

1 Kimberly S. Hutchison, SBN 288682
2 Liam S. Barrett, SBN 349652
3 SINGLETON SCHREIBER, LLP
4 591 Camino De La Reina, Ste 1025
5 San Diego, CA 92108
6 khutchison@singletonschreiber.com
7 lbarrett@singletonschreiber.com
8 Telephone: (619) 771-3473
9 Fax: (619) 255-1515

10 Attorneys for Petitioner

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

13 J.M.G., *Detainee, Otay Mesa*
14 *Detention Facility,*

15 Petitioner,
16 v.

17 CHRISTOPHER J. LAROSE, *as*
18 *Senior Warden, Otay Mesa*
19 *Detention Center; U.S.*
20 *DEPARTMENT OF*
21 *HOMELAND SECURITY; U.S.*
22 *IMMIGRATION AND CUSTOMS*
23 *ENFORCEMENT; KRISTI NOEM,*
24 *as Secretary of the United States*
25 *Department of Homeland Security;*
26 *TODD LYONS, as Acting Director*
27 *of U.S. Immigration and Customs*
28 *Enforcement; DOE 1, ICE*
Enforcement and Removal Office
Field Operations Director for San
Diego; and DOES 2–10.

Respondents.

Case No: 25-cv-3562-LL-MMP

PETITIONER’S REPLY TO
SUPPLEMENTAL BRIEFING

Judge: Hon. Linda Lopez

1 Petitioner J.M.G. (“Petitioner” or “J.M.G.”), pursuant to this Court’s
2 January 5, 2026 Order to Show Cause and Deadline for Supplemental Briefing, files
3 this Reply. *See* Dkt. No. 10. In their Supplemental Briefing, Respondents
4 “acknowledge that Petitioner is detained under 8 U.S.C. § 1226(a)” rather than under
5 8 U.S.C. § 1225(b)(2)(A). Dkt. No. 11 at 1. This is an acknowledgment that J.M.G.
6 is unlawfully detained, as he has argued since filing his Petition. *See generally* Dkt.
7 No. 1.

8 Though J.M.G. will gratefully accept a bond hearing—the relief Respondents
9 now agree is appropriate—should the Court order one and bar DHS from asserting
10 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025) jurisdictional
11 arguments, that would be incomplete relief. Instead, the Court should order J.M.G.’s
12 immediate release. DHS has unlawfully detained J.M.G. for over six months, and it
13 should not be allowed to continue his detention contingent on his ability to come up
14 with whatever funds that same agency’s adjudicators find appropriate. Indeed,
15 Respondents’ acknowledgement that J.M.G. is entitled to a bond hearing now is a
16 concession that he should have received a pre-detention hearing—and that he is
17 entitled to release unless and until such a hearing is held. As such, immediate release
18 is warranted, not a redirection to the same agency that unlawfully detained J.M.G.
19 to determine his future detention.

20
21 Based on the foregoing, J.M.G. respectfully requests the Court:

- 22 a. **GRANT** his Petition;
23 b. **ORDER** J.M.G.’s immediate release and return to pre-release conditions;
24 and
25 c. **ORDER** pursuant to the All Writs Act, 28 U.S.C. § 1651, that Respondents
26 not cause J.M.G.’s re-detention during pendency of his Section 240
27 proceedings without the Court’s prior leave; or

1 **d. IN THE ALTERNATIVE, ORDER DHS** to provide J.M.G. a bond hearing
2 within five business days and **PROHIBIT** DHS from asserting, or the
3 immigration judge from finding, that *Matter of Yajure Hurtado*, 29 I. & N.
4 Dec. 216, bars jurisdiction to grant bond.

5
6 DATED: January 6, 2026

Respectfully submitted,

7
8 SINGLETON SCHREIBER, LLP

9 */s/ Liam S. Barrett*

10 Kimberly S. Hutchison

11 Liam S. Barrett

12 *Attorneys for Petitioner*