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9 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
10 **San Diego Division**

11 ABELINO PEREZ ALVAREZ

12 **Petitioner,**

13 **v.**

14 CHRISTOPHER J. LAROSE, Senior
Warden Core Civic, Otay Mesa, CA.;
15 PATRICK DIVVER, San Diego Field
Office Director, Immigration and
16 Customs Enforcement and Removal
Operations (ICE/ERO); TODD LYONS,
17 Acting Director of Immigration and
Customs Enforcement (ICE); MARK.
18 MULLIN, Acting Secretary of the
Department of Homeland Security,
19 TODD BLANCHE, Acting Attorney
GENERAL OF THE UNITED STATES,
20

21 **Respondents.**

Case No: 26-cv-02566-LL-DEB
Agency No. 

**PETITIONER'S TRAVERSE
IN REPLY TO RESPONDENTS'
RETURN**

Expedited Hearing Requested

Petitioner's Traverse in Reply to Respondent's Return

Comes now, Petitioner, Abelino PEREZ ALVAREZ, by and through counsel, hereby submits Petitioner's Traverse in Reply to Respondents' Return.

A bond hearing in 14 days of order not satisfactory:

Petitioner's Petition seeks immediate release from DHS custody because Petitioner's continued custody status violates Petitioner's rights to due process and is in violation of the law.

Respondents' return indicates that Respondents agree that Petitioner is not subject to mandatory custody and should be provided a bond hearing before an immigration judge but asks that the court allow the immigration court 14 days to schedule the bond hearing from the date the Court issues its order granting the Petition.

Petitioner appreciates Respondents' candor and concession that Petitioner is not subject to mandatory custody and should have a bond hearing held for his benefit.

However, Petitioner's Return does not contest Petitioner's assertion of facts nor address Petitioner's argument in his Petition that Petitioner should be released immediately because Petitioner's continued custody status is presumptively in excess of the presumptive maximum of 180 days and has become punitive.

In light of Respondents' failure to respond to Petitioner's assertion that his continued custody status has become punitive, Petitioner will proceed under the assumption that Respondents do not contest Petitioner's assertion.

Petitioner's immediate release, rather than being provided a bond hearing in a few weeks is the appropriate remedy. See *E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 1324 (W.D. Wash. 2025).

A post-deprivation hearing, in a few weeks, which might or might not result

