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5  
6 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

7 **ALBERTO GALLARDO-MORALES,**  
8 Petitioner,

Case No.: 26-cv-02000-JLS-MMP

Agency File No. 

9 v.

10 **Markwayne Mullin,** Secretary, U.S.  
Department of  
11 Homeland Security;

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

12 **Todd LYONS,** Acting Director, U.S.  
Immigration and Customs Enforcement;

14 **Patrick DIVVER,** Field Office Director, San  
Diego Field Office, U.S. Immigration and  
15 Customs Enforcement.

16 **Christopher LAROSE,** Senior Warden, Otay  
Mesa Detention Center;

17 **Sirce OWEN,** Acting Director of the Executive  
Office for Immigration Review (EOIR),  
18 U.S. Department of Justice.

19 **Pamela BONDI,** Attorney General, U.S.  
Department of Justice.

20  
21 Does 1-2  
Respondents.

22  
23  
24

1  
2 **PETITIONER’S TRAVERSE IN SUPPORT OF WRIT OF HABEAS CORPUS**

3 Petitioner, through undersigned counsel, respectfully submits this Traverse in response to  
4 Respondents’ Reply dated April 6, 2026.

5 **I. INTRODUCTION**

6 On March 30, 2026, Petitioner filed a Petition for Writ of Habeas Corpus challenging his  
7 continued detention without a bond hearing under 8 U.S.C. § 1226(a). In their April 6, 2026  
8 Reply, Respondents’ expressly concede that:

- 9
- 10 • Petitioner is detained under 8 U.S.C. § 1226(a);
  - 11 • Petitioner is a member of the Bond Eligible Class certified in *Maldonado Bautista*  
12 *v. Santaacruz*; and
  - 13 • Petitioner is entitled to an order from this Court directing that a bond hearing be  
14 held pursuant to 8 U.S.C. § 1226(a).

15 Accordingly, there is no dispute that Petitioner was improperly denied the bond hearing to which  
16 he was legally entitled. The only remaining issue is the timing and scope of relief.

17 **II. RESPONDENTS CONCEDE PETITIONER WAS IMPROPERLY DENIED**  
18 **A BOND HEARING**

19 Respondents acknowledge that Petitioner is a Bond Eligible Class member under  
20 *Maldonado Bautista v. Santaacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025), and  
21 that final judgment has been entered as to that class. The class-wide order in Maldonado  
22 requires that Bond Eligible Class members be provided bond hearings within seven (7) days of  
23 the order’s effective date. Respondents’ failure to provide Petitioner with a bond hearing  
24 consistent with that mandate constitutes noncompliance with the governing order and an

1 unlawful deprivation of Petitioner’s statutory and due process rights. Respondents’ concession  
2 confirms that Petitioner’s continued detention without a bond hearing was improper.

3  
4 **III. FOURTEEN DAYS IS UNREASONABLE AND CONTRARY TO THE**  
5 **MALDONADO ORDER**

6 Respondents request that this Court allow fourteen (14) days from issuance of an order to  
7 provide Petitioner a bond hearing, citing heavy caseloads and staffing levels. This request  
8 should be denied for several reasons:

- 9
- 10 • **Contrary to Binding Order:** The Maldonado order requires bond hearings within  
11 seven (7) days. Allowing fourteen (14) days would effectively undermine and  
12 dilute that mandate.
  - 13 • **Unreasonable Delay After Conceded Violation:** Petitioner has already been  
14 unlawfully deprived of his statutory right to a bond hearing. Granting Respondents  
15 an additional fourteen days would compound the existing violation.
  - 16 • **Liberty Interest at Stake:** Civil immigration detention implicates a fundamental  
17 liberty interest. Each additional day of unlawful detention constitutes irreparable  
18 harm.

17 Respondents’ administrative burdens cannot justify continued detention in violation of federal  
18 law and a federal court order. Accordingly, if the Court orders a bond hearing, it should require  
19 that such hearing be conducted within no more than seven (7) days, consistent with *Maldonado*.

20 **IV. ALTERNATIVELY, THE COURT SHOULD ORDER IMMEDIATE**  
21 **RELEASE**

22 Respondents implicitly suggest that logistical constraints may delay compliance. If  
23 Respondents are unable or unwilling to provide a prompt bond hearing consistent with  
24 *Maldonado* this Court has authority under 28 U.S.C. § 2241 to order immediate release. Where

1 detention is unlawful and the Government fails to provide constitutionally adequate process,  
2 release is an appropriate remedy. Petitioner respectfully requests that, should Respondents fail to  
3 conduct a bond hearing within seven (7) days, this Court order Petitioner's immediate release  
4 under appropriate conditions of supervision.

5 In the alternative, given the undisputed facts and evidence previously submitted in  
6 support of the Petition—including Petitioner's community ties, lack of danger to the community,  
7 and eligibility for relief—the Court may exercise its equitable authority to order release outright.

8 **V. CONCLUSION**

9 Respondents concede that Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a) and  
10 that such hearing has not been provided. The only dispute concerns timing. For the foregoing  
11 reasons, Petitioner respectfully requests that this Court:

- 12 1. Grant the Petition for Writ of Habeas Corpus;
- 13 2. Order Respondents to provide Petitioner a bond hearing within seven (7) days of the  
14 Court's order;
- 15 3. Alternatively, order Petitioner's immediate release if a bond hearing is not  
16 conducted within that timeframe; and
- 17 4. Grant any other relief the Court deems just and proper.

18  
19 DATED this 7<sup>th</sup> day of April, 2026.

/S/ ANNA M HYSELL  
*Attorney for Petitioner*