

1 **Jessie Agatstein** (Cal. Bar No. 319817)  
2 Federal Defenders of San Diego, Inc.  
3 225 Broadway, Suite 900  
4 San Diego, California 92101-5030  
5 Telephone: (619) 234-8467  
6 Facsimile: (619) 687-2666  
7 katie\_hurrelbrink@fd.org  
8 Attorneys for Mr. Guadarrama

8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 SILVIANO GUADARRAMA,

Case No.: 26-cv-2040-BJC-BJW

11 Petitioner,

12 v.

13 WARDEN OF IMPERIAL REGIONAL  
14 DETENTION FACILITY, *et al.*,

15 Respondents.

**Traverse in Support of  
Unopposed Petition  
for a Writ of Habeas Corpus**

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17 In his *pro se* petition, 68-year-old Mr. Guadarrama noted he has been  
18 detained in immigration custody since August 21, 2025, without a bond hearing.  
19 ECF No. 1; *see also* Exhibit A to Traverse (immigration court notice to appear  
20 charging him with entering without inspection at an unknown time and place). He  
21 does not have a final hearing set. His next upcoming hearing, another status  
22 conference “master calendar” hearing, is scheduled for May 5. Exhibit B to  
23 Traverse (EOIR print-out).

24 Due to his eight months in detention, Mr. Guadarrama requested this Court  
25 either order his release or order Respondents to “schedule a hearing before an  
26 immigration judge where: (1) to continue detention, the government must  
27 establish by clear and convincing evidence that Petitioner presents a risk of flight  
28 or danger, even after consideration of alternatives to detention that could mitigate

1 any risk that Petitioner’s release would present; and (2) if the government cannot  
2 meet its burden, the immigration judge order Petitioner’s release on appropriate  
3 conditions of supervision, taking into account Petitioner’s ability to pay a bond.”  
4 ECF No. 1 at 18; *see also, e.g., Rajnish v. Jennings*, No. 20-cv-7819-WHO, 2020  
5 WL 7626414 (N.D. Cal. Dec. 22, 2020) (explaining the due process reasons  
6 supporting placing the burden on the government).

7 In response, the government states that Mr. Guadarrama “appears to be a  
8 member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*,  
9 No. 25-cv-1873-SSS-BFM, \_\_ F. Supp. 3d \_\_, 2025 WL 3288403 (C.D. Cal.  
10 Nov. 25, 2025).” ECF No. 7. It responds by “respectfully request[ing] this Court  
11 order a bond hearing be held pursuant to 8 U.S.C. § 1226(a), so that an  
12 Immigration Judge can determine Petitioner’s potential flight risk and/or danger  
13 to the community.” *Id.* at 2.

14 It does not address Mr. Guadarrama’s request for certain procedural  
15 protections as a part of that bond hearing, particularly in light of the fact that he  
16 has never received a bond hearing. *Id.*; *see* ECF No. 1 at 18. The government does  
17 refer to a pending case in San Bernardino County. From what is available on the  
18 public docket, that case concerns conduct alleged to have occurred in 2008, and it  
19 was filed in 2018. Mr. Guadarrama has been on bond pending trial for many  
20 years.

21 Regardless, as Respondents now agree, this Court should order  
22 Respondents to hold a bond hearing.

23 At that hearing, Mr. Guadarrama respectfully reiterates his request that this  
24 Court do so subject to procedural safeguards. Specifically, he requests this Court  
25 order that

- 26 1. Mr. Guadarrama receive an individualized bond hearing before a  
27 neutral immigration judge within the next 14 days,
  - 28 a. At which hearing the government shall bear the burden of proof

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of establishing by clear and convincing evidence that Mr. Guadarrama poses a danger to the community or is a risk of flight, and

- b. At which hearing the immigration judge shall consider alternative conditions of release and Mr. Guadarrama’s ability to pay bond; and
2. Respondents make a complete record of the hearing available to Mr. Guadarrama and his counsel.

Respectfully submitted,

Dated: April 17, 2026

s/ Jessie Agatstein  
Jessie Agatstein  
Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Guadarrama  
Email: jessie\_agatstein@fd.org