

1 September 28, 2025, petitioner was arrested for theft and other unspecified misdemeanor
2 offenses. (*Id.* at ¶ 4.) On December 1, 2025, all criminal charges against petitioner were
3 dismissed. (*Id.*) On November 25, 2025, petitioner appeared at the San Jose, California
4 Immigration and Customs Enforcement (“ICE”) office at the direction of ICE officials where he
5 was re-detained due to his misdemeanor arrest without prior notice or hearing. (*Id.* at ¶ 6.)

6 In granting petitioner’s motion for temporary restraining order, the court first concluded
7 that petitioner was not subject to mandatory detention pursuant to 8 U.S.C. § 1226(c) because his
8 theft charges were dismissed. (Doc. No. 7) (citing *Rueda Torres v. Francis*, 2025 WL 3168759,
9 at *5 (S.D.N.Y. Nov. 13, 2025) (“Similarly, detention remains mandatory if charges are filed, but
10 it is no longer required if charges are dropped or if a person is acquitted.”)); *Helbrum v. Williams*
11 *Olson*, No. 4:25-cv-00349-SHL-SBJ, 2025 WL 2840273, at *5-6 (S.D. Iowa Sept. 30, 2025)
12 (finding that the petitioner was not subject to mandatory detention under § 1226(c) where they
13 were arrested for theft charges that were subsequently dismissed)). The court also concluded that
14 petitioner had gained a liberty interest in his continued freedom and was entitled to due process
15 protections as a result of respondents previously releasing him from their custody. (*Id.*) (citing
16 *Cajina v. Wofford*, No. 1:25-cv-01566-DAD-AC (HC), 2025 WL 3251083, at *2-5 (E.D. Cal.
17 Nov. 21, 2025)).¹ The court incorporates that reasoning here and concludes that petitioner’s re-
18 detention on November 25, 2025, without a hearing violated petitioner’s right to due process.

19 Courts have “broad discretion in conditioning a judgment granting habeas relief” and “are
20 authorized, under 28 U.S.C. § 2243, to dispose of habeas corpus matters ‘as law and justice
21 require.’” *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987). Now that petitioner has been released
22 from respondents’ custody, the court concludes that the proper remedy under the circumstances is
23 to require respondents to provide petitioner written notice and a hearing before a neutral
24 adjudicator before re-detaining him. *F.R.P. v. Wamsley*, No. 3:25-cv-01917-AN, 2026 WL
25 482184, at *4 (D. Or. Feb. 19, 2026) (requiring respondents to provide the petitioner with notice
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27 ¹ In *Cajina* the court concluded that the proper remedy was to provide petitioner with a bond
28 hearing before an immigration judge because he had been re-detained for allegedly violating the
conditions of his release. (*Id.*)

1 and a pre-deprivation hearing before an immigration judge before re-detaining them where the
2 petitioner was previously released pursuant to the court's order granting a motion for temporary
3 restraining order).

4 For the reasons stated above,

5 1. Petitioner's petition for writ of *habeas corpus* (Doc. No. 1), is GRANTED as
6 follows:

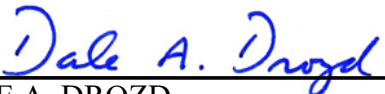
7 a. Respondents are ENJOINED and RESTRAINED from re-detaining
8 petitioner for any purpose, absent exigent circumstances, without providing
9 petitioner written notice and a hearing before an immigration judge where
10 respondents will have the burden of establishing that petitioner is either a
11 danger or a flight risk by clear and convincing evidence;

12 b. Petitioner's request for attorneys' fees and costs pursuant to the Equal
13 Justice Act and 28 U.S.C. § 2412 is denied without prejudice to renewal
14 upon a properly noticed and supported motion; and

15 2. The Clerk of the Court is directed to ENTER judgment in favor of petitioner and to
16 CLOSE this case.

17 IT IS SO ORDERED.

18 Dated: March 18, 2026

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21 DALE A. DROZD
22 UNITED STATES DISTRICT JUDGE
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