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

**YORDANI TELLEZ TORRES**

Case No. 3:26-cv-02650-DMS-VET

Petitioner,

v.

JEREMY CASEY, WARDEN,  
IMPERIAL REGIONAL DETENTION  
FACILITY; JESUS ROCHA, ACTING  
FIELD OFFICE DIRECTOR, UNITED  
STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT, ICE  
SAN DIEGO FIELD OFFICE; TODD  
M. LYONS, ACTING DIRECTOR,  
UNITED STATES IMMIGRATION  
AND CUSTOMS ENFORCEMENT;  
MARKWAYNE MULLIN,  
SECRETARY, UNITED STATES  
DEPARTMENT OF HOMELAND  
SECURITY; AND TODD W.  
BLANCHE, ACTING ATTORNEY  
GENERAL,

Respondents.

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

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I.

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

Petitioner Yordani Tellez Torres, through counsel, submits the Petitioner's Reply to the Respondents' Response to Petition, pursuant to this Court's Order of April 27, 2026.

On April 27, 2026, Mr. Tellez Torres, through counsel, filed a Petition for Writ of Habeas Corpus, Pursuant to 28 U.S.C. § 2241, with the United States District Court for the Southern District of California. In his habeas petition, Mr. Tellez Torres, through counsel, argued that his prolonged, mandatory detention in the Respondents' custody without an individualized bond hearing deprived him of his rights under the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V. Mr. Tellez Torres, through counsel, asked the Court to issue an Order, declaring that his unreasonably prolonged detention by the Respondents violates the Due Process Clause of the Fifth Amendment. He requested that the Court order his immediate release from the Respondents' custody, unless the Respondents provided an individualized bond hearing to him before a neutral decisionmaker within seven days.

Mr. Tellez Torres, through counsel, urged the Court to impose the following requirements for his individualized bond hearing before a neutral adjudicator:

- A requirement that the Respondents justify his continued confinement through clear and convincing evidence that he poses a risk of flight or a danger to the community if federal immigration officials release him from detention, see Sandesh v. Larose, U.S.D.C. No. 26-cv-0846-JES-DDL, \_\_ F. Supp. 3d \_\_, 2026 U.S. Dist. LEXIS 45941, at \*14-\*15 (S.D. Cal. Mar. 4, 2026); and

- An order that a neutral decisionmaker consider alternative conditions of release and his ability to pay a bond if the adjudicator determines that his release on bond is warranted. See id. at \*16; see also Hernandez v. Sessions, 872 F.3d 976, 993-94 (9th Cir. 2017).

On April 27, 2026, the Court required the Respondents to show cause why the Petition should not be granted on or before May 4, 2026. On May 4, 2026, the Respondents, through counsel, filed their Response to Petition in the above-captioned matter. The Response asserted that the “Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)[.]” but acknowledged that “courts in this District have repeatedly inferred a constitutional right against prolonged mandatory detention.” Response, at p. 1. The Respondents, through counsel, accounted for “those prior rulings and the length of time Petitioner has been in custody[.]” and conceded that “Court should order that Petitioner receive an individualized bond hearing, where the government would bear the burden of proof of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight[.]” if released from detention. Id., at pp. 1-2.

As the Respondents do not contest Mr. Tellez Torres’ claim that his prolonged, mandatory detention in the Respondents’ custody violates the Fifth Amendment, Mr. Tellez Torres, through counsel, asks the Court to grant his habeas petition, and to order the Respondents to provide an individualized bond hearing for him before a neutral adjudicator within seven days. He asks that the Court require the Respondents to justify his continued confinement through clear and convincing evidence that he poses a risk of flight or a danger to the community if federal immigration officials release him from detention. See Singh v. Holder, 638 F.3d 1196, 1203 (9th Cir. 2011) (requiring the Government to prove “by clear and convincing evidence that an alien is a flight risk or a danger to the community” to justify a noncitizen’s continued, prolonged detention in federal immigration

PETITIONER’S REPLY TO THE RESPONDENTS’ RESPONSE TO PETITION

1 custody, due to the “substantial liberty interest at stake” in the detainee’s  
2 circumstances); see also Martinez v. Clark, 124 F.4th 775, 785 (9th Cir. 2024)  
3 (stating that “the BIA properly noted that the government bore the burden to  
4 establish by clear and convincing evidence that Martinez is a danger to the  
5 community” during a bond hearing for a noncitizen detained under 8 U.S.C. §  
6 1226(c)); Sandesh, 2026 U.S. Dist. LEXIS 45941, at \*14-\*15 (applying the legal  
7 standards set forth in Singh and in Martinez to a bond hearing for a noncitizen who  
8 faced unreasonably prolonged detention in ICE custody); Gao v. LaRose, 805 F.  
9 Supp. 3d 1106, 1112 (S.D. Cal. 2025) (same); Kydyrali v. Wolf, 499 F. Supp. 3d  
10 768, 774 (S.D. Cal. 2020) (same). Mr. Tellez Torres, through counsel, reiterates  
11 his request that the Court order a neutral decisionmaker to consider alternative  
12 conditions of release and his ability to pay a bond if the adjudicator determines that  
13 his release on bond is warranted. See Sandesh, 2026 U.S. Dist. LEXIS 45941, at  
14 \*16; see also Hernandez, 872 F.3d at 993-94.

15  
16 Mr. Tellez Torres, through counsel, further requests that the Court order the  
17 Respondents to file a Notice of Compliance within five days of the date of his  
18 individualized bond hearing, which apprises the Court of the results of the hearing.  
19 See Sandesh, 2026 U.S. Dist. LEXIS 45941, at \*16. He asks the Court to direct  
20 his immediate release from the Respondents’ custody if the Respondents fail to  
21 provide him with an individualized bond hearing within seven days. Finally, Mr.  
22 Tellez Torres, through counsel, asks the Court to grant the remaining relief that he  
23 has requested in his habeas petition.

II.

**CONCLUSION**

For the reasons set forth above, and for the reasons previously stated in the Petition for Writ of Habeas Corpus, Pursuant to 28 U.S.C. § 2241, Petitioner Yordani Tellez Torres, through counsel, asks this Court for an Order granting his habeas petition, and directing the Respondents to provide an individualized bond hearing before a neutral adjudicator within seven days. At that hearing, the Government shall bear the burden of establishing by clear and convincing evidence that Mr. Tellez Torres is a danger to the community or a flight risk if he is released from detention, and the adjudicator must consider alternative conditions of release and Mr. Tellez Torres' ability to pay bond if he or she determines that Mr. Tellez Torres' release on bond is warranted. Mr. Tellez Torres, through counsel, asks this Court to grant the remaining relief that he has requested in his habeas petition.

Respectfully Submitted,

Dated: May 5, 2026

/s/ Lori B. Schoenberg

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