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

Carlos Jesus Saenz-Perez,¹
Petitioner,
v.
Eric Rokosky, et al.,
Respondents.

No. CV-26-02399-PHX-KML (DMF)

ORDER TO SHOW CAUSE

Petitioner, through counsel, filed a Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1) challenging her immigration detention, a Motion for Appointment of Counsel (Doc. 2), and a Motion for Limited Discovery (Doc. 3). The Court will order Respondents to show cause why the Petition should not be granted, grant the Motion for Appointment of Counsel, and grant the Motion for Limited Discovery subject to Respondents’ objections.

I. Petition

Petitioner is a citizen of Venezuela who applied for admission into the United States at a port of entry on March 3, 2024, and was released on her own recognizance the following day. On February 25, 2025, she filed an application for asylum, withholding of removal, and protection under the Convention Against Torture. On March 9, 2026, when she appeared at the United States Citizenship and Immigration Services Phoenix Field

¹ Petitioner indicates she is a transgender woman and uses feminine pronouns when referring to herself. The Court will do the same.

1 Office to provide biometric information in support of her asylum application, she was
2 detained by Immigration and Customs Enforcement agents without a warrant and without
3 any explanation for, or paperwork authorizing, her detention.

4 Petitioner contends her re-detention is the result of arbitrary and capricious agency
5 action and an abuse of agency discretion, in violation of the Fifth Amendment and the
6 Administrative Procedure Act. She seeks release from detention.

7 Respondents must show cause why the Petition should not be granted.² Any
8 response must be supported by documentary evidence including, if applicable, affidavits
9 signed under penalty of perjury by individuals with personal knowledge of the factual
10 statements made therein.

11 **II. Pending Motions**

12 **A. Motion for Appointment of Counsel**

13 In the Motion for Appointment of Counsel, Assistant Federal Public Defender Keith
14 J. Hilzendeger requests the Court appoint counsel pursuant to 18 U.S.C. § 3006A(a)(2)(B).
15 Mr. Hilzendeger states Petitioner is likely to succeed on her claims but “does not have the
16 wherewithal to litigate a complex challenge to her detention by immigration officials on
17 her own from a jail cell where she does not have the documentation necessary to refute the
18 government’s case for continued detention.”

19 The Court, in its discretion, will appoint Assistant Federal Public Defender
20 Hilzendeger to represent Petitioner in this action. The Clerk of Court must enter the

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

1 appearance of Assistant Federal Public Defender Hilzendeger on Petitioner's behalf in this
2 action.

3 **B. Motion for Limited Discovery**

4 Petitioner alleges that because she is detained, she does not have access to
5 documents to substantiate the allegations in her Petition, but asserts the government
6 presumably does. She requests the Court order Respondents to provide five categories of
7 materials, including her A-file, documents related to the decision to grant Petitioner release
8 from custody and the grant of release on her own recognizance, records of her check-ins
9 with immigration officials, and documents regarding her required custody reviews.

10 The parties must meet and confer regarding any objections to the discovery
11 petitioner seeks. If an impasse is reached, the parties must file a joint statement of discovery
12 dispute in compliance with the court's procedures available at
13 [https://www.azd.uscourts.gov/sites/azd/files/judge-](https://www.azd.uscourts.gov/sites/azd/files/judge-orders/KML%20Case%20Management%20Order.pdf)
14 [orders/KML%20Case%20Management%20Order.pdf](https://www.azd.uscourts.gov/sites/azd/files/judge-orders/KML%20Case%20Management%20Order.pdf). Documents responsive to those
15 topics to which respondents do not object must be produced within one week of this order.

16 **IT IS ORDERED:**

17 (1) Petitioner's Motion for Appointment of Counsel (Doc. 2) is **granted**.

18 (2) Assistant Federal Public Defender Keith J. Hilzendeger is appointed to
19 represent Petitioner in this action. The Clerk of Court must enter the appearance of
20 Assistant Federal Public Defender Hilzendeger on behalf of Petitioner in this action.

21 (3) Petitioner's Motion for Limited Discovery (Doc. 3) is **granted** subject to
22 Respondents' objections. Any disputes regarding discovery must be filed no later than
23 **April 17, 2026**. Subject to any objections, Respondents must respond to the requests for
24 documents no later than **April 17, 2026**.

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

27 (5) If not already issued, the Clerk of Court must issue any properly completed
28 summonses.

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

6 (7) Respondents must show cause no later than **April 17, 2026**, why the Petition
7 should not be granted.

8 (8) Petitioner may file a reply no later than **April 21, 2026**.

9 Dated this 10th day of April, 2026.

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Honorable Krissa M. Lanham
United States District Judge