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

11  
12 DOMINGO ALONSO VELASQUEZ,

13 Petitioner,

14 v.

15 CHRISTOPHER LAROSE, et al.,

16 Respondents.  
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Case No.: 26-cv-02715-JES-GC

**RESPONSE TO MOTION TO  
ENFORCE JUDGMENT**

1 Petitioner has filed second a habeas petition under 28 U.S.C. § 2241. For the  
2 reasons below, Respondents ask the Court to deny Petitioner’s habeas petition.

3 **I. FACTUAL BACKGROUND**

4 Petitioner filed a previous habeas petition, No. 26-cv-400-RSH-BJW, where this  
5 Court granted said petition and ordered a bond hearing under 8 U.S.C. § 1226(a) before  
6 an Immigration Judge (IJ). Petitioner was provided a bond hearing in compliance with  
7 the order. *See* Exhibit 1 (IJ Order); *see also* Exhibit 2 (Bond Memorandum).

8 The IJ denied bond, finding that “the [Petitioner] poses an extreme flight risk such  
9 that no amount of bond would secure his presence at subsequent hearings and, therefore,  
10 denied the [Petitioner]’s request for a change in his custody status.” *See* Exhibit 2 at 1. In  
11 her decision, pursuant to *Matter of Guerra*, the IJ took into account “the positive equities  
12 that weigh in the [Petitioner]’s favor, including his time in the United States, his  
13 community ties, and his lack of a criminal record” but could not “ignore the [Petitioner]’s  
14 minimal chances of relief regarding his merits case, given that an Immigration Judge  
15 denied the respondent’s asylum application on March 5, 2025;” that while “actively  
16 appealing and moving to reopen proceedings, the respondent’s case nevertheless remains  
17 speculative at this juncture, and the [Petitioner]’s limited chances of relief negatively  
18 impact his probability of complying with future court directives” and that Petitioner  
19 “named his son as his purported sponsor with whom he would reside, even though his  
20 son does not have any lawful status to remain in the United States and [Petitioner]’s  
21 counsel confirmed that the [Petitioner]’s son was a rider in the respondent’s case-in-chief,  
22 which was ultimately denied.” *See id.* at 2.

23 As such, the IJ denied Petitioner’s bond re-determination request. *See* Exhibit 2.  
24 Petitioner timely filed an appeal of the IJ order denying bond to the Board of Immigration  
25 Appeals (BIA). *See* Exhibit 3. That appeal remains pending. *See id.* Petitioner has been  
26 detained since around July 22, 2025, that is, for less than 10 months.

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1 **II. ARGUMENT**

2 **A. Respondent’s Complied with the Court’s Order.**

3 Petitioner claims that Respondents violated this Court’s order because the bond  
4 hearing provided by Respondents was constitutionally defective. However, contrary to  
5 Petitioner’s claim, Respondent’s complied with the order.

6 As stated above, the IJ then properly pointed out and analyzed why the Petitioner  
7 failed to meet his burden to show he was not a flight risk. As such, Respondent’s did not  
8 violate the District Court’s order, and provided Petitioner with a bond hearing pursuant to  
9 8 U.S.C. § 1226(a).

10 **B. Administrative Remedies Should Be Exhausted.**

11 The Court should ensure Petitioner properly exhausts administrative remedies. The  
12 Ninth Circuit requires that “habeas petitioners exhaust available judicial and  
13 administrative remedies before seeking relief under § 2241.” *Castro–Cortez v. INS*, 239  
14 F.3d 1037, 1047 (9th Cir. 2001). “When a petitioner does not exhaust administrative  
15 remedies, a district court ordinarily should either dismiss the petition without prejudice  
16 or stay the proceedings until the petitioner has exhausted remedies, unless exhaustion is  
17 excused.” *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011); *see also Alvarado*  
18 *v. Holder*, 759 F.3d 1121, 1127 n.5 (9th Cir. 2014) (issue exhaustion is a jurisdictional  
19 requirement); *Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (no jurisdiction to  
20 review legal claims not presented in the petitioner’s administrative proceedings before  
21 the BIA).

22 Here, Petitioner was already provided with a bond hearing where the IJ considered  
23 Petitioner a flight risk and denied bond. Petitioner timely filed an appeal before the Board  
24 of Immigration Appeals (BIA). *See* Exhibit 3 (Bond Appeal Receipt). That bond appeal  
25 remains pending with the BIA. Accordingly, the Court should dismiss without prejudice  
26 or stay these proceedings until the bond appeal is decided before the BIA.

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1 **C. Petitioner’s Detention is Not Unconstitutionally Prolonged.**

2 Courts in this district have applied the test in *Lopez v. Garland*, 631 F. Supp. 3d  
3 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801, at \*5 (“[W]hile  
4 the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-suited to determining  
5 whether due process requires a second bond hearing, they are not particularly dispositive  
6 of whether prolonged mandatory detention has become unreasonable in a particular  
7 case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-JLB, ECF No. 10 at 7 (S.D.  
8 Cal. Oct. 22, 2025) (considering a similar claim and finding “the three-factor balancing  
9 test from *Lopez* . . . provides an appropriate assessment of the possible constitutional  
10 implications of Petitioner’s ongoing detention without process.”).

11 Under *Lopez*, to determine whether continued mandatory detention has become  
12 unreasonable, “the Court will look to the total length of detention to date, the likely  
13 duration of future detention, and the delays in the removal proceedings caused by the  
14 petitioner and the government.” 631 F. Supp. 3d at 879.

15 First, Petitioner has been detained for less than 10 months. Courts in this district  
16 have found detention for much longer periods to be unreasonably prolonged. *See Durand*  
17 *v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at \*5 (S.D. Cal. Feb. 21, 2024)  
18 (32 months); *Sibomana*, 2023 WL 3028093, at \*4 (19 months); *Sanchez-Rivera*, 2023  
19 WL 139801 at \*6 (three years); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 773 (S.D. Cal.  
20 2020) (27 months); *Yagao*, 2019 WL 1429582, at \*1 (42 months). The length of detention  
21 “is the most important factor.” *Sanchez-Rivera*, 2023 WL 139801, at \*6 (citation  
22 omitted). And Petitioner’s current detention does not fall within the range those courts  
23 have found to be unreasonable. Moreover, the length of Petitioner’s detention, by itself,  
24 does not favor granting habeas relief. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW,  
25 2025 WL 3154520, at \*3 (S.D. Cal. Nov. 12, 2025) (“The Court agrees with Respondents  
26 that the length of Petitioner’s detention to date—almost 12 months—does not by itself,  
27 without more, establish prolonged detention in violation of due process.”).

1 Not only does the length of Petitioner's detention fall comparatively short of the  
2 length courts in this district have found to warrant habeas relief, but the other *Lopez*  
3 factors do not favor habeas relief either. Second, the likely duration of future detention  
4 weighs against Petitioner. Once the 9<sup>th</sup> circuit rules on Petitioner's Petition for Review,  
5 his path to release or removal should be clear. Finally, there is no indication of any delay  
6 in the removal proceedings on the part of the U.S. Department of Homeland Security  
7 (DHS). As such, Petitioner's detention is not unconstitutionally prolonged.

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9 **III. CONCLUSION**

10 For the foregoing reasons, Respondents respectfully request that the Court dismiss  
11 this action.

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14 DATED: May 6, 2026

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15 *s/ Antonio Estrada*  
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