Deprivation Hearing, Which Respondents Failed to Provide.

Because Petitioner has a protected liberty interest, the Court must determine "what process is due." *Morrissey*, 408 U.S. at 481. This requires balancing the factors from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976): (1) the private interest at stake; (2) the risk of erroneous deprivation and the value of additional safeguards; and (3) the government's interest.

1. **Private Interest:** Petitioner's interest is "at the heart of the liberty" the Clause protects: freedom from physical restraint. *Zadvydas*, 533 U.S. at 690. His detention has also devastated his family, leaving his U.S. citizen sister and mother without support. This interest is profound.
2. **Risk of Erroneous Deprivation:** The risk is immense. By providing no pre-deprivation process, Respondents acted as "judge, jury, and jailer," making a unilateral decision to revoke Petitioner's liberty without any neutral fact-finding. A pre-deprivation hearing before a neutral decision-maker is an essential safeguard to prevent such arbitrary detentions. *Charan S.*, No. 1:26-cv-03017-TLN-JDP, at 7.
3. **Government's Interest:** The government's interest is minimal. Petitioner is not a danger, as evidenced by his single, resolved DUI and his stable life. He is not a flight risk, given his deep family ties, including a U.S. citizen sister. The administrative burden of providing notice and a hearing is negligible compared to the fundamental right at stake. *Id.* at 10.

The *Mathews* factors overwhelmingly favor Petitioner. Respondents were constitutionally required to provide notice and a pre-deprivation hearing before revoking his freedom. Their failure to do so renders his detention unlawful from its inception.

III. A Post-Deprivation Bond Hearing Does Not Cure the Constitutional Violation; The Only Remedy is Immediate Release.

Respondents may argue that Petitioner can simply seek a bond hearing now. This argument fundamentally misunderstands the nature of the constitutional violation. The violation was the *initial deprivation of liberty without due process*. A belated hearing cannot retroactively justify an unconstitutional act.

As the court in *Charan S.* explained, to hold that a later hearing cures the initial violation "would

lead to absurd results." *Charan S.*, No. 1:26-cv-03017-TLN-JDP, at 9. It would give the government a "blank check to unilaterally detain every noncitizen without providing any process," knowing it would only have to provide a hearing after being sued in federal court. *Id.* The proper relief for an unconstitutional deprivation of liberty is not to finally provide the process that was due, but "to restore the liberty that was lost." *Id.*

Because Respondents unlawfully detained Petitioner without a pre-deprivation hearing, his detention is unconstitutional. Therefore, the only appropriate remedy is to grant the writ of habeas corpus and order his immediate release. *See Noelvis Cabreja Liranza*, No. 1:26-cv-03512-JLT-EGC, at 3 (granting the writ and ordering immediate release where re-detention occurred without a pre-deprivation hearing).

IV. Petitioner Is Not Subject to Mandatory Detention.

Respondents' claim that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b) as an "applicant for admission" is contrary to the statutory text and common sense. That provision applies to noncitizens inspected at the border. Petitioner, who has been living in the U.S. since 2015, is governed by 8 U.S.C. § 1226(a), which grants discretionary authority to detain or release. As the court in *Quichimbo-Jimenez* found, interpreting § 1225(b) to cover all inadmissible noncitizens already in the country "effectively removes § 1226 from existence" and cannot be harmonized with the INA's statutory scheme. *Quichimbo-Jimenez*, No. 2:26-cv-00739-DAD-EFB, at 2. Petitioner is subject to § 1226(a), and his release into the community underscores that his detention was never considered mandatory.

CONCLUSION

For the foregoing reasons, Petitioner's detention is a direct violation of his rights under the Due Process Clause of the Fifth Amendment. Respondents unlawfully deprived him of his liberty

without notice or a hearing. The Petition for Writ of Habeas Corpus should be granted.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Wosbely Issac Vasquez Gonzalez respectfully requests that this Court:

1. **GRANT** the Petition for Writ of Habeas Corpus;
2. **ORDER** Petitioner's immediate release from the custody of U.S. Immigration and Customs Enforcement;
3. **ENJOIN and RESTRAIN** Respondents from re-detaining Petitioner without providing advance notice and a pre-deprivation hearing before a neutral arbiter, at which the government must bear the burden of proving by clear and convincing evidence that he is a flight risk or a danger to the community; and
4. **GRANT** such other and further relief as this Court deems just and proper.

Dated: May 29, 2026

Respectfully submitted,

/s/ Wosbely Isaac Vasquez Gonzales

Wosbely Isaac Vasquez Gonzales,