The Honorable District Judge Kymberly K. Evanson
The Honorable Chief Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Daixon Jose RAMIREZ TESARA, Petitioner, v. Cammilla WAMSLEY, et al., Respondents.	Case No. 2:25-cv-1723-KKE-TLF **PETITIONER'S TRAVERSE AND RESPONSE TO RESPONDENTS' RETURN MEMORANDUM** Note on Motion Calendar: November 17, 2025

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INTRODUCTION

In August, Respondents re-detained Petitioner Daixon Ramirez when he appeared at an Immigration and Customs Enforcement (ICE) office in Portland, Oregon, without first holding a hearing before a neutral decisionmaker to determine if he violated his conditions of release such that he now presents a flight risk or danger. Respondents attempt to justify this unconstitutional conduct by pointing to alleged release violations and the prior expiration of Mr. Ramirez's parole. But this misses the point: due process demands that Respondents afford Mr. Ramirez meaningful process *before* re-detention, not uniliteral reliance on the word of the "government enforcement agent." *Coolidge v. New Hampshire*, 403 U.S. 443, 450 (1971). Respondents' narrative of serial noncompliance, moreover, contradicts Mr. Ramirez's account, underscoring the need for review by a neutral decisionmaker prior to any re-detention. Finally, Respondents' jurisdictional arguments are unavailing and foreclosed by binding precedent.

Nothing in Respondents' filing undermines this Court's prior holding that Mr. Ramirez is likely to prevail on his due process claim. Dkt. 19 at 5. Accordingly, this Court should grant Mr. Ramirez's habeas petition.

RESPONSIVE STATEMENT OF FACTS

The parties agree on the dispositive facts. First, Mr. Ramirez was released on humanitarian parole on February 7, 2024, to pursue his credible claim for protection before the immigration court. Dkt. 4 ¶ 2; Dkt. 3-4; Dkt. 25 at 4–5. Second, prior to his re-detention at his ICE check-in on August 18, 2025, he was not provided with a hearing before a neutral decisionmaker where Respondents were required to demonstrate he was a flight risk or danger to the community. Dkt. 1 ¶ 41; Dkt. 25 at 5.

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The factual dispute centers on Mr. Ramirez's compliance with the Intensive Supervision Appearance Program (ISAP). Respondents state that he missed certain ISAP appointments, failed to comply with program directions (including an August 14, 2025 in-person visit), and thus could be re-detained at the August 18 check-in. Dkt. 25 at 5, 8. Mr. Ramirez states that he complied with his requirements and made timely efforts to remedy any issues. *E.g.*, Second Decl. of Daixon Jose Ramirez Tesara (hereinafter, "Ramirez Decl.") ¶¶ 2–3, 6–13 (explaining the three points of biometric data that were required for each weekly check-in and the technical issues with the mobile application). Further, he did not receive the August 11 video call, and saw the August 14 message after the appointed time. Ramirez Decl. ¶ 12; Dkt. 4 ¶¶ 6–7; Dkt. 3-10 at 5. He then immediately contacted ISAP, appeared the next day as instructed, and then reported to ICE on August 18, when he was taken into custody. Dkt. 3-10 at 5, 8; Ramirez Decl. ¶¶ 12–13; Dkt. 4 ¶¶ 7–9. Respondents' evidence confirms Mr. Ramirez was not provided any prior notice that he could be re-detained. *See* Dkt. 14 ¶ 7 (stating that list of ISAP violations was "discovered" at check-in on August 18).

ARGUMENT

I. This Court has jurisdiction to decide Mr. Ramirez's petition.

None of Respondents' asserted jurisdictional bars—8 U.S.C. § 1252(g), (b)(9), or (e)(3)—preclude this Court's review of Mr. Ramirez's claims. *See* Dkt. 25 at 7.

First, both the Supreme Court and the Ninth Circuit have recognized that the scope of § 1252(g) is "narrow" and does not cover non-discretionary, purely legal questions. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) ("*AADC*"); *e.g.*, *Ibarra-Perez v. United States*, 154 F.4th 989, 997 (9th Cir. 2025) ("In . . . one of our first cases to interpret § 1252(g)—we specifically held § 1252(g) did not bar due process claims." (citing *Walters v.*

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Reno, 145 F.3d 1032, 1052–53 (9th Cir. 1998); *Sulit v. Schiltgen*, 213 F.3d 449, 453 (9th Cir. 2000))); *United States v. Hovsepian*, 359 F.3d 1144, 1155 (9th Cir. 2004) (en banc). Mr. Ramirez raises a discrete, "purely legal question": whether the circumstances of Mr. Ramirez's re-detention in August 2025 comported with the Fifth Amendment's Due Process Clause. *E.g.*, Dkt. 1 ¶¶ 54–57. Courts within this circuit have already held that § 1252(g) does not bar jurisdiction over habeas petitions challenging re-detention without due process. *See, e.g.*, *Yang v. Kaiser*, No. 2:25-CV-02205-DAD-AC (HC), 2025 WL 2791778, at *3 (E.D. Cal. Aug. 20, 2025) (collecting cases which found § 1252(g) inapplicable to due process claims that petitioners' re-detentions were unconstitutional). The Court's jurisdiction here is equally unaffected by § 1252(g).

Second, Respondents' argument with respect to § 1252(b)(9) is also foreclosed by binding Supreme Court precedent. Paragraph 1252(b)(9) is a "zipper clause" that channels review of final removal orders into petitions for review before a federal court of appeals. *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016) (en banc) (quoting *AADC*, 525 U.S. at 483). Respondents contend that Mr. Ramirez's challenge to his re-detention seeks review of an "action taken . . . to remove a[] [noncitizen] from the United States," Dkt. 25 at 7, and thus falls within § 1252(b)(9). In *Jennings v. Rodriguez*, however, the Supreme Court rejected that proposition—the same one Respondents now make—as "absurd." 583 U.S. 281, 293 (2018). As the Supreme Court explained:

> Interpreting "arising from" in this extreme way would also make claims of prolonged detention effectively unreviewable. By the time a final order of removal was eventually entered, the allegedly excessive detention would have already taken place. And of course, it is possible that no such order would ever be entered in a particular case, depriving that detainee of any meaningful chance for judicial review.

Id. As such, § 1252(b)(9) also poses no bar to the Court's jurisdiction here.

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Lastly, and for similar reasons, § 1252(e)(3) does not bar Mr. Ramirez's claim. As another court in this district has explained, "§ 1252(e)(3) addresses 'challenges to the removal process itself, not to the detentions attendant upon that process.'" *Padilla v. U.S. Immigr. & Customs Enf't*, 704 F. Supp. 3d 1163, 1170 (W.D. Wash. 2023) (citation omitted). The *Padilla* court relied on *Jennings* and applied "the same logic" to conclude that § 1252(e)(3) did not apply because the plaintiffs—a class of individuals detained under § 1225(b)—"challenge only the constitutionality of their detention," and do not seek relief that "implicate[s] the removal system." *Id.*; *see also, e.g.*, *Munoz Materno v. Arteta*, No. 25 Civ. 6137 (ER), 2025 WL 2630826, at * (S.D.N.Y. Sept. 12, 2025) (finding that § 1252(e)(3) did not bar challenge to re-detention of individual previously released on parole, because the petitioner did not "challenge the lawfulness of any particular statute, regulation, or written policy or procedure"). The Court should find that § 1252(e)(3) is likewise inapplicable here.

II. The *Mathews* test demonstrates Mr. Ramirez's due process rights were violated.

Mr. Ramirez's central claim in this case is that prior to his re-detention, due process required ICE to demonstrate by clear and convincing evidence that he violated his conditions of release and now poses a flight risk or danger to the community. *See, e.g.*, Dkt. 1 ¶¶ 4–6, 42–57.[1] In recent weeks and months, this Court and courts around the country have repeatedly and resoundingly held that due process requires exactly this protection. *See*, *e.g.*, *E.A. T.-B. v. Wamsley*, No. C25-1192-KKE, --- F.Supp.3d ----, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025) (granting habeas petition, ordering immediate release due to lack of pre-deprivation hearing, and requiring adequate notice and an immigration court hearing prior to any future re-

[1] Respondents' arguments concerning substantive due process, Dkt. 25 at 10–12, are misplaced because Mr. Ramirez raises only a procedural due process claim, Dkt. 1 ¶¶ 54–57.

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detention); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *9 (W.D. Wash. Oct. 7, 2025) (same); *Y.M.M. v. Wamsley*, No. 2:25-CV-02075, 2025 WL 3101782 (W.D. Wash. Nov. 6, 2025) (same); *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *8 (E.D. Cal. Aug. 21, 2025) (same); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *3 (W.D. Wash. Sept. 17, 2025) (granting temporary protective order and ordering immediate release due to lack of pre-deprivation hearing); *Francois v. Wamsley*, No. C1:25-cv-02122-RSM-GJL, 2025 WL 3063251, at *5–6 (W.D. Wash. Nov. 3, 2025) (same); *Garro Pinchi v. Noem*, No. 5:25-CV-05632-PCP, --- F. Supp. 3d ---, 2025 WL 2084921, at *7 (N.D. Cal. July 24, 2025) (granting preliminary injunction and ordering that petitioner not be re-detained without a pre-deprivation hearing before a neutral immigration judge where the government must demonstrate by clear and convincing evidence that she is a flight risk or danger to the community); *Duong v. Kaiser*, No. 25-CV-07598-JST, --- F. Supp. 3d ---, 2025 WL 2689266, at *7 (N.D. Cal. Sept. 19, 2025) (same); *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, --- F.Supp.3d ----, 2025 WL 1953796, at *16–18 (W.D.N.Y. July 16, 2025) (granting preliminary injunction, ordering release due to lack of pre-deprivation process, and ordering noncitizen not be re-detained without a "meaningful opportunity to be heard"); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *9–10, 11–13 (E.D. Cal. Aug. 21, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376, at *10 (E.D. Cal. Aug. 8, 2025) (similar); *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (granting habeas petition and ordering immediate release due to lack of pre-deprivation hearing). This case is no different, and accordingly, the Court should grant the habeas petition.

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Courts analyzing this question have employed the three-factor test established in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *See generally id.* (collecting cases)[2]

A. Mr. Ramirez's private interest is weighty.

As this Court agreed in granting Mr. Ramirez's request for a TRO, Mr. Ramirez "has an exceptionally strong interest in freedom from physical confinement." Dkt. 19 at 5 (citation omitted). This interest is "the most elemental of liberty interests." *E.A. T.-B.*, 2025 WL 2402130, at *3 (citation modified); *Ledesma Gonzalez*, 2025 WL 2841574, at *7 (declaring that petitioner's liberty interest "is a fundamental interest that must be accorded significant weight"); *Kumar*, 2025 WL 2677089, at *3 ("Petitioner has a very strong interest in not being detained.").

In their return, Respondents do not raise any new arguments with respect to Mr. Ramirez's liberty interest that the Court did not previously address in its TRO decision. Respondents argue that noncitizens have fewer rights than citizens, *see* Dkt. 25 at 12, but this does not undermine the Court's finding that "all persons, including noncitizens," have due process rights. Dkt. 19 at 6; *see also, e.g.*, *Kumar*, 2025 WL 2677089, at *3 (clarifying that although "non-citizens' liberty interests are not equivalent to those enjoyed by citizens, that does not negate Petitioner's liberty interest in not being detained"). Nor does Mr. Ramirez argue that he is entitled to the same rights as U.S. citizens. *See generally* Dkts. 1 & 2.

Respondents also claim that because Mr. Ramirez was released on parole and was subject to conditions of release, he "cannot claim that the government promised him ongoing freedom." Dkt. 25 at 13. That again mischaracterizes Mr. Ramirez's argument, which is "that the *Constitution* protects his interest in liberty by requiring due process if it is to be deprived." *E.A.*

[2] As Mr. Ramirez's TRO motion, Dkt. 2, supplements many of the factors below, his response here focuses primarily on Respondents' specific arguments in seeking denial of his petition, Dkt. 25.

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T.-B., 2025 WL 2402130, at *4 (emphasis added) (concluding "the Court agrees with this proposition"). The fact of his parole does not diminish his liberty interest, for "[w]hen he was released from his initial detention on parole, Petitioner took with him a liberty interest which is entitled to the full protections of the due process clause." Dkt. 19 at 6 (citation omitted); *see also, e.g.*, *Kumar*, 2025 WL 2677089, at *3 ("The Supreme Court has also repeatedly recognized that individuals who have been released from custody, even where such release is conditional, have a liberty interest in their continued liberty." (citation omitted)); *Hernandez*, 2025 WL 2420390, at *1–2, 4–5 (recognizing "protected liberty interest in his release" for petitioner who had been released from immigration custody for fourteen months); Dkt. 2 at 8–11 (listing additional caselaw support). As this Court recognized, "[t]hat the express terms of the parole notice allowed for discretionary termination or expiration does not somehow obviate the need for the Government to provide a [*sic*] individualized hearing prior to re-detaining the parolee" as a constitutional matter. Dkt. 19 at 7.

Respondents do not meaningfully refute that Mr. Ramirez has a constitutionally-recognized protected liberty interest, relying instead on what rights Mr. Ramirez was owed under the relevant regulations, Dkt. 25 at 3, the terms of the parole document, *id.* at 5, and the detention statute, *id.* at 8. But because Mr. Ramirez is raising a constitutional argument, "[t]his line of the Government's reasoning . . . does not address [his] concern and cannot carry the day." *E.A. T.-B.*, 2025 WL 2402130, at *4.

As this Court found, and Respondents do not dispute, Mr. Ramirez "reasonably relied on [his liberty] interest" by setting down roots in Oregon with his family, obtaining a job, applying for asylum, and making community connections. *Compare* Dkt. 19 at 6, *with* Dkt. 25 at 12–13.

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His interest in his continued liberty is thus "weighty," Dkt. 19 at 6, and this factor continues to weigh strongly in Mr. Ramirez's favor.

B. The risk of erroneous deprivation is high.

As the Court previously agreed, Mr. Ramirez's "re-detainment without a hearing results in a risk of erroneous deprivation of his protected interest." Dkt. 19 at 8; *see also, e.g.*, *E.A. T.-B.*, 2025 WL 2402130, at *4 ("[T]he risk of erroneous deprivation of [Petitioner's] liberty interest in the absence of a pre-detention hearing is high."). Although, as here, "the Government may believe it has a valid reason to detain Petitioner," that belief "does not eliminate its obligation to effectuate the detention in a manner that comports with due process." Dkt. 19 at 8 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4). His re-detention must still "bear[] [a] reasonable relation" to a valid government purpose: here, preventing flight or protecting the community against dangerous individuals. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (second alteration in the original) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)); *see also, e.g.*, *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) ("The government has legitimate interests in protecting the public and in ensuring that noncitizens in removal proceedings appear for hearings, but any detention incidental to removal must bear a reasonable relation to its purpose." (citation modified)). Only a hearing before a neutral decisionmaker—where ICE must prove that re-detention is justified because Mr. Ramirez poses a flight risk or danger—can ensure that this "reasonable relation" to a valid government purpose exists.

First, and most importantly, Respondents never provided a hearing before a neutral decisionmaker where they were required to show that Mr. Ramirez violated the conditions of release and is now a flight risk or danger. The Supreme Court has repeatedly explained that an individual is *not* afforded due process where it is simply the "government enforcement agent" who makes the decision about the propriety of detention. *Coolidge*, 403 U.S. at 450. That

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process—which is exactly what occurred here, Dkt. 14 ¶¶ 7–8—is a far cry from the hearing before a neutral decisionmaker that due process requires, *see, e.g.*, *Shadwick v. City of Tampa*, 407 U.S. 345, 350 (1972) ("Whatever else neutrality and detachment might entail, it is clear that they require severance and disengagement from activities of law enforcement."); *see also, e.g.*, *Gerstein v. Pugh*, 420 U.S. 103, 112–13 (1975) (explaining the need for the participation of "a neutral and detached magistrate instead of . . . by the officer engaged in the often competitive enterprise of ferreting out crime" (citation omitted)). Indeed, as another court analyzing the lawfulness of Respondents' re-detention of a noncitizen recently observed, "[t]he government's unilateral determination that re-detention is warranted is far less likely to be correct than the decision reached by a neutral adjudicator in a bond hearing." *Duong*, 2025 WL 2689266, at *7.

Second, Respondents provided no meaningful, advance notice that would have allowed Mr. Ramirez to contest re-detention. Respondents claim that Mr. Ramirez purportedly had "nearly twenty hours of notice that he was subject to re-detention" because he "had notice that ISAP violations could lead to his re-detention" and he was "ordered to self-report to ICE" the day after an ISAP violation. Dkt. 25 at 13–14. This assertion rests on a factual misread. Mr. Ramirez was not re-detained the day following his inadvertent ISAP violation. *See* Dkt. 25 at 14. The day following the violation—August 15—Mr. Ramirez attended an in-person appointment with an ISAP officer, who chided him for missing his appointment but sent him home with a warning not to miss another appointment. Dkt. 4 ¶ 8. Three days later, on August 18, when he showed up in person to his ICE-check in, it was purportedly because ICE was going to "verify his information." Dkt. 6 ¶ 6. Notably, he had committed *no* ISAP violations in the interim, Ramirez Decl. ¶ 13, and thus he had no reason—much less notice—to suspect he might be re-

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detained.[3] Critically, Respondent's own documents establish that ICE "discovered" the list of purported violations *during* Mr. Ramirez's check-in, on the day of his re-detention, confirming that it was not the reason he was told to appear. Dkt. 14 ¶ 7; *see also* Dkt. 26-1. In sum, the record makes clear that Respondents did not provide Mr. Ramirez with a pre-deprivation notice or hearing, and their claim that Mr. Ramirez should have anticipated his detention, Dkt. 25 at 13–14, is both inapposite and factually erroneous.[4]

Finally, Respondents' argument that the risk of deprivation here is "minimal" because "there is no [statutory] requirement for . . . a hearing before" re-detention in this context, and that the Supreme Court "has warned courts against reading additional procedural requirements into the" Immigration and Nationality Law, Dkt. 25 at 13, misses the point. Mr. Ramirez is arguing that the Due Process Clause, not a statute, requires such a hearing. *See E.A. T.-B.*, 2025 WL 2402130, at *4.

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[3] Respondents' attempts to distinguish this case from *E.A. T.-B.*, 2025 WL 2402130, on this ground are thus unavailing. *See* Dkt. 25 at 13–14. The statutory basis purporting to authorize Mr. Ramirez's detention is also irrelevant, both in distinguishing this case from *E.A. T.-B.*, *id.*, and for purposes of the *Mathews* analysis, as Mr. Ramirez raises a constitutional claim.

[4] Respondents' rationale for re-detaining Mr. Ramirez is not relevant to the *Mathews* analysis, which analyzes whether Mr. Ramirez was entitled to a pre-detention hearing and not the purported basis for the re-detention. However, it is worth noting that Respondents also admit that this application and its data points are unreliable: any "Alert Date[s]" reflect only "the date of the ISAP notification of the violation" rather than the actual date of an alleged violation. Dkt. 26 ¶ 2. Indeed, various entries on the ISAP violation log appear to be duplicative, *see* Dkt. 26-1 (reporting four "no location received" violations on 3/26/25), and may double count violations, *see id.* (reporting both a "no location received" violation *and* "missed biometric check-in" for the same day, 2/19/25), calling into question the reliability of the information presented there. Notably, Respondents provide no explanation of how those violations were logged and what type of quality control, if any, was performed to ensure that they were accurate. *See generally* Dkts. 14, 26. The potential unreliability of this information, especially against the backdrop of Mr. Ramirez's interactions with his ISAP officer, who had not flagged any chronic or alarming compliance issues with him, Ramirez Decl. ¶ 2, underscores the need for a neutral decisionmaker to review the evidence presented prior to re-detention.

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Respondents have not rebutted Mr. Ramirez's showing that, whenever he had trouble with the ISAP application, he acted quickly to remedy any potential problem. *See* Ramirez Decl. ¶¶ 2, 5–13; Dkt. 25 at 5 (recognizing Mr. Ramirez followed up with ISAP the same day he missed the unexpected in-person appointment on August 14 and attended an in-person appointment the following day). This pattern "does not paint the picture of a flight risk," Dkt. 19 at 8, and "underscore[s] rather than undermine[s] the need for robust procedural safeguards before a deprivation of liberty occurs," *E.A. T.-B.*, 2025 WL 2402130, at *4; *cf. Ledesma Gonzalez*, 2025 WL 2841574, at *6 (agency rationale that "'runs counter to the evidence' before the agency" is "arbitrary and capricious" (citation omitted)).

For all these reasons, the record before the Court continues to demonstrate that the second *Mathews* factor weighs in favor of Mr. Ramirez's petition for a writ of habeas corpus. *See, e.g.*, *Garro Pinchi*, 2025 WL 2084921, at *5 (declaring, in the case of a detained noncitizen who was re-detained without pre-deprivation hearing, that "there is a significant risk that even the two-day curtailment of liberty that [she] already suffered upon her re-detention by ICE was not justified by any valid interest" and concluding that "[p]roviding her with the procedural safeguard of a pre-detention hearing will have significant value in helping ensure that any future detention has a lawful basis").

C. The government's interest also weighs in Mr. Ramirez's favor.

Respondents' bare, generalized assertions as to the government's "heightened" interest in "the immigration detention context" and in "preventing [noncitizens] from remaining in the United States in violation of our law," Dkt. 25 at 14 (citation modified), do not address the flaws in their argument identified by the Court in its TRO ruling, *see* Dkt. 19 at 8. Respondents have not addressed what the "legitimate interest that would support the specific detention of Petitioner

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without a pre-detention hearing" is. Dkt. 19 at 18. Nor have they explained how Mr. Ramirez's pursuit of protection from deportation—something he is lawfully entitled to seek, *see, e.g.*, *Campos v. Nail*, 43 F.3d 1285, 1288 (9th Cir. 1994)—is a "violation of our law." They have similarly not demonstrated (or even addressed) how "providing a pre-detention hearing" would be a significant burden on them. *Compare* Dkt. 19 at 8 *with* Dkt. 25 at 14. Mr. Ramirez does not dispute that Respondents have an "interest in enforcing compliance with its orders of release on recognizance and returning individuals to custody who violate their terms," Dkt. 25 at 14—he simply argues that Respondents must pursue this interest within the bounds of the Constitution.

As other courts assessing the legality of re-detention without a pre-deprivation hearing before a neutral decisionmaker have recently found, "the Government's interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time)" to provide a pre-deprivation hearing, "those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue." *E.A. T.-B.*, 2025 WL 2402130, at *5; *Ledesma Gonzalez*, 2025 WL 2841574, at *8 (concluding government interest to be low even assuming "requiring pre-detention process would present *some* administrative burden"); *Garro Pinchi*, 2025 WL 2084921, at *6 ("[I]t is likely that the cost to the government of detaining [petitioner] pending any bond hearing would significantly exceed the cost of providing her with a pre-detention hearing.").

Finally, "[s]ociety's interest lies on the side of affording fair procedures to all persons, even though the expenditure of governmental funds is required." *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983); *see also Morrissey v. Brewer*, 408 U.S. 471, 484 (1972) "Society . . . has an interest in not having parole revoked because of erroneous information or because of an erroneous evaluation of the need to revoke parole, given the breach of parole conditions."). As

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this Court previously concluded, Respondents' interest in Mr. Ramirez's "re-detainment is minimal." Dkt. 19 at 8. This consideration thus also "cuts strongly in favor" of Mr. Ramirez. *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020); *see also* Dkt. 2 at 11–13.

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In sum, each *Mathews* factor favors Mr. Ramirez. The Court should accordingly grant the petition for a writ of habeas corpus.

CONCLUSION

The Court should therefore grant Mr. Ramirez's habeas petition and order that Respondents not re-detain him "until after an immigration court hearing is held (with adequate notice) to determine whether detention is appropriate." *E.A. T.-B.*, 2025 WL 2402130, at *6.

Respectfully submitted this 10th of November, 2025.

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WORD COUNT CERTIFICATION

Pursuant to Local Civil Rule 7, I certify that the foregoing response has 4,070 words and complies with the word limit requirements of Local Civil Rule 7(e).

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