ERIC GRANT
United States Attorney
ELISA M. RODRIGUEZ
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

J.C.Z.L., [redacted]

Petitioner,

v.

MINGA WOFFORD, *et al.*,

Respondents.

No. 1:26-CV-05342-NW

OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS AND ALL INJUNCTIVE RELIEF

Petitioner is a native and citizen of Venezuela. *See* Declaration of Deportation Officer Juan Abad, ("DO Decl."), filed concurrently herewith, at 2, ¶ 1, Exhibit 1. Petitioner entered the United States without parole or authorization on an unknown date and time, but was first encountered by U.S. Border Patrol agents on September 26, 2023, on the United States side of the U.S.—Mexico border. *Id.*, ¶ 2, Exhibit 2. DHS records establish the Petitioner was first encountered in the United States on September 26, 2023, near the U.S.—Mexico border. *Id.*, ¶ 3. Petitioner was subsequently issued a Notice to Appear (NTA) and released from detention in 2023, due to lack of detention space. *Id.*, ¶ 4, Exhibits 2, 3. DHS records for Petitioner's initial encounter show no criminal record or gang affiliation. *Id.*, ¶ 5, Exhibit 2. A subsequent investigation of Petitioner's identity after his initial ERO encounter in 2023 reveal Petitioner to be a known gang member. *Id.*, ¶ 6, Exhibits 1, 4. A general summary of the Venezuelan Supreme Tribunal Court document states Petitioner is known to be a member of the Venezuelan gang known as [redacted]

Id., ¶ 7. In this document Petitioner is associated with crimes of aggravated kidnapping, aggravated extortion, obstruction of freedom of commerce, terrorism and aggravated association. *Id.*, Exhibit 4. DHS is working to obtain an official translation for the Immigration Court as Petitioner's removal proceedings will provide additional classified information at that time showing a nexus to National Security concerns. *Id.*, ¶ 8.

This case involves mandatory pre-order detention. Following DHS's investigation into Petitioner, ICE detained him. It was DHS's investigation that led to Petitioner's re-detention. *See* DO Decl. Detention is mandatory under 8 U.S.C. § 1225(b). Neither the statute nor the Constitution affords petitioner a path to release or a bond hearing.

I. DETENTION IS MANDATORY UNDER THE STATUTE

Petitioner is an "applicant for admission" who is subject to mandatory detention. Section 1225(b)(2) provides for mandatory detention. The plain language of § 1225 is rightly applied to aliens in this category. *See Alonzo v. Noem*, 2025 WL 3208284, at *2–4 (E.D. Cal. Nov. 17, 2025) (Shubb, J.); id. at *3 (citing two decisions); *Altamirano Ramos v. Lyons*, 2025 WL 3199872, at *4–8 (C.D. Cal. Nov. 12, 2025); id. at *8 (citing three more decisions); *but see Alonzo*, 2025 WL 3208284, at *2–3 (conceding that "many courts," both in this District and elsewhere, have held to the contrary).

II. DUE PROCESS IS THE PROCESS AVAILABLE UNDER THE STATUTE

The due process claims of applicants for admission are coextensive with the applicable detention statute. In *DHS v. Thuraissigiam*, 591 U.S. 103, 138–40 (2020), the Supreme Court reiterated the "important rule" that "as to 'foreigners who have never been naturalized, nor acquired any domicil or residence within the United States, nor even been admitted into the country pursuant to law,' 'the decisions of executive or administrative officers, acting within powers expressly conferred by Congress, are due process of law.'" *Id.* at 138 (emphasis added; *quoting Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892)). The Court held that "an alien who tries to enter the country illegally is treated as an 'applicant for admission,' § 1225(a)(1)," and that such an alien "has only those rights regarding admission that Congress has provided by statute." *Id.* at 140. Crucially, "the Due Process Clause

provides nothing more." [1] *Id.* (emphasis added); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 215 (1953)).

An "alien who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' is treated as 'an applicant for admission.'" *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (quoting 8 U.S.C. § 1225(a)(1)). Congress by statute has provided Petitioner with the right to contest his removal. But Congress by §1225(b) has at the same time mandated that, while Petitioner exercises those rights, he must be detained. Under *Thuraissigiam* and *Shaughnessy*, the Due Process Clause provides nothing more.

Respondents acknowledge the cases to the contrary in this District. But *Thuraissigiam* explained that Congress "addressed" the problems of flight risk and the high costs of detention "by providing more expedited procedures for certain 'applicants for admission.'" 591 U.S. at 108. Moreover, despite its singular use of the phrase "regarding admission," *Thuraissigiam* also makes broad reference to the "due process rights" of aliens at the threshold of entry, without drawing forced distinctions between admission and other key aspects of the immigration process — such as detention — with which admission is typically intertwined. *Id.* at 139 (emphasis added); *see also Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of [the] deportation procedure.").

III. THE STATUTE IS CONSTITUTIONAL AS APPLIED TO PETITIONER

Petitioner does not have a liberty interest in remaining out of custody during the pendency of removal proceedings because of Petitioner's gang-related background and criminal history. It is the statute that is the sole source of constitutional rights in the case of arriving aliens, and the statute here provides for mandatory detention. *Shaughnessy*, 345 U.S. at 215. This application is constitutional as applied to petitioner's case.

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[1] As the Eighth Circuit has recently observed, there is no warrant in this context "for a multi-factor 'reasonableness' test" of the kind exemplified by *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), because *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Demore v. Kim*, 538 U.S. 510 (2003), "have already done whatever balancing is necessary." *Banyee v. Garland*, 115 F.4th 928, 933 (8th Cir. 2024); *accord Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022) (acknowledging that "the Supreme Court when confronted with constitutional challenges to immigration detention has not resolved them through express application of *Mathews*," but "assum[ing] without deciding that *Mathews* applies here"); *id.* at 1214 (Bumatay, J., concurring) (similarly observing that in "resolving similar immigration-detention challenges, the Supreme Court has not relied on the *Mathews* framework").

IV. RESPONSE TO ORDER TO SHOW CAUSE

In response to this Court's July 13, 2026, Order (Dkt. 7), Respondents distinguish this case from those cited as Petitioner's gang affiliation and criminal conduct establishes he is a danger and flight risk, and an investigation into his background warranted his arrest and detention. The other petitioners seemingly were arrested following a traffic violation and had no criminal history or conduct.

Respondents do not oppose the Court converting the motion for temporary restraining order into one for a preliminary injunction. Respondents do not oppose the Court resolving the underlying habeas petition on the current briefing and without a hearing.

V. CONCLUSION

In sum, as an unadmitted alien, Petitioner is due the process that Congress has created. That process includes mandatory detention while Petitioner's exercises statutory right to challenge removal. The petition should be dismissed. If the Court is inclined to grant relief, then Respondents respectfully request that a bond hearing be granted prior to any release.

Dated: July 15, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

By: */s/ Elisa M. Rodriguez*
ELISA M. RODRIGUEZ
Assistant United States Attorney
Attorneys for Respondents