Juan-Jose-Coroba-Arena
A No.- [redacted]
ELOY DETENTION CENTER
1705 EAST HANNA ROAD
ELOY, ARIZONA 85131

☒ FILED ___ LODGED
___ RECEIVED ___ COPY
SEP 21 2026
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY ____ DEPUTY

Pro Se

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Juan-Jose-Coroba-Arena ,

Petitioner,

v.

Eric Rokosky, in his official capacity as Facility Administrator of the Eloy Detention Correctional Center;
Markwayne mullin, secretary of the United States Department of Homeland security, in his official capacity; **Sirce Owen,** Acting Director of Executove Office for Immigration Review, in her official capacity;

Respondents,

Case No. CV-26-06177-PHX-JJT

REPLY TO "RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS"

THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING TO FEDERAL AND/OR LOCAL RULES AND PRACTICES AND IS SUBJECT TO REJECTION BY THE COURT.
REFERENCE LR Civ 5.4
(Rule Number/Section)

15.09.26

2. Petitioner, **Juan-Jose-Coroba-Arena**, shall be released immediately from Respondents' custody. Respondents shall not impose any additional restrictions on him, unless they are determined to be necessary at a future pre-deprivation/custody hearing.

3. Respondents are ENJOINED AND RESTRAINED from{} re-arresting or re-detaining Petitioner absent compliance with constitutional protections, which include, at a minimum, pre-deprivation notice - describing the change of circumstances necessitating his arrest and detention - and a timely hearing. At any such hearing, the Government shall bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight, and Petitioner shall be allowed to have his counsel present.

4. Respondents are ORDERED TO SHOW CAUSE on or after **September 15, 2026,** as to why this Court should issue a preliminary injunction on the same terms as this Order. Petitioner may file a reply, if any, to Respondents' opposition.

5. Pursuant to Local Rule 230(g), the Motion for Preliminary Injunction should be submitted If the Court subsequently concludes that oral argument is necessary, a hearing will be set and the parties notified accordingly.

A. Ex Parte Application and Mission Power Factors

The Court finds that Petitioner has satisfied the Mission Power factors. Petitioner has been in custody since **May /21/2026,** despite having previously been granted a deferral from removal and complied with his conditions of release. If the Court heard the Application according to regularly noticed motion procedures, that would leave Petitioner detained without access to any due process for at least an **additiona 115 days**. Though Petitioner could have sought the TRO sooner, the fact that he provided ICE time to give him some additional due process cannot cut against him. However, after months in continued detention without the requisite{} process, the Court find relief warranted.

B. Request for Release from Detention

Petitioner is entitled to mandating his release from detention. The Court will discuss each of the Winter factors in turn.

i. Likelihood of Success on the Merits

a. Statutory and Regulatory Framework

"Freedom from imprisonment . . . lies at the heart of the liberty" that the Fifth Amendment's Due Process Clause protects. Zadvydas v. Davis, 533 U.S. 678, 690, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001). "[T]he Due Process Clause applies to all 'persons' within the United States," including noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." Id. at 693; see also Trump v. J.G.G., 604 U.S. 670, 673, 145 S. Ct. 1003, 221 L. Ed. 2d 529 (2025)

("'The Fifth Amendment entitles [noncitizens] to due process of law' in the context of removal proceedings." (quoting Reno v. Flores, 507 U.S. 292, 306, 113 S. Ct. 1439, 123 L. Ed. 2d 1 (1993))). Thus, a noncitizen under an OSUP has a constitutional liberty interest in their continued release from immigration detention. See Sun v. Santacruz, No. EDCV-25-02198-JLS-JCx, 2025 U.S. Dist. 165913, 2025 WL 2730235, at *5-6 (C.D. Cal. Aug. 26, 2025) (finding the petitioner had a "substantial" liberty interest in "remaining out of immigration custody" pursuant to an OSUP and granting a TRO enjoining the respondents from re-detaining the petitioner without a pre-detention hearing before a neutral adjudicator); Yang v. Kaiser, No. 2:25-CV-02205-DAD-AC (HC), 2025 U.S. Dist. 196161, 2025 WL 2791778, at *7-10 (E.D. Cal. Aug. 20, 2025) (same).

IMMIGRATION HISTORY:
On 08/23/2023, COROBA-ARENA, was arrested by Border Patrol at the Eagle pass intl. Bridge in Eagle Pass, Texas. COROBA-ARENA was part of family unit when contacted. On 08/24/2023, the family unit was processed for Notice to Appear/Released on their own recognizance as per section 212(a) (6) (A) (i) (I) of the immigration and Nationality Act due to humanitarian and safety issues with overcrowding. The Family unit was served with I-862, I-200, I-286, I220A and list of Free Legal Services. The family unit was instructed to report to provided local EOIR office within 60 days and instructed to inform EOIR of any address changes with provided form (EOIR-33). .
Coroba-Arena HAS A PENDING COURT DATE ON 01/22/2029 AT 1:00 pm WITHIN CITY OF PHOENIX AZ
CRIMINAL. HISTORY;
COROBA-ARENA did not have identifiable criminal history
COROBA -ARENA had a scheduled apoiment regarding his pending form I-765, Employment Authorization Document, for May 21 2026 he was arrested by ICE BEFORE HIS EMPLOYMENT AUTHORIZATION APOIMENT
Government did not and has not provided notice of the reasons for the revocation of petitioner's release or complied with the applicable regulations regarding revoking "Orders of Supervision : 8 C.F.R. § 241.4(1)(1)-(2) and 8 C.F.R. § 241.13(i)

(a) *Supporting facts (Be brief.*

Petitioner was detained by immigration and customs enforcement (ICE) on or about._August 23/2023_he was released on_Parole I-220A_ on_August 24/2023_. Petitioner was re-detained on or about_May 21/2026_ without a hearing, notice or explanation.

Violation of Administrative Procedure Act (APA) & Fifth Amendment Due Process Clause. ICE violated it's own rules and procedures in the revocation of parole without Due Process or authorization of appropriate supervisor according to 8 C.F.R. 241.4 & 241.13. **Petitioner seeks immediate release.**

(e) *Supporting facts (Be brief. :*

Petitioner followed all conditions of bond, scheduled check-in's when placed on O.S.U.P. in 2002 . When he was re-detained he was not served with revocation notice or any type of document signed by appropriate supervisor or a warrant. He was not given an "INFORMAL INTERVIEW" and He was not given written changes in circumstance of removability.

8 U.S.C. § 1231(a) governs the detention, release, and removal of noncitizens with an order of removal. Under § 1231(a), a noncitizen who has been ordered removed must be detained {2026 U.S. Dist. } during the 90-day removal period. 8 U.S.C. § 1231(a)(1)(A), 1231(a)(2)(A). However, if a noncitizen is not removed within this period, they must be released "subject to supervision under regulations prescribed by the Attorney General." Id. § 1231(a)(3). While certain noncitizens may be detained beyond the 90-day removal period, such noncitizens, if released, must also be subject to the same terms of supervision as under §1231(a)(3). Id. § 1231(a)(6).

8 C.F.R. § 241.4 and 8 C.F.R. § 241.13 set the terms of supervised release under 8 U.S.C. ⊏ 1231(a)(3) and 8 U.S.C. § 1231(a)(6), including the conditions and procedures under which ICE may revoke release. See 8 C.F.R. §§ 241.4(l), 241.13(i). First, ICE may revoke release when a noncitizen violates a condition of their OSUP. Id. § § 241.4(l)(1), 241.13(i)(1). Second, ICE may revoke release when, "on account of changed circumstances, [ICE] determines that there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future." Id. § 241.13(i)(2). Third, certain officials may exercise their discretion to revoke release. See id. ⊏ 241.4(l)(2).

Upon revocation of release, ICE must provide the noncitizen a copy of the decision "set[ting] forth the reasons for the continued detention." Id. § 241.4(d). Additionally, the noncitizen must be "notified of the reasons for revocation," id. § 241.4(l)(1), and afforded "an initial informal interview promptly . . .{2026 U.S. Dist. } to respond to the reasons for revocation stated in the notification," id. § 241.13(i)(3).

b. Analysis

Petitioner has demonstrated a likelihood of success on the merits of his requests for a release from detention.

First, Petitioner identifies that Respondents have not shown that there is a significant likelihood of removal in the reasonably foreseeable future under 8 C.F.R. ⊏ 241.13(i). See App. 4; 8 C.F.R. ⊏ 241.13(i)(2) (stating that "[t]he Service may revoke an alien's release under this section and return

1. Petitioner, **_Juan-Jose-Coroba-Arena_**, _, in Pro Se, hereby replies to RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS ("RESPONSE"), filed _**August//2026**_ by Respondents Erick Rokosky., ET AL. through counsel.
2. As of today, **_Sept 15/2026_**, Petitioner has been detained for _**3**_ months, _**15**_days
3. Petitioner, presents cause why the court should grant the Habeas petition.
4. Although ICE declares a pre-detention hearing is an improper extra-statutory remedy, the liberty interest the petitioner has developed and is being deprived of was created by ICE/DHS, whom after having detained him for **_1_ day and , released petitioner on Parole I-220A_**, voluntarily, based on a "8 U.S.C. § 1226(A)" statute. Thus classifying him as such.
5. Now in violation of the A.P.A. The respondents wish to change the petitioners classification. This, the petitioner asks the court to presume to be arbitrary and capricious.

15.09.26

6. **Over the next _3_ years of living life not being detained the petitioner has developed the liberty interest the "*Mathews*", factors addresses.**

7. Petitioner asks the Court to recognize that due process DOES require a "PRE DETENTION HEARING" and that he has a protected liberty interest in his release. See *Guillermo M. R. v. Kaiser*, No. 25-CV-05436-RFL, 2025 U.S. Dist. LEXIS 138205, 2025 WL 1983677, at *4 (N.D. Cal. July 17, 2025) (recognizing that "the liberty interest that arises upon release [from immigration detention] is inherent in the Due Process Clause"); *Ortega v. Kaiser*, No. 25-cv-05259-JST, 2025 U.S. Dist. LEXIS 121997, 2025 WL 1771438, at *3 (N.D. Cal. June 26, 2025) (collecting cases finding that non-citizens who have been released have a strong liberty interest). The Court must therefore determine what process is due before the government may terminate his liberty.

8. Also he is detained in a subcontracted facility Eloy Detention Center, in conditions which are punitive and unconstitutional for an immigration detainee.

9. The Habeas should be granted because although ICE/DHS claims petitioner is not entitled to predeprivation hearing and is subject to mandatory detention, it does not change the fact that in **_OSUP_** ICE/DHS voluntarily released petitioner on **PAROLE I-220A.**

10. Respondents statement that Petitioner's detention is mandatory under 8 U.S.C § 1225 is also **misleading** given the **_FACT THAT_** he was released on is granted per 8 U.S.C. § 1226.

11. The government cannot arbitrarily change petitioner's classifications at their convenience.

12. The adequate remedy is to Immediately release petitioner, and enjoin respondents to restrict them from re-detaining him without 10 day notice and a due process guaranteed pre deprivation hearing so as to keep respondents from causing more irreparable harm to both him his family and others like him.

13. VERIFICATION

14. I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

15.

Date: 09/15/26 **Signature:** Juan Cocoba

Petitioner-Pro-Se:

CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that on _Sept 15/2026, Petitioner filed with the United States District Court for the District of Arizona, this **REPLY TO "RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS"**. I, **_Juan-Jose-Coroba-Arena_**, ***Pro Se***, do hereby state that I caused a copy of the **REPLY TO "RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS"**. to be served upon the listed individuals below at the indicated addresses via United States Postal Service (U.S.P.S) and institutional mail,

TO:

United States District Court, District of Arizona – Phoenix Division
Sandra Day O'Connor U.S. Courthouse, Suite 130
401 West Washington Street, SPC 1
Phoenix, AZ 85003 – 2118

United States Attorney's Office
District of Arizona
Two Renaissance Square
40 N. Central Ave., Suite 1800
Phoenix, AZ 85004-4449

DHS / ICE Litigation
ELOY DETENTION CENTER
1705 EAST HANNA ROAD
ELOY, ARIZONA 85131

Signed by: Juan coroba
Juan-Jose-Coroba-Arena
Petitioner, *Pro Se.*

15.09.26