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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WINDER MUNOZ NIEVES,
Petitioner,

v.

KRISTI NOEM, Secretary of the
Department of Homeland Security,
PAMELA JO BONDI, Attorney General,
TODD M. LYONS, Acting Director,
Immigration and Customs Enforcement,
JESUS ROCHA, Acting Field Office
Director, San Diego Field Office,
CHRISTOPHER LAROSE, Warden at
Otay Mesa Detention Center,

Respondents.

CIVIL CASE NO.:
26-cv-1497-JLS-JLB

Traverse

The government states that Mr. Muñoz is entitled to a bond hearing. Return Doc. 10 at 2. But this case is not about the government failing to provide Mr. Muñoz a bond hearing. It is that ICE exercised discretion to release him into the community, then unlawfully revoked the release and re-detained.

When an immigrant's parole is unlawfully revoked, the remedy is release, not a bond hearing. *See, e.g., Teran v. Casey*, No. 26-CV-1205 JLS (DEB), 2026 WL 710576, at *3 (S.D. Cal. Mar. 13, 2026) (ordering immediate release on conditions of his preexisting parole); *Arias v. Larose*, No. 3:25-CV-02595-BTM-

1 MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (“The Respondents
2 shall immediately release Arias from custody on her preexisting conditions.”);
3 *Noori v. LaRose*, 807 F. Supp. 3d 1146, 1154 (S.D. Cal. 2025) (“order[ing] his
4 immediate release”); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL
5 3063629 (S.D. Cal. Nov. 3, 2025) (ordering that ICE “immediately release
6 Petitioner from custody subject to the conditions of her preexisting parole and
7 Form I-94”); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL 3171742
8 (S.D. Cal. Nov. 13, 2025) (ordering respondents “to immediately release
9 Petitioner from custody, subject to the conditions of his preexisting parole and
10 Form I-94”); *Y-Z-L-H v. Bostock*, No. 25-cv-965-SI, 2025 WL 1898025, at *13
11 (D. Or. July 9, 2025) (ordering respondents “immediately to release Petitioner
12 from custody”). The government’s citation to cases granting bond hearings to
13 persons wrongly detained are inapposite, because they involve completely
14 different claims.

15 Thus, this Court should grant the petition and order Mr. Muñoz’s
16 immediate release.

17
18 Respectfully submitted,

19
20 Dated: March 24, 2026

s/ Zandra Lopez

Zandra Lopez

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