

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Elmer Joel M. C. v. Wofford

Elmer Joel M. C. · No. No. 1:25-cv-01622-KES-CDB (HC) · Decided December 6, 2025

SUMMARY

The United States District Court for the Eastern District of California granted a habeas petition challenging the petitioner’s re-detention after his prior release under 8 U.S.C. § 1226(a). The court held that the petitioner had a protected liberty interest in continued release and was entitled to a pre-deprivation bond hearing under the Due Process Clause. Respondents were ordered to release him immediately and were barred from re-detaining him absent clear and convincing evidence of flight risk or danger at a hearing before a neutral decisionmaker.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Kirk E. Sherriff
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 6, 2025
DOCKET	No. 1:25-cv-01622-KES-CDB (HC)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from his re-detention by immigration authorities and separately moved for a temporary restraining order. The court ruled directly on the habeas petition and granted it.
STANDARD OF REVIEW	The court applied the two-step due-process framework for determining whether a protected liberty interest exists and what procedures are constitutionally required, and evaluated the required procedures under the Mathews v. Eldridge balancing factors.
PRECEDENTIAL VALUE	unpublished district-court opinion; persuasive authority only
PARTIES	Elmer Joel M. C. v. Minga Wofford, Mesa Verde ICE Processing Center Facility Administrator, Sergio Albarran, Acting Field Office Director of the San Francisco Immigration and Customs Enforcement Office, Todd M. Lyons, Acting Director of United States Immigration and Customs Enforcement, Kristi Noem, Secretary of the United

TOPICS

immigration detention procedural due process due process removal proceedings equitable relief

PRACTICE AREAS

immigration detention habeas corpus constitutional law procedural due process remedies

QUESTIONS PRESENTED

1. Whether petitioner had a protected liberty interest in his continued release after the government released him on his own recognizance under 8 U.S.C. § 1226(a).
2. Whether due process required a pre-deprivation bond hearing before the government could re-detain petitioner.
3. Whether respondents could re-detain petitioner under the mandatory-detention provision of 8 U.S.C. § 1225(b)(2)(A) without providing a bond hearing.

HOLDINGS

1. Petitioner possessed a protected liberty interest in his release because the government conditionally released him under § 1226(a), represented that statutory basis to him, and he relied on that representation while remaining at liberty for nearly six years.
2. Due process required respondents to provide petitioner a pre-deprivation bond hearing before terminating his release and re-detaining him.
3. Respondents may not re-detain petitioner unless, at a pre-deprivation bond hearing before a neutral decisionmaker, they demonstrate by clear and convincing evidence that petitioner is a flight risk or danger to the community such that physical custody is legally justified.

KEY QUOTATIONS

“‘[T]he root requirement’ of the Due Process Clause” is “‘that an individual be given an opportunity for a hearing before he is deprived of any significant protected interest.’” (at 7)

“Respondents are *ENJOINED AND RESTRAINED* from re-detaining petitioner unless they demonstrate, by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that petitioner is a flight risk or danger to the community such that his physical custody is legally justified.” (at 8)

FACTUAL BACKGROUND

Petitioner, an asylum-seeker from Guatemala, entered the United States in 2018 and was detained with his daughter near Antelope Wells, New Mexico. Immigration officials issued him a notice to appear, classified him as present without admission or parole rather than as an arriving alien, and released him on his own recognizance under 8 U.S.C. § 1226(a). He lived in California with his family for nearly six years, obtained

work authorization, worked, complied with his release conditions, and attended his immigration hearings. ICE re-detained him at his home on October 1, 2025, separated his removal case from his family's cases, and provided no bond hearing.

PROCEDURAL HISTORY

Petitioner was released on his own recognizance in 2018 while removal proceedings were pending. ICE re-detained him on October 1, 2025, without providing a bond or custody-redetermination hearing. He filed this habeas action on November 21, 2025; respondents opposed, asserting mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The court granted the petition, ordered immediate release, enjoined re-detention absent a specified pre-deprivation bond hearing, and directed entry of judgment.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must release petitioner immediately and are enjoined from re-detaining him unless they first demonstrate, by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that he is a flight risk or danger to the community such that physical custody is legally justified. The clerk was directed to close the case and enter judgment for petitioner.

CASES CITED

- Saravia v. Sessions, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), aff'd sub nom. Saravia for A.H. v. Sessions, 905 F.3d 1137 (9th Cir. 2018)
- L. v. Lamarque, 351 F.3d 919, 924 (9th Cir. 2003)
- McElyea v. Babbitt, 833 F.2d 196, 197-98 (9th Cir. 1987)
- Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- I.N.S. v. St. Cyr, 533 U.S. 289, 301 (2001)
- Zadvydas v. Davis, 533 U.S. 678, 687, 690 (2001)
- Garcia v. Andrews, No. 2:25-cv-01884-TLN-SCR, 2025 WL 1927596, at *2 (E.D. Cal. July 14, 2025)
- Kentucky Dep't of Corrections v. Thompson, 490 U.S. 454, 460 (1989)
- Young v. Harper, 520 U.S. 143, 147-49 (1997)
- Gagnon v. Scarpelli, 411 U.S. 778, 782 (1973)
- Morrissey v. Brewer, 408 U.S. 471, 480-86, 481-84 (1972)
- Gonzalez-Fuentes v. Molina, 607 F.3d 864, 887 (1st Cir. 2010)
- Sharan S. v. Chestnut, No. 1:25-CV-01427-KES-SKO (HC), 2025 WL 3167826, at *4-8 (E.D. Cal. Nov. 12, 2025)

- Perry v. Sindermann, 408 U.S. 593, 601-03 (1972)
- Ramirez Clavijo v. Kaiser, No. 25-CV-06248-BLF, 2025 WL 2419263, at *4 (N.D. Cal. Aug. 21, 2025)
- Guillermo M. R. v. Kaiser, No. 25-CV-05436-RFL, 2025 WL 1983677, at *4, *9 (N.D. Cal. July 17, 2025)
- Ortega v. Kaiser, No. 25-cv-05259-JST, 2025 WL 1771438, at *3 (N.D. Cal. June 26, 2025)
- Zinerman v. Burch, 494 U.S. 113, 127 (1990)
- Hernandez v. Sessions, 872 F.3d 976, 993 (9th Cir. 2017)
- A.E. v. Andrews, No. 1:25-cv-00107-KES-SKO, 2025 WL 1424382, at *5 (E.D. Cal. May 16, 2025)
- Ortega v. Bonnar, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019)
- Doe v. Becerra, 787 F. Supp. 3d 1083, 1093-95 (E.D. Cal. 2025)
- Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 542 (1985)
- Boddie v. Connecticut, 401 U.S. 371, 379 (1971)
- Pinchi, 2025 WL 1853763, at *3-4
- Diaz v. Kaiser, No. 3:25-cv-05071, 2025 WL 1676854, at *2 (N.D. Cal. June 14, 2025)
- Romero v. Kaiser, No. 22-cv-02508-TSH, 2022 WL 1443250, at *4 (N.D. Cal. May 6, 2022)
- Vargas v. Jennings, No. 20-cv-5785-PJH, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020)