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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MATIAS VELASCO-VALDEZ, [redacted]

Petitioner,

v.

WARDEN, ET AL.,

Respondents.

No. 1:26-CV-5275-TLN-CKD

OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

The petition should be denied because Petitioner is subject to mandatory detention based on a reinstated order of removal.[1] Declaration; Ex. 2 (2026 I-213), 2 (removal order), 4 (notice of reinstatement).

Petitioner was removed from the United States in 2014. Ex. 4. Petitioner's 2014 order of removal was reinstated on July 7, 2026. Ex. 4; *see* 8 U.S.C. § 1231(a)(5). At that time, he claimed no fear of returning to his native Mexico. Ex. 2. Petitioner was on a flight in the process of being removed

[1] Petitioner departed the Eastern District of California on July 9, 2026 via a flight that left at 11:20 am.

when the Court entered its no transfer order. The only impediment is the Court's order.[2] *See* 8 U.S.C. § 1252(g).

Reinstated orders of removal are administratively final for detention purposes on the date of reinstatement. *Padilla-Ramirez v. Bible*, 882 F.3d 826 (9th Cir. 2017). Even if an alien is placed in withholding only proceedings, the only potential relief available, the reinstated order is still considered final. Because the order was reinstated on July 7, 2026, Petitioner is subject to mandatory detention under 8 U.S.C. § 1231(a)(2) for 90 days from July 7, 2026, and under subsection (a)(6) after the 90-day period. Either way, in this case there is a significant likelihood that Petitioner can removed in the reasonably foreseeable future since his removal was already in progress.

Because Petitioner is subject to mandatory detention the Petition should be denied.

Dated: July 24, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

By: /s/ Shelley Weger
SHELLEY D. WEGER
Assistant United States Attorney
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[2] Now that petitioner has indicated in his petition that he claims fear of return to his native country he is likely entitled to a fear screening however, but he is still subject to mandatory detention.