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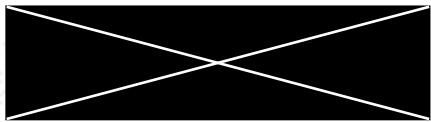
February 16, 2026

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

Erik MERCADO-ARECHIGA,
Petitioner,

vs.

Christopher J. LAROSE, in his official capacity
as Warden of Otay Mesa Detention Center;
Daniel A. BRIGHTMAN, in his official
capacity as San Diego Field Office Director
(FOD), Immigration & Customs Enforcement
(ICE) Enforcement and Removal Operations
(ERO); Todd LYONS, in his official capacity as
Acting Director of ICE; and Kristi NOEM, in
her official capacity as Secretary of Homeland
Security, Pamela BONDI, U.S. Attorney
General; ICE; DEPARTMENT OF
HOMELAND SECURITY,
Respondents.

) File No. 26-cv-0683-JES-DEB
)
) Hon. James E. Simmons, Jr.
)
) Agency No: 

**PETITIONER'S TRAVERSE
IN SUPPORT OF HIS
PETITION FOR WRIT OF
HABEAS CORPUS**

ARGUMENT

I. MR. MERCADO-ARECHIGA DOES NOT CHALLENGE HIS CONDITIONS OF CONFINEMENT OR DENY THAT § 1225(B) MANDATES DETENTION

Much of the government’s arguments in the Return are irrelevant to the claims raised in the petition. Respondents spend much of their response discussing jurisdictional arguments which are inapposite and inapplicable. ECF No. 6, at 4 – 5. The heart of their opposition alleges that Mr. MERCADO-ARECHIGA lacks any due process rights under the Fifth Amendment of the U.S. Constitution. *Id.* at 4 (arguing that “Because Petitioner is lawfully detained under section 1225(b)(1)(B) and the statute does not entitle him to release at this time, his petition must be denied.”). Not so.

First, Mr. MERCADO-ARECHIGO does not raise a standalone conditions-of-confinement claim but exclusively challenges his detention. It is true that litigants may not seek habeas relief on the ground that they are suffering from constitutionally inadequate conditions of confinement. *See Pinson v. Carvajal*, 69 F.4th 1059, 1062 (9th Cir. 2023). But that is not at all what Mr. MERCADO-ARECHIGA is arguing. He is arguing that the Immigration Courts have inappropriately deemed him a danger to the community when they have held bond hearings as a result of improperly disregarding the vacatur order of his burglary conviction.

The government here raises the issue of a Mexican Arrest Warrant, however, this warrant has already been disregarded by DHS in removal proceedings as they have not

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claimed he is barred from asylum relief under serious non-political crime bar. So mentioning this warrant appears to be a mere attempt to cloud the issues actually considered by the Immigration Court thus far.

Second, Mr. MERCADO-ARECHIGA does not deny that 8 U.S.C. § 1225(b) provides for mandatory detention. He instead argues that his release is warranted based on the delays caused by the government in removal proceedings combined with the humanitarian factor of his father's terminal cancer diagnosis.

Even if Petitioner caused some of the delay based on his lawful appeals to the 9th Circuit, subsequent delays were in fact caused by the government. Thus, this Court must grant the petition.

Respectfully submitted February 16, 2026.

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