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**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:26-cv-00258-DAD-SCR**

(HC) Capetillo Zurita v. Garland et al
Assigned to: District Judge Dale A. Drozd
Referred to: Magistrate Judge Sean C. Riordan
Cause: 8:1105(a) Aliens: Habeas Corpus to Release INS
Detainee

Date Filed: 01/30/2026
Jury Demand: None
Nature of Suit: 463 Habeas Corpus -
Alien Detainee
Jurisdiction: U.S. Government Defendant

Petitioner**Alejandra Capetillo Zurita**

represented by **Mario Salgado**
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V.

Respondent**Merrick B. Garland**
Attorney General of the United States

represented by **Audrey Benison Hemesath , GOVT**
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Respondent

Alejandro Mayorkas
Secretary of Homeland Security

represented by **Audrey Benison Hemesath , GOVT**
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Eric Grant , GOVT
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Respondent

Tae D. Johnson
*Acting Director, Immigration and
 Customs Enforcement*

represented by **Audrey Benison Hemesath , GOVT**
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Eric Grant , GOVT
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LEAD ATTORNEY
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Respondent

Warden
California City Corrections Center

represented by **Audrey Benison Hemesath , GOVT**
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Eric Grant , GOVT
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Date Filed	#	Docket Text
01/30/2026	<u>1</u>	PETITION for WRIT of HABEAS CORPUS against All Respondents by Alejandra Capetillo Zurita. (Deputy Clerk OML) (Entered: 01/30/2026)
01/30/2026	<u>2</u>	EMERGENCY MOTION to EXPEDITE by Alejandra Capetillo Zurita. (Deputy Clerk OML) (Entered: 01/30/2026)
01/30/2026	<u>3</u>	EMERGENCY MOTION FOR IMMEDIATE RELEASE by Alejandra Capetillo Zurita. (Deputy Clerk OML) (Entered: 01/30/2026)
01/30/2026	<u>4</u>	PRISONER NEW CASE DOCUMENTS and ORDER RE CONSENT ISSUED.

		Consent or Decline due by 3/5/2026. (Attachments: # 1 Litigant Letter) (Deputy Clerk OML) (Entered: 01/30/2026)
01/30/2026		SERVICE BY MAIL: 4 Prisoner New Case Documents served on Alejandra Capetillo Zurita. (Deputy Clerk OML) (Entered: 01/30/2026)
01/30/2026	5	MINUTE ORDER (Text Only Entry) issued by Courtroom Deputy for District Judge Dale A. Drozd on 1/30/2026: Pending the issuance of the court's order resolving the pending 3 motion for temporary restraining order, and unless and until the court orders otherwise, the court ORDERS that respondents shall not take any action to remove petitioner from the United States or to move petitioner out of the Eastern District of California. <i>See F.T.C. v. Dean Foods Co.</i> , 384 U.S. 597, 604 (1966) (acknowledging the courts express authority under the All Writs Act to issue such temporary injunctions as may be necessary to protect its own jurisdiction). Given the exigent circumstances present, the court finds that this order is warranted to maintain the status quo pending its forthcoming order resolving petitioner's pending 3 motion for temporary restraining order. The Clerk of the Court is DIRECTED to serve respondents with a copy of the petition, 3 emergency motion for immediate release which the court construes as a motion for temporary restraining order, and accompanying papers, along with this order, to the United States Attorneys Office for the Eastern District of California by email at usacae.ecf2241-imm@usdoj.gov. Counsel for respondents shall promptly enter Notices of Appearance. Respondents shall file a written opposition to the pending 3 motion for temporary restraining order by 5:00 PM on Monday, 2/2/2026. In that opposition, respondents shall substantively address whether any provision of law or fact in this case would distinguish it from this court's decision in <i>Ayala Cajina v. Wofford</i> , No. 1:25-cv-01566-DAD-AC (HC), 2025 WL 3251083 (E.D. Cal. Nov. 21, 2025), and other similar cases previously decided by this court, or otherwise indicate that the matter is not substantively distinguishable. Furthermore, respondents are directed to indicate in their opposition whether they oppose converting the motion for temporary restraining order into a motion for preliminary injunction. (Deputy Clerk PAB) (Entered: 01/30/2026)
01/30/2026		SERVICE BY MAIL: 5 Minute Order served on Alejandra Capetillo Zurita. (Deputy Clerk PAB) (Entered: 01/30/2026)
02/04/2026	6	MINUTE ORDER (Text Only Entry) issued by Courtroom Deputy for District Judge Dale A. Drozd on 2/4/2026: On 1/30/2026, petitioner filed an emergency motion for immediate release (Doc. No. 3) which the court previously construed as a motion for temporary restraining order. (See Doc. No. 5.) On 1/30/2026, the court directed respondents to file an opposition to the pending motion no later than 5:00 p.m. on 2/2/2026. (Id.) Respondents failed to file an opposition by that deadline and, to date, have failed to file an opposition to petitioner's pending motion. Having considered the circumstances of petitioner's current detention and petitioner's arguments, the court finds the undersigned's previous orders issued in <i>Ayala Cajina v. Wofford</i> , No. 1:25-cv-01566-DAD-AC (HC), 2025 WL 3251083 (E.D. Cal. Nov. 21, 2025), where the court concluded that due process required a pre-detention hearing to protect the petitioner's liberty interest in their continued release, and <i>O.A.C.S. v. Wofford</i> , No. 1:25-cv-01652-DAD-CSK (HC), 2025 WL 3485221 (E.D. Cal. Dec. 4, 2025), in which the court concluded that previously releasing the petitioner on his own recognizance created a reliance interest such that the petitioner was entitled to the due process available under 8 U.S.C. § 1226(a), to be analogous

		and persuasive. Here, as in <i>Ayala Cajina</i> and <i>O.A.C.S.</i> , petitioner previously encountered immigration authorities, was detained by those authorities, and was later released and enrolled into the Intensive Supervision Appearance Program. (Doc. No. 1 at 2.) Accordingly, pursuant to the reasoning in <i>Ayala Cajina</i> and <i>O.A.C.S.</i> , and in light of respondents failure to oppose the pending motion, petitioner's motion for a temporary restraining order (Doc. No. 3) is GRANTED. The court ORDERS the following: (1) Respondents are ORDERED to immediately release petitioner from respondents' custody on the same conditions that governed her release immediately prior to her re-detention on December 2, 2025; and (2) Respondents are ENJOINED AND RESTRAINED from re-detaining petitioner for any purpose, absent exigent circumstances, without providing petitioner written notice and a pre-detention hearing before a neutral adjudicator. Under the circumstances of this case, petitioner will not be required to post bond pursuant to Rule 65(c) of the Federal Rules of Civil Procedure. This action is hereby REFERRED to the assigned magistrate judge for further proceedings. (Deputy Clerk PAB) (Entered: 02/04/2026)
02/05/2026		SERVICE BY MAIL: 6 Minute Order served on Alejandra Capetillo Zurita. (Deputy Clerk KS) (Entered: 02/05/2026)
02/13/2026	7	NOTICE of APPEARANCE by Mario Salgado on behalf of Alejandra Capetillo Zurita. Attorney Salgado, Mario added. (Salgado, Mario) (Entered: 02/13/2026)
02/13/2026	8	NOTICE of Non-Compliance with 6 Minute Order by Alejandra Capetillo Zurita. (Salgado, Mario) Modified on 2/20/2026 (HAH). (Entered: 02/13/2026)
02/13/2026	9	MINUTE ORDER (Text Only Entry). On 2/4/2026, the court issued an order granting petitioner's motion for temporary restraining order in which the court ordered respondents to immediately release petitioner from respondents' custody. (Doc. No. 6 .) On 2/13/2026, petitioner filed a notice of non-compliance in which he states that respondents have failed to release him from their custody and he is still detained at California City Corrections Center. (Doc. No. 8 at 1-2.) Accordingly, respondents are ORDERED to show cause in writing why respondents have failed to comply with the court's order by Sunday, 2/15/2026 at 12 PM. The Clerk of the Court is DIRECTED to serve this order and the court's prior order directing respondents to immediately release petitioner from respondents' custody (Doc. No. 6) on United States Attorney Eric Grant at eric.grant@usdoj.gov, First Assistant United States Attorney Kim Sanchez at kimberly.sanchez@usdoj.gov, and to the United States Attorneys Office for the Eastern District of California by email at usacae.ecf2241-imm@usdoj.gov. (Entered: 02/13/2026)
02/13/2026	10	DESIGNATION of COUNSEL FOR SERVICE. Added attorney Eric Grant, GOVT and Audrey Benison Hemesath, GOVT for Respondents. (Grant, Eric) Modified on 2/20/2026 (HAH). (Entered: 02/13/2026)
02/14/2026	11	NOTICE Regarding Release of Petitioner by Merrick B. Garland, Tae D. Johnson, Alejandro Mayorkas, Warden. (Grant, Eric) Modified on 2/20/2026 (HAH). (Entered: 02/14/2026)
02/15/2026	12	COMBINED RESPONSE to 5 and 8 Minute Orders; MOTION TO DISMISS 1 Petition for Writ of Habeas Corpus by Respondents. (Hemesath, Audrey) Modified on 2/20/2026 (HAH). (Entered: 02/15/2026)

02/19/2026	13	OPPOSITION to 12 Motion to Dismiss by Petitioner Alejandra Capetillo Zurita. (Salgado, Mario) Modified on 2/25/2026 (HAH). (Entered: 02/19/2026)
03/02/2026	14	MINUTE ORDER (Text Only Entry) issued by Courtroom Deputy for District Judge Dale A. Drozd on 3/2/2026: In light of respondents' representations regarding when they became aware of this action in their 12 response to the court's 9 minute order, the court hereby DISCHARGES the order to show cause. (Deputy Clerk PAB) (Entered: 03/02/2026)
03/05/2026	15	CONSENT/DECLINE of U.S. Magistrate Judge Jurisdiction. Pursuant to Fed. R. Civ. P. 73(b)(1), this document is restricted to attorneys and court staff only. Judges do not have access to view this document and will be informed of a party's response only if all parties have consented to the referral. (Anonymous) (Entered: 03/05/2026)
07/07/2026	16	ORDER of RECUSAL signed by Magistrate Judge Carolyn K. Delaney on 07/06/2026. Magistrate Judge Carolyn K. Delaney recused. Case REASSIGNED to District Judge Dale A. Drozd and Magistrate Judge Sean C. Riordan for all further proceedings. The new case number is: 2:26-cv-0258 DAD SCR (HC). (Deputy Clerk KS) (Entered: 07/07/2026)

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