

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SONIA FELIX CASTANON,
Plaintiff,
v.
JEFF SESSIONS, et al.,
Defendants.

Case No. 18-cv-01521-VC

**ORDER CONTINUING HEARING AND
REQUESTING FURTHER BRIEFING**

Re: Dkt. Nos. 1, 12, 16, 17

The hearing on the petition for a writ of habeas corpus is continued to May 17, 2018 at 10:00 a.m. The government is ordered to thoroughly address the following issues in a letter brief filed by May 10, 2018 at 5:00 p.m. The petitioner must file a response by May 14, 2018 at 5:00 p.m.:

1. On March 14, 2018, an immigration judge granted Felix's application for cancellation of removal. Dkt. No. 16-1, Torres Decl. ¶ 15. In light of this decision, does due process require that she be released pending appeal, at least absent a showing of compelling circumstances? If the government is required to make a showing of compelling circumstances, to whom should it make that showing? Please identify any case law, going in either direction, that speaks to this question.

2. If the government is permitted to keep Felix in custody until the administrative process is complete, how long is that likely to take? Might there be further administrative proceedings after the BIA rules on the appeal?

3. Even if the immigration judge had not granted cancellation of removal, given that Felix has been detained for almost nine months, does the burden shift to the government to prove

that she continues to be a danger to the community? Please identify any case law, going in either direction, applicable to this question.

4. If Felix requested a new bond hearing, would the fact that an immigration judge has granted her cancellation of removal constitute a material changed circumstance? If not, does Felix have any current means of seeking administrative relief from detention?

IT IS SO ORDERED.

Dated: May 4, 2018



VINCE CHHABRIA
United States District Judge