

1 Frances Arroyo #276747
2 Los Angeles Legal Advocates
3 farroyo@lalegaladvocates.com
4 1025 W 190th St
5 Suite 400
6 Gardena, CA 90248

7 Natalie Renee Shepherd
8 Of Counsel
9 (805) 907-5309
10 NatalieReneeShepherd@gmail.com
11 *Attorneys for Petitioner*

12 UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **SERGIO ESCOBAR-MENDOZA,**
15
16 Petitioner,

17 vs.

18 **CHRISTOPHER J. LAROSE,** WARDEN
19 OF OTAY MESA DETENTION CENTER,

20 **GREGORY J. ARCHAMBEAULT,** IN
21 HIS OFFICIAL CAPACITY AS SAN
22 DIEGO FIELD OFFICE DIRECTOR, ICE
23 ENFORCEMENT AND REMOVAL
24 OPERATIONS;

25 **KRISTI NOEM,** SECRETARY OF THE
26 U.S. DEPARTMENT OF HOMELAND
27 SECURITY; AND

28 **PAM BONDI,** ATTORNEY GENERAL OF
THE UNITED STATES,

IN THEIR OFFICIAL CAPACITIES,

Respondents

PETITIONER'S TRAVERSE IN
SUPPORT OF PETITION FOR WRIT OF
HABEAS CORPUS AND REQUEST FOR
INJUNCTIVE RELIEF

Case No. **3:26-cv-00078-JES-DEB**

PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST
FOR INJUNCTIVE RELIEF

1 **PETITIONER’S TRAVERSE TO RESPONDENTS’ RESPONSE**

2 1. Respondents’ Response resolves the central legal issue presented by
3 the Petition. Respondents expressly acknowledge that Petitioner is detained under
4 8 U.S.C. § 1226(a) and that he “is entitled to an order from this Court directing a
5 bond hearing be held pursuant to 8 U.S.C. § 1226(a).” Respondents further state
6 that “[n]o evidentiary hearing is necessary.” These concessions confirm that
7 Petitioner’s continued detention must be justified, if at all, by a lawful and
8 individualized custody determination.

9 2. Critically, such a determination has already occurred. On July 11,
10 2025, an Immigration Judge conducted a § 1226(a) bond hearing and ordered
11 Petitioner released on bond in the amount of \$2,500, subject to conditions. That
12 determination rested on individualized findings, including Petitioner’s lack of any
13 criminal history, his longstanding residence in the United States, and his deep
14 family and community ties, all of which demonstrated that detention was
15 unnecessary to address any risk of flight or danger. Respondents do not identify
16 any changed factual circumstances—no new criminal conduct, no violation of
17 release conditions, no newly discovered evidence—that would justify continued
18 detention notwithstanding that bond determination. The sole basis for Petitioner’s
19 ongoing confinement is the government’s prior application of an incorrect
20 detention framework, which Respondents now concede does not govern his
21 custody.

22 3. Under § 1226(a), detention is discretionary and permissible only so
23 long as it serves a legitimate regulatory purpose supported by individualized
24 justification. Where an Immigration Judge has already determined that release on
25 bond is appropriate, continued detention in the absence of material changed
26 circumstances serves no legitimate regulatory purpose. The government may not

1 nullify an existing custody determination by continuing to detain Petitioner while
2 seeking additional time to revisit a process that has already been completed.

3 4. Respondents nevertheless request fourteen days to conduct another
4 bond hearing, citing administrative constraints and reserving the right to
5 supplement their response in the event of future developments in *Maldonado*
6 *Bautista*. Neither rationale supplies authority to continue detaining Petitioner.
7 Hypothetical future events do not justify present confinement, and administrative
8 convenience cannot support ongoing deprivation of liberty—particularly where
9 detention persists despite an existing order authorizing release. Civil detention
10 under § 1226(a) is not punitive and may not be sustained based on inertia.

11 5. The urgency of relief is underscored by the concrete harms Petitioner
12 continues to suffer in detention. As detailed in the Petition, Petitioner has
13 significant health conditions requiring consistent and appropriate medical care.
14 Continued detention has already exacerbated these conditions and places Petitioner
15 at ongoing risk of further deterioration. These harms are not speculative; they are
16 occurring now and cannot be remedied after the fact. Where detention is
17 discretionary and unjustified, and where confinement is inflicting ongoing medical
18 harm, delay compounds the injury rather than preserving the status quo.

19 6. Because Respondents concede that § 1226(a) governs and because an
20 Immigration Judge has already determined that Petitioner should be released on
21 bond, immediate release pursuant to the July 11, 2025 bond determination is the
22 appropriate remedy. Courts in this District have repeatedly ordered release
23 pursuant to existing Immigration Judge bond determinations where continued
24 detention lacked lawful justification under § 1226(a). See *Torres v. Bondi*, No. 25-
25 CV-02457-BAS-MSB, 2025 WL 3214773, at *5 (S.D. Cal. Nov. 18, 2025); *Vega*
26 *v. LaRose*, No. 3:25-CV-2725-CAB-MSB, 2025 WL 3247778, at *3 (S.D. Cal.

1 Nov. 20, 2025); *Bautista-Santiago v. Noem*, No. 25-CV-03209-DMS-DDL, 2025
2 WL 3295930, at *3 (S.D. Cal. Nov. 26, 2025).

3 7. In the alternative, if the Court determines that a new bond hearing is
4 warranted, such hearing must occur promptly and without further delay, with the
5 government bearing the burden of demonstrating that material changed
6 circumstances exist such that Petitioner now poses a flight risk or danger sufficient
7 to render continued detention appropriate notwithstanding the prior bond
8 determination.

9 8. Petitioner therefore respectfully requests that the Court order his
10 immediate release pursuant to the existing bond determination. In the alternative,
11 Petitioner requests an order requiring Respondents to provide a § 1226(a) bond
12 hearing within no more than seven (7) days, with immediate release ordered if
13 Respondents fail to comply within that timeframe.

14 DATED: January 12, 2026

15
16 Respectfully Submitted,

17 

18 _____
19 Frances Arroyo #276747
20 Los Angeles Legal Advocates
21 farroyo@lalegaladvocates.com
22 1025 W 190th St
23 Suite 400
24 Gardena, CA 90248

25 

26 _____
27 Natalie Renee Shepherd
28 Of Counsel
(805) 907-5309
NatalieReneeShepherd@gmail.com

PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST
FOR INJUNCTIVE RELIEF