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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARIO EDGAR VALVERDE REAL, [redacted]

Petitioner,

v.

GERALD MOSS, *et al.*,[1]

Respondents.

CASE NO. 1:26-CV-05346-KES-EGC

MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS AND ALL INJUNCTIVE RELIEF; RESPONSE TO ORDER TO SHOW CAUSE

This Court should dismiss Petitioner's habeas petition because he was recently denied bond by an Immigration Judge (IJ) as the result of his petition for habeas relief in *Valverde-Real v. Wofford, et al.*, 3:26-cv-01435-KC (W.D. Tx. Jun. 12, 2026) (the "Texas Petition"). Petitioner has not challenged the IJ's finding, thus he has not exhausted his administrative remedies. Instead, Petitioner brings his *habeas* petition anew in this forum, conveniently omitting the result of his bond hearing from his prior claim and misrepresenting the outcome of the Texas Petition. The instant matter differs from the cases cited in the Court's Order (Dkt. 5) in that Petitioner received a bond hearing shortly before bringing the instant petition and the petitioners in the cases cited have not had a bond determination hearing prior to

[1] Respondent moves to strike and to dismiss all improperly named officials under 28 U.S.C. § 2241. A petitioner seeking *habeas corpus* relief is limited to name only the officer having custody of him as the respondent to the petition. *Riego v. Current or Acting Field Office Director*, No. 1:24-cv-01162-SKO-HC, 2024 WL 4384220 (E.D. Cal. Oct. 3, 2024); *see also* 28 U.S.C. § 2242; *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024); *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004); *Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996). In this case, the only appropriate respondent is Gerald Moss, as Warden of the Central Valley Annex.

seeking habeas relief. Petitioner now attempts an impermissible use of the writ of *habeas corpus* to circumvent a valid immigration judge's order.

I. BACKGROUND

Petitioner is a native and citizen of Mexico. Exhibit A (Notice to Appear).[2] Petitioner was admitted to the United States on or about April 9, 2000, as a nonimmigrant Border Crossing Card Holder. *Id.* Petitioner was authorized to remain the United States for a temporary period not to exceed six months. *Id.* Petitioner did not leave as required. *Id.* During his time in the U.S. Petitioner has been arrested on several occasions for DUI, driving unlicensed, and without insurance. Exhibit B (rap sheet). It was his arrests in 2001, 2010, and 2011 that brought Petitioner to the attention of immigration authorities. He was charged under 8 U.S.C. § 1227(a)(1)(B) and issued a Notice to Appear. Exhibit A. Since then, Petitioner has been arrested numerous times for a variety of offenses to include DUI and driving without a license. Exhibit B. He was convicted in 2016 for identify theft/fraud and convicted in 2019 for DUI and obstruction of a police officer. *Id.* In 2021, Petitioner was convicted of multiple offenses including intoxication, disorderly conduct, giving false information to a police officer, and driving on a suspended license. *Id.*

On April 21, 2023, Petitioner failed to appear for his special master calendar hearing and the Immigration Judge ordered him removed to Mexico. Exhibit C (Order of the Immigration Judge). On May 22, 2023, Petitioner appealed the removal order stating that he did not receive his mail on time. Exhibit D (Notice of Appeal).

Petitioner was lawfully re-detained by ICE on or about March 20, 2026. Exhibit E (I-200). On April 23, 2026, the Board of Immigration Appeals affirmed dismissed Petitioner's appeal from removal. Exhibit F (BIA denial).

On May 5, 2026, Petitioner filed a habeas petition in the Eastern District of California[3]. This Court transferred the matter to the Western District of Texas for venue because Petitioner had been transferred to Texas on May 4, 2026, where he was then detained.[4] Exhibit G (WDTX docket sheet).

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[2] The undersigned provides documents that were available within the timeframe to respond to the petition.

[3] *Valverde-Real v. Wofford, et al.*, No. 1:26-cv-03469-DJC-CKD.

[4] *Id.*, Dkt. 7.

Two days after filing his habeas petition, Petitioner filed a petition for review of the removal order in the Ninth Circuit Court of Appeals.[5] On May 8, 2026, the Ninth Circuit issued a temporary stay of removal.[6]

On June 4, 2026, a judge in the Western District of Texas granted Petitioner habeas relief, in part, by ordering that Petitioner be provided a bond hearing with the burden on the government to demonstrate by clear and convincing evidence of Petitioner's dangerousness or flight risk. Exhibit H (Order). On June 8, 2026, Petitioner was provided a custody redetermination hearing where the Immigration Judge found Petitioner to be an extreme flight risk. Exhibit I (Order of the Immigration Judge). Satisfied that a bond hearing was provided as ordered, the Texas Petition was closed. Exhibit J (Final Judgment). Respondents' records show that while Petitioner reserved his right to appeal the bond denial, Petitioner did not appeal the IJ's decision. On July 12, 2026, Petitioner filed the instant habeas petition requesting an individualized bond hearing or release. Dkt. 1 at 6, ¶ 26. Petitioner is in removal proceedings and is detained under 8 U.S.C. § 1226(a).

II. ARGUMENT

A. Petitioner is Detained Pursuant to 8 U.S.C. § 1226

Section 1226, of Title 8 of the United States Code governs the detention of aliens who have been lawfully admitted into the U.S. but are deportable and subject to removal proceedings. Section 1226(a) provides for the arrest and detention of these aliens "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Under § 1226(a), DHS may, in its discretion, detain an alien during his removal proceedings, release him on bond, or release him on conditional parole.[7] An alien can request a custody redetermination (*i.e.*, a bond hearing) by an IJ at any time before a final order of removal is issued. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(d)(1), 1003.19. Application for a bond redetermination hearing may be made by a respondent (here, the Petitioner)

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[5] *Valverde-Real v. Blanche*, No. 26-2915.

[6] *Id.*

[7] Being "conditionally paroled under the authority of § 1226(a)" is distinct from being "paroled into the United States under the authority of § 1182(d)(5)(A)." *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1116 (9th Cir. 2007) (holding that because release on "conditional parole" under § 1226(a) is not a parole, the alien was not eligible for adjustment of status under § 1255(a)).

orally, in writing, or, at the discretion of the immigration judge, by telephone. 8 C.F.R. § 1003.19(b). At a custody redetermination, the IJ may continue detention or release the alien on bond or conditional parole. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d)(1). IJs have broad discretion in deciding whether to release an alien on bond. *See In re Guerra*, 24 I&N Dec. 37, 39–40 (BIA 2006) (listing nine factors for IJs to consider); *Matter of Siniauskas*, 27 I&N Dec. 207, 207–208 (discussing Respondent's burden) (BIA 2018) ("An alien in a custody determination under section 236(a) of the Immigration and Nationality Act, 8 U.S.C. § 1226(a) (2012), must establish to the satisfaction of the Immigration Judge and the Board that he or she does not present a danger to persons or property, is not a threat to the national security, and does not pose a risk of flight."). A custody redetermination decision may be appealed to the Board of Immigration Appeals.

A bond hearing in lieu of release is particularly appropriate when, as here, where Petitioner has had multiple encounters with law enforcement and has been convicted of ID theft/fraud, obstructing police, giving false information to police. *See also Mansoor v. Figueroa*, No. 3:17-cv-01695-GPC (NLS), 2018 WL 840253, at *4 (S.D. Cal. Feb. 13, 2018) (Immigration Judges are well suited to assess eligibility for release, while a district court "lacks the factual support to make a determination about Petitioner's risk of flight or dangerousness to the community"); *Arshakyam v. Warden of Cal. City Det.*, No. 1:25-cv-01780-DAD-AC (HC), 2026 WL 143143 at *5 (E.D. Cal. Jan. 20, 2026) (granting a bond hearing not immediate release).

The Ninth Circuit has found section 1226(a)'s procedures to be constitutionally sufficient while acknowledging that not all as-applied challenges are foreclosed. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1213 (9th Cir. 2022) (finding § 1226(a)'s procedures satisfied due process both facially and as applied to Rodriguez Diaz); *id.* at 1197–98 (describing procedures and discussing their adequacy). There is nothing unique however about this case that would make section 1226(a)'s procedures constitutionally deficient as applied to Petitioner.

Moreover, both the Ninth Circuit in *Rodriguez Diaz* and the Supreme Court in *Jennings* found section 1226(a) does not require the government to bear the burden. *See Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (noting in section 1226(a) "'even remotely supports the imposition' of 'periodic bond hearings every six months in which the Attorney General must prove by clear and convincing

evidence that the alien's continued detention is necessary.'"). In addition, the Ninth Circuit questioned how the burden-shifting and standard of proof that Petitioner demands could be constitutionally required:

> Nothing in this record suggests that placing the burden of proof on the government was constitutionally necessary to minimize the risk of error, much less that such burden-shifting would be constitutionally necessary in all, most, or many cases. There is no reason to believe that, as a general proposition, the government will invariably have more evidence than the alien on most issues bearing on alleged lack of future dangerousness or flight risk.

Rodriguez Diaz, 53 F.4th at 1212. Here, a court in the Western District of Texas dispensed with the custody re-determination requirements and ordered Petitioner to be provided a bond hearing. Exhibit H. Moreover, that court shifted the evidentiary burden under a clear and convincing standard to Respondents. *Id.* Petitioner was provided a bond hearing with the onus on Respondents on June 8, 2026, which was 34 days prior to filing the instant action.

B. Petitioner Failed to Exhaust Administrative Remedies

To obtain release a noncitizen must prove "to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding." *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir. 2022) (quoting 8 C.F.R. § 236.1(c)(8)). To obtain bond from an Immigration Judge the noncitizen must prove "by the preponderance of the evidence that he is not a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk." *Id.* at 1197 (citation modified). Relative to the bond hearing provided to Petitioner in June, the burden established by *Rodriguez Diaz* and federal regulations was stripped from Petitioner and accorded to Respondent by virtue of the outcome of the Texas Petition.

A noncitizen challenging his detention must ordinarily exhaust his administrative remedies before filing a habeas petition. To do this he must file an appeal with the Board of Immigration Appeals and then when he receives that decision he may file a new habeas petition in District Court. *See Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011). When administrative remedies are not exhausted "a district court ordinarily should either dismiss the petition without prejudice or stay the

proceedings until the petitioner has exhausted remedies, unless exhaustion is excused." *Id.* The factors courts evaluate when deciding whether to require administrative exhaustion are whether:

> (1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision; (2) relaxation of the requirement would encourage the deliberate bypass of the administrative scheme; and (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review.

Puga v. Chertoff, 488 F.3d 812, 815 (9th Cir. 2007). These factors weigh in favor of requiring exhaustion here. The extreme flight issue is a factual claim that should be properly addressed and developed by the agency before returning the case to this Court. If the Court relaxes the administrative exhaustion requirement it would encourage other noncitizens dissatisfied with the outcome of their bond hearings to circumvent the Immigration Courts and file directly with District Courts. Because Petitioner received a hearing, there is no evidence that there was an agency mistake. In fact, that Petitioner did not appeal the denial of bond shows agreement with the finding. This Court should find that Petitioner's failure to appeal or otherwise exhaust his administrative remedies means he is not entitled to relief from this Court.

C. Petitioner has not Proven his Detention is Unconstitutional Warranting Relief

This Court should reject Petitioner's claim that he is entitled to another bond hearing. As the Supreme Court recognized, "nothing in § 1226(a)'s text—which says only that the Attorney General "may release" the alien "on ... bond"—even remotely supports the imposition of either of those requirements." *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (citation modified). The Ninth Circuit has recognized that the Due Process Clause does not require a second bond hearing after a prolonged period of detention. *Rodriguez Diaz*, 54 F.4th at 1203. Instead, it has applied the *Mathews* factors, considering, "the process... received during this time, the further process that was available to him, and the fact that his detention was prolonged due to his decision to challenge his removal order." *Id.* at 1208. It also recognized the government's heightened interest and that § 1226(a) reduces the risk of erroneous deprivation of liberty. *Id.* at 1209-10. Under such circumstances, the Court found that detention for fourteen months did not entitle the noncitizen to a second hearing. *Id.* at 1210.

Similarly in this case, the Court should find that Petitioner has not established that he suffered a due process violation. Finally, as Petitioner is an extreme flight risk, the government has a heightened interest in keeping him detained. So, as in *Rodriguez Diaz*, the Court should find that Petitioner has failed to show his continued detention has caused him to suffer a due process violation. Although Petitioner is dissatisfied with the outcome of his bond determination, the immigration judge properly weighed the evidence and concluded he was an extreme flight risk. This Court cannot disturb this discretionary determination. As the Ninth Circuit has held, "discretionary decisions granting or denying bond are not subject to judicial review." *Prieto-Romero*, 534 F.3d, 1053, 1058 (9th Cir. 2008); *see also* 8 U.S.C. § 1226(e).

In the habeas context, the sufficiency of the evidence "is not a question for this Court," and instead challenges to the evidence "must be presented through the normal immigration appeal process." *C.A.R.V. v. Wofford*, No. 1:25-CV-01395-JLT-SKO, 2026 WL 241823, at *9 (E.D. Cal. Jan. 29, 2026). Furthermore, the regulations provide that "[t]he determination of the Immigration Judge as to custody status or bond may be based upon any information that is available to the Immigration Judge or that is presented to him or her by the alien or the Service." 8 C.F.R. § 1003.19(d). Accordingly, the Court of Appeals rejected the "argument that [the petitioner's] due process rights were violated when the IJ admitted his unauthenticated RAP sheet into evidence" because the "Federal Rules of Evidence do not apply strictly in immigration removal proceedings" and "regulations delineating the rules of procedure for bond determinations in immigration court specify that an immigration judge may rely upon any information that is available to the Immigration Judge or that is presented to him or her by alien or the Service." *Singh v. Holder*, 638 F.3d 1196, 1209-10 (9th Cir. 2011) (citing 8 C.F.R. § 1003.19(d)), *abrogated on other grounds as recognized by Rodriguez*, 53 F.4th 1189.

Petitioner received all the process he was due under § 1226(a), and the court in the Western District of Texas padded that due process by shifting the evidentiary burden to Respondent.

D. Petitioner has not Demonstrated a Change of Circumstances to Warrant Immediate Relief or a Second Bond Hearing.

When a petitioner is denied bond, he "may request an additional bond hearing whenever he experiences a material change in circumstances." *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th

Cir. 2022). The regulations for bond hearings under § 1226(a) permit additional hearings "upon a showing that the alien's circumstances have materially changed since the prior bond determination." 8 C.F.R. § 1003.19(e). An Immigration Judge will order Petitioner's release if he shows by a preponderance of the evidence that he is not "a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk." *Matter of Guerra*, 24 I&N Dec. 37, 40 (B.I.A. 2006).

E. Petitioner Received the Relief Requested—the Petition Should be Dismissed as Moot

Petitioner's habeas petition and this case should be dismissed as moot since he already received a bond hearing before an immigration judge. *Flores–Torres v. Mukasey*, 548 F.3d 708, 710 n.3 (9th Cir. 2008) (dismissing as moot a challenge to immigration detention without a hearing because the alien had subsequently received a hearing). *See also Lin v. Warden, Golden State Annex*, No. 1:26-cv-0608-DC-CSK, 2026 WL 773402 (E.D. Cal. March 19, 2026) (report and recommendation) (recommending dismissal of habeas petition since alien already received a post-deprivation hearing and received due process in connection with his re-detention, no further process was required in connection with such redetention); *Milad Ishak Gaber Lawendi v. Mark Bowen et al*, 5:26-cv-00845-FWS-ACCV, 2026 WL 789944 (C.D. Cal. March 13, 2026) (alien received bond hearing, government argued providing Petitioner with bond hearing moots preliminary injunction and petition more generally. The Court issued an order to show cause why petition should not be dismissed as moot); *Francisco Eduardo Ixtos Ajqui v. Kristi Noem et al*, No. 5:25-cv-02976-FWS-PD, 2025 WL 4058278 (C.D. Cal. Dec. 3, 2025) (court denied as moot alien's request for preliminary injunction after receiving a bond hearing, referred the case to the magistrate judge to decide whether the case should be dismissed as moot); *Garcia-Guzman v. Clark*, No. C09-803MJP, 2009 WL 3877634 (W.D. Wash. Nov. 18, 2009) (order adopting magistrate judge's recommendations granting motion to dismiss as alien already had four bond hearings, and he received the relief he sought).

F. Petitioner's Assault Allegations do not Entitle him to Habeas or Injunctive Relief

Petitioner alleges assault. Dkt. 1 at 2. Respondent disputes these allegations; however, posits that these claims are not properly before the Court. The Ninth Circuit has long held that the 'the writ of

habeas corpus is limited to attacks upon the legality or duration of confinement.'" *Pinson v. Carvajal*, 69 F.4th 1059, 1065 (9th Cir. 2023).

"[Petitioner] does not identify any published opinion in which we have authorized a conditions-of-confinement claim under § 2241." *Pinson*, 69 F.4th at 1068. Although the remedy he seeks is release from confinement, the remedy requested is not what determines the nature of the suit. "The question of whether a claim goes to the core of habeas does not turn ... solely on whether the prisoner requested release as opposed to some other form of relief." *Pinson*, 69 F.4th at 1072. For challenges to conditions of confinement "[t]he appropriate remedy for such constitutional violations, if proven, would be a judicially mandated change in conditions and/or an award of damages, but not release from confinement." *Crawford v. Bell,* 599 F.2d 890, 892 (9th Cir. 1979). Such conditions of confinement claims cannot be raised in a habeas petition, and instead must brought, if at all, in a "civil rights action." *Brown v. Blanckensee,* 857 F. App'x 289, 290 (9th Cir. 2021) (claim that prison violated inmate's First Amendment and property rights "lies in a civil rights action . . . rather than a § 2241 petition"); *see also Badea v. Cox,* 931 F.2d 573, 574 (9th Cir. 1991) (holding that a habeas petition was not "the proper method of challenging 'conditions of . . . confinement'").

Petitioner failed to prove that the conditions at the detention facility are more severe than those where individuals in criminal cases are detained. As to his assault allegation, Petitioner supplies no records or supporting documents in his briefing to substantiate his claim.

G. Any Substantive Due Process Claim Fails

It is well established that "[d]etention during removal proceedings is a constitutionally permissible part of that process." *Demore v. Kim*, 538 U.S. 510, 531 (2003); *Wong Wing v. United States,* 163 U.S. 228, 235 (1896) ("We think it clear that detention, or temporary confinement, as part of the means necessary to give effect to the provisions for the exclusion or expulsion of aliens would be valid."). As the Supreme Court held more than a century ago, "deportation proceedings 'would be vain if those accused could not be held in custody pending the inquiry into their true character.'" *Id.* (quoting *Wong Wing,* 163 U.S. at 235). The substantive component of the Due Process Clause does not require individualized determinations of dangerousness or flight risk to detain a noncitizen pending removal proceedings. *See Demore*, 538 U.S. at 514, 531.

Of course, a noncitizen "could be" entitled to an individualized determination as to flight risk and dangerousness "if the continued detention became unreasonable or unjustified." *See id.* at 532 (Kennedy, J., concurring). Here, however, there is no evidence suggesting that Petitioner's detention pending the completion of removal proceedings is "'indefinite' and 'potentially permanent.'" *See id.* at 528 (quoting *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001)); *see also, e.g.*, *Keo v. Warden of the Mesa Verde ICE Processing Center*, No. 24-00919, 2025 WL 1029392, at *8 (E.D. Cal. Apr. 7, 2025) (holding that the mandatory detention of a lawful permanent resident for 22 months during removal proceedings was constitutional, and no bond hearing was required, because the removal proceedings had a "definite termination point" and the petitioner's detention was not indefinite (citing *Jennings v. Rodriguez*, 583 U.S. 281, 304 (2018); *Demore*, 538 U.S. at 527, 538)). Petitioner was lawfully detained and is in the end stages of the challenge to his removal order. Thus has not shown that he is likely to succeed on his substantive due process claim.

H. Any Procedural Due Process Claim Fails

In *Mathews v. Eldridge*, the Supreme Court held that the "identification of the specific dictates of due process generally requires consideration of three distinct factors." 424 U.S. 319, 334–35 (1976). They are (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.* at 335.

Over the ensuing 50 years, however, the Supreme Court has never used this balancing test to divine the due-process requirements for immigration detention. *Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) ("[T]he Supreme Court when confronted with constitutional challenges to immigration detention has not resolved them through express application of *Mathews*." (citations omitted)); *id.* at 1214 ("In resolving familiar immigration-detention challenges, the Supreme Court has not relied on the *Mathews* framework.") (Bumatay, J., concurring). This is particularly unsurprising for noncitizens in Petitioner's situation because, under longstanding precedent, noncitizens who are not admitted into the United States have "only those rights regarding admission that Congress has provided by statute,"

and "the Due Process Clause provides nothing more." *Thuraissigiam*, 591 U.S. at 140; *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950) ("Whatever the procedure authorized by Congress is, it is due process . . . ."); *see Cortes Alonzo*, 2025 WL 3208284, at *5 (holding that, if a bond hearing is not required by § 1225, then the failure to provide one to an "applicant for admission" cannot be a violation of due process); *Altamirano Ramos*, 2025 WL 3199872, at *5 (same). In any event, even if the *Mathews* test applied here, Petitioner has not shown that the test requires either release or a second bond hearing.

First, although a noncitizen's private interest in "freedom from prolonged detention" is "unquestionably substantial," *Singh v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011), the same cannot be said for freedom from all detention itself. As noted, the Supreme Court and this Court have repeatedly upheld mandatory detention during removal proceedings against due-process challenges, even where removal proceedings are prolonged. *Demore*, 538 U.S. at 530–31; *Keo*, 2025 WL 1029392, at *8.

Second, Petitioner has not clearly shown that a hearing on his custody status would decrease the risk of his being erroneously deprived of his liberty. Petitioner was deemed an extreme flight risk following a hearing where Respondent bore the burden of establishing dangerousness or flight risk.

Finally, "the government clearly has a strong interest in preventing aliens from 'remain[ing] in the United States in violation of our law.'" *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1208 (9th Cir. 2022) (quoting *Demore*, 538 U.S. at 518). And, "[t]hrough detention, the government likewise seeks to 'increas[e] the chance that, if ordered removed, the aliens will be successfully removed.'" *Id.* (quoting *Demore*, 538 U.S. at 528). In addition, "[t]he risk of a detainee absconding also inevitably escalates as the time for removal becomes more imminent." *Id.*

I. Response to Court's July 13, 2026, Order to Show Cause

In response to this Court's July 13, 2026, Order (Dkt. 5), Respondent has established that this case is distinguished from the cases cited for the following reasons: (1) this is a second habeas petition and request for injunctive relief, (2) Petitioner received relief in a prior habeas action, (3) Petitioner received a bond hearing, and (4) Petitioner is in the end stages of challenging his removal order. The other petitioners' cases do not have these facts or legal issues in common.

III. CONCLUSION

Because Petitioner failed to appeal the IJ's flight risk finding and has not exhausted his administrative remedies. His failure to appeal the flight risk finding concedes that the IJ reached the correct decision. The Court should not address the substantive due process claim. If it does, it should still deny relief, because Petitioner was lawfully detained and received prior habeas relief. This Court should deny all relief.

Respectfully submitted,

Dated: July 16, 2026

ERIC GRANT
United States Attorney

By: /s/ Elisa M. Rodriguez
ELISA M. RODRIGUEZ
Assistant United States Attorney