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7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

9 ROJAS DUBON, Melvin



11 Petitioner,  
12 v.

13 PAMELA BONDI, in her official capacity as  
14 Attorney General,

15 KRISTI NOEM, in her official capacity as  
16 Secretary of the Department of Homeland  
17 Security,

18 U.S. DEPARTMENT OF HOMELAND  
19 SECURITY,

20 JEREMY CASEY, in his official capacity as  
21 Warden of Imperial Regional Detention Facility,

22 TODD LYONS, in his official capacity as Acting  
23 ICE Field Office Director,  
24 Respondents.

Case No. 3:26-cv-117-CAB-BLM

**PETITIONER'S REPLY TO  
RESPONDENTS'  
RESPONSE IN OPPOSITION**

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1           **I. INTRODUCTION**

2           Petitioner Melvin Rojas Dubon, through undersigned counsel, respectfully  
3 submits this Reply in support of his Petition for Writ of Habeas Corpus under 28  
4 U.S.C. § 2241. This Reply responds to Respondents’ Response to Petition (ECF No.  
5 5), which asks this Court to dismiss on the asserted ground that Petitioner did not  
6 properly name the immediate custodian. Respondents further concede that, should  
7 the Court find jurisdiction, Petitioner is detained under 8 U.S.C. § 1226(a) and is  
8 entitled to a bond hearing pursuant to the classwide declaratory judgment and final  
9 judgment entered in *Maldonado Bautista v. Santacruz*. The Court should therefore  
10 deny dismissal, grant leave to amend as needed, and provide prompt and enforceable  
11 habeas relief.  
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15           **II. ARGUMENT**

16           *a. DISMISSAL IS UNWARRANTED: PETITIONER PROMPTLY CURED ANY*  
17           *CUSTODIAN DEFECT AND THE COURT SHOULD REACH THE MERITS*

18           Respondents ask this Court to dismiss a habeas action challenging ongoing  
19 civil detention based solely on the asserted failure to name the correct immediate  
20 custodian in the initial Petition. That request elevates form over substance, disregards  
21 the posture of the case, and would unnecessarily delay adjudication of an urgent  
22 liberty claim. In a custody case, dismissal at this juncture would not vindicate any  
23 legitimate government interest and would function only as a mechanism for delay—  
24 despite Respondents’ simultaneous merits concession that Petitioner is detained  
25 under 8 U.S.C. § 1226(a) and is entitled to a bond hearing order from this Court.  
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1 On January 17, 2026, Petitioner filed a Motion to Amend pursuant to Federal  
2 Rule of Civil Procedure 15(a)(2) and Rule 21 to expressly add and correct the name  
3 of the proper immediate custodian, Warden Jeremy Casey, in the Petition itself. This  
4 Motion was filed in an abundance of caution to cure any possible technical pleading  
5 issue before the Court rules and to ensure that the Court may grant complete and  
6 effective relief. The Motion explains that, although the warden was identified in  
7 captions filed after the initial Petition, those captions inadvertently referenced the  
8 former IRDF warden rather than the current warden, and Petitioner therefore seeks  
9 leave to eliminate any arguable ambiguity regarding the proper custodial respondent.  
10 The requested amendment is narrow, purely clarifying, and does not change the  
11 detention being challenged, the operative facts alleged, or the relief sought.  
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16 Respondents cannot demonstrate any prejudice from allowing this  
17 amendment. Respondents have had notice of Petitioner's detention challenge and  
18 requested relief from the outset. The Court issued an Order to Respond promptly  
19 after filing, government counsel appeared, and Respondents have already litigated  
20 this matter by filing a response. In other words, Respondents have actively engaged  
21 on the Petition while now attempting to invoke a curable pleading technicality as a  
22 basis to avoid prompt merits review. Where the amendment merely clarifies the  
23 immediate custodian, does not introduce new claims, and causes no delay to  
24 Respondents' ability to defend the action, dismissal is unnecessary and unjust.  
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1 Rule 15(a)(2) directs that the Court should freely grant leave to amend when  
2 justice so requires. Rule 21 independently confirms that misjoinder is not a ground  
3 for dismissal and authorizes the Court, at any time and on just terms, to add or drop  
4 parties. Under these circumstances, the appropriate course—if any corrective step is  
5 required—is to grant leave to amend and proceed to resolve the habeas claims on  
6 their merits. Requiring the Petitioner to refile would waste judicial resources, reset  
7 briefing, and prolong detention without any corresponding benefit, especially when  
8 Respondents concede that Petitioner is entitled to a bond hearing order if jurisdiction  
9 exists.  
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13 Petitioner respectfully requests that the Court grant the Motion to Amend,  
14 accept the Amended Petition *nunc pro tunc* to the original filing date, and proceed to  
15 decision rather than dismiss. The Court has ample authority in habeas proceedings to  
16 adopt this course, which advances judicial economy and ensures prompt review of  
17 Petitioner’s continued detention  
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20 *b. RESPONDENTS CONCEDE THE CENTRAL MERITS POINT AND AS A*  
21 *RESULT, THIS COURT SHOULD GRANT HABEAS RELIEF*

22 Respondents’ Response makes clear that immediate judicial intervention is  
23 warranted. Respondents acknowledge that Petitioner appears to be a member of the  
24 Bond Eligible Class certified in *Maldonado Bautista v. Santacruz* and that final  
25 judgment has been entered. Respondents further acknowledge that Petitioner is  
26 detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing  
27 that a bond hearing be held pursuant to § 1226(a). This admission confirms that  
28

1 Petitioner is properly detained under § 1226(a) and should receive a bond hearing,  
2 making habeas relief appropriate to cure the continued deprivation of liberty without  
3 a fair and neutral custody redetermination.  
4

5 The circumstances surrounding final judgment in *Maldonado Bautista*—  
6 including documented enforcement concerns—further support the need for a clear  
7 and enforceable order in this case. In that case, Judge Sunshine S. Sykes explained  
8 that one reason she granted final judgment and reconsidered the motion for final  
9 judgment was the existence of verified reports that Immigration Judges were being  
10 instructed to disregard the court’s declaratory judgment as nonbinding. Those verified  
11 reports strongly indicate that, without a clear directive and prompt enforcement,  
12 declaratory relief may be applied inconsistently in practice, resulting in continued  
13 detention without the bond hearing procedures the district court has already  
14 determined class members must receive.  
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18 Here, Respondents concede that Petitioner is detained under § 1226(a) and  
19 entitled to a bond hearing, so the Court should enter a clear, promptly enforceable  
20 order requiring an immediate § 1226(a) bond hearing before an Immigration Judge.  
21 Such an order is necessary to ensure compliance given verified reports that  
22 Immigration Judges were instructed to treat *Maldonado Bautista* as nonbinding.  
23 Because habeas relief exists to correct unlawful restraint, dismissal would only delay  
24 relief and prolong Petitioner’s continued detention.  
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1           c. *THE COURT SHOULD ORDER IMMEDIATE RELEASE; AT MINIMUM,*  
2           *THE COURT SHOULD ORDER A PROMPT § 1226(a) BOND HEARING*  
3           *WITH A FIRM DEADLINE AND DIRECT IMMEDIATE RELEASE UPON*  
4           *NONCOMPLIANCE*

5           Respondents' Response establishes that habeas relief is warranted now.  
6           Respondents concede that Petitioner is detained under 8 U.S.C. § 1226(a) and is  
7           entitled to the § 1226(a) bond-hearing process contemplated by the classwide  
8           declaratory and final judgment entered in *Maldonado Bautista v. Santacruz*. Where  
9           the Government concedes that Petitioner is entitled to judicially ordered process  
10          governing custody, this Court should not allow Petitioner's detention to persist while  
11          Respondents invoke administrative inconvenience or propose open-ended  
12          compliance.  
13

14           Petitioner respectfully requests immediate release from ICE custody as the  
15          appropriate remedy for the ongoing restraint challenged in this habeas proceeding.  
16          Habeas relief is intended to provide a meaningful and effective remedy for unlawful  
17          detention, and this Court has authority to order release where continued confinement  
18          violates governing law and constitutional due process protections. Continued  
19          detention cannot be justified where Respondents acknowledge that Petitioner is  
20          entitled to a prompt custody determination that has not yet been provided. Each  
21          additional day of confinement without relief constitutes a continuing deprivation of  
22          liberty that habeas is designed to remedy.  
23

24           In the alternative, if the Court is inclined to grant relief in the form of a §  
25          1226(a) bond hearing rather than immediate release, Petitioner respectfully requests  
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1 that the Court set a short, firm, and enforceable deadline for that hearing.  
2 Respondents request fourteen days based on generalized references to caseload and  
3 staffing levels. However, administrative convenience cannot justify continued  
4 detention where Respondents concede that Petitioner is entitled to the bond-hearing  
5 process and where the Petition challenges ongoing restraint. Absent an enforceable  
6 deadline, the Court's order risks being ineffective in practice and would fail to  
7 provide meaningful protection against continued detention. Petitioner therefore  
8 respectfully requests that the Court order Respondents to provide a § 1226(a) bond  
9 hearing within seven days of the Court's order, or within such other short period as  
10 the Court deems just and appropriate under the circumstances. Petitioner further  
11 requests that Respondents be required to file a notice confirming compliance  
12 promptly after the hearing occurs, so that the Court may ensure the relief ordered has  
13 been implemented.  
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18 Finally, to ensure meaningful relief and prevent continued detention by  
19 inaction, Petitioner respectfully requests that the Court include an enforcement  
20 mechanism providing that, if Respondents fail to hold the § 1226(a) bond hearing  
21 within the deadline set by the Court, Petitioner shall be immediately released from  
22 ICE custody. This conditional release remedy is appropriate in habeas proceedings  
23 because it ensures compliance with the Court's order and prevents continued  
24 detention where Respondents have already conceded that Petitioner is entitled to the  
25 required hearing. Without such an enforcement mechanism, a bond-hearing order  
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1 may be undermined by administrative delay, leaving Petitioner detained without the  
2 very process Respondents concede is required. Where liberty is at stake and  
3 Respondents have already litigated this action while conceding the ultimate relief  
4 sought, immediate release upon noncompliance is narrowly tailored relief necessary  
5 to ensure the Court's order is effective.  
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8 **III. CONCLUSION**

9 For the foregoing reasons, Petitioner respectfully requests that the Court grant  
10 Petitioner's Motion to Amend, accept the amended pleading *nunc pro tunc*, and  
11 deny Respondents' request for dismissal. Petitioner further requests that the Court  
12 grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate  
13 release from ICE custody. In the alternative, Petitioner respectfully requests that the  
14 Court order Respondents to provide a prompt bond hearing under 8 U.S.C. § 1226(a)  
15 within seven days of the Court's order. Such an order is necessary to ensure  
16 compliance given verified reports that Immigration Judges have been instructed  
17 to treat the final judgment in *Maldonado Bautista* as nonbinding. Petitioner further  
18 requests that the Court order immediate release if Respondents fail to timely comply  
19 with the bond-hearing deadline, and grant such other and further relief as the Court  
20 deems just and proper.  
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25 Respectfully submitted,

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Brian Vasquez (NY SBN #5834767)

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### CERTIFICATE OF SERVICE

I certify that, on the date set forth below, the foregoing PETITIONER'S REPLY TO RESPONDENTS' RESPONSE IN OPPOSITION was filed electronically and that it is available for viewing and downloading on the Court's CM/ECF system by the parties.

Dated: January 19, 2026

Respectfully submitted,

  
\_\_\_\_\_  
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