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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.,

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19 Respondents.

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

RESPONSE TO REPENDENTS' FILING

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TRIAL ATTORNEY

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RESPONSE TO REPENDENTS' FILING

RESPONSE TO RESPONDENTS' FILING

Petitioner respectfully submits this response to Respondents' recent filing.

Respondents have not filed a return addressing the Petition or the Court's Order to Show Cause. Instead, Respondents submitted an exhibit and appear to suggest that a bond hearing is the appropriate remedy. That submission does not address the claims presented in the Petition.

Petitioner does not seek a bond hearing. Rather, Petitioner challenges the legality of his re-detention, which was carried out without any individualized determination, without any identified change in circumstances, and without any opportunity to be heard. Respondents have not identified any such determination or process.

Respondents' suggestion of a bond hearing does not respond to this claim. A bond hearing presumes lawful detention subject to review. Here, the issue is whether Petitioner's detention was lawful in the first instance. Respondents have not provided any basis to support that conclusion.

The submission of an exhibit does not satisfy Respondents' obligation to justify Petitioner's detention. The exhibit does not reflect any individualized custody determination or any process afforded to Petitioner. Accordingly, even accepting the contents of the exhibit, Respondents have not met their burden.

Because Respondents have not identified any individualized determination, any change in circumstances, or any process afforded to Petitioner, the due process violation identified in the Petition remains unaddressed. On this record, there remains no basis to conclude that Petitioner's detention is lawful.

Respectfully submitted this 9th day of April 2026,

/s/ Richard S. Sterger, Esq.

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