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11 UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 DOUGLAS NELSON HERRERA GUILLEN

TRAVERSE

14 Petitioner,

15 vs.

16 JEREMY CASEY, WARDEN OF IMPERIAL
REGIONAL ADULT DETENTION FACILITY;

Case No. 3:26-cv-2509

17 DAVID MARIN, DIRECTOR OF LOS
18 ANGELES FIELD OFFICE, U.S.
19 IMMIGRATION AND CUSTOMS
ENFORCEMENT;

20 KRISTI NOEM, SECRETARY OF THE U.S.
21 DEPARTMENT OF HOMELAND SECURITY;
22 AND

23 PAM BONDI, ATTORNEY GENERAL OF
THE UNITED STATES,

24 IN THEIR OFFICIAL CAPACITIES,

25 Respondents

26
27
28 TRAVERSE - 1

1 **REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

2 Petitioner Douglas Nelson Herrera Guillen respectfully submits this Reply in support of
3 his Petition for Writ of Habeas Corpus.

4 1. Respondents' response does not oppose the central relief sought in the petition.
5 They do not defend the legality of Petitioner's continued detention under the framework
6 previously applied to him, do not contest that he appears to be bond-eligible under 8 U.S.C. §
7 1226(a), and do not offer any case-specific basis justifying his continued detention while they
8 request additional time. Instead, Respondents simply state that they do not oppose an order
9 directing a bond hearing under § 1226(a) and ask for 14 days to provide that hearing.

10 2. That concession is dispositive. The petition alleges that Petitioner is a long-term
11 interior resident who entered the United States in 2002, has no criminal history, was placed in
12 ordinary removal proceedings under INA § 212(a)(6)(A)(i), and was denied any meaningful
13 individualized bond determination after two bond hearings were marked withdrawn rather than
14 adjudicated on danger or flight risk. Respondents do not meaningfully dispute those allegations.
15 Nor do they defend the lawfulness of the no-bond detention Petitioner has already endured. Their
16 response therefore leaves no basis on which Petitioner's continued confinement can be justified.

17 3. Under these circumstances, **immediate release is the only meaningful relief.**
18 Respondents have effectively conceded that Petitioner should be treated as eligible for custody
19 review under § 1226(a), yet they offer no valid justification for why he should remain
20 incarcerated for another two weeks while awaiting the process he should have received long ago.
21 Habeas exists to remedy unlawful restraint on liberty. Where the government does not defend the
22 legality of the detention already imposed and identifies no lawful basis for continuing it, the
23 Court should not reward that error with further delay.

24 4. The government's request for 14 additional days should therefore be rejected.
25 Respondents cite only generalized "heavy caseloads and staffing levels," not any Petitioner-
26 specific circumstance warranting two more weeks of detention. Administrative convenience
27

1 cannot justify prolonging an ongoing deprivation of liberty, particularly where Respondents now
2 acknowledge that Petitioner is entitled to a § 1226(a) hearing.

3 5. If the Court is not inclined to order immediate release, any bond hearing must be
4 ordered promptly and structured to avoid perpetuating the same constitutional defect. As the
5 petition explains, Petitioner was previously denied any meaningful individualized bond
6 determination after the proceedings were effectively treated as unavailable to him based on his
7 entry without inspection. A hearing that merely repeats that same error would not remedy the
8 violation; it would extend it.

9 6. Accordingly, any custody determination ordered by this Court should require that:

10 (1) the hearing be held under 8 U.S.C. § 1226(a) within seven days;

11 (2) the government bear the burden of proving by clear and convincing evidence that
12 continued detention is necessary;

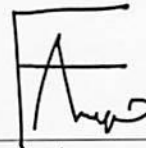
13 (3) less restrictive alternatives be meaningfully considered; and

14 (4) if the hearing is not timely held, Petitioner be released forthwith.

15
16 7. For these reasons, the Court should grant the petition and order Petitioner's
17 immediate release. In the alternative, the Court should order a prompt, constitutionally adequate
18 custody determination under § 1226(a) consistent with the requirements set forth above.

19
20 DATED: May 4, 2026

21 Respectfully Submitted,

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