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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SCARLETH JUNIETH RODRIGUEZ
PACHECO,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, CHRISTOPHER LAROSE,
Warden of Otay Mesa Detention Center,

Respondents.

Case No.: 26-cv-2621-BTM-DEB

**Traverse in Support of Unopposed
First Amended Petition for Writ of
Habeas Corpus**

In her First Amended Petition, Ms. Rodriguez Pacheco explained that she received conditional parole under 8 U.S.C. § 1226 in spring 2022, had complied with all her conditions, and had a pending asylum application. She thus explained that her immigration arrest on February 1, 2026, violated due process, and requested her immediate release onto her existing parole conditions. ECF No. 7.

1 In response, the government stated its legal position, but then also
2 “acknowledg[e]d that this Court’s prior decisions will control the result here if
3 the Court adheres to its prior decisions, as the facts are not materially
4 distinguishable for purposes of the Court’s decision, and on that basis the
5 government does not oppose the petition and defers to the Court on the
6 appropriate relief.” ECF No. 9 at 2.

7 As this Court recently explained, the proper remedy in this situation is for
8 “Respondents [to be] ordered to immediately release Petitioner from custody
9 under any preexisting conditions of her conditional parole.” *Brizo v. Director,*
10 *Imperial Regional Adult Detention Facility*, No. 26-cv-2664-BTM-DDL, 2026
11 WL 1218399, *1 (S.D. Cal. May 4, 2026).

12 Ms. Rodriguez Pacheco thus requests this Court grant her requested relief:

- 13 1. Order Respondents to immediately release Petitioner from custody
14 under the same conditions of her conditional parole¹;
15 2. Order Respondents to return all property obtained from Petitioner during
16 her recent arrest; and
17 3. Order Respondents to not cause Petitioner to be re-detained during
18 the pendency of her removal proceedings without prior leave of this
19 Court.

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21
22 Respectfully submitted,

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24 Dated: May 21, 2026

s/ Jessie Agatstein

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27 ¹ In her amended petition, counsel inadvertently referred to her “humanitarian
28 parole” in the prayer for relief. This was incorrect, as Ms. Rodriguez Pacheco was
released on conditional parole, as explained in the body of the amended petition.