IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

FILED
JUL 07 2026
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

EDUARDO ALVARADO REYES,

Petitioner,

1:26CV05222 KES HBK (HC)

v.

WARDEN, CALIFORNIA CITY IMMIGRATION PROCESSING CENTER;

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

U.S. DEPARTMENT OF HOMELAND SECURITY;

ATTORNEY GENERAL OF THE UNITED STATES,

Respondents.

Case No.: _____

MOTION FOR EXPEDITED CONSIDERATION

PURSUANT TO 28 U.S.C. § 2243 AND

E.D. CAL. LOCAL RULES 144(e) AND 233

Petitioner Eduardo Alvarado Reyes respectfully moves this Court for expedited consideration of his Petition for Writ of Habeas Corpus. In support, Petitioner states:

I. BACKGROUND

Petitioner has been in continuous immigration detention since October 24, 2025. His petition presents serious claims under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and the *Accardi* doctrine regarding the procedural defects in the revocation of his Order of Supervision ("OSUP"). A companion petition in the Middle District of Florida (Case No. 3:26-cv-128-JEP-PDB) was filed on January 23, 2026. In that proceeding, Judge Jordan E. Pratt dismissed the *Zadvydas* claim without prejudice as premature and ordered supplemental briefing on the OSUP revocation claim. Petitioner was subsequently transferred from Florida to California City Immigration Processing Center.

II. GROUNDS FOR EXPEDITED CONSIDERATION

A. Serious and Ongoing Medical Conditions, Including Cancer Surveillance Disruption

Petitioner is a 60-year-old cancer survivor who underwent a partial colectomy in August 2018 following a diagnosis of colon cancer. He requires ongoing oncological follow-up to ensure he remains in remission. His September 29, 2025 medical records — one month before his re-detention — document "History of colon cancer" and include a referral to Gastroenterology for evaluation. (Exhibit, Sanitas Patient Visit Summary, Sept. 29, 2025.) Since his re-detention on October 24, 2025 — a period now exceeding eight months — Petitioner has been unable to complete this oncological follow-up or receive cancer surveillance care within the detention facility.

Petitioner also suffers from multiple chronic conditions requiring consistent medical management: hypertension (treated with [redacted], Type II diabetes (treated with [redacted], venous insufficiency with associated ulceration, elevated cholesterol (treated with [redacted]), and benign prostatic hyperplasia (treated with [redacted]). As of September 29, 2025, he was prescribed nine daily medications. Detention has disrupted the consistent specialist follow-up and chronic disease management his conditions require.

The combination of interrupted cancer surveillance and disrupted chronic disease management represents a serious and ongoing medical risk that supports expedited review. Prolonged delay in resolving this petition directly prolongs the period during which Petitioner is unable to access necessary oncological care. Courts have recognized that serious unaddressed medical conditions in detained individuals support expedited consideration. See *Basank v. Decker*, 449 F. Supp. 3d 205 (S.D.N.Y. 2020); *Fraihat v. ICE*, 445 F. Supp. 3d 709 (C.D. Cal. 2020).

B. Detention Exceeds the Presumptively Reasonable Period

Petitioner passed the six-month *Zadvydas* threshold on approximately April 24, 2026. His detention now exceeds 240 days with no viable removal pathway, no travel documents to Cuba, and no authorized removal destination. Cuba has refused repatriation of Cuban nationals subject to U.S. removal orders — a fact confirmed by ICE's own 2004 records, which documented that ICE released Petitioner from a prior detention period because removal to Cuba could not be accomplished. That circumstance has not changed in twenty-one years. Each additional month of detention without a ruling extends a period of confinement that has already exceeded the presumptively reasonable limit. See *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011); *Nadarajah v. Gonzales*, 443 F.3d 1069 (9th Cir. 2006).

C. Binding Same-District Precedent Supports Immediate Relief

This Court recently ordered immediate release in *Eduardo V.M. v. Warden of Golden State Annex ICE Detention Facility*, No. 1:26-cv-00017-TLN-AC (E.D. Cal. Mar. 24, 2026), under materially identical circumstances: a Cuban national, long-term release under an Order of Supervision, re-detention at a routine reporting appointment, boilerplate revocation notice, and proposed removal to Mexico without legal authorization. The court expressly held that "Without any other facts to rely on, this Court must find there were no changed circumstances in Petitioner's case to warrant the revocation of his release." Petitioner's case is governed by the same legal framework and the same controlling facts. Expedited review will allow this Court to apply its own precedent and resolve a constitutionally straightforward claim without further unnecessary delay.

D. Pending Immigration Court Proceedings

On January 6, 2026, counsel filed a Motion to Reconsider before the Atlanta Immigration Court, presenting arguments regarding Petitioner's potential eligibility for relief under INA § 212(h) and extraordinary humanitarian circumstances. That motion was pending as of the filing of this petition. Its pendency further undermines any government claim that removal is imminent and makes continued detention during this period constitutionally precarious.

E. Severe Hardship to United States Citizen Family Members

Petitioner's U.S. citizen wife, two U.S. citizen sons, and four U.S. citizen grandchildren have suffered severe hardship since his re-detention. He is the primary source of financial and emotional support for his family. His wife has suffered severe depression compounded by his continued absence. His two sons and four grandchildren — all United States citizens — have

been deprived of his presence, support, and care for over eight months. The harm to his family compounds with each passing month and independently supports expedited resolution.

F. Geographic Isolation from Family and Medical Providers

Petitioner was transferred to California City Immigration Processing Center, approximately 2,500 miles from his home in Orlando, Florida, where his wife, sons, grandchildren, and all of his medical providers are located. The geographic dislocation compounds both the constitutional harm of prolonged detention and the ongoing disruption to his medical care, including cancer surveillance and chronic disease management that his Florida-based providers were administering before his detention.

III. LEGAL STANDARD AND LOCAL RULE COMPLIANCE

A. 28 U.S.C. § 2243

Section 2243 requires that on a habeas application the court "shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted." The statute further provides that the writ or show cause order shall be returned within three days unless good cause warrants additional time not exceeding twenty days. The statutory mandate of forthwith consideration reflects Congress's express intent that habeas proceedings proceed without unnecessary delay.

B. E.D. Cal. Local Rule 144(e) — Shortening Time

Local Rule 144(e) authorizes this Court to shorten the time for any motion upon a showing of good cause. Good cause is established here on multiple independent grounds: (1) disrupted cancer surveillance in a colon cancer survivor who requires ongoing oncological follow-up to ensure continued remission; (2) disrupted management of multiple serious chronic conditions

including hypertension, Type II diabetes, and venous insufficiency; (3) detention exceeding the *Zadvydas* presumptive period without a viable removal pathway after twenty-one years of ICE's documented inability to remove Petitioner to Cuba; (4) controlling same-district precedent in *Eduardo V.M.* ordering immediate release on materially identical facts; and (5) severe and ongoing hardship to Petitioner's U.S. citizen wife, two U.S. citizen sons, and four U.S. citizen grandchildren. Any one of these grounds would independently satisfy the good cause standard. Their combination compels it.

C. E.D. Cal. Local Rule 233 — Administrative Relief

Local Rule 233 governs motions for administrative relief, including applications to shorten time and other urgent non-dispositive requests. Petitioner invokes L.R. 233 as an additional basis for expedited treatment. The medical urgency, constitutional magnitude of the claims, and controlling same-district precedent satisfy the standard for administrative relief under this rule. Petitioner is serving this motion on Respondents simultaneously with filing through the institutional mail system, consistent with the notice requirements applicable to pro se detainee filings. L.R. 183.

D. Pro Se Filing Procedures

Petitioner is incarcerated and proceeding pro se without access to CM/ECF electronic filing. L.R. 133(b)(2). This motion is submitted by paper to the Fresno Division of this Court, as California City (Kern County) falls within that division. L.R. 120(d). Petitioner respectfully requests that the Clerk docket this filing promptly given the medical urgency and constitutional magnitude of the claims described herein.

IV. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

1. Order expedited briefing and consideration of the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2243 and L.R. 144(e);

2. Direct Respondents to file their response to the Order to Show Cause within seven (7) days of service;

3. Set the matter for hearing at the earliest practicable date; and

4. Order Respondents within seven (7) days to provide: (a) documentation of all medical care, including oncological follow-up and chronic disease management, provided to Petitioner since October 24, 2025; (b) confirmation of whether Petitioner has been evaluated by a specialist for any of his documented conditions; and (c) a record of all medications prescribed and administered to Petitioner during his detention.

Respectfully submitted,



Eduardo Alvarado Reyes, pro se

California City Immigration Processing Center

California City, California

Date: June 30, 2026

CERTIFICATE OF SERVICE

I, Eduardo Alvarado Reyes, certify that on the date below I deposited a copy of the foregoing in the institutional mail system at California City Immigration Processing Center, first-class postage prepaid, addressed to the Clerk of the United States District Court, Eastern District of California, Fresno Division.



Eduardo Alvarado Reyes

Date: June 30, 2026