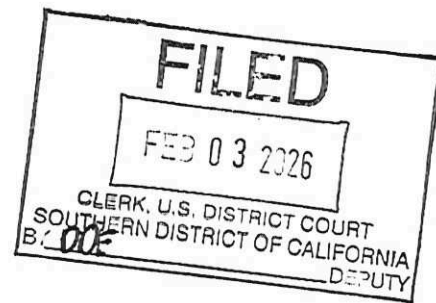


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
333 West Broadway, Suite 420, San Diego California 92101



KATYA ALEXANDRA GARCÍA-HENRÍQUEZ,


Petitioner,

v.
DIRECTOR, OTAY MESA DETENTION CENTER, et al.,
Respondents.

Case No.: 26-cv-00249-RBM-BJW

PETITIONER'S REPLY TO RESPONDENTS' RETURN
AND REQUEST FOR EXPEDITED BOND HEARING
OR IMMEDIATE RELEASE

INTRODUCTION

Petitioner Katya Alexandra García-Henríquez, proceeding pro se, respectfully submits this Reply to Respondents' Return to her Petition for Writ of Habeas Corpus.

Petitioner notes that Respondents do not oppose the Petition, do not seek denial of habeas relief, and expressly acknowledge that Petitioner is detained pursuant to 8 U.S.C. § 1226, under which she is entitled to a bond hearing.

Accordingly, the only remaining issue before this Court is the timing and manner of relief, as Petitioner continues to suffer ongoing irreparable harm from prolonged detention without a bond hearing.

RESPONDENTS CONCEDE THE CORE LEGAL ISSUE

In their Return, Respondents acknowledge that:

Petitioner is detained under 8 U.S.C. § 1226, not under mandatory detention pursuant to 8 U.S.C. § 1225(b); and

Petitioner is therefore entitled to a bond hearing under § 1226.

Respondents further cite *Maldonado Bautista v. Santacruz*, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), in which the Government acknowledged that detainees in Petitioner's position are entitled to a bond hearing under § 1226.

Petitioner respectfully submits that this concession resolves the central legal dispute raised in the Petition.

CONTINUED DETENTION CONSTITUTES IRREPARABLE HARM

Petitioner has been detained since July 2025, a period exceeding six months, without any bond hearing or individualized custody determination.

During this time:

Petitioner has no criminal history;

She previously complied with all immigration requirements and appeared at all hearings;

She has a stable and verifiable residence available upon release; and
Her immigration case remains in preliminary proceedings, with no final hearing scheduled.
Each additional day of detention constitutes a continuing deprivation of liberty and irreparable constitutional harm, which habeas corpus is designed to remedy.

RESPONDENTS' REQUEST FOR 14 DAYS IS UNNECESSARILY PROLONGED

Respondents request up to fourteen (14) days to conduct a bond hearing, citing caseload and staffing considerations.

While Petitioner understands administrative constraints, she respectfully submits that:

Her detention has already exceeded a reasonable period;

The legal basis for relief is undisputed; and

Continued detention during an extended administrative delay is not justified by any individualized finding of danger or flight risk.

Courts routinely order bond hearings within shorter timeframes in habeas proceedings where prolonged detention is established.

REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Honorable Court:

Order Respondents to provide a bond hearing within a substantially shorter period, not to exceed 3 to 7 days from the Court's order;

Alternatively, order Petitioner's immediate release if a bond hearing is not conducted within the timeframe set by the Court; and

Grant any other relief the Court deems just and proper.

CONCLUSION

Respondents have conceded that Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226.

Continued detention without prompt relief serves no legitimate purpose and undermines the constitutional protections at the heart of habeas corpus.

Petitioner respectfully asks this Court to issue an order ensuring immediate and meaningful relief.

Respectfully submitted,

Katya Garcia

Katya Alexandra García-Henríquez

Petitioner, Pro Se


Otay Mesa Detention Center

7488 Calzada de la Fuente

San Diego, CA 92154

Date: 02-02-2026

CERTIFICATE OF SERVICE

I certify that on 02-02-2026, I served a true and correct copy of the foregoing Petitioner's Reply to Respondents' Return upon:

U.S. Attorney – Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101
via the Court's ECF system and/or U.S. Mail as required.

Katya Garcia

Katya Alexandra García-Henríquez

