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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JULIETH DURAN ROMERO,

Petitioner,

v.

DIRECTOR, Otay Mesa Detention
Center, et. al,

Respondents.

Case No.: 26-CV-2151-AGS

**REPLY TO PETITIONER'S
RESPONSE TO ORDER TO SHOW
CAUSE**

On April 21, 2026, this Court issued an Order directing Petitioner to show cause in writing why this Petition should not be dismissed as duplicative of a prior petition dismissed by the Court under case number 25-CV-3576-AGS-VET. ECF No. 8. On May 4, 2026, Petitioner filed her response. ECF No. 11. This reply follows.

Because Petitioner is challenging her immigration detention, the Petition in this case is brought under 28 U.S.C. § 2241. "A second petition in habeas corpus may be dismissed if the same grounds are set up as in the first petition which has been denied." *Cruz-Sanchez v. Robinson*, 249 F.2d 771, 774 (9th Cir. 1957). The Supreme Court has stated that "[c]ontrolling weight may be given to denial of a prior application for federal habeas corpus . . . only if (1) the same ground presented in the

1 subsequent application was determined adversely to the applicant on the prior
2 application, (2) the prior determination was on the merits, and (3) the ends of justice
3 would not be served by reaching the merits of the subsequent application.” *Sanders v.*
4 *United States*, 373 U.S. 1, 15 (1963).

5 There are two issues raised by Petitioner’s habeas petitions: (1) detention
6 authority; and (2) length of detention. The first issue, detention authority, was
7 determined adversely to Petitioner on the previous petition, which found Petitioner
8 subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). *Duran Romero v.*
9 *LaRose*, et al, No. 3:25-CV-03567-AGS-VET, ECF No. 7. None of the information
10 cited by Petitioner in her second Petition changes that determination—although
11 Petitioner has been ordered removed to Honduras, Petitioner has appealed that order
12 to the Board of Immigration Appeals. Thus, there is no administratively final order of
13 removal at this time, and Petitioner remains mandatorily detained under
14 § 1225(b)(2)(A). Therefore, *Zavydas v. Davis*, 533 U.S. 678 (2001), which applies to
15 final removal orders, does not yet apply to Petitioner.

16 Regarding the length of detention, the Court stated on the record in the prior
17 proceeding that habeas could be revisited if detention became prolonged. However,
18 Respondents’ position is that the record at this time does not support a finding that
19 “detention has become so unreasonable as to require an initial bond hearing.”
20 *Sanchez-Rivera v. Matuszewski*, No. 22-CV-1357-MMA (JLB), 2023 WL 139801, at
21 * 6 (S.D. Cal. Jan. 9, 2023).

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23 Dated: May 19, 2026

Respectfully submitted,

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25 s/ Laura C. Sambataro
26 LAURA C. SAMBATARO
27 Assistant United States Attorney
28 Attorneys for Respondents