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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

EMIR EDUARDO SANCHEZ MENDEZ, *Petitioner*, v. JEREMY CASEY, et al. *Respondents*.	**PETITIONER'S MOTION TO ENFORCE THE JUDGEMENT** Case No.: 26-cv-03196-JLS-DEB

INTRODUCTION

Pursuant to Fed. R. Civ. P. 70(a), Petitioner Emir Eduardo Sanchez Mendez seeks an order of immediate release from this Court. On June 18, 2026, this Court granted Mr. Sanchez Mendez's petition for writ of habeas corpus in part and ordered Respondents to provide him with an individualized bond hearing before an immigration judge ("IJ"). Dkt. 7. The IJ subsequently held a bond hearing, found that Mr. Sanchez Mendez was a flight risk, and denied him release on bond. Dkt. 8 In its order, this Court articulated that the burden on Mr. Sanchez Mendez at the bond hearing was to establish that he is not a flight risk by a *preponderance of the evidence*. However, the IJ improperly required Mr. Sanchez Mendez to prove that he is not a flight risk by *clear and convincing evidence*. In addition, the IJ failed to consider

whether a monetary bond, conditions of release, or alternatives to detention could ameliorate the IJ's flight risk concerns. Finally, the IJ relied on irrelevant evidence and ignored probative evidence in his flight risk analysis. As such, the IJ violated this Court's order to provide Mr. Sanchez Mendez with an **individualized** bond hearing. The remedy for such a violation is immediate release from custody. Petitioner therefore moves this Court to find that the Respondents violated the Court's June 18 order granting his petition for habeas corpus and order his immediate release from detention.

STATEMENT OF THE CASE

Originally from Venezuela, on November 15, 2023, Mr. Sanchez Mendez came to the United States seeking asylum. *See* Dkt. 1 ¶ 21; Dkt. 4-2 at 5. On April 4, 2024, Mr. Sanchez Mendez applied to DHS for asylum. Dkt. 4-2 at 5. After submitting his application, DHS granted him Temporary Protected Status ("TPS") until November 20, 2025, and work authorization until September 14, 2029. *Id.*; *Id.*, Dkt. 5-2. Mr. Sanchez Mendez has no criminal history. Dkt. 4-2 at 6. On April 13, 2026, DHS suddenly re-detained him without any notice or opportunity to contest the revocation of his liberty. Dkt. 1 ¶ 27.

Mr. Sanchez Mendez petitioned this Court to order his release, arguing that his re-detention by DHS violated his due process rights. *See* Dkt. 1. The Court granted the petition and ordered Respondents "to provide Petitioner with an individualized bond hearing under 8 U.S.C. § 1226(a)." Dkt. 6 at 2. The Court specified that at the bond hearing, Mr. Sanchez Mendez "bears the burden of demonstrating, by a preponderance of the evidence, that they are not a danger to the community or a flight risk" *Id.* at 3. In support of his request for bond before the immigration court, Mr. Sanchez Mendez submitted a brief and exhibits. *See* Exhibit 1, Bond Brief and Exhibits. These exhibits included Mr. Sanchez Mendez's employment authorization

document, his asylum application, and three letters from persons offering to help support him financially. *Id.* at 9-44.

On June 30, 2026, the IJ held Mr. Sanchez Mendez's bond hearing. Dkt. 8 at 2. The IJ began by articulating that the burden was on Mr. Sanchez Mendez to prove that he is not a flight risk by clear and convincing evidence. *See* Exhibit 2, Transcription of Bond Hearing[1] at 3:15-16. The IJ then went through the traditional bond factors listed by the Board of Immigration Appeals ("BIA") in *Matter of Guerra*, 24 I. & N. Dec. 37 (BIA 2006):

> Does he have a fixed address in the United States? He does have a fixed address in Coachella…Length of residence in the United States. The longer the individual has been in the United States the uh the more the length of residence weighs in their favor. The respondent in this case has on- has been in the United States for approximately two years. Um I give little weight to uh to the length of residence though um I do note that he has spent time in the United States. Family ties, close family connections, including potential for permanent residency. Um he has no family ties in the United States. He is approximately 34 years of age. He is single, has no children and has no family whatsoever in the United States. His community ties to the United States are minimal. He only has been here for 2 years, and he doesn't have community ties beyond his two proposed sponsors as set forth in the evidence. His employment history. He has employment authorization. He has been steadily employed since coming to the United States. Record of court appearances. There is nothing in the record that shows that he has failed to appear at any previous court appearances. He has no criminal history. He has, there has been nothing provided in relation to immigration violations. While he has been in the United States, he has never attempted to flee from prosecution or any legal proceedings in the United States. Weighing against the respondent is his manner of entry. He entered the country without inspection approximately 2 years ago. And his likelihood of relief, I don't know his likelihood of relief at this point. It hasn't been determined by an immigration judge. He is still in the process. He has an i-589 on file and has not been denied. He still has relief available to him though it's speculative that he will gain relief, little weight will be given to his likelihood of relief in this case.

Id. at 9:8-10:3. The IJ then analyzed a non-*Guerra* factor- whether Mr. Sanchez Mendez had a "sponsor," reasoning that such a person could provide "assurances of support and monitoring" and "help the respondent be removed from the United States." *Id.* at 10:5-8. The IJ found that Luis Leira Pena, who wrote a letter pledging

[1] Respondents provided Petitioner's counsel with an audio recording of the bond hearing. Mr. Jeremy Jong transcribed an audio recording of the June 30 bond hearing.

to support Mr. Sanchez Mendez's, lacked credibility because he did not provide documents to demonstrate his financial situation or address. *Id.* at 10:18-19. The IJ also found that the second "sponsor," Sylma Farias "has not put herself forward as a sponsor in any way that he would follow the law." *Id.* at 11:3-13. The IJ concluded, "I believe that he is a risk of flight in this case" and denied bond. *Id.* at 11:22-23.

ARGUMENT

Respondents have failed to follow this Court's order, Mr. Sanchez Mendez remains unlawfully detained, and this Court must intervene. A court has "inherent power to enforce its judgement[.]" *California Dep't of Soc. Servs. v. Leavitt,* 523 F.3d 1025, 1033 (9th Cir. 2008). "[H]abeas courts are empowered to make an assessment concerning compliance with their mandates." *Judulang v. Chertoff*, 562 F. Supp. 2d 1119, 1126 (S.D. Cal. 2008); *see also Chambers v. NASCO, Inc.,* 501 U.S. 32, 43 (1991) ("[C]courts of justice are universally acknowledged to be vested, by their very creation, with power to impose…submission to their lawful mandates.") (internal citation omitted). This authority derives not "by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Id.* (quoting *Link v. Wabash R. Co.,* 370 U.S. 626, 630-31 (1962)).

When a party fails to comply with a judgment requiring the performance of a "specific act," a district court may enforce the judgment by "order[ing] the act to be done." Fed. R. Civ. P. 70(a). After a district court has issued a conditional writ of habeas corpus—a writ that orders the government to "take[ ] some remedial action" rather than immediately release the petitioner, *Harvest v. Castro*, 531 F.3d 737, 741–42 (9th Cir. 2008)—the court "retains jurisdiction to ensure compliance" with the writ and will order immediate release if the government fails to correct the unlawful nature of the petitioner's custody. *Rose v. Guyer*, 961 F.3d 1238, 1246 (9th Cir. 2020). (quoting *Jensen v. Pollard*, 924 F.3d 451, 454 (7th Cir. 2019)); *Harvest*, 531 F.3d at 750 (holding that "the conditional grant of habeas corpus requires the

petitioner's release from custody" when the government "fails to comply with the order's conditions").[2] The relevant inquiry is whether the government "has complied with the remedy designed by the district court in the underlying habeas proceedings." *Rose*, 961 F.3d at 1246.

District courts in the Ninth Circuit and across the country regularly grant detained noncitizen habeas petitioners immediate release or release under adequate conditions of supervision when the government fails to provide them with a hearing consistent with prior orders of the court. *See, e.g., Mau v. Chertoff,* 562 F. Supp. 2d 1107, 1119 (S.D. Cal. 2008) (ordering petitioner's release when "the evidence before the IJ failed, as a matter of law, to prove flight risk or danger pursuant to the Court's order"); *Sales v. Johnson*, No. 16-CV-01745-EDL, 2017 WL 6855827, at *7 (N.D. Cal. Sept. 20, 2017) (ordering petitioner's release under appropriate conditions of supervision when IJ failed to correctly apply clear and convincing standard in violation of court order); *Ramos v. Sessions*, 293 F. Supp. 3d 1021, 1036 (N.D. Cal. 2018), *vacated and remanded sub nom.*; *Ramos v. Garland*, No. 18-15884, 2024 WL 933654 (9th Cir. Mar. 1, 2024) (granting motion to enforce and ordering release under appropriate conditions of supervision when government failed to meet clear and convincing burden).

Federal courts have jurisdiction to review whether the agency properly applied the burden of proof. *Martinez v. Clark*, 124 F.4th 775, 784 (9th Cir. 2024); *Singh v. LaRose*, No. 26-CV-1425 JLS (GC), 2026 WL 1387428, at *4 (S.D. Cal. May 18, 2026). The standard of review in the Ninth Circuit is abuse of discretion. *Id*. The agency abuses its discretion when it acts "arbitrarily, irrationally, or contrary to the law" and when it "fails to provide a reasoned explanation for its actions." *Tadevosyan v. Holder,* 743 F.3d 1250, 1252–53 (9th Cir. 2014). The

[2] The All Writs Act also empowers courts to issue writs "necessary or appropriate to effectuate and prevent the frustration of orders it has previously issued in its exercise of jurisdiction otherwise obtained." *United States v. New York Tel. Co.*, 434 U.S. 159, 172 (1977).

agency also abuses its discretion where it fails to consider probative evidence. *Franco-Rosendo v. Gonzales*, 454 F.3d 965, 966 (9th Cir. 2006). "The scope of this Court's review remains the same whether the government or petitioner bears the burden of proof." *Perez Velasquez v. Bondi*, No. 26-CV-01759-GPC-DDL, 2026 WL 1042479, at *5 (S.D. Cal. Apr. 16, 2026). To be clear, Mr. Sanchez Mendez does not ask the Court to reweigh evidence. Rather, he requests the Court review whether the IJ failed to provide the constitutionally compliant, individualized bond hearing that the Court ordered, and that due process requires.

I. The IJ Applied the Incorrect Clear and Convincing Evidence Standard

An IJ's "misapplication of the legal standard…bears on [a] Petitioner's due process rights." *Perez Velasquez*, 2026 WL 1042479, at *6. In reviewing whether the IJ abused his discretion, this Court must determine whether the IJ applied the correct legal standard. *See Singh*, 2026 WL 1387428, at *4. A court may look to the IJ's statements to determine the legal standard applied. *See R.R.M.C. v. Decker*, No. 22 CIV. 2952 (LGS), 2022 WL 4639674, at *4 (S.D.N.Y. Sept. 30, 2022); *cf Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 WL 1233883, at *3 (E.D. Cal. Apr. 29, 2025) (finding that where the "IJ stated and seemed to apply the appropriate burden of proof and standard, the Government complied with the Order.")

This Court ordered the IJ to hold a hearing at which Mr. Sanchez Mendez bore the burden of proving that he is not a flight risk or danger by a preponderance of the evidence. Dkt. 6 at 3. However, the IJ twice stated that he was holding Mr. Sanchez Mendez to the clear and convincing evidence standard. First, the IJ began the hearing by stating, "based upon the habeas order, the Respondent has the burden, by clear and convincing evidence, to show that he is not a risk of flight or danger to the community." Ex. 2 at 3:15-16. Then, in issuing his decision, the IJ stated, "[t]he respondent in this case has the burden to show, by clear and convincing evidence, that they are not a risk of flight or danger to the community." *Id.* at 9:2-3. Therefore,

this Court need only look to the IJ's own statements concerning the legal standard he applied to find that he violated the Court's order. Given the IJs failure to apply the correct standard, this Court should enforce its order and order Mr. Sanchez Mendez's release.

II. The IJ Failed to Consider Monetary Bond or Conditions of Release

Though the burden in a § 1226(a) bond hearing lies with the noncitizen, the IJ must consider the extent to which a monetary bond could mitigate flight risk concerns. *See Yan Lu v. Los Angeles Field Dir.*, No. 5:26-CV-00575-JAK (SPX), 2026 WL 1455320, at *9 (C.D. Cal. Apr. 15, 2026). This analysis is not a binary one. Rather, "flight-risk determinations 'allow[] for flexibility' in ascertaining the 'likelihood, or probability, of appearance,' which 'could vary from none to great' depending on the individual circumstances of the case." *Id.* (quoting *Matter of Drysdale*, 20 I&N Dec. 815, 818 (BIA 1994). For this reason, an IJ must make a bond determination "according to his assessment of the amount needed to motivate the respondent to appear." *Drysdale*, 20 I&N Dec. at 818. As such, "the bond amount and other release conditions may be calibrated based on the individualized probability of flight." *Yan Lu,* 2026 WL 1455320, at *11 n. 8; *see also* 8 U.S.C. § 1226(a)(2) (allowing for release on bond or conditional parole).

Here, the IJ did not consider whether any monetary bond or conditions could mitigate his flight risk concerns. Rather, the IJ found only that Mr. Sanchez Mendez "is a risk of flight in this case." Exh. 2 at 11:22. The IJ also stated that "a sponsor would definitely have made his case much much stronger against the fact of risk of flight." *Id.* at 11:16-17. Though the IJ decided that a more reliable "sponsor" could change his flight risk calculation, he made no such inquiry into whether bond or conditions could do the same. In addition, he made no inquiry into whether there were alternatives to detention, such as GPS monitoring, that would ameliorate his concerns regarding Mr. Sanchez Mendez's risk of flight. ICE offers Alternatives to Detention "that allow aliens to remain in their communities during immigration

proceedings."[3] As such, the IJ failed to provide Mr. Sanchez Mendez with a §1226(a) compliant bond hearing.

III. The IJ Failed to Conduct an Individualized Bond Hearing

"[D]ue process requires [an] IJ to consider the relevant evidence[.]" *Vilchez v. Holder*, 682 F.3d 1195, 1198 (9th Cir. 2012) (citing *Larita–Martinez v. I.N.S.*, 220 F.3d 1092, 1095 (9th Cir. 2000)). IJs must rely on evidence that is "probative and specific" when issuing bond determinations. *Bayani v. LaRose*, No. 26-CV-0266-JES-VET, 2026 WL 1270059, at *6 (S.D. Cal. May 8, 2026). That is, IJs violate a noncitizen's due process rights when they rely on evidence that is not specific or probative to deny bond. *Id.* IJs must also consider the "highly probative evidence" submitted by the noncitizen. *Perez Velasquez*, 2026 WL 1042479, at *7. Finally, the IJ should explain the reasoning behind their bond decision. *Villa v. Mullin*, No. 5:26-CV-01690-JDE, 2026 WL 1583941, at *2 (C.D. Cal. June 2, 2026). At Mr. Sanchez Mendez's bond hearing, the IJ failed to rely on specific and probative evidence to support his flight risk determination.

Moreover, an IJ's decision is legally insufficient if the IJ fails to consider the *Guerra* bond factors and relies "on evidence that 'bear[s] little if any relevance' to Petitioner's risk of flight, 'while seemingly ignoring all evidence in Petitioner's favor.'" *Singh,* 2026 WL 1387428, at *5. The *Guerra* factors are:

> (1) whether the alien has a fixed address in the United States; (2) the alien's length of residence in the United States; (3) the alien's family ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien's employment history; (5) the alien's record of appearance in court; (6) the alien's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of other offenses; (7) the alien's history of immigration violations; (8) any attempts by the alien to flee prosecution or otherwise escape from authorities; and (9) the alien's manner of entry to the United States.

24 I&N Dec. at 40. Courts have regularly found error where IJs deny bond by relying on unexplained or arbitrary factors outside of those listed in *Guerra*. *See, e.g.,*

[3] *See* https://portal.ice.gov/immigration-guide/atd

Bayani, 2026 WL 1270059, at *6 n.1. For example, where an IJ "relied on Petitioner's manner of entry" to find flight risk, a judge in this district found "that circumstance alone does not meaningfully distinguish her as unreliable or likely to evade law enforcement. Entry without inspection is common among asylum seekers; absent individualized evidence regarding the particular circumstances surrounding Petitioner's entry or other evidence of past noncompliance, it is insufficient to support a reasonable inference of Petitioner's tendency toward future nonappearance." *Tiboko-Tifuh v. Noem*, No. 26-CV-1215-JO-DEB, 2026 WL 1603795, at *2 (S.D. Cal. June 4, 2026); *see also Mejia v. Bondi*, No. CV 26-1592, 2026 WL 752560, *4 (D.N.J. Mar. 17, 2026).

In the instant case, the IJ based his decision on evidence that was neither specific nor probative, while ignoring Mr. Sanchez Mendez's evidence. First, the IJ went through the *Guerra* factors and found that Mr. Sanchez Mendez had a fixed address, lawful work history, and no discernable history of crime, immigration violations, or attempting to flee from authorities. *See* Exh. 2 at 9:7-25. However, the IJ found that Mr. Sanchez Mendez's "2 years" in the United States, lack of family ties, "minimal" community ties, and initial entry into the country without inspection cut against him. *Id.* at 9:11-19, 26-27. The IJ then found that "I don't know his likelihood of relief at this point. It hasn't been determined by an immigration judge. He is still in the process" and "his likelihood of relief may be speculative on the lower end." *Id.* at 9:27-28, 11:21-22. Finally, the IJ acknowledged that he went beyond the *Guerra* factors to find that a "sponsor" would have mitigated Mr. Sanchez Mendez's risk of flight in this case. *Id.* at 11:14-23. As to the probative value of the letters, the IJ found Mr. Leira Pena lacked credibility because he did not submit tax or address information and that Ms. Farias "has not put herself forward as a sponsor in any way that he would follow the law." *Id.* at 10: 18-21, 27-28.

The IJ did not explain why Mr. Sanchez Mendez's two-plus years[4] in the United States indicated that he presented a flight risk. As to his lack of community ties, the IJ found those ties "minimal," failing to consider letters from two friends pledging financial support. *See* Exh. 1 at 21, 23; Exh 2 at 9:17. Though the IJ found that these letters were not credible, the IJ's reasoning for so finding were arbitrary and not supported by case law. *Guerra* does not require that community ties produce sensitive information like tax documents, and the IJ did not identify any case that does. The IJ's discounting of Ms. Farias' letter because she did not promise she would ensure that Mr. Sanchez Mendez would abide by the law is similarly spurious. The IJ reasoned that a sponsor could promise to help monitor Mr. Sanchez Mendez and deliver him for removal. The IJ cited no support for the proposition that a bond applicant needs a guarantor to act as a bounty hunter.[5] Nor does the IJ explain how such a promise would decrease Mr. Sanchez Mendez's risk of flight.

The IJ's insistence on a "sponsor" similarly does not find support in *Guerra* or anywhere else. Applying a sponsor requirement to Mr. Sanchez Mendez's case ignores the probative evidence before the IJ concerning his stable situation in the United States. Particularly, the IJ ignored evidence that Mr. Sanchez Mendez had work authorization, a history of working to support himself, and a stable address before ICE arrested him. *See* Exh. 1 at 17. The IJ did not articulate why suddenly, after having lived in the United States with the knowledge of the immigration authorities for more than two years, Mr. Sanchez Mendez is now a flight risk. If anything, there was less evidence at the time immigration authorities originally released Mr. Sanchez Mendez in 2023 to guarantee he was not a risk of flight. Now, he has awork authorization, a pending application for relief and every incentive to appear in court to avail himself of the opportunity to remain legally in the United

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[4] Mr. Sanchez Mendez has lived in the United States for two years and nine months. *See* Dkt. 4-2 at 5. This evidence was in the record before the IJ. *See* Exhibit 4, Form I-213 Narrative at 2.

[5] DHS already assigns responsibility for delivering the noncitizen for removal to the bond obligor. *See* Immigration and Customs Enf't, ICE Form I-352, accessed Jul. 16, 2026, available at https://www.ice.gov/sites/default/files/documents/Document/2017/i352.pdf.

States. In addition, the IJ did not explain why Mr. Sanchez Mendez's income would need to be supplemented by the support of others when DHS granted him work authorization until 2029. *Id.* at 19. Critically, the IJ also ignored evidence that Mr. Sanchez Mendez applied for asylum in 2024 with DHS, before the agency initiated removal proceedings against him. *See* Exh. 4 at 2. Put simply, the IJ chose to ignore evidence in the record that Mr. Sanchez Mendez chose to avail himself of lawful processes to determine whether he may remain in the United States, rather than fade into the shadows to avoid detection.

Furthermore, the IJ ignored evidence that DHS granted Mr. Sanchez Mendez TPS. Exh. 2 at 6:5-6. When DHS grants someone TPS, it necessarily determines "that he was not flight risk or a danger to the community." *Majano Mendoza v. Andrews*, No. 1:26-CV-01976-DAD-CSK, 2026 WL 747344, at *2 (E.D. Cal. Mar. 17, 2026). Relatedly, the IJ did not consider evidence that DHS initially released Mr. Sanchez Mendez. *See* Exh. 1 at 14. The government's decision to release "reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk." *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017). In denying bond, the IJ gave no indication that he considered Mr. Sanchez Mendez's release or TPS.

Finally, the IJ afforded little weight to Mr. Sanchez Mendez's pending asylum application with no rationale other than, "[i]t hasn't been determined by an immigration judge" and "has not been denied." Exh. 2 at 8-9: 28, 1. Of course, applications for relief will typically remain pending in removal proceedings before an IJ determines whether to grant the application. *See generally* 8 C.F.R. § 1003.47(b). In addition, IJs must consider evidence of the strength of an application as a "respondent with a greater likelihood of being granted relief from deportation has a greater motivation to appear for a deportation hearing than one who... has less potential of being granted such relief." *Matter of Andrade*, 19 I&N Dec. 488, 490 (BIA 1987). The IJ here found that the relief was "speculative," but declined to

examine the merits of Mr. Sanchez Mendez's asylum claim. Exh. 2 at 9:28-10:1. Though Mr. Sanchez Mendez's submitted his complete asylum application in his bond proceedings, the IJ insisted, "I don't know his likelihood of relief at this point." *Id.* at 9:27-28; Exh. 1 at Tab H. This abrogation of the IJ's duty to inquire is evidence that the hearing fell below what the Fifth Amendment requires. *See Lu v. Divver*, No. 26-CV-781-JES-DEB, 2026 WL 1755174, at *6 (S.D. Cal. June 2, 2026).

The IJ arbitrarily required evidence from Mr. Sanchez Mendez bearing little relation to the *Guerra* factors while ignoring evidence in the record that he presented a minimal flight risk.[6] The IJ's decision thus fell below due process standards.

IV. Immediate Release is the Proper Remedy

The "equitable and flexible nature of habeas relief" affords district courts significant discretion over the appropriate remedies for violations of law and the Constitution. *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d. Cir. 2020); *see also Schlup v. Delo*, 513 U.S. 298 319 (1995) ("[H]abeas corpus is, at its core, an equitable remedy"): *see also Perez Velasquez*, 2026 WL 1042479, at *7 (quoting *Burnett v. Lampert*, 432 F.3d 996, 999 (9th Cir. 2005)). This Court should order a remedy that fully addresses the constitutional violations in this case and is efficient to administer. *Carafas v. LaVallee*, 391 U.S. 234, 2389 (1969) (the habeas statute

[6] The Court should view the IJ's conduct in the context of increasing bias in the Immigration Court. The Fifth Amendment guarantees "the right to an impartial adjudicator" in Immigration Court. *Torres-Aguilar v. I.N.S.*, 246 F.3d 1267, 1270 (9th Cir. 2001). In addition, it is a "basic proposition" that "all orders and judgments of courts must be complied with promptly." *Maness v. Meyers*, 419 U.S. 449, 458 (1975). Yet, "[n]umerous courts in this circuit—including this one—have ruled that immigration judges in recent months failed to comply with habeas courts' orders to provide noncitizens with constitutionally adequate bond hearings." *Mubanga*, 2026 WL 1945743, at *2 n.3. Thus, the "mounting evidence that bond determination hearings conducted in Immigration Court ... have preordained outcomes has become impossible to ignore." *Id.* (citing *Singh v. Valdez*, No. 26-CV-1109-WJM, 2026 WL 890240, at *5 (D. Colo. Apr. 1, 2026). For example, one court recently found that IJs "continue to rely on legal interpretations that were expressly found unlawful" and deliberately choose "to continue defying [the court's] final judgment." *Baltazar v. Janecka*, No. 5:26-CV-00019-SSS-BFM, 2026 WL 413734, at *1-2 (C.D. Cal. Jan. 16, 2026). Consequently, a growing number of courts have expressed a rapidly declining confidence in the ability of IJs to conduct impartial bond hearings. *See Benipal v. Rokosky*, No. CV 26-01306 PHX RM (CDB), 2026 WL 1355010, at *12 (D. Ariz. Apr. 24, 2026), *report and recommendation adopted*, No. CV-26-01306-PHX-RM, 2026 WL 1352061 (D. Ariz. May 14, 2026) (collecting cases).

"does not limit the relief that may be granted to discharge of the applicant from physical custody. Its mandate is broad with respect to the relief that may be granted."

For example, in *Mau*, the court initially ordered the government to provide the petitioner with a bond hearing. After the IJ committed "an error of law" by improperly "rel[ying] on two misdemeanor DUI convictions and one felony DUI conviction to deny bond," the court ordered the petitioner released. *Mau*, 562 F. Supp. 2d at 1118-19.

The court in *Judulang v. Chertoff* ordered the petitioner released after finding that "the government did not meet [the] burden imposed" by the court's prior order requiring a hearing. 562 F. Supp. 2d 1119, 1126-1127 (S.D. Cal. 2008); *see also Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1, 15 (1971) ("Once a right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.").

"In recent months, courts across the country have ordered the release of detainees is similar situations." *Moctezuma v. Henkey,* No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan 2, 2026) (given that the government's repeated use of unlawful detention policies across the country, causing petitioners to 'sit in jail waiting for a judicial decision," the court would order immediate release instead of causing additional delay through a bond hearing) (citing *Lepe v. Andrews*, 801 F. Supp. 3d 1104 (E.D. Cal. 2025); *Miri v. Bondi,* No. 5:26-cv-00698-MEMF-MAR (C.D. Cal. March 5, 2026); *J.U. v. Maldonado*, No. 25-cv-4836, 2025 WL 2272765, at *10 (E.D.N.Y. Sept. 29, 2025); *Rosado v. Figueroa*, No. 25-cv-2157, 2025 WL 2337099, at *19 (D. Ariz. Aug 11, 2025); *Pinchi v. Noem*, No. 25-cv-05632, 2025 WL 2337099, at *4 (N.D. Cal. July 4, 2025); *Santiago v. Noem,* No. EP-25-CV-361, 2025 WL 2792588, at *13-14 (W.D. Tex. Oct. 2, 2025) ("Without a legitimate

interest in her detention, immediate release appropriately remedies Respondents' violation of [Petitioner's] due process rights through her continued detention.")

Respondents had the opportunity to afford Mr. Sanchez Mendez the due process he is entitled to and have failed to do so. For that reason, Petitioner seeks this Court's intervention. This Court should not permit Respondents to continue violating both Petitioner's due process rights and the orders of this Court. The Court should conclude that the appropriate remedy is immediate release on reasonable conditions where a bond hearing is legally and constitutionally inadequate. *See Singh*, 2026 WL 1387428, at *6; *Villa*, 2026 WL 1583941, at *4; *Perez Velasquez*, 2026 WL 1042479, at *7; *Singh*, 2026 WL 1387428, at *6. As discussed in note 5, *supra*, substantial evidence of systematic bias in the "immigration court system [has] rendered a bond hearing an inadequate remedy" in this case. *Mubanga v. Mullin*, No. 26-CV-02565-JO-AHG, 2026 WL 1945743, at *2 (S.D. Cal. July 6, 2026) (collecting cases). IJs have often used second bites at the bond hearing apple to conduct "sham hearings that merely prolong unlawful detention rather than using the 'opportunity to correct the constitutional violation found by the court'" *Id.* (citing *Hilton*, 481 U.S. 770, 775 (1987)). Successful habeas petitioners "are suffering additional weeks or months of unlawful detention" seeking remedy to unconstitutional bond hearing. *Id.* For these reasons, the Court should order immediate release in this case.

CONCLUSION

The IJ conducted a bond hearing that neither complied with this Court's order nor respected Mr. Sanchez Mendez's due process rights. He therefore moves this Court to remedy these violations by ordering his immediate release.

Dated: July 16, 2026

Respectfully Submitted,

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