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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Luis Alberto JAIMES RIVERA,

Petitioner,

v.

Patrick DIVVER, et al,

Respondents

Case No. 3:26-cv-02578-JAO-SBC

**PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE TO
PETITION**

Petitioner respectfully submits this Reply in support of his Petition for Writ of Habeas Corpus and requested emergency relief.

Respondents state that they do not oppose the petition because controlling authority in this District requires relief under materially indistinguishable facts. Although Respondents preserve their position that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), they acknowledge that this Court and courts in this District have repeatedly reached the opposite conclusion. Under

that governing precedent, Petitioner is entitled to relief. The only issue remaining before the Court is the appropriate form and timing of that relief.

Petitioner seeks immediate release based on the undisputed record. Respondents do not contest any of the material facts underlying Petitioner's detention. They do not contest that Petitioner was arrested without a warrant, has been detained without any individualized custody determination, that he has no criminal history, and that he has lived at liberty in the United States for over a year with strong community ties. Nor do Respondents identify any changed circumstances that would justify his continued detention.

Respondents contend that Petitioner's parole under 8 U.S.C. § 1182(d)(5) was terminated under 8 C.F.R. § 212.5(e)(2)(i), yet they concede that they lack sufficient information about that termination. More critically, they fail to identify any materially changed circumstances that would justify revoking Petitioner's liberty.

The complete absence of factual dispute or evidentiary support distinguishes this case from those in which courts have ordered bond hearings as an initial remedy. This case arises from the government's abrupt revocation of Petitioner's long-settled liberty without justification or due process.

Respondents request that, if the Court orders a bond hearing under 8 U.S.C. § 1226(a), it allow fourteen days to conduct that hearing. That request should be rejected. Where, as here, Respondents acknowledge that controlling authority requires relief and offer no factual or evidentiary basis to justify continued detention, a delayed bond hearing would only prolong the very constitutional violation this Court is asked to remedy. Petitioner has already been subjected to

ongoing detention without constitutionally adequate process, and each additional day of confinement constitutes irreparable harm.

Here, Respondents have not identified any individualized basis to justify Petitioner's detention—and have not attempted to do so—and courts in this District have repeatedly ordered immediate release, not merely a bond hearing. See, e.g., *Rameau v. LaRose*, No. 3:26-cv-01439-CAB-SBC, Order Granting Writ of Habeas Corpus (S.D. Cal. Mar. 19, 2026); *Cetinkaya v. Bondi*, No. 3:26-cv-01455-RBM-SBC, Order Granting Petition for Writ of Habeas Corpus (S.D. Cal. Apr. 15, 2026); *Garcia v. Noem*, No. 3:25-cv-03759-LL-BLM, Order at 6–7 (S.D. Cal. Jan. 26, 2026); *Barreras Granado v. Casey*, No. 3:26-cv-01377-LL-DEB, Order at 3–4 (S.D. Cal. Mar. 19, 2026).

At a minimum, Respondents' request for fourteen days to provide a bond hearing is unsupported. Administrative burden and staffing constraints do not justify continued detention in violation of the Constitution. If the Court determines that a custody hearing is appropriate, such relief should be ordered on an expedited basis and within a matter of days—not weeks—and with the burden placed on Respondents to demonstrate that Petitioner poses a flight risk or danger to the community.

Accordingly, because Respondents do not oppose the petition under controlling authority, do not dispute the material facts, and have offered no justification for Petitioner's continued detention, the Court should grant the petition and order Petitioner's immediate release. In the alternative, the Court should order a prompt and constitutionally adequate custody determination.

Dated: May 1, 2026

Respectfully submitted,

/s/ Rose M. Thompson

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