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6
7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 Wilber Salmeron Vaqui,
10

11 Petitioner,

12 vs.

13 JAREMY CASEY, Administrator of Imperial
Detention Center, GREGORY J.
14 ARCHAMBEAULT, Field Officer Director for
the San Diego Immigration and Customs
15 Enforcement Office; TODD LYONS, Acting
Director of United States Immigration and
16 Customs Enforcement; KRISTI NOEM,
Secretary of the United States Department of
17 Homeland Security, PAMELA BONDI,
Attorney General of the United States, acting in
18 their official capacities,

19 Respondents.
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Case No. 3:26-cv-00704-LL-MMP

**TRAVERSE IN SUPPORT OF HIS
PETITION FOR WRIT OF HABEAS
CORPUS**

1 On February 10, 2026, Respondents filed their Response to Petition, where they
2 “acknowledge that Petitioner is detained under 8 U.S.C. § 1226(a)” (Doc 4). Respondents
3 concede that Mr. Salmeron is entitled to a bond hearing. While Mr. Salmeron greatly appreciates
4 Respondent’s prompt response and candor, Mr. Salmeron reiterates his request for release from
5 custody to the same position where he was prior to his illegal detention, as he was not provided
6 with a pre-deprivation hearing as he is entitled to under law.

7 In his Petition (Doc 1), Mr. Salmeron argues that under the Trafficking Victims
8 Protection Reauthorization Act (TVPRA), he should be released immediately under his prior
9 conditions. The Trafficking Victims Protection and Reauthorization Act (“TVPRA”) does not
10 mandate detention and instead requires DHS to consider the “least restrictive placement,
11 including alternative to detention programs. 8 U.S.C. § 1232(c)(2)(B). This court should order he
12 cannot be re-detained absent a bond hearing at which the government must prove by clear and
13 convincing evidence that circumstances have changed. *R.D.T.M. v. Wofford*, No. 1:25-cv-01141-
14 KES-SKO (HC), 2025 WL 268866 (E.D. Cal. Sept. 18, 2025). The government had not proved
15 by clear and convincing evidence that circumstances in Mr. Salmeron’s case have changed. He
16 thus is entitled to immediate release.

17 Mr. Salmeron was ordered released by an Immigration Judge on January 20th, 2026. He
18 was subsequently released on the following day yet immediately re-arrested by Border Patrol
19 upon his release. He was held in CBP custody for three days without the ability to contact his
20 family members or his attorney, nor even the ability to bathe or brush his teeth. Mr. Salmeron’s
21 family believed him to be missing for three days and searched hospitals and homeless shelters in
22 Calexico in attempts to find him. Immediate release is the most appropriate remedy for the harm
23 Mr. Salmeron has endured.
24

1 Finally, Mr. Salmeron has been separated from his wife and three young US citizen
2 children since June of 2025. He missed the birth of his third daughter in October 2025. He is also
3 separated from his three US Citizen siblings, including his sister who is currently serving in the
4 US Army. His sister traveled to California to retrieve Mr. Salmeron on January 21st, taking time
5 away from her service to our country only to find that he had been rearrested. Mr. Salmeron's
6 unlawful detention has caused his family immense harm and as such, he must be promptly
7 reunited with his loved ones. Petitioner reiterates his prayer for relief and respectfully asks this
8 court to order his release, or in the alternative, require a bond hearing within seven days.

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10 **PRAYER FOR RELIEF**

11 WHEREFORE, Mr. Salmeron prays that this Court grant the following relief:

- 12 a. Assume jurisdiction over this matter;
- 13 b. Issue a writ of habeas corpus declaring that Mr. Salmeron's custody is governed
14 by the TVPRA and requiring that Respondents immediately release Mr.
15 Salmeron;
- 16 c. Alternatively, issue a writ of habeas corpus declaring that Mr. Salmeron is
17 detained under § 1226(a) and requiring Respondents to provide a bond hearing
18 under 8 U.S.C. § 1226(a) within seven days;
- 19 d. Award Mr. Salmeron attorney's fees and costs under the Equal Access to Justice
20 Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
21 law; and
- 22 e. Grant any other and further relief that this Court deems just and proper.

23 DATED this 11th day of February 2026

Respectfully Submitted,

24 /s/Megan Day

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