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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RIXION ENRIQUE MARTINEZ-
TOBIAS,

Petitioner,

v.

WARDEN JEREMY CASEY,
Respondent.

CASE NO.: 26-cv-2315-BJC-BLM

Traverse

In his supplemental filing, Petitioner explained that he is entitled to *immediate release* after ICE detained him in violation to regulations and due process. In its Return, “the government does not oppose the petition and defers to the Court on the appropriate relief.” ECF 9 at 3.

When an immigrant’s parole is unlawfully revoked, the remedy is immediate release, not a bond hearing. *See, e.g., Teran v. Casey*, No. 26-CV-1205 JLS (DEB), 2026 WL 710576, at *3 (S.D. Cal. Mar. 13, 2026) (ordering immediate release on conditions of his preexisting parole); *Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (“The Respondents shall immediately release Arias from custody on her preexisting conditions.”); *Noori v.*

1 *LaRose*, 807 F. Supp. 3d 1146, 1154 (S.D. Cal. 2025) (“order[ing] his immediate
2 release”); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL 3063629 (S.D.
3 Cal. Nov. 3, 2025) (ordering that ICE “immediately release Petitioner from custody
4 subject to the conditions of her preexisting parole and Form I-94”); *Perez v.*
5 *LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025)
6 (ordering respondents “to immediately release Petitioner from custody, subject to
7 the conditions of his preexisting parole and Form I-94”); *Y-Z-L-H v. Bostock*, No.
8 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025) (ordering
9 respondents “immediately to release Petitioner from custody”).

10 Thus, this Court should grant the petition and order Petitioner’s immediate
11 release.

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13 Respectfully submitted,

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15 Dated: May 1, 2026

16 s/ Zandra Lopez
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