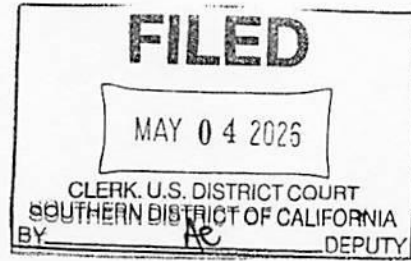


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
333 West Broadway, Suite 420
San Diego, California 92101

LILIANA DE LOS ANGELES CORTES OCHOA,
Petitioner,



v.

DIRECTOR, OTAY MESA DETENTION CENTER, et al.,
Respondents.

Case No. 26-cv-02284-AGS-DEB

TRAVERSE TO THE GOVERNMENT'S RESPONSE
(28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner, Liliana de los Angeles Cortes Ochoa, respectfully submits this Traverse in response to the Government's opposition, reiterating that her detention is prolonged, effectively indefinite, and in violation of the Due Process Clause of the Fifth Amendment.

The Government attempts to justify detention under mandatory detention provisions. However, it ignores that even under such statutory schemes, the Constitution imposes limits on the duration of detention.

II. PETITIONER'S DETENTION IS PROLONGED AND CONSTITUTIONALLY PROBLEMATIC

Petitioner has been detained since October 1, 2025, which amounts to more than seven months at the time of this filing.

Within the Ninth Circuit, detention exceeding six months has consistently been recognized as a critical point in constitutional analysis.

In *Rodriguez v. Robbins*, the court held that noncitizens detained for prolonged periods (approximately six months or more) are entitled to a bond hearing.

Similarly, in *Singh v. Holder*, the Ninth Circuit established that once detention becomes prolonged, the Government must justify continued detention by clear and convincing evidence. Therefore, the Government's argument that the detention is not prolonged lacks merit.

III. DETENTION IS EFFECTIVELY INDEFINITE

The Government argues that detention is not indefinite because removal proceedings remain ongoing.

This argument ignores a key fact:

Petitioner's case is no longer before an Immigration Judge, but is currently on appeal before the Board of Immigration Appeals (BIA).

The appeal was filed on March 4, 2026

There is no defined timeline for resolution

Courts have recognized that detention becomes constitutionally problematic where there is no clear endpoint.

Accordingly, even if proceedings are technically ongoing, Petitioner's detention is effectively indefinite.

IV. THE CASES CITED BY THE GOVERNMENT ARE NOT COMPARABLE

The Government relies on cases in which habeas relief was denied under different circumstances.

However:

Many of those cases involve significantly shorter detention periods (e.g., one month)

Others involve materially different factual circumstances

None reflect the combination of factors present here

In this case, Petitioner:

Has been detained for more than seven months

Has a pending appeal before the BIA

Has no criminal history

Is the mother of two minor children



Courts have emphasized that detention analysis must be individualized, not based on generic comparisons.

V. DETENTION UNDER §1225(b) IS SUBJECT TO CONSTITUTIONAL LIMITS

The Government asserts that detention is mandatory under 8 U.S.C. §1225(b).

However:

The existence of statutory authority does not eliminate constitutional protections.

Federal courts have repeatedly held that prolonged detention without meaningful review raises serious due process concerns.

VI. FAVORABLE CASE LAW SUPPORTS RELIEF FOR PROLONGED DETENTION

Courts have granted relief in circumstances similar to Petitioner's:

In *Rodriguez v. Robbins*, bond hearings were required for individuals detained longer than six months

Federal courts have ordered release where detention becomes excessive and unjustified

Courts have recognized habeas corpus as the proper mechanism to challenge prolonged detention

VII. PETITIONER DOES NOT POSE A DANGER OR FLIGHT RISK

The Government has not demonstrated that Petitioner poses any real risk.

To the contrary:

She has no criminal history

She lived in the community without incident

She is a responsible mother

She is seeking protection, not evading the law

VIII. MEDICAL AND PSYCHOLOGICAL HARM FURTHER RENDERS DETENTION
UNCONSTITUTIONAL

The Government completely ignores:



Documented medical conditions

Case law recognizes that health impacts are relevant in evaluating the constitutionality of prolonged detention.

IX. VIOLATION OF DUE PROCESS

Petitioner has been deprived of liberty without:

A constitutionally adequate bond hearing

An individualized determination

Sufficient procedural safeguards

This constitutes a clear violation of the Fifth Amendment.

X. CONCLUSION

Petitioner's detention:

Is prolonged

Is effectively indefinite

Lacks individualized justification

Causes physical and psychological harm

Accordingly, it is unconstitutional.

XI. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

Grant the writ of habeas corpus;

Order an immediate individualized bond hearing at which the Government bears the burden of proof;

or, in the alternative

Order her immediate release under appropriate conditions.

Respectfully submitted,

Liliana Cortes

LILIANA DE LOS ANGELES CORTES OCHOA

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Date: 05-01-2026