

1 Leah L. Chavarria, Esq.  
CA Bar # 297506  
2 2251 San Diego Ave., STE B-200  
San Diego, CA 92110  
3 leah@hurwitzholt.com  
Attorney for Petitioner

4  
5 **UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**  
6 **SAN DIEGO**

7 Miguel Flores Trejo,

Case No. 26-cv-02125-TWR-JLB

8 Petitioner,

9 v.

**PETITIONER'S TRAVERSE**

10 Attorney General of the United States,  
Department of Justice, *et al.*,

11 Respondents.

12  
13 Petitioner, through counsel hereby submits this traverse in reply to Respondents'  
14 response to the petition.

15 Petitioner's ongoing detention violates his Fifth Amendment substantive due  
16 process right under the U.S. Constitution because he has already been deemed neither  
17 a flight risk nor a danger to the community, or that his flight or dangerousness may be  
18 mitigated by a \$20,000 bond issued and paid in 2020. As evidenced in the petition  
19 (ECF No. 1), Petitioner's re-detention violates his procedural due process rights  
20 because his release from custody was revoked without notice or any opportunity to  
21 contest his detention before a neutral arbiter. Finally, Petitioner's re-detention violates

1 his Fourth Amendment right to be free of unlawful arrest. So while Petitioner is a  
2 member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No.  
3 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25,  
4 2025), as agreed by Respondents (ECF No. 3), that is ancillary to the issues in this  
5 case.

6 Notably, as stated in the petition and not challenged by Respondents, there have  
7 been no new criminal arrests or charges subsequent to the \$20,000 bond paid in 2020.  
8 Therefore, a re-arrest and detention without any changed circumstances clearly  
9 violates Petitioner’s rights under the constitution.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

Dated: April 13, 2026

Respectfully submitted,  
  
/s/ Leah L. Chavarria  
Leah L. Chavarria  
Counsel for Petitioner