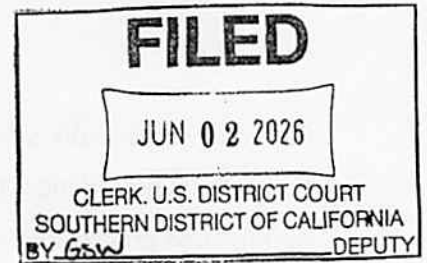


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



YORKY IZQUIERDO ALCANTARA,

Case No. 3:26-cv-02381-DMS-MMP

Petitioner,

PETITIONER'S TRAVERSE AND REPLY
TO RESPONDENTS' RETURN

v.

IMPERIAL REGIONAL DETENTION
FACILITY, et al.,

Judge: Hon. Dana M. Sabraw

Magistrate Judge: Hon. Michelle M. Pettit

Respondents.

PETITIONER'S TRAVERSE AND REPLY TO RESPONDENTS' RETURN

Petitioner Yorky Izquierdo Alcantara, proceeding pro se, respectfully submits this Traverse and Reply to Respondents' Return to the Petition for Writ of Habeas Corpus. Petitioner also respectfully supplements the record with updated evidence showing strong family ties, stable residence, a pending family-based immigration petition, lack of criminal history, compliance with immigration obligations, and severe hardship to United States citizen family members.

For the reasons set forth below, Petitioner respectfully requests that this Court grant the Petition and order immediate release from custody. In the alternative, Petitioner requests an expedited individualized bond hearing or custody redetermination with constitutionally adequate safeguards.

I. INTRODUCTION

Respondents' Return does not present a substantial factual dispute regarding the core equities in this matter. Respondents acknowledge that courts in this District have repeatedly addressed materially similar detention issues and have granted relief or ordered individualized custody review in comparable cases. Respondents also defer to the Court regarding the appropriate remedy.

Petitioner respectfully submits that continued detention is no longer constitutionally justified. Petitioner is not a danger to the community, has no criminal history, has complied with immigration proceedings and appointments, and has a stable release plan supported by his United States citizen spouse. Petitioner's continued detention is causing serious hardship to his United States citizen wife and infant daughter.

II. PROCEDURAL POSTURE

This habeas action was filed under 28 U.S.C. § 2241. The Court issued an Order Requiring Response, and Respondents filed their Return. Petitioner now replies to preserve the issues raised in the Petition, to respond to Respondents' position, and to present updated humanitarian and release-plan evidence.

Petitioner previously mailed a reply package to the Court, which UPS tracking reflects was delivered on or about May 9, 2026. Because those filings have not appeared on the docket, Petitioner resubmits this Reply out of an abundance of caution.

III. RESPONDENTS DO NOT SHOW THAT CONTINUED DETENTION IS NECESSARY

Respondents maintain that Petitioner is subject to detention under the immigration statutes. However, statutory authority alone does not end the constitutional inquiry. The Due Process Clause protects against detention that becomes unreasonably prolonged, arbitrary, or unsupported by adequate individualized review.

Petitioner respectfully submits that the record does not support continued detention. There is no evidence that Petitioner is a danger to the community. There is no evidence that Petitioner intends to abscond. To the contrary, Petitioner has powerful incentives to comply with all immigration proceedings because his spouse has filed a family-based immigrant petition on his behalf and because his wife and child depend upon him.

IV. PETITIONER HAS STRONG FAMILY AND COMMUNITY TIES

Petitioner is legally married to Ysmelis Perez Silva, a United States citizen. Petitioner and his spouse are the parents of a United States citizen infant daughter born in Florida in  2025. These family relationships are documented by the marriage certificate, birth certificate, and United States passports submitted as exhibits.

Petitioner and his spouse also maintain a stable residence in Miami, Florida pursuant to a written residential lease. Petitioner's spouse is employed and has provided paystubs showing that she is able to support the household and receive Petitioner upon release.

The release plan is concrete and verifiable. If released, Petitioner will reside with his wife and child at the family residence, comply with all court and immigration requirements, report to ICE or other authorities as directed, and continue pursuing lawful immigration relief.

V. PETITIONER IS THE BENEFICIARY OF A PENDING FORM I-130 PETITION

USCIS has accepted and receipted a Form I-130 Petition for Alien Relative filed by Petitioner's United States citizen spouse. This evidence is highly relevant because it demonstrates that Petitioner has a lawful family-based immigration pathway and a strong reason to comply with all proceedings rather than evade them.

The pending I-130 does not itself grant immigration status, but it is compelling evidence of a bona fide family relationship and of Petitioner's intent to pursue available immigration relief through lawful channels.

VI. PETITIONER PRESENTS NO MEANINGFUL FLIGHT RISK OR DANGER

Petitioner has no criminal history. Petitioner has appeared for immigration-related appointments and proceedings. Petitioner has not attempted to flee or evade the process. His family ties, stable residence, pending I-130 petition, and desire to reunite with and support his wife and infant daughter all strongly support a finding that he will comply with any conditions of release.

Any concern about appearance can be addressed through reasonable conditions of supervision. Detention is not the least restrictive or necessary means to ensure compliance where a stable family residence, financial support, and community ties are available.

VII. CONTINUED DETENTION CAUSES SEVERE FAMILY HARDSHIP

Petitioner's detention imposes serious hardship on his United States citizen spouse and infant daughter. His wife is left to maintain the household, work, provide financial support, and care for their infant child alone. Their daughter is at a critically dependent age and needs the emotional support and physical presence of both parents.

Petitioner has also suffered emotional distress and depression because he cannot help his wife or care for his daughter while detained. The harm is ongoing and cannot be fully remedied later.

VIII. RELIEF REQUESTED

For these reasons, Petitioner respectfully requests that the Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release from custody under appropriate conditions;
3. Alternatively, order an expedited individualized bond hearing or custody redetermination with constitutionally adequate safeguards;
4. Consider the supplemental family and humanitarian evidence submitted with this Reply; and
5. Grant any further relief the Court deems just and proper.

IX. EXHIBIT INDEX

Exhibit	Description
Exhibit A	Declaration of Ysmelis Perez Silva
Exhibit B	Marriage Certificate
Exhibit C	Birth Certificate of United States Citizen Child
Exhibit D	United States Passport of Spouse
Exhibit E	United States Passport of Minor Child
Exhibit F	USCIS Form I-130 Receipt Notice
Exhibit G	Residential Lease Agreement
Exhibit H	Paystubs / Proof of Employment and Financial Support
Exhibit I	UPS Delivery Confirmation for Prior Submission, if available

Respectfully submitted,

Date: 05/28/2026



YORKY IZQUIERDO ALCANTARA



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