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

12 EVELIO SILVESTRE-SILVESTRE,

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14 Petitioner,

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16 v.

17 CRISTOPHER J. LAROSE; ET AL.,

18
19 Respondents.

Case No.: 3:26-cv-01471-DMS-MSB

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

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1 Petitioner Evelio Silvestre-Silvestre, by and through counsel, respectfully submits this
2 Traverse in Support of Petition For Writ of Habeas Corpus.

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4 **I. Respondents Failed to Comply with the Court's Order to Show Cause**

5 This Court issued its Order to Show Cause on March 10, 2026, directing that
6 Respondents shall file their response to the Petition on or before March 17, 2026. Respondents
7 have not filed any response and have not sought an extension of time. As a result, there is no
8 evidence before the Court supporting the legality of Petitioner's continued detention.

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10 **II. The Petition Is Unrebutted and Establishes Unlawful Detention**

11 Respondents were afforded an opportunity to justify Petitioner's detention but have
12 declined to do so. Petitioner's factual allegations therefore remain unrebutted. Petitioner was
13 previously released and, at the time of his re-detention, Respondents did not identify any
14 violation, change in circumstances, or new facts suggesting that Petitioner posed a flight risk or
15 a danger to the community. Nor have Respondents made any allegation of non-compliance or
16 otherwise articulated any basis for detention since.

17 If Respondents sought to revoke Petitioner's release and return him to custody, they
18 were required to make an individualized determination supported by specific facts
19 demonstrating that Petitioner posed a flight risk or a danger to the community. They did not do
20 so. Courts have recognized that once a noncitizen has been released, re-detention without an
21 individualized determination or changed circumstances raises serious due process concerns. On
22 this record, there is no basis to conclude that Petitioner's detention is lawful.

23 **III. Relief Is Warranted**

24 Habeas corpus provides a prompt remedy for unlawful detention. Respondents have
25 failed to provide any justification for Petitioner's continued custody, and there is nothing in the
26 record to support its legality.

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1 Petitioner respectfully requests that the Court grant the Petition and order his immediate
2 release.

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4 Respectfully submitted this 18th day of March 2026,

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6 /s/ Richard S. Sterger, Esq.

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11 *Attorney for Petitioner*

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