

1 Frances Arroyo #276747
2 Los Angeles Legal Advocates
3 farroyo@lalegaladvocates.com
4 1025 W 190th St
5 Suite 400
6 Gardena, CA 90248

7 Natalie Renee Shepherd
8 Of Counsel
9 (805) 907-5309
10 NatalieReneeShepherd@gmail.com

11 *Attorneys for Petitioner*

12 UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
14

15 **NORMA MARTINEZ,**

16 Petitioner,

17 vs.

18 **JEREMY CASEY, WARDEN OF**
19 **IMPERIAL REGIONAL DETENTION**
20 **FACILITY,**

21 **GREGORY J. ARCHAMBEAULT, IN**
22 **HIS OFFICIAL CAPACITY AS SAN**
23 **DIEGO FIELD OFFICE DIRECTOR,**
24 **ICE ENFORCEMENT AND REMOVAL**
25 **OPERATIONS;**

26 **KRISTI NOEM, SECRETARY OF**
27 **THE U.S. DEPARTMENT OF**
28 **HOMELAND SECURITY; AND**

PAM BONDI, ATTORNEY GENERAL
OF THE UNITED STATES,

IN THEIR OFFICIAL CAPACITIES,

Respondents

PETITIONER'S TRAVERSE

Case No. 3:26-cv-02531-JES-SBC

1 1. Petitioner respectfully submits this reply in support of the Petition for
2 Writ of Habeas Corpus.

3 2. Respondents do not defend the legality of Petitioner's detention. They
4 do not argue that detention is authorized under any statute, do not respond to
5 Petitioner's due process arguments, and do not assert that continued confinement is
6 necessary to prevent flight or danger. Instead, Respondents state only that they do
7 not oppose a bond hearing under 8 U.S.C. § 1226(a). That is not a defense of
8 detention. It is a concession that Respondents cannot justify continued
9 confinement. Where the government fails to justify continued confinement, habeas
10 relief must follow.

11 3. That failure is dispositive. The Petition establishes that Petitioner's
12 detention rests on an unlawful statutory framework and violates the Fifth
13 Amendment. Respondents do not contest those arguments. They do not argue that
14 § 1225 applies. They do not argue that detention is authorized under § 1226. They
15 do not identify any evidence supporting detention. And they do not rebut
16 Petitioner's showing of ongoing constitutional harm. In short, there is no asserted
17 basis in the record on which continued detention can be sustained. Where the
18 government offers no legal or factual basis for detention, there is nothing left for
19 the Court to adjudicate.

20 4. Respondents' request for a bond hearing does not cure that defect. A
21 bond hearing presupposes that detention is lawful and merely requires procedural
22 review. But that is not this case. Petitioner challenges the government's authority
23 to detain her at all. Where detention is unlawful from its inception, additional
24 process cannot cure it. The writ of habeas corpus exists to secure release from
25 unlawful custody—not to provide the government a second opportunity to justify
26 detention it has already failed to defend.

1 5. Courts confronted with this exact posture do not order further
2 process—they order release. See, e.g., Order Granting Unopposed Petition for Writ
3 of Habeas Corpus, *Poveda Bermudez v. Semaia*, No. EDCV 26-01711 (C.D. Cal.
4 Apr. 26, 2026) (granting immediate release where Respondents did not oppose
5 relief). In such circumstances, a hearing would serve only to delay relief while
6 perpetuating an already unlawful deprivation of liberty. That is particularly true
7 where, as here, Respondents have not identified any facts suggesting that detention
8 is necessary or justified.

9 6. If the Court considers a bond hearing as an alternative form of relief,
10 that hearing must be structured to remedy the constitutional violation, not repeat it.
11 Any such hearing is necessarily secondary to the primary remedy of release and
12 must not serve as a substitute for it. At a minimum, the Court should require that
13 (1) the Government bear the burden of proof, (2) by clear and convincing evidence,
14 (3) based on reliable and current information, and (4) with meaningful
15 consideration of less restrictive alternatives to detention. Respondents do not
16 oppose these safeguards, and they are required to ensure that any custody
17 determination satisfies due process.

18 7. Immediate release is the only meaningful remedy. The government
19 has chosen not to defend the legality of detention, has not rebutted Petitioner's
20 constitutional claims, and has not offered any basis—statutory, factual, or
21 evidentiary—for continued confinement. In the absence of any asserted
22 justification, continued detention cannot be sustained.

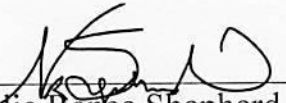
23 8. For these reasons, the Court should grant the Petition and order
24 Petitioner's immediate release. In the alternative, the Court should order a prompt,
25 constitutionally adequate custody determination consistent with the requirements
26 set forth above.

27 DATED: April 28, 2026

Respectfully Submitted,



Frances Arroyo #276747
Los Angeles Legal Advocates
farroyo@lalegaladvocates.com
1025 W 190th St
Suite 400
Gardena, CA 90248



Natalie Renee Shepherd
Of Counsel
(805) 907-5309
NatalieReneeShepherd@gmail.com