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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

WILSER GUERRA RECINOS, <i>Petitioner,</i> v. JEREMY CASEY, Facility administrator at the Imperial Regional Detention Facility, GREGORY J. ARCHAMBEAULT, Director of the U.S. Immigration and Customs Enforcement San Diego Field Office, TODD LYONS, acting Director of U.S. Immigration and Customs Enforcement, KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, and PAM BONDI, U.S. Attorney General.	CIVIL CASE NO.: 26-CV-3404-DMS (JAC) TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
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Mr. Guerra Recinos possesses a protected liberty interest in remaining out of custody

In its Return to Petition, Respondents agree that Petitioner “appears to be a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santa Cruz*, 813 F. Supp. 3d 1084 (C.D. Cal. 2025).” Dkt. No. 6. Thus, Respondents do not oppose an order from this Court directing a bond hearing be held pursuant to 8 U.S.C. §1226(a). *Id.*

Mr. Guerra Recinos agrees that he should not be subject to mandatory custody. However, this Court should order his immediate release rather than ordering a bond hearing before the immigration court. As an individual who has been at liberty in the United States with the knowledge of the immigration authorities since 2003 when he applied for asylum, he has a constitutionally protected liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *see also Sanchez v. LaRose*, No. 25-cv-2396-JES-MMP, 2025 WL 2770629, at * 3 (S.D. Cal. Sept. 26, 2025). At the time of his arrest, he had an employment authorization card, which was valid from 2024 through 2029. His asylum case was previously administratively closed in 2012 and he had been at liberty in the U.S. since that time. He has been law-abiding and has well-established ties to the community, including his two U.S. citizen children, his wife, and his stepdaughter. He and his wife own their home in Phelan, California, and

they run a small business together. They pay taxes and follow the rules. There is no reason for his recent arrest and detention other than the government's sudden and dramatic increase in the use of immigration detention in 2025.

Mr. Guerra Recinos's liberty interest is like the interest of individuals who are paroled into the United States and released to attend removal proceedings. *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025). As articulated in his amended petition for habeas corpus, because he had previously been at liberty within the United States with the knowledge of the immigration authorities, Due Process Requires notice and a hearing prior to his re-detention. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678 (2001). Accordingly, "[i]t is well established that the Fifth Amendment entitles aliens to due process of law in the context of removal proceedings." *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (internal quotation marks omitted) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Due process "requires some kind of a hearing before the State deprives a person of liberty or property." *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).

While the government has discretion to revoke his liberty, it may not do so in a manner that violates Mr. Guerra Recinos's constitutional rights. Because Mr. Guerra Recinos applied for asylum, was granted employment authorization, and had been living and working in the United States for many years, he should be immediately released rather than go before the immigration judge for a bond hearing. *See Maceo-Aguilera v. LaRose*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026); *Escamilla Alvarado v. Casey*, No. 26-cv-2593-JO-BJW (S.D. Cal. May 7, 2026), Dkt. No. 6; *Magana-Hernandez v. Casey*, No. 26-cv-2952-JLS (MSB) (S.D. Cal. May 18, 2026), Dkt. No. 5. Due process requires that he be provided with a pre-deprivation bond hearing prior to his re-detention. *See Valdez v. Joyce*, No. 25 Civ. 4627 (GBD), 2025 WL 1707737, *4 (S.D.N.Y. 2025).

For the foregoing reasons and the reasons laid out in his amended petition, this Court should grant Mr. Guerra Recinos's habeas petition and order his immediate release. If the government wishes to detain Petitioner, the government must provide Petitioner with notice of the reasons for the revocation of his liberty and an opportunity to be heard before a neutral decision maker.

Respectfully submitted,

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Dated: June 15, 2026