

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Juan Edelmar Alva Alva v. Polly Kaiser, et al.

Alva Alva v. Kaiser · No. 25-cv-06676-RFL · Decided December 9, 2025

SUMMARY

The United States District Court for the Northern District of California denied without prejudice Juan Edelmar Alva Alva’s motion for leave to seek reconsideration of an order clarifying a preliminary injunction. The court held that no applicable change in law or manifest failure to consider controlling arguments had been shown, and concluded that due process did not require protections beyond those available in discretionary detention proceedings under 8 U.S.C. § 1226(a).

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Rita F. Lin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 9, 2025
DOCKET	25-cv-06676-RFL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought leave under Civil Local Rule 7-9(b) to file a motion for reconsideration of an order clarifying a preliminary injunction concerning detention procedures.
STANDARD OF REVIEW	A party seeking leave to file a motion for reconsideration under Civil Local Rule 7-9(b) must demonstrate reasonable diligence and one of the rule's enumerated circumstances, including an intervening change in law or a manifest failure by the Court to consider dispositive legal arguments previously presented.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only.
PARTIES	Juan Edelmar Alva Alva v. Polly Kaiser, et al.

TOPICS

- immigration detention
- procedural due process
- motion for reconsideration
- removal proceedings
- civil procedure

PRACTICE AREAS

immigration detention

immigration

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether petitioner satisfied Civil Local Rule 7-9(b)'s requirements for leave to file a motion for reconsideration.
2. Whether a binding, material change in law or a previously overlooked dispositive argument established that due process requires the government to bear the burden of proof by clear and convincing evidence in petitioner's pre-detention hearing.
3. Whether due process requires additional procedural protections beyond those available in 8 U.S.C. § 1226(a) discretionary detention hearings when an individual previously released is re-detained.

HOLDINGS

1. Petitioner was not entitled to leave to file a motion for reconsideration because he showed neither a qualifying change in law nor a manifest failure by the Court to consider his previously presented legal argument.
2. On the record and legal framework presented, due process did not require additional protections beyond those available in § 1226(a) discretionary detention hearings.
3. The requirement that the government show a material change in circumstances concerning flight risk or danger to the community before re-detaining an individual previously released is constitutionally sufficient under the existing § 1226(a) discretionary detention regime.

KEY QUOTATIONS

“For the reasons that follow, Alva Alva’s motion is DENIED without prejudice.” (Opinion text)

“Accordingly, here, due process does not require additional protections beyond those available in section 1226(a) discretionary detention hearings.” (Opinion text)

“That is constitutionally sufficient.” (Opinion text)

FACTUAL BACKGROUND

Petitioner was subject to immigration detention and had received a pre-detention hearing pursuant to procedural due process after the Court issued a preliminary injunction. He challenged the clarification order's conclusion that the Constitution did not require hearing procedures beyond those applicable in the discretionary detention context under 8 U.S.C. § 1226(a). The Court noted that the government must show a material change in circumstances before re-detaining an individual previously released after a bond determination.

PROCEDURAL HISTORY

The Court issued a preliminary injunction on August 21, 2025, and a clarification order on October 16, 2025. Petitioner then filed an ex parte motion for leave to seek reconsideration of the clarification order's statement

concerning the procedures constitutionally required in the 8 U.S.C. § 1226(a) discretionary detention context. The Court denied leave without prejudice.

DISPOSITION

other

CASES CITED

- Valencia Zapata v. Kaiser, No. 25-CV-07492-RFL, 2025 WL 2741654, at *13 (N.D. Cal. Sept. 26, 2025)
- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Diaz v. Garland, 53 F.4th 1189 (9th Cir. 2022)
- J.S.H.M. v. Wofford, No. 1:25-CV-01309 JLT SKO, 2025 WL 2938808, at *17-18 (E.D. Cal. Oct. 16, 2025)
- Ortega v. Bonnar, 415 F. Supp. 3d 963, 968 (N.D. Cal. 2019)
- Matter of Sugay, 17 I. & N. Dec. 637, 640 (B.I.A. 1981)
- Y. M. M. v. Wamsley, No. 2:25-CV-02075, 2025 WL 3101782, at *2 (W.D. Wash. Nov. 6, 2025)