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7 Attorney for Petitioner

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10)	
11)	No. 3:25-cv-03272-BTM-MMP
12)	PETITIONER’S TRAVERSE
13)	
14)	
15)	
16)	
17)	
18)	
19)	
20)	

11 A.V.V.

13 Petitioner

14 v.

15 LAROSE,

17 et al

19 Respondents.

- 21 1. Petitioner, A.V.V., through undersigned counsel, hereby files this traverse.
- 22 2. At the hearing on December 1, 2025, on petitioner’s motion for a temporary
- 23 restraining order, counsel for Respondents stated that U.S. Customs and Border
- 24 Protection put A.V.V. on an ankle monitor when he was detained in October 2022.
- 25 This is incorrect. Undersigned counsel has conferred with Petitioner’s family, with
- 26

1 whom he resided from the time of his parole in 2022 until his 2025 re-detention,
2 and the family reports he never had an ankle monitor. Moreover, the evidence of
3 record contains no evidence of any ankle monitor. The government simply granted
4 A.V.V. parole so that he could pursue his asylum case which he has done and
5 continues to do.
6

7 3. Respondents argue in their reply that this court lacks subject matter
8 jurisdiction. Petitioner is not asking this Court to review his removal proceedings
9 or the conditions of his confinement. The courts have long had jurisdiction to issue
10 writs of habeas corpus when someone is held in violation of the Constitution or the
11 laws and treaties of the United States, as is the case here. This Court has
12 jurisdiction to remedy A.V.V.'s re-detention, which is an unlawful detention under
13 the APA, the INA, and the U.S. Constitution.
14

15 4. Immediate release is the only appropriate relief in this matter for three
16 reasons, First, A.V.V. has already been held unlawfully for over six months and
17 continued detention for any additional amount of time is unjust. Second, he has
18 already been determined to not present a flight risk or danger to the community in
19 the initial parole eligibility determination. His time in the U.S. only further
20 confirms these factors in his favor. Detaining A.V.V. any longer for any further
21 analysis of these factors is inappropriate. Third, this Court is the only neutral
22 arbiter for A.V.V. at this point. The Court may take judicial notice of the
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1 widespread media coverage of the mass firings of immigration judges based on
2 their viewpoints.¹ The firings are part of the effort to enforce the radical policy
3 change of mandatory detention of immigrants like A.V.V. The administration has
4 reportedly instructed immigration judges who remain on the bench to ignore a
5 district court order finding individuals who entered without inspection to be bond
6 eligible. Attachment A, Practice Alert from the American Immigration Lawyers
7 Association (AILA) and Attachment B, immigration judge order, after considering
8 “the orders of the United States District Court for the Central District of
9 California” and based on the immigration judge’s “independent assessment of
10 relevant law,” finding no jurisdiction to consider bond. Petitioner cannot receive
11 relief from a neutral arbiter without intervention of this Court.
12
13
14

15 5. For all these reasons, the Court should order Petitioner’s immediate release.
16

17 Date: December 2, 2025

Respectfully submitted,

/s/ Cara Jobson

Cara Jobson
Wiley & Jobson
Attorney for Plaintiff

24
25 ¹ Ana Ley, *Trump Administration Fires 8 Immigration Judges in New York*, N.Y. TIMES,
26 December 1, 2025, <https://www.nytimes.com/2025/12/01/nyregion/immigration-judges-fired-trump.html>

ATTACHMENT A

Practice Alert: Updates Regarding Bond Practice After *Maldonado Bautista*

12/2/25 | AILA Doc. No. 25120203. | [Detention & Bond](#)

On Friday, November 28, 2025, the trusted sources reported that the Department of Justice issued internal guidance instructing immigration judges to continue following *Matter of Yajure Hurtado* when determining bond jurisdiction. This guidance remains in effect despite recent district court [rulings](#) in *Bautista v. Noem*. According to reports from AILA members, most immigration judges continue to assert that they lack jurisdiction to set bond under *Yajure Hurtado* until a federal court issues an updated decision. Class counsel in *Bautista* plans to provide updated guidance for practitioners.

ATTACHMENT B



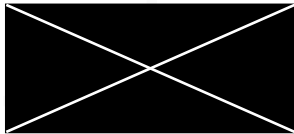
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT

Respondent Name:

[Redacted]

To:

Valenzuela, Mario A



A-Number:

[Redacted]

Riders:

In Custody Redetermination Proceedings

Date:

11/28/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

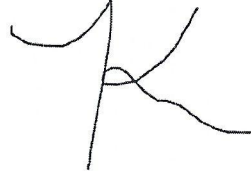
The Court has considered the orders of the United States Federal District Court for the Central District of California. See *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Nov. 25, 2025 C.D. Cal.) (Order Granting Plaintiff-Petitioners' Motion for Class Certification, Order Granting Petitioners' Motion for Partial Summary Judgement). The orders of the federal district court judge include, inter alia, orders regarding class certification, and an order granting partial summary judgment and declaratory relief regarding a policy issued by the Department of Homeland Security (specifically, a July 8, 2025 notice titled, "Interim Guidance Regarding Detention Authority for Applicants for Admission"), which was created by the Department of Homeland Security for implementation by the Department of Homeland Security.

Respondent is charged as a noncitizen present in the United States without having been inspected and admitted or paroled, see Notice to Appear (dated 03/03/2025), and he does not meaningfully argue otherwise. This Court, based on its independent assessment of relevant law, regulations, statutes, and caselaw, as part of the Executive Office for Immigration Review, Department of Justice, determines that it lacks jurisdiction over the request for custody redetermination. See *Matter of YAJURE HURTADO*, 29 I&N Dec. 216 (BIA 2025).

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:



Immigration Judge: MULLINS, KATIE 11/28/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 12/29/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : LOPEZ-AVINA, FRANCISCO | A-Number : XXXXXXXXXX

Riders:

Date: 11/28/2025 By: RIVERA, SONIA, Court Staff