

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

KM

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

Buloki Matumona-Bienvenue,
Petitioner,
v.
Christopher McGregor, et al.,
Respondents.

No. CV-26-00958-PHX-SHD (JFM)

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 April 2024 and was released on his own recognizance pending his immigration proceedings. On January 20, 2026, Petitioner was detained by Customs and Border Protection officials without a pre-deprivation hearing. Petitioner seeks release from custody.

Numerous courts have concluded individuals like Petitioner are entitled to a pre-deprivation hearing prior to any rearrest or detention as a matter of due process. *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

¹ In addition to his Petition, Petitioner also filed a Motion for Temporary Restraining Order (Doc. 2). Because the Court is directing Respondents to promptly show cause why the Petition should not be granted, the Court finds Petitioner is not entitled to preliminary relief at this juncture. Therefore, the Court will deny the Motion without prejudice.

1 success on the merits of her claim that she is entitled to a pre-deprivation hearing before a
2 neutral decisionmaker prior to any re-arrest or detention under the Due Process Clause.”);
3 *Singh v. Andrews*, CV-25-00801-KES-SKO (HC), 2025 WL 1918679, at *8 (E.D. Cal. July
4 11, 2025) (“On balance, the *Mathews* factors show that petitioner is entitled to process, and
5 that process should have been 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 by individuals with personal knowledge of the factual statements made therein and signed
9 under penalty of perjury.

10 **IT IS ORDERED:**

11 (1) Petitioner’s Motion for Temporary Restraining Order (Doc. 2) is **denied**
12 **without prejudice.**

13 (2) Counsel for Petitioner must immediately serve the Petition (Doc. 1) on
14 Respondents.

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

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

23 (5) Respondents must show cause no later than **February 19, 2026**, why the
24 Petition should not be granted.

25

26

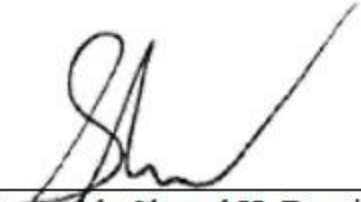
27

28

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

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

Dated this 12th day of February, 2026.



Honorable Sharad H. Desai
United States District Judge