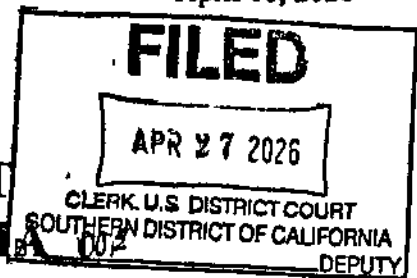


Otay Mesa Detention Center - San Diego


April 16, 2026

U. S. DISTRICT COURT
SOUTHERN CALIFORNIA



RE: MOTION TO RE OPEN and
MOTION TO RECONSIDERATION

Case 26-CV-1982-JLS-JLB

Petitioner GROSSO, Alvaro Matias A  respectfully moves the honorable court *PRO SE*, with all due respect for request a motion RE OPEN and Motion to RECONSIDERATION case under *Li hua Lin v. United States DOJ*, 453 F.3d 99, 104-105 (2^{do} Cir. 2005) "Holding due process requires that a party receive a full an fair hearing which provides a meaningful opportunity to be heard" or legal remedies, and in the situation where find an error and/or omission please do not heritage to apply "this court recognizes that it has has duty to ensure that *pro se* litigant do not lose their right to hearing on the merits of their claim due to ignorance of technical procedural requirements" "*Balistreri v Pacifica Police dept 901 F2d 696 699 (9th Cir. 1988)*"

I - INTRODUCTION

Petitioner's aware that one generally has "one fair opportunity" to litigate for habeas corpus and under 28 U.S.C.S. § 2254 (d) - *Claims previously adjudicated* -, but his situation is exposed as an example and due to the petitioner's limitation of legal and linguistic knowledge, because the petitioner believe that his case is atypical, with exceptional circumstances, and should be reviewed according to its complexity, the petitioner is non citizen presently in the custody of Immigration and Customs Enforcement (ICE) for 11 months, has

pending application for T and U visa, prior to filing the present request for Habeas Corpus and they become evident in the many habeas corpus filings.

II - FOUR HABEAS CORPUS PETITIONS

First: In case, 25-CV-03593-JES-BLM, The Honorable Judge James E. Simmons Jr. denied the petition without prejudice in that case, petitioner has a pending motion for reconsideration.

Second: In case, 26-CV-00396-CBA-MMP, The Honorable Judge Cathy Ann Bencivengo ordered a bond hearing. Later, the Immigration Judge denied bond, subsequent challenge by petitioner to outcome.

* Third: In case, 26-CV-1575-BAS-BLM, The Honorable Judge Cynthia Bashant summarily dismissed the petition as repetitive and duplicate.

Fourth: In case, 26-CV-1982-JLS-JLB, The Honorable Judge Janis L. Sammartino summarily dismissed without prejudice.

III - ANALYSIS OF THE FOUR HABEAS CORPUS PETITIONS

First: In case, 25-CV-03593-JES-BLM, the Honorable Judge James E. Simmons Jr. denied the petition without prejudice in that case, petitioner has a pending motion for reconsideration.

Analysis: The petitioner was unaware of how habeas corpus works, as evidence by the Honorable Judge's James E. Simmons Jr. response "The petitioner ask the court to interfere courts, with his underlying and pending immigration proceedings, which the court cannot do, While petitioner docs makes a request for immediate release, he identifies no grounds, constitutional or otherwise as to why he is entitled to fixes relief"

Second: In case, 26-CV-00396-CBA-MMP, The Honorable Judge Cathy Ann Bencivengo ordered a bond hearing.

Analysis: The petitioner understands the grounds, and the Honorable Judge Cathy Ann Bencivengo grants bond hearing and it was denied by Immigration Judge Olga E. Attia. During the hearing the IJ failed to comply his duty to ensure that DHS met its burden of probe by convincing and clear evidence that Petitioner is either a danger to community or a flight risk.

Third: In case, 26-CV-1575-BAS-BLM, The Honorable Judge Cynthia Bashant summarily dismissed the petition as repetitive and duplicate.

Analysis: The petitioner seeks legal relief from the denial of bond in Immigration Court an reiterates the grounds.

Fourth: In case, 26-CV-1982-JLS-JLB, The Honorable Judge Janis L. Sanmartino summarily dismissed without prejudice.

Analysis: The petitioner again seeks legal relief and adds health and food related grounds, also interpreting that the situation changed because he appealed the bail courts decision and his detention time was extended to 11 months, which becomes in a new violation of due process of the Fifth Amendment.

IV IMMIGRATION BOND HEARING

It should be mentioned in the second case 26-CV-00396-CBA-MMP, The Honorable Judge Cathy Ann Bencivengo granted and Immigration bond hearing, the hearing was held by the Honorable Immigration Judge Olga E. Attia on February 12, 2026. Petitioner appealed this outcome on February 14, 2026.

The Facts:

1. On February 12th, Petitioner was taken to my immigration court scheduled a month in advance from the original schedule, but with total ignorance regarding this hearing, without prior notification of any kind, only few minutes before he was told he had to attend a bond hearing on the same day and the same time.
2. Being able to attend both courts, same day, same time, the bond hearing was presided by the Honorable Judge Olga E. Attia. In that hearing, again, 100% of the applicants for bond that came from the federal court for habeas corpus were denied, as well as in all bond hearings where the same Immigration Judge was present.
3. Petitioner was appealed on February 14, 2026 in U. S. Department of Justice – Board of Immigration Appeals and remains pending to this day.

V – CONTROLLING LAW

28 U.S.C. § 2255 (h) (1) - Authorization standard for successive motions based on newly discovered evidence.

Fed. R. Civ. P. 60 (b) (6) - Relief from judgment for any other reason that justifies relief.

Gonzales v. Crosby, 545 U.S. 524 (2005) Distinguishing true 60(B) Motion from successive Habeas claims.

Spitznas v. Boone, 464 F.3d 1213 (10th Cir. 2006) Treatment of mixed motions.

Dusky v. Unites States competency standard requiring ability to consult whit counsel and understand proceeding.

Preiser v. Rodriguez, 411 U.S., 475,500, 93 S. Ct. 1827, 36 L. Ed. 2d 439 (1973) Habeas as

exclusive remedy for challenges to fact or duration of imprisonment.

First Step Act. 18 U.S.C.S. §§ 3632(d), 3624(g) – Time credits and prereleased custody provisions.

Zadvydas v. Davis, 533 U.S. 678,121, S. Ct. 2491, 150 L. Ed. 2D 653 (2001) The Supreme Court established that courts should treat a six-month period of detention as “presumptively reasonable”

VI - CONCLUSION

The petitioner has made a technical error in believing that a new Habeas Corpus petition would be the legal remedy for this new violation of due process, that is why Petitioner's intention on this letter is to request an individualized review in detail the reason why the bond was denied, because believes that his case is atypical, with exceptional circumstances, and should be reviewed according to its complexity. Petitioner is not seeking a new bond hearing, as it was granted before. Aware that everyone generally has “one fair opportunity” to litigate for habeas corpus and under 28 U.S.C.S. § 2254 (d) - *Claims previously adjudicated*. However, as it is widely known, the national trend in immigration courts is to reject bond orders from Federal orders and deny all petitioners their right to liberty. Therefore, habeas corpus be considered sterile in most cases, as it does not achieve its purpose by returning the petitioner to the point of origin.



The petitioner who obtains a writ of habeas corpus should see the culmination of the request be release, it make no sense for the justice system to admit that a right the amendment has been violated and not effectively remedy the error, when detainees return to Federal Courts, saturating the legal system in search of a solution, the responses are evasive or argue that relief has already been granted to Federal Court, thus postponing the problem for months or even years and causing irreparable mental, familial, and emotional damage, far from

being a criticism, this simple view of current events aims to contribute to the United States judicial system, since in countries like the one where the petitioner was born, justice seems to be subjective, and the United States is seen as a paradigm of ideal justice, where institutions come first and then people, in Short, no one is above the law.

For all the aforementioned reasons, with due and utmost respect, the petitioner request and implore you honorable judge to analyze the petitioner motion, which seeks immediate release and /or remedy legal under all conditions deemed appropriate for monitoring and mitigating the legal labyrinth in which the petitioner finds *pro se*, given that his habeas corpus has been granted and it only seeks the culmination of the justice process.

Respectfully Submitted Pro Se

GROSSO, ALVARO MATIAS


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In the Matter of:
GROSSO, ALVARO MATIAS

File No.:



CERTIFICATE OF SERVICE

On 16 April 2026 I served this document upon the Department of Homeland Security.

Signature

Date