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

JOEL GARCIA GARCIA,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, JEREMY CASEY, Warden at
Imperial Regional Detention Center,

Respondents.

Case No.: 26-cv-2177-JLS-MSB

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

1 In their return, Respondents note that Mr. Garcia Garcia “appears to be
2 a member of the Bond Eligible Class certified in *Maldonado Bautista v.*
3 *Santacruz*, No. 25-CV-1873-SSS-BFM, __ F. Supp. 3d __, 2025 WL 3288403
4 (C.D. Cal. Nov. 25, 2025).” ECF No. 9. They “acknowledge the prior orders
5 from this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in
6 similar cases,” and “therefore do not oppose an order from this Court directing
7 a bond hearing be held pursuant to 8 U.S.C. § 1226(a).” *Id.*

8 While Respondents thus recognize that Mr. Garcia Garcia has been
9 improperly held without an individualized bond hearing for the last five
10 months—after being warrantlessly arrested by ICE on the sidewalk in Los
11 Angeles while selling tamales—this Court should provide a stronger remedy
12 to account for the deprivation of liberty Mr. Garcia Garcia has faced for the
13 last half-year.

14 “[T]he ‘typical remedy’ for ‘unlawful executive detention,’ . . . ‘is, of
15 course, release.’” *Tumba v. Francis*, 813 F. Supp. 3d 394, 406 (S.D.N.Y.
16 2025) (quoting *Munaf v. Geren*, 553 U.S. 674, 693 (2008)). “[I]mmediate
17 release is the appropriate remedy here because Petitioner’s detention not only
18 violated procedural due process but deprived h[im] of liberty for several
19 months.” *Aguilar-Rodriguez v. Ladwig*, 2026 WL 1266251, *8 (W.D. Tenn.
20 May 8, 2026) (ordering immediate release of petitioner improperly detained
21 without a bond hearing under 8 U.S.C. § 1226(a)); *accord, e.g., Da Costa v.*
22 *Golden State Annex Detention Facility*, No. 26-cv-3401-DAD-JDP, 2026 WL
23 1274673, *1–*2 (E.D. Cal. May 8, 2026) (collecting cases ordering immediate
24 release of petitioner improperly detained without a bond hearing under 8
25 U.S.C. § 1226(a)).

26 This Court should join these courts and order immediate release, which
27 most fully addresses the statutory and constitutional violations in this case and
28 is most efficient to administer. At a minimum, this Court should order a bond

1 hearing take place with the procedural safeguards Mr. Garcia Garcia requests
2 in his amended petition. ECF No. 7 at 17–18.

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4 Respectfully submitted,

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6 Dated: May 11, 2026

s/ Jessie Agatstein

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