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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JOSE NEVAREZ-ORTIZ,

Petitioner,

v.

OTAY MESA DETENTION CENTER,

Respondent.

Case No.: 26-cv-1392-JLS-MMP

SUPPLEMENTAL BRIEFING

Pursuant to this Court's April 21, 2026, order to provide supplemental briefing, the Respondent provides the following information. Petitioner entered the United States on or about December 15, 2009, without inspection near Tecate, California. Petitioner was convicted of Driving under the Influence Causing Great Bodily Injury to a Child in San Diego in 2022 and sentenced to 3 years of probation. As a result, ICE conducted a targeted operation and apprehended the Petitioner on August 21, 2025. On August 24, 2025, ICE served Petitioner with a Notice to Appear initiating removal proceedings against him pursuant to 8 U.S.C. § 1229a. On September 12, 2025, Petitioner had a bond hearing at which the immigration judge denied bond due to lack of jurisdiction which Petitioner has appealed to the Board of Immigration Appeals. This appeal has been briefed to the BIA and is awaiting a ruling as of March 6, 2026. On January 9, 2026, Respondents provided Petitioner a bond hearing at which bond was denied on the merits. Petitioner did not appeal this bond ruling to the BIA. Petitioner's merits hearing was held on April 30, 2026. The immigration judge has not issued their decision yet. Petitioner remains mandatorily detained under 8 U.S.C. § 1225(b)(2)(A).

1 In addition to the arguments made for dismissing this Petition in Respondent's return
2 to the petition that Petitioner has failed to name as a respondent the warden of the facility
3 where he is detained or alleged sufficient information upon which this Court to rule,
4 Respondent argues that this petition should be dismissed as it is unverified. *See* ECF Nos.
5 1, 10. Petitioner has filed a habeas petition under 28 U.S.C. § 2241. However, it is unclear
6 whether Petitioner filed the petition on his own behalf or if someone else filed it for him.
7 The petition in this matter is unsigned in violation of Rule 2(c) of the Rules Governing
8 § 2254 Cases, which provides "[t]he petition must: . . . (4) be printed, typewritten, or legibly
9 handwritten; and (5) be signed under penalty of perjury by the petitioner or by a person
10 authorized to sign it for the petitioner under 28 U.S.C. § 2242." Rule 2(c), 28 U.S.C. foll.
11 § 2254; *see* 8 U.S.C. § 2242 ("Application for a writ of habeas corpus shall be in writing
12 signed and verified by the person for whose relief it is intended or by someone actioning
13 in his behalf."). As the petition is unsigned, it should be dismissed by the Court. *See Alazar*
14 *v. Warden*, No. 26-cv-1388-DMS-BJW, ECF No. 5 (S.D. Cal. Apr. 20, 2026); *see*
15 *Avendano Martinez v. ICE*, No. 26-cv-2328-JES-MSB, ECF No. 3 (S.D. Cal. Apr. 24,
16 2026).

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18 DATED: May 5, 2026

ADAM GORDON
United States Attorney

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20 *s/ Michael D. Wallace*
21 MICHAEL D. WALLACE
Assistant United States Attorney
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