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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 ANTONIO DE JESUS MENDEZ,
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Petitioner,
v.
MARKWAYNE MULLIN, Secretary of the
Department of Homeland Security; *et al.*,
Respondents.

Case No. 26-cv-02963-BAS-AHG
SUPPLEMENTAL BRIEFING

20 In a June 5, 2026 Minute Order, ECF No. 10, the Court ordered Respondents to
21 “respond to Petitioner’s argument ‘that he had been arrested without an administrative
22 warrant,’ and if so, what the appropriate remedy would be.” However, Petitioner was
23 served with copy of the Warrant for Arrest of Alien and Notice of Custody Determination
24 following his arrest. *See* Exhibit 1.

25 To the extent Petitioner asserts claims under the Fourth Amendment, he fails to
26 explain why release is the remedy for such alleged violations. *United States v. Crews*,
27 445 U.S. 463, 474 (1980) (noting, in the criminal context, that Fourth Amendment’s
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1 “exclusionary principle” “delimits what proof the Government may offer against the
2 accused at trial, closing the courtroom door to evidence secured by official lawlessness,”
3 but an individual “is not himself a suppressible ‘fruit’”); *Cruz v. Barr*, 926 F.3d 1128,
4 1146 (9th Cir. 2019) (releasing petitioner on Fourth Amendment grounds because fruits
5 of the regulatory violation were the only evidence of petitioner’s alienage).

6 Moreover, Fourth Amendment claims related to alienage “belong in front of an
7 Immigration Judge, not a federal district court.” *See Marvan v. Slaughter*, No. CV 25-49-
8 H-DLC, 2025 WL 1940043, at *3 (D. Mont. July 15, 2025) (denying habeas petition
9 challenging detention based on Fourth Amendment violations for lack of subject matter
10 jurisdiction). Petitioner cannot simply “bypass the immigration courts and proceed
11 directly to district court. Instead, [he] must exhaust the administrative process before [he]
12 can access the federal courts.” *Id.* at *4 (quoting *J.E.F.M.*, 837 F.3d at 1029). To the
13 extent Petitioner desires to bring such claims, this district court does not have jurisdiction.
14 Under 8 U.S.C. § 1252(b)(9), “[j]udicial review of all questions of law and fact . . . arising
15 from any action taken or proceeding brought to remove an alien from the United States
16 under this subchapter shall be available only in judicial review of a final order under this
17 section.” Further, judicial review of a final order is available only through “a petition for
18 review filed with an appropriate court of appeals.” 8 U.S.C. § 1252(a)(5).

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20 DATED: June 12, 2026

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