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

12 YENDER JOSE CALDERAS
HERNANDEZ,

13 Petitioner,

14 v.

15 WARDEN, IMPERIAL REGIONAL
DETENTION FACILITY,

16
17 Respondents.
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Case No.: 26-cv-02956-DMS-MMP

SUPPLEMENTAL BRIEFING

20 On May 11, 2026, Petitioner filed habeas petition a under 28 U.S.C. § 2241,
21 seeking release or a bond hearing under 8 U.S.C. § 1226(a). ECF No. 1. The government
22 then filed a response, ECF No. 4. On June 23, 2026, the Court issued an order requesting
23 more facts as to the appropriate relief in this case. ECF No 6. The Court's order then
24 directed Respondents to file supplemental briefing addressing enumerated questions.
25 *Id.* Respondents herein provide a supplemental response pursuant to the Court's order.

26 Given that the Court has found the factual record presented by the habeas petition
27 to be insufficient for adjudication, it should be dismissed. The Supreme Court has held
28 that "[h]abeas Corpus Rule 2(c) is more demanding [than Federal Rule of Civil

1 Procedure 8(a)]. It provides that the petition must ‘specify all the grounds for relief
2 available to the petitioner’ and ‘state the facts supporting each ground.’” *Mayle v. Felix*,
3 545 U.S. 644, 655 (2005) (citing Rules Governing Section 2254 Cases in the United
4 States District Court (“Federal Habeas Rules”); *see also James v. Borg*, 24 F.3d 20, 26
5 (9th Cir. 1994) (“Conclusory allegations which are not supported by a statement of
6 specific facts do not warrant habeas relief.”). As stated by the Advisory Committee’s
7 Note on Habeas Corpus Rule 4, 28 U.S.C., p. 471, “notice pleading is not sufficient, for
8 the petition is expected to state facts that point to a real possibility of constitutional
9 error.”) (internal quotation marks omitted). Here, as already noted by the Court,
10 Petitioner’s habeas petition fails to supply sufficient information for the Court to
11 adjudicate his claims. As such, the Court should deny the petition. *See Alonso Velasquez*
12 *v. LaRose*, No. 25-cv-3216-JES-AHG, 2025 WL 3473773 (S.D. Cal. Dec. 3, 2025)
13 (dismissing without prejudice habeas petition that failed to allege sufficient factual
14 information).

15 To the extent the Court is not inclined to dismiss the petition for the above
16 reasons, the government provides the following information as ordered by the Court.

17 In December 2023, Petitioner unlawfully entered the United States and was
18 apprehended by immigration officials. *See* I-213. On December 10, 2023, Petitioner
19 was issued a Notice to Appear (NTA), charging Petitioner as inadmissible under 8
20 U.S.C. § 1182(a)(6)(A)(i). *See* Exhibit 1 (Notice to Appear). He was subsequently
21 released from immigration custody. At this time undersigned counsel for Respondents
22 has no further information or records regarding Petitioner’s prior release.

23 After legal issues arose related to a DUI and driving without a license, a Form I-
24 200, Warrant for Arrest, administrative warrant was issued for Petitioner on November
25 25, 2025. *See* Exhibit 2 (I-213). He was served with the I-200 and detained on March
26 25, 2026. *See* Exhibit 3 (I-200). Petitioner’s removal proceedings remain ongoing, and
27 he has a master calendar hearing currently set for July 9, 2026.

28 As provided in its response to the petition, it is the government’s position that

1 Petitioner is subject to mandatory detention under § 1225(b)(2). However, the
2 government acknowledges that this Court has repeatedly disagreed with the government
3 under the same and/or similar facts and the government acknowledges that this Court's
4 prior decisions will control the result here if the Court adheres to its prior decisions.
5 Accordingly, on that basis the government does not oppose the petition and asserts that
6 the proper remedy is a bond hearing under 8 U.S.C. § 1226(a). *See Rodriguez Diaz v.*
7 *Garland*, 53 F.4th 1189, 1207-13 (9th Cir. 2022) (finding § 1226(a)'s procedures satisfy
8 due process); *id.* at 1213 ("[T]he Constitution does not 'require the government to
9 undertake every possible effort to mitigate the risk of erroneous deprivation and
10 potential harm to the private party.'" (quoting *Kashem v. Barr*, 941 F.3d 358, 379 (9th
11 Cir. 2019))).

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13 DATED: June 30, 2026

Respectfully submitted,

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