

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Francisco Jose Cruz Calvachi,
Petitioner,
v.
Todd Blanche, et al.,
Respondents.

No. CV-26-02740-PHX-DJH (MTM)
ORDER TO SHOW CAUSE

Petitioner filed this action under 28 U.S.C. § 2241 challenging his immigration detention.¹ (Doc. 1.)

Petitioner entered the United States in 2023 and, after a short period of detention, was released on his own recognizance pending his immigration proceedings. (Doc. 1 at 6.) On December 30, 2025, Petitioner was re-detained by immigration officials without a pre-deprivation hearing. (*Id.* at 7.) Petitioner seeks release from custody.

Numerous courts have concluded individuals like Petitioner, who were released from immigration detention, as a matter of due process, are entitled to a pre-deprivation hearing prior to any rearrest or detention. *See, e.g., J.C.E.P. v. Wofford*, CV-25-01559-EFB (HC), 2025 WL 3268273, *6 (E.D. Cal. Nov. 24, 2025) (collecting cases); *Ramirez Clavijo v. Kaiser*, CV-25-06248-BLF, 2025 WL 2419263, at *6 (N.D. Cal. Aug. 21, 2025) (“Petitioner thus has shown a likelihood of success on the merits of her claim that she is

¹ Petitioner also filed a Motion for Order to Show Cause (Doc. 2). The Court will the Motion as moot.

1 entitled to a pre-deprivation hearing before a neutral decisionmaker prior to any re-arrest
2 or detention under the Due Process Clause.”); *Singh v. Andrews*, CV-25-00801-KES-SKO
3 (HC), 2025 WL 1918679, at *8 (E.D. Cal. July 11, 2025) (“On balance, the *Mathews*
4 factors show that petitioner is entitled to process, and that process should have been
5 provided before petitioner was detained.”).

6 Respondents must show cause why the Petition should not be granted. Any
7 response must be supported by documentary evidence including, if applicable, affidavits
8 signed under penalty of perjury by individuals with personal knowledge of the factual
9 statements made therein.

10 **IT IS ORDERED:**

11 (1) Petitioner’s Motion for Order to Show Cause (Doc. 2) is **denied as moot**.

12 (2) Counsel for Petitioner must immediately serve the Petition (Doc. 1) and a
13 copy of this Order on Respondents.


14 (3) If not already issued, the Clerk of Court must issue any properly completed
15 summonses.

16 (4) The Clerk of Court must immediately transmit by email a copy of this Order
17 and the Petition to the United States Attorney for the District of Arizona, to the attention
18 of Melissa Kroeger at melissa.kroeger@usdoj.gov, Lon Leavitt at lon.leavitt@usdoj.gov,
19 Theo Nickerson at Theo.Nickerson2@usdoj.gov, Dina Anagnopoulos at
20 Dina.Anagnopoulos@usdoj.gov, and Mary Finlon at Mary.Finlon@usdoj.gov.

21 (5) Respondents must show cause no later than **April 28, 2026**, why the Petition
22 should not be granted.

23 (6) Petitioner may file a reply no later than **April 30, 2026**.

24 Dated this 22nd day of April, 2026.

25
26 
27 Honorable Diane J. Humetewa
28 United States District Judge