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5
6 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

7 **PEDRO RAMIREZ ANDRES,**

8 Petitioner,

9 v.

10 **Markwayne MULLIN,** Secretary, U.S.
11 Department of
Homeland Security;

12 **Todd LYONS,** Acting Director, U.S.
13 Immigration and Customs Enforcement;

14 **Patrick DIVVER,** Field Office Director, San
15 Diego Field Office, U.S. Immigration and
Customs Enforcement.

16 **Christopher LAROSE,** Senior Warden, Otay
Mesa Detention Center;

17 **Sirce OWEN,** Acting Director of the Executive
18 Office for Immigration Review (EOIR),
U.S. Department of Justice.

19 **Todd BLANCHE,** Acting Attorney General,
20 U.S. Department of Justice.

21 Does 1-2
Respondents.
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23
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Case No.: 26-cv-03366-LL-GC

Agency File No.:

**PETITIONER'S TRAVERSE IN
SUPPORT OF WRIT OF HABEAS
CORPUS**

PETITIONER'S TRAVERSE IN SUPPORT OF WRIT OF HABEAS CORPUS

Petitioner, through undersigned counsel, respectfully submits this Traverse in response to Respondents' June 10, 2026, Reply.

I. INTRODUCTION

On June 3, 2026, Petitioner filed a Petition for Writ of Habeas Corpus challenging his continued detention without a bond hearing under 8 U.S.C. § 1226(a). In their June 10, 2026 Reply, Respondents' expressly concede that:

- Petitioner was previously released from immigration custody on conditional parole issued under 8 U.S.C. § 1226(a).
- Petitioner is currently being held subject to mandatory detention under § 1225(b)(2).
- This Court, and Courts in this District, have repeatedly reached the opposite conclusion under the same and/or similar facts.
- This Court's prior decisions will control result here if the Court adheres to its prior decisions, as the facts are not materially distinguishable for purposes of the Court's decision,
- The government does not oppose the petition.

Accordingly, there is no dispute that Petitioner was improperly denied the bond hearing held pursuant to 8 U.S.C. § 1226(a) to which he was legally entitled. The only remaining issue is the timing and scope of relief.

II. RESPONDENTS CONCEDE PETITIONER SHOULD BE PROVIDED A BOND HEARING

1 Respondents acknowledge that the underlying facts of Petitioner's matter are
2 indistinguishable from prior cases before this court, where it was held that the detainee was entitled
3 to a custody hearing before a neutral fact finder. Respondents' failure to provide Petitioner with a
4 bond hearing constitutes an unlawful deprivation of Petitioner's statutory and due process rights.
5 Respondents' concession confirms that Petitioner's continued detention without a bond hearing
6 was improper.

7 V. CONCLUSION

8 Respondents concede that Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a) and
9 that such hearing has not been provided. The only dispute concerns timing. For the foregoing
10 reasons, Petitioner respectfully requests that this Court:

- 11 a. Assume jurisdiction over this matter;
- 12 b. Issue a writ of habeas corpus;
- 13 c. Declare the Petitioner's detention is unlawful;
- 14 d. Declare that Petitioner's detention is governed by INA § 236(a), not INA § 235(b);
- 15 e. Order Respondents to immediately release Petitioner;
- 16 f. Alternatively order prompt constitutionally compliant bond hearing before a neutral
17 adjudicator within five (5) days;
- 18 g. Award Petitioner attorney's fees and costs as permitted by law; and
- 19 h. Grant any other and further relief that this Court deems just and proper.

20 DATED this 17th Day of June, 2026.

/S/ ANNA M HYSELL
Attorney for Petitioner