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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUAN CRUZ PEDRAZA,

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 at Otay Mesa Detention Center,

Respondents.

Case No.: 26-cv-2697-LL-MSB

Traverse in Support of Amended Petition for a Writ of Habeas Corpus

In his amended petition, Mr. Cruz Pedraza explained that he had been arrested without an administrative warrant and detained without a bond hearing in violation of 8 U.S.C. § 1226(a). ECF No. 9; *see id.* at Exhibit A, ¶¶ 4–5. Respondents "acknowledge[] that this Court's prior decisions will control the result here if the Court adheres to its prior decisions, as the facts are not materially distinguishable for purposes of the Court's decision, and on that basis the government does not oppose the petition and defers to the Court on the appropriate relief." ECF No. 10 at 2. Respondents do not allege or show that Mr. Cruz Pedraza was arrested, based on an administrative warrant. *See id.* His

"arrest and detention are therefore unauthorized, and the appropriate remedy for detention that lacks a proper statutory basis under § 1226(a) is release." *Eslid B.G. v. Bondi*, No. 26-cv-5020-RAL, 2026 WL 734992, *6 (D.S.D. Mar. 16, 2026) (collecting cases ordering immediate release when the government cannot show that a petitioner who was arrested in the interior of the United States was arrested pursuant to an administrative warrant); *accord JAACP v. Wofford*, No. 25-cv-1354-KES-SKO, 2025 WL 3013328, *8 (E.D. Cal. Oct. 27, 2025); *Diaz v. Albarran*, No. 25-cv-9837-JSC, 2025 WL 3214972 (N.D. Cal. Nov. 18, 2025); *Chogllo Chafla v. Scott*, 804 F. Supp. 3d 247, 264 (D. Me. 2025).

Mr. Cruz Pedraza thus respectfully requests this Court order his requested relief and issue an order that:

1. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and is instead subject to detention, if at all, pursuant to the discretionary provisions of 8 U.S.C. § 1226.
2. Respondents shall immediately release Petitioner from custody;
3. Respondents shall return to Petitioner any personal property; and
4. If Respondents seek to re-detain Petitioner, they shall either:
   (a) hold a pre-deprivation bond hearing before a neutral arbiter pursuant to section 1226(a) and its implementing regulations, at which Respondents shall demonstrate the issuance of a warrant and at which petitioner's eligibility for bond must be considered, *see, e.g.*, *JAACP*, 2025 WL 3013328 at *8, or,
   (b) provide Petitioner with a hearing and individualized bond determination.

Respectfully submitted,

Date: May 26, 2026

/s/ Jessie Agatstein

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