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10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 **Reinaldo Chirino Rivero & KRIS**
14 **STEFANY PINEDA**
15 **TORREGROSA**

16 **Petitioner,**

17 **v.**

18 **CHRISTOPHER LAROSE**, Warden at Otay
19 Mesa Detention Center; **DANIEL A.**
20 **BRIGHTMAN**, San Diego Field Office
21 Director ICE Enforcement Removal Operations;
22 **TODD M. LYONS**, Acting Director,
23 Immigration and Customs Enforcement.
24 **KRISTI NOEM**, Secretary of the Department
25 of Homeland Security; U.S. DEPARTMENT
26 OF HOMELAND SECURITY; **PAMELA**
27 **BONDI**, Attorney General of the United States;
28 EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW

Respondents.

CIVIL CASE NO.: 26-cv-753-LL-MSB

**Traverse in Support of
Petition for a
Writ of Habeas Corpus**

INTRODUCTION

On February 06, 2026, the Government filed their response in this case. In their response, the Government acknowledge that Petitioners are members of the

1 Bond Eligible Class certified under *Maldonado Bautista v. Santacruz*, and that they
2 are therefore “detained under 8 U.S.C. § 1226(a) and are entitled to an order from
3 this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a)”. No. 5:25-
4 CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25,
5 2025).

6 On February 09, 2026, ICE granted Petitioner, Mrs. Pineda’s parole request
7 and agreed to release Mrs. Pineda. However, ICE has denied Mr. Chirino’s parole
8 request, and he continues to be detained at Otay Mesa Detention Center.

9 On February 09, 2026, Immigration Judge Eugene Robinson held a bond
10 hearing in Mr. Chirino’s case. Judge Robinson denied Mr. Chirino’s request for
11 bond. (*See Exhibit D*). Judge Robinson found that he did not have jurisdiction to
12 hear the bond case under *Matter of Yajure Hurtado*. 29 I. & N. Dec. 216 (BIA 2025).
13 However, Judge Robinson made an alternative finding that if he did have jurisdiction,
14 he would grant Mr. Chirino’s request for bond and order Mr. Chirino be released on
15 minimum bond. (*See Exhibit D*).

16 As such, if this Court grants Petitioners’ petition, we respectfully request that
17 Court order the immediate release of Mr. Chirino under Judge Robinson’s alternative
18 order granting minimum bond.

19
20 Respectfully submitted this 10 day of February, 2026.

21 /s/Nerea Sholl Woods
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24 San Diego, CA 92101
25 CA Bar # 273177
26 *Attorney for Petitioners*
27
28

EXHIBIT D



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

CHIRINO RIVERO, REINALDO

To:

Nerea S. Woods, Esq.
750 B Street, Suite 2330
San Diego, CA 92101

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

02/09/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

The Court in Maldonado Bautista did not have authority to invalidate an agency-wide policy, as that is within the sole jurisdiction of the District Court for the District of Columbia. Unless and until that court decides otherwise, Yajure-Hurtado prohibits this court from granting a bond to this respondent who entered the United States without inspection or parole.

Alternatively, if this court had jurisdiction and based on the evidence presented, it would find respondent does not present a danger to the community and grant bond in the minimum amount of \$1,500, to address any concerns regarding risk of flight.

- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:

Other:



Immigration Judge: ROBINSON, EUGENE 02/09/2026

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 03/11/2026

Certificate of Service

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Respondent Name : CHIRINO RIVERO, REINALDO | A-Number : 

Riders:

Date: 02/10/2026 By: CHRISTINA GOOSBY, Court Staff