

1 **The Law Office of Carolina C. Gomez**
2 **Carolina C. Gomez Esq. (SBN 266390)**
3 **Mher Cholakhyan Esq. (SBN 322605)**
4 **3580 Wilshire Blvd., Suite 1420**
5 **Los Angeles, California 90010**
6 **Tel: 323-763-9877**
7 **Fax: 323-763-9878**

8 **Attorney for Petitioner,**
9 **Juan De La Torre Duran,**

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 **Case No. 3:25-cv-03230-DMS-DDL**

13 **JUAN DE LA TORRE DURAN,**
14 **Petitioner,**

15 **RESPONSE TO ORDER**
16 **TO SHOW CAUSE**

17 DOE 1, San Diego Field Office Director
18 U.S. Immigration and Customs Enforcement;
19 Madison Sheahan, Deputy Director
20 U.S. Immigration and Customs Enforcement;
21 Kristi Noem, Secretary of the U.S. Department of
22 Homeland Security, and Pam Bondi,
23 Attorney General of the United States,
24 DOE 2 Warden of Otay Mesa Detention Center
25 in their official capacities,

26 **[CAT GRANTED]**



27 Respondents.

28 **RESPONSE TO ORDER TO SHOW CAUSE**

Petitioner, through counsel, respectfully submits this late response to the Court's December 5, 2025, Order to Show Cause ("OSC"). After receiving the OSC by mail today—the electronic notice having been inadvertently filtered and not received on December 5—counsel conducted a comprehensive review of all citations referenced in Petitioner's filings and prepared this response. Petitioner, through counsel, requests the Court to accept this late response under

1 FRCP6(b)(1)(B), because the delay is minimal, not prejudicial to the Respondent, and because of
2 the good faith in the underlying actions.

3 Furthermore, based on the conducted review, counsel now clarifies and withdraws any
4 citation that cannot be verified or may be misleading. First, Petitioner withdraws the citation to:
5

- 6 • *Damian v. Shanahan*, No. 15-CV-03600, 2015 WL 9307554 (N.D. Cal. Dec. 22,
7 2015) because no such case exists in Westlaw, Lexis, PACER, or district court
8 records.

9 In an abundance of caution and to assist the Court, Petitioner also withdraws reliance on
10 or clarifies the following citations:
11

- 12 • *Galvez v. Lewis*, 56 F. Supp. 2d 637 (E.D. Va. 1999), a pre-REAL-ID bond-
13 jurisdiction case not directly applicable to § 1231 detention; and
14
- 15 • *Sengkeo v. Horgan*, 670 F. Supp. 2d 116 (D. Mass. 2009), which concerns §
16 1226(c) detention and is not controlling in the Ninth Circuit.

17 Petitioner respectfully submits that these corrections fully address the Court's concerns,
18 that no inaccurate citation will be relied upon going forward, and that the substance of
19 Petitioner's habeas arguments remains supported by independently verifiable, binding authority.
20 Petitioner therefore respectfully requests that the Court deem this response sufficient and
21 discharge the Order to Show Cause.
22

23
24 By counsel,

25 /s/ Mher Cholakhyan
26 Mher Cholakhyan
27 CA State Bar: 322605
28

1 CERTIFICATION

2 This petition cannot be verified by Juan De La Torre Duran because he is in DHS
3 custody. Consequently, the undersigned counsel for Petitioner hereby verifies that the
4 information in this petition is true and correct to the best of his knowledge and belief based on
5 information provided by the Petitioner.
6

7 SWORN under penalty of perjury this date of December 11th, 2025, at Los Angeles,
8 California.

9 By counsel,

10
11 /s/ Mher Cholakhyan
12 Mher Cholakhyan
13 CA State Bar: 322605
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28