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

Javier Molina-Perez,
Petitioner,
v.
Christopher McGregor, et al.,
Respondents.

No. CV-26-01988-PHX-KML (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 approximately 1991. (*Id.* at 1.) In approximately 2013, he was placed in removal proceedings. (*Id.*) In August 2015, he was released on bond and his removal proceedings were administratively closed. (*Id.*) On December 15, 2025, Immigration and Customs Enforcement (ICE) officials apprehended Petitioner and re-detained him without a pre-deprivation hearing. (*Id.* at 2.) Petitioner seeks release from custody and an order enjoining ICE officials from rearresting him without a hearing and prohibiting Respondents from transferring him while this action is pending.

....

¹ In addition to his Petition, Petitioner also filed a Motion for Temporary Restraining Order and Preliminary Injunction (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 Numerous courts have concluded that individuals like Petitioner, who were released
2 from immigration detention, are entitled to a pre-deprivation hearing prior to any rearrest
3 or detention as a matter of due process. *See, e.g., J.C.E.P. v. Wofford*, CV-25-01559-EFB
4 (HC), 2025 WL 3268273, *6 (E.D. Cal. Nov. 24, 2025) (collecting cases); *Ramirez Clavijo*
5 *v. Kaiser*, CV-25-06248-BLF, 2025 WL 2419263, at *6 (N.D. Cal. Aug. 21, 2025)
6 (“Petitioner thus has shown a likelihood of success on the merits of her claim that she is
7 entitled to a pre-deprivation hearing before a neutral decisionmaker prior to any re-arrest
8 or detention under the Due Process Clause.”); *Singh v. Andrews*, CV-25-00801-KES-SKO
9 (HC), 2025 WL 1918679, at *8 (E.D. Cal. July 11, 2025) (“On balance, the *Mathews*
10 factors show that petitioner is entitled to process, and that process should have been
11 provided before petitioner was detained.”).

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

16 **IT IS ORDERED:**

17 (1) Petitioner’s Motion for Temporary Restraining Order and Preliminary
18 Injunction (Doc. 2) is **denied without prejudice**.

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

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

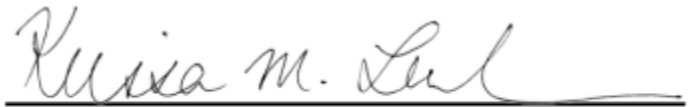
23 (4) The Clerk of Court must immediately transmit by email a copy of this Order
24 and the Petition to the United States Attorney for the District of Arizona, to the attention
25 of Melissa Kroeger at melissa.kroeger@usdoj.gov, Lon Leavitt at lon.leavitt@usdoj.gov,
26 Theo Nickerson at Theo.Nickerson2@usdoj.gov, Dina Anagnopoulos at
27 Dina.Anagnopoulos@usdoj.gov, and Mary Finlon at Mary.Finlon@usdoj.gov.
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(5) Respondents must show cause no later than **March 31, 2026**, why the Petition should not be granted.

(6) Petitioner may file a reply no later than **April 2, 2026**.

Dated this 24th day of March, 2026.



Honorable Krissa M. Lanham
United States District Judge