

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

[REDACTED] TARQUINO A. T.,

Petitioner,

v.

[REDACTED] CHESTNUT, et al.,

Respondents.

No. 1:26-cv-01191-TLN-DMC

A # 242-403-677

ORDER

This matter is before the Court on Petitioner [REDACTED] A. T.'s¹ ("Petitioner") Petition for Writ of Habeas Corpus. (ECF No. 1.) On February 17, 2026, the Court granted Petitioner's Motion for Temporary Restraining Order ("TRO") and ordered his immediate release. (ECF No. 9.) The Court ordered Respondents to show cause why the Court should not grant the habeas petition and enter judgment in favor of Petitioner. (*Id.*) Respondents responded to the Order to Show Cause on February 17, 2026. (ECF No. 10.) For the reasons set forth below, Petitioner's habeas petition is GRANTED. (ECF No. 1.)

¹ As recommended by the Committee on Court Administration and Case Management of the Judicial Conference of the United States, the Court omits Petitioner's full name, using only his first name and last initial, to protect sensitive personal information. See Memorandum re: Privacy Concern Regarding Social Security and Immigration Opinions, Committee on Court Administration and Case Management, Judicial Conference of the United States (May 1, 2018), https://www.uscourts.gov/sites/default/files/18-cv-1-suggestion_cacm_0.pdf.

1 **I. FACTUAL AND PROCEDURAL BACKGROUND**

2 Petitioner is a noncitizen who entered the United States on March 18, 2008. (ECF No. 1-1
3 at 4.) On January 2, 2025, Petitioner applied for asylum. (*Id.*) On October 3, 2025, immigration
4 officers detained Petitioner while conducting an enforcement action against another individual, who was
5 the primary target. (*Id.* at 3.)

6 On February 10, 2026, Petitioner filed the instant Petition for Writ of Habeas Corpus.
7 (ECF No. 1.) Petitioner challenges the lawfulness of his/her civil detention. (*Id.*)

8 **II. STANDARD OF LAW**

9 The Constitution guarantees the availability of the writ of habeas corpus “to every
10 individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)
11 (citing U.S. Const., art I, § 9, cl. 2). “[T]he essence of habeas corpus is an attack by a person in
12 custody upon the legality of that custody, and . . . the traditional function of the writ is to secure
13 release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). A writ of habeas
14 corpus may be granted to a petitioner who demonstrates that he is in custody in violation of the
15 Constitution or federal law. 28 U.S.C. § 2241(c)(3). Historically, “the writ of habeas corpus has
16 served as a means of reviewing the legality of Executive detention, and it is in that context that its
17 protections have been strongest.” *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001). Accordingly, a
18 district court’s habeas jurisdiction includes challenges to immigration detention. *See Zadvydas v.*
19 *Davis*, 533 U.S. 678, 687 (2001).

20 **III. ANALYSIS**

21 Petitioner claims his detention violates the Fifth Amendment Due Process Clause. (ECF
22 No. 1 at 18.) In opposition, Respondents contend Petitioner is an “applicant for admission”
23 subject to the mandatory detention scheme of 8 U.S.C. § 1225(b)(2) (“§ 1225(b)(2)”). (ECF No.
24 10 at 2.)

25 The Fifth Amendment Due Process Clause prohibits government deprivation of an
26 individual’s life, liberty, or property without due process of law. U.S. Const. amend. V;
27 *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017). The Due Process Clause applies to all
28 “persons” within the borders of the United States, regardless of immigration status. *Zadvydas*,

533 U.S. at 693 (“[T]he Due Process Clause applies to all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.”). These due process rights extend to immigration proceedings, including detention and deportation proceedings. *Id.* at 693–94; *see Demore v. Kim*, 538 U.S. 510, 523 (2003).

Courts evaluate procedural due process claims in two steps: the first asks whether there exists a protected liberty interest, and the second examines the procedures necessary to ensure any deprivation of that interest accords with the Constitution. *See Kentucky Dep’t of Corrections v. Thompson*, 490 U.S. 454, 460 (1989); *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972).

First, the Court finds Petitioner has a protected liberty interest in his continued freedom. *Morrissey*, 408 U.S. at 482; *see Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC, 2025 WL 2637503, at *6 (N.D. Cal. Sept. 12, 2025) (“Accordingly, a noncitizen released from custody pending immigration proceedings has a protected liberty interest in remaining out of custody.”).

Second, the Court finds that pursuant to the factors set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), Petitioner was entitled to notice and a hearing before a neutral decisionmaker prior to his detention. *See C.C. v. Warden of the Cal. City Correction Ctr, et al.*, No. 2:26-CV-00958-TLN-DMC, 2026 WL 808055, at *5 (E.D. Cal. Mar. 24, 2026). He received neither. Accordingly, the Court finds Respondents violated Petitioner’s due process rights.²

Therefore, Petitioner’s First Amended Petition for Writ of Habeas Corpus (ECF No. 12) is GRANTED.

IV. CONCLUSION

For the foregoing reasons, IT IS HEREBY ORDERED:

1. Petitioner’s Petition for Writ of Habeas Corpus (ECF No. 1) is GRANTED.
2. Respondents are ENJOINED and RESTRAINED from re-arresting or re-detaining Petitioner absent compliance with constitutional protections, including seven-days’ notice and a pre-deprivation hearing before a neutral fact-finder where: (a) Respondents show material

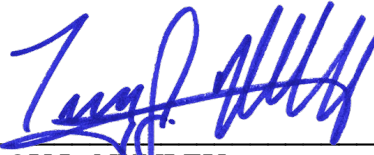
² Petitioner also challenges his detention as violating the Immigration and Nationality Act. (ECF No. 1 at 19.) As the Court concludes Petitioner’s detention violates the Due Process Clause, the Court need not address Petitioner’s statutory claims.

1 changed circumstances demonstrate a significant likelihood of Petitioner's removal in the
2 reasonably foreseeable future, or (b) Respondents demonstrate by clear and convincing evidence
3 that Petitioner poses a danger to the community or a flight risk. At any such hearing, Petitioner
4 shall be allowed to have counsel present.

5 3. The Clerk of Court shall enter judgment in favor of Petitioner and close this case.

6 IT IS SO ORDERED.

7 Date: March 27, 2026

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10 TROY L. NUNLEY
11 CHIEF UNITED STATES DISTRICT JUDGE
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