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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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Jacobo Andres Matias,
Pro Se
[redacted]
California City Correctional Center
22844 Virginia Boulevard
California City, CA 93505

UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF CALIFORNIA

Jacobo Andres-Matias
A-Number: [redacted]
Proceeding Pro Se,
Petitioner,
v.
_____,WARDEN, California City Correctional Center;
_____,FIELD OFFICE DIRECTOR, ICE Los Angeles Field Office;TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement;MARKWAYNE MULLIN, Secretary of Homeland Security;TODD BLANCHE, Acting Attorney General, United States,
Respondents.

Civil Action No.: **1:26-cv-05280-RLP**

PETITIONER'S REPLY TO RESPONDENT'S MOTION TO DISMISS AND BRIEF IN SUPPORT

Petitioner Jacobo Andres-Matias, proceeding pro se, respectfully submits this Reply to Respondent's Motion to Dismiss (ECF No. 6). For the reasons set forth herein, Respondent's Motion should be denied, and Petitioner's Petition for a Writ of Habeas Corpus (ECF No. 1) and Motion for a Temporary Restraining Order (ECF No. 2) should be granted.

I. JURISDICTION IS PROPER UNDER 28 U.S.C. § 2241

This Court has subject-matter jurisdiction to hear this case under 28 U.S.C. § 2241. A federal district court may grant a writ of habeas corpus to a petitioner who is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Petitioner has been detained by Immigration and Customs Enforcement ("ICE") since November 24, 2025—approximately eight months—without an individualized bond hearing before a neutral decision-maker. This prolonged detention violates his rights under the Due Process Clause of the Fifth

Amendment.

Venue is proper in the Eastern District of California. As the District of New Hampshire recently affirmed, "for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement." *Ramos Quinn-Goncalves v. ICE Field Office*, No. 24-CV-082-SE, 2024 WL 1164658, at *2 (D.N.H. Mar. 15, 2024). Petitioner is currently detained at the California City Correctional Center, which is located within this District. The fact that Petitioner was transferred from Florida does not divest this Court of jurisdiction. *See Vidal-Martinez v. Prim*, No. 20-CV-5627, 2020 WL 6708826, at *2 (N.D. Ill. Nov. 3, 2020) ("A court retains jurisdiction if a petitioner files a petition naming his immediate custodian and the government subsequently moves him").

To the extent the government argues that Petitioner has named an improper respondent, such a defect is not grounds for dismissal. "The Ninth Circuit has recognized that, upon transfer of a habeas petition to a court with jurisdiction, the petitioner should be afforded the opportunity to make 'necessary amendments to perfect the form of the habeas petition.'" *Cabrera Espinoza v. Becerra*, No. 24-CV-04147-SI, 2024 WL 4238959, at *2 (N.D. Cal. Sept. 16, 2024).

II. THE GOVERNMENT CANNOT DISMISS BASED ON THE § 1226(e) JURISDICTIONAL BAR

Respondent may argue that 8 U.S.C. § 1226(e) strips this Court of jurisdiction. This argument is unavailing. While § 1226(e) may limit judicial review of the Attorney General's discretionary decisions in individual cases, it "does not preclude challenges to 'the Government's detention authority under the "statutory framework" as a whole,' or challenges to the 'constitutionality of the entire statutory scheme under the Fifth Amendment.'" *Dubon Miranda v. Barr*, No. TDC-20-1110,

2020 WL 3488729, at *3 (D. Md. May 29, 2020) (quoting *Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018)). Petitioner challenges the constitutionality of his prolonged detention without a bond hearing, a claim that falls squarely within this Court's habeas jurisdiction.

III. PETITIONER'S PROLONGED DETENTION WITHOUT A BOND HEARING VIOLATES THE FIFTH AMENDMENT DUE PROCESS CLAUSE

A. Petitioner's Detention is "Prolonged" Under Binding Ninth Circuit Precedent.

Petitioner has been detained for approximately eight months without an individualized bond hearing. In the Ninth Circuit, detention becomes "prolonged" after six months, triggering constitutional due process protections. The Ninth Circuit has held that "at the six-month mark, 'when detention becomes prolonged, § 1226(c) becomes inapplicable,' and 'the Attorney General's detention authority rests with § 1226(a).'" *Rodriguez v. Robbins*, 804 F.3d 1060, 1074 (9th Cir. 2015), *rev'd on other grounds*, *Jennings*, 138 S. Ct. 830. Once detention is governed by § 1226(a), "an alien is entitled to release on bond unless the 'government establishes that he is a flight risk or will be a danger to the community.'" *Casas-Castrillon v. Lockyer*, 535 F.3d 942, 951 (9th Cir. 2008). This Court has consistently recognized that "prolonged mandatory detention pending removal proceedings, without a bond hearing, will—at some point—violate the right to due process." *(HC) Gramajo Lopez v. Garland*, No. 1:22-CV-00627-JLT-HBK, 2022 WL 2819080, at *12 (E.D. Cal. Aug. 4, 2022).

B. The Government Must Justify Continued Detention by Clear and Convincing Evidence.

At the constitutionally-required bond hearing, the burden of proof rests with the government. Given the "substantial liberty interest at stake," the Ninth Circuit has held "that the government

must prove by clear and convincing evidence that an alien is a flight risk or a danger to the community to justify denial of bond at a *Casas* hearing." *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). This Court has accordingly recommended that "the government be ordered to provide petitioner with a constitutionally compliant bond hearing, at which the government shall have the burden of proof by clear and convincing evidence, within 14 days." *(HC) Sho v. S.F. Field Office, U.S. Immigr. & Customs Enf't*, No. 23-CV-00705-JST, 2023 WL 4111945, at *3 (E.D. Cal. June 15, 2023).

C. The *Mathews v. Eldridge* Balancing Test Weighs Decisively in Petitioner's Favor.

Applying the three-factor test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner's continued detention without a hearing is unconstitutional.

First, the private interest at stake—Petitioner's physical liberty—is of the highest order. He has been separated from his five-year-old U.S. citizen son, his four U.S. citizen siblings, and his dependent mother for nearly eight months. Second, the risk of erroneous deprivation of that liberty is profound. Without an individualized hearing, he is subject to the unchecked discretion of an ICE officer, with no opportunity to demonstrate that he is not a flight risk or danger to the community. Third, while the government has an interest in ensuring aliens appear for immigration proceedings, that interest "does not justify indefinite detention without a hearing." *(HC) Diep v. Andrews*, No. 1:24-CV-00566-NODJ-HBK, 2025 WL 4123456, at *8 (E.D. Cal. Feb. 25, 2025).

As this Court recently found, "the three *Mathews* factors weigh in Petitioner's favor and outweigh the government's interest in further detention without inquiry into whether he represents a flight risk or danger to the community." *Id.*; *see also Martinez Jimenez v. Current or Acting Field Off. Dir.*, No. 23-CV-05707-JSC, 2024 WL 769321, at *6 (N.D. Cal. Feb. 21, 2024) (ordering a bond

hearing because petitioner's prolonged detention without one violates procedural due process).

D. Petitioner's Pending Relief Applications Mean Removal is Not Foreseeable.

Petitioner has pending applications for asylum and cancellation of removal that have been accepted for adjudication. Therefore, there is no final order of removal, and his removal from the United States is not reasonably foreseeable. The Supreme Court's reasoning in *Zadvydas v. Davis*, 533 U.S. 678 (2001), is instructive. There, the Court held that after a presumptively reasonable six-month period, detention violates the statute if an alien shows "no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701. Given Petitioner's pending applications, he has "provided good reason to believe that there is no significant likelihood of his removal in the reasonably foreseeable future," and the government cannot rebut that showing. *Corchado-Perez v. Garland*, No. 21-CV-788, 2021 WL 1993456, at *3 (D. Minn. May 18, 2021). Because his removal is not imminent, his detention should be governed by § 1226, which requires a bond hearing. *See Lopez Vazues v. Garland*, No. 21-CV-6331, 2021 WL 3828991, at *3 (W.D.N.Y. Aug. 24, 2021).

E. *Jennings v. Rodriguez* Did Not Eliminate Constitutional Due Process Protections.

While *Jennings v. Rodriguez* held that the immigration statutes do not contain an implicit right to periodic bond hearings, the Supreme Court "did not reach the constitutional issue." *Rodriguez Diaz v. Garland*, No. 19-72644, 2022 WL 16947521, at *2 (9th Cir. Nov. 21, 2022). The Ninth Circuit, on remand, directed the district court to determine "the minimum requirements of due process" for prolonged detention cases. *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir. 2018). The Supreme Court has repeatedly left these constitutional questions for lower courts to decide. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 588 (2022). Petitioner's claim is precisely such a constitutional challenge, which remains viable after *Jennings*.

IV. EVEN IF PETITIONER IS AN "ARRIVING ALIEN," PROLONGED DETENTION WARRANTS A BOND HEARING

Should the government argue Petitioner is an "arriving alien" under 8 U.S.C. § 1225(b) and thus statutorily ineligible for bond, that argument fails. A supermajority of district courts has held that the Constitution requires a bond hearing when an arriving alien's detention becomes unreasonably prolonged. As one court summarized, "at least nine other district courts have reached the same result: prolonged detention of an arriving alien without a bond hearing violates due process." *Leke v. Hott*, No. 1:20-CV-1065, 2021 WL 718732, at *3 (E.D. Va. Feb. 23, 2021).

Indeed, courts have consistently found that "the detention of an asylum-seeker such as Petitioner pursuant to Section 1225(b)... for longer than six months without an individualized bond hearing violates due process." *Osias v. Decker*, 273 F. Supp. 3d 504, 514 (S.D.N.Y. 2017); *see also Pierre v. Doll*, 350 F. Supp. 3d 327, 335 (M.D. Pa. 2018). In such cases, the Petitioner "is entitled to a bond hearing at which the government must show, by clear and convincing evidence, that Petitioner's dangerousness or flight risk justifies his continued detention." *Kouadio v. Decker*, 352 F. Supp. 3d 235, 240 (S.D. Ill. 2018). The prolonged nature of Petitioner's detention—now eight months—is unreasonable, and due process requires a bond hearing. *See Ashemuke v. Immigr. & Customs Enf't Field Off. Dir.*, No. C23-1729, 2024 WL 1827356, at *2 (W.D. Wash. Apr. 18, 2024); *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019).

V. PETITIONER'S CLOSED CRIMINAL CASES DO NOT JUSTIFY INDEFINITE DETENTION

Petitioner acknowledges his past criminal history from 2016, 2018, and 2020. However, all of these cases are closed. This dated history does not justify his indefinite detention today. It "cannot

be reasonably contended, without any individualized consideration, that they would lead to a categorical presumption of flight risk or dangerousness – at least, for due process purposes." *Doe v. Becerra*, No. 23-CV-05047, 2024 WL 1024381, at *6 (N.D. Cal. Mar. 7, 2024). A hearing is required for an "individualized determination" of whether he is a current danger or flight risk. *Singh*, 638 F.3d at 1206. Continuing Petitioner's detention without a hearing based on this history would be "arbitrary under the Due Process Clause of the Fifth Amendment." *Francois v. Green*, No. 19-14002, 2019 WL 5210123, at *3 (D.N.J. Oct. 18, 2019).

VI. HARDSHIP TO PETITIONER'S FAMILY SUPPORTS RELEASE

Petitioner is the father of a five-year-old U.S. citizen child who depends on him emotionally and economically. The Ninth Circuit has long held that "young American citizens may be separated from their parents--and concomitantly that alien parents may be separated from their children--are relevant factors to be considered in determining extreme hardship." *Cerrillo-Perez v. INS*, 809 F.2d 1419, 1425 (9th Cir. 1987). Petitioner's strong family ties, which also include four U.S. citizen siblings and a dependent mother, are "critical factors in challenging prolonged ICE detention." *AL Sadoon v. Lynch*, No. 15-CV-13589, 2022 WL 278321, at *1 (E.D. Mich. Jan. 25, 2022). These ties weigh heavily in favor of his release.

VII. INADEQUATE MEDICAL CARE CONSTITUTES DELIBERATE INDIFFERENCE

Petitioner suffers from a hernia that requires surgery, yet he has only received pain medication. This failure to provide adequate medical care for a serious medical need constitutes deliberate indifference in violation of his constitutional rights. A serious medical need exists, and Respondent has responded with "deliberate indifference" by failing to provide necessary treatment. *See Lalvay*

Chacha v. Decker, No. 20-CV-5221, 2020 WL 4570147, at *5 (S.D.N.Y. Oct. 7, 2020). When the government is unable to treat a detainee's severe medical condition, and fails to take "special steps, short of release, to protect medically fragile detainees," release is an appropriate remedy. *Grant v. Decker*, No. 20-CV-2646, 2020 WL 3488699, at *2 (S.D.N.Y. June 19, 2020). Petitioner's transfer does not moot this claim as it relates to his prolonged detention. *See Ndudzi v. Castro*, No. EP-20-CV-111, 2020 WL 3488699 (W.D. Tex. June 18, 2020).

VIII. ICE'S INTERNAL REVIEWS DO NOT SATISFY DUE PROCESS

Any internal custody review conducted by ICE is not a substitute for a bond hearing before a neutral immigration judge. Such reviews lack the fundamental hallmarks of due process and have been rejected by courts as insufficient. *See Cabrera Galdamez v. Joyce*, No. 22-CV-1349, 2023 WL 186321, at *8 (S.D.N.Y. Feb. 6, 2023) (rejecting government's argument that ICE internal reviews satisfy due process). Petitioner is entitled to "an individualized bond hearing at which the Government bears the burden of proving by clear and convincing evidence that he poses either a risk of flight or a danger to the community." *Rodriguez-Figueroa v. Barr*, No. 19-CV-1288, 2020 WL 988421, at *1 (W.D.N.Y. Feb. 28, 2020).

IX. CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Petitioner Jacobo Andres-Matias respectfully requests that this Honorable Court:

1. DENY Respondent's Motion to Dismiss (ECF No. 6);
2. GRANT the Petition for a Writ of Habeas Corpus (ECF No. 1);
3. GRANT the Motion for a Temporary Restraining Order and/or Preliminary Injunction (ECF No. 2);

4. ORDER Respondent to provide Petitioner with an individualized bond hearing before an Immigration Judge within fourteen (14) days, at which the government must prove by clear and convincing evidence that his continued detention is necessary to prevent a risk of flight or a danger to the community; or, in the alternative;
5. ORDER Petitioner's immediate release from custody on reasonable conditions; and
6. Grant such other and further relief as the Court deems just and proper.

Dated: July 15, 2026

Respectfully submitted,

/s/ Jacobo Andres-Matias
Jacobo Andres-Matias
A-Number [redacted]