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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

YALFRISON ENRIQUE DURAN
RODRIGUEZ

Petitioner,

vs.

CHRISTOPHER J. LAROSE, et al

Respondents.

Case No.: 3:26-cv-02507-CAB-DEB

**RESPONSE TO ORDER TO
SHOW CAUSE RE: RELATED
HABEAS PETITION
AND EXPLANATION OF
DIFFERENCES FROM PRIOR
HABEAS CASE**

RESPONSE TO ORDER TO SHOW CAUSE

Petitioner, through undersigned counsel, respectfully submits this Response to the Court's Order to Show Cause dated May 4, 2026 [Dkt. 4]. The Order directs Petitioner's counsel to show by May 8, 2026: (1) how the Petition in this case differs from the previously filed habeas petition in *Duran-Rodriguez v. Noem*, No. 3:25-cv-3096-CAB-DEB (S.D. Cal.), and (2) why the current Petition omitted reference to the prior habeas case.

1 The omission was inadvertent and was not intended to mislead the Court.
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3 Petitioner did not inform undersigned counsel that a prior habeas petition had been
4 filed or granted, nor did he inform counsel of the existence of any prior federal
5 habeas litigation. Petitioner does not speak English and, while in immigration
6 detention, communication with counsel has been limited. These circumstances
7 materially impeded counsel's ability to elicit complete procedural history from
8 Petitioner prior to filing. Upon learning of the prior matter from the docket and the
9 filings in this case, counsel promptly prepared this response to clarify the record
10 and address the Court's concerns.
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14 As reflected in the Court's Order and the Notice of Related Case filed by
15 Respondents, the prior habeas action resulted in an order requiring that Petitioner
16 receive a bond hearing under 8 U.S.C. § 1226, and Petitioner thereafter received a
17 bond hearing on January 5, 2026. The relief granted in the prior case was therefore
18 limited to requiring that a bond hearing occur.
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21 Because undersigned counsel was not counsel of record in the prior habeas
22 matter and has limited access to Petitioner and the administrative record, Petitioner
23 is not presently in possession of the transcript, audio recording, or written custody
24 determination from the January 5, 2026, bond hearing. To the extent the Court
25 deems it relevant to the Order to Show Cause and to whether any issues were fully
26 remedied by the prior order, Petitioner respectfully requests that Respondents
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1 lodge or produce the bond-hearing record (including any written decision) so the
2 Court may evaluate the nature and scope of the hearing afforded.
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4 **HOW THIS PETITION DIFFERS FROM THE PRIOR**
5 **HABEAS CASE**

6 1. **Different posture and ongoing injury.** The prior habeas petition
7 sought, and obtained, an order requiring a bond hearing. The current Petition is
8 filed after that bond hearing occurred and challenges Petitioner's continued
9 detention and the legal framework being applied to deny meaningful custody
10 review.
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13 2. **Different legal focus.** The current Petition focuses on the
14 government's continued reliance on recent BIA precedent and related agency
15 classification decisions to foreclose bond eligibility and meaningful review,
16 including the misapplication of detention authority under 8 U.S.C. §§ 1225(b)(2)
17 and 1226(a), and the due process implications of detention without individualized
18 adjudication.
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22 3. **Additional causes of action and relief.** In addition to habeas relief,
23 the current Petition includes a claim for relief under the Administrative Procedure
24 Act based on final agency action that is alleged to be arbitrary, capricious, and
25 contrary to law. The requested relief includes declaratory and injunctive relief
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1 aimed at preventing continued detention without a lawful custody determination
2 and clarifying the governing statutory framework.
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4 **4. Material facts and arguments not addressed by the prior order.**

5 The prior habeas order, by providing a bond hearing, did not resolve the statutory
6 and constitutional questions presented here regarding detention authority, the
7 scope of Immigration Judge jurisdiction, and the legality of categorical rules that
8 foreclose bond eligibility without individualized findings.
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11 For the foregoing reasons, Petitioner respectfully requests that the Court find
12 that the omission of the prior habeas action was inadvertent and made in good faith
13 based on limited communication with a non-English-speaking detained client, and
14 that the Court discharge the Order to Show Cause. To the extent the Court prefers,
15 Petitioner will promptly file an amended petition expressly referencing the prior
16 habeas case and clarifying the procedural history. Petitioner stands ready to file
17 such an amended petition within three (3) days of any order directing amendment.
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21 Respectfully submitted on May 4, 2026

22 /s/ Marcelo Gondim

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2026, I electronically filed the foregoing RESPONSE TO ORDER TO SHOW CAUSE RE: RELATED HABEAS PETITION AND EXPLANATION OF DIFFERENCES FROM PRIOR HABEAS CASE by using the CM/ECF system, in accordance with U.S. District Court for the Southern District of California's CM/ECF Administrative Procedures and Local Rules. Notice of this filing will be sent out to all parties by operation of the Court's electronic filing system.

/s/ Marcelo Gondim

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