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MDR

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

Sergio Mendez Betanco,
Petitioner,
v.
Luis Rosa, Jr., et al.,
Respondents.

No. CV-26-01869-PHX-SHD (ASB)

ORDER TO SHOW CAUSE

Petitioner, through counsel, filed a Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Doc. 1) challenging his immigration detention.

Petitioner entered the United States without inspection in November 2021 and, after a short period of detention, was released on his own recognizance. (*Id.* ¶ 29.) In December 2025, he received a notice to appear, which stated he was charged with inadmissibility and requesting he appear at a January 16, 2026 hearing. (*Id.* ¶ 31.) Petitioner attending the hearing and requested additional time to find legal representation; the immigration judge reset the hearing to allow Petitioner to find counsel. (*Id.* ¶ 32.) As Petitioner left the hearing, two plain-clothed Immigration and Customs Enforcement officers, one of whom was masked, approached Petitioner at the elevators and took him into custody “without clearly identifying who they were and why he was being arrested.” (*Id.*)

Petitioner requested a bond-redetermination hearing on March 3, 2026. (*Id.* ¶ 33.) At a March 9, 2026 bond hearing, the immigration judge determined she did not have jurisdiction to hold a bond hearing. (*Id.*)

1 Petitioner contends his detention without a pre-deprivation hearing violates his due
2 process rights and he is being unlawfully detained pursuant to 8 U.S.C. § 1225(b)(2). He
3 seeks release from custody or a bond hearing.

4 Numerous courts have concluded individuals like Petitioner, who were released
5 from immigration detention, are entitled to a pre-deprivation hearing prior to any rearrest
6 or detention as a matter of due process. *See, e.g., J.C.E.P. v. Wofford*, CV-25-01559-EFB
7 (HC), 2025 WL 3268273, *6 (E.D. Cal. Nov. 24, 2025) (collecting cases); *Ramirez Clavijo*
8 *v. Kaiser*, CV-25-06248-BLF, 2025 WL 2419263, at *6 (N.D. Cal. Aug. 21, 2025)
9 (“Petitioner thus has shown a likelihood of success on the merits of her claim that she is
10 entitled to a pre-deprivation hearing before a neutral decisionmaker prior to any re-arrest
11 or detention under the Due Process Clause.”); *Singh v. Andrews*, CV-25-00801-KES-SKO
12 (HC), 2025 WL 1918679, at *8 (E.D. Cal. July 11, 2025) (“On balance, the *Mathews*
13 factors show that petitioner is entitled to process, and that process should have been
14 provided before petitioner was detained.”).

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

19 **IT IS ORDERED:**

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


22 (2) If not already issued, the Clerk of Court must issue any properly completed
23 summonses.

24 (3) The Clerk of Court must immediately transmit by email a copy of this Order
25 and the Petition to the United States Attorney for the District of Arizona, to the attention
26 of Melissa Kroeger at melissa.kroeger@usdoj.gov, Lon Leavitt at lon.leavitt@usdoj.gov,
27 Theo Nickerson at Theo.Nickerson2@usdoj.gov, Dina Anagnopoulos at
28 Dina.Anagnopoulos@usdoj.gov, and Mary Finlon at Mary.Finlon@usdoj.gov.

1 (4) Respondents must show cause no later than **March 24, 2026**, why the
2 Petition should not be granted.

3 (5) Petitioner may file a reply no later than **March 26, 2026**.

4 Dated this 19th day of March, 2026.
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10 _____
11 Honorable Sharad H. Desai
12 United States District Judge
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