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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NORBELI RUBIRAL DE
GONZALEZ- MORALES,

Petitioner,

v.

WARDEN, Imperial Detention Center,
et al.,

Respondents.

Case No. 3:26-cv-03475-RBM-AHG

**TRAVERSE TO HABEAS CORPUS
PETITION**

In response to Petitioner's habeas petition, Respondents contend that Petitioner "appears to be a member of the Bond Eligible Class certified in *Maldonado Bautista*." Response, ECF No. 8 at 2. As Respondents acknowledge, *Maldonado Bautista* is stayed outside the Central District of California. *Id.* As such, Petitioner does not seek relief as a purported class member of the Bond Eligible Class. *See generally* ECF No. 1. Relying on *Maldonado Bautista*, Respondents submit that they "do not oppose an order from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a)." ECF No. 8 at 2. The only appropriate remedy for Petitioner's unlawful detention under § 1225(b)(2) is immediate release.

Beyond their brief assertion that Petitioner is a member of the Bond Eligible Class, Respondents do not contend with any of the arguments or claims Petitioner asserted in his habeas petition, including that his detention under § 1225(b)(2) violates

1 both the Immigration and Nationality Act and the Fifth Amendment's Due Process
2 Clause. Respondents' failure to respond is dispositive of the legal questions raised in
3 the petition. Because Petitioner has been subject to unlawful detention, the after-the-
4 fact bond hearing Respondents propose "cannot serve as an adequate procedural
5 safeguard . . . and cannot prevent an erroneous deprivation of liberty." *Miranda*
6 *Guevara v. Mullin*, No. 3:26-CV-02690-RBM-AHG, 2026 WL 1349068, at *2 (S.D.
7 Cal. May 14, 2026) (Bermudez Montenegro, J.) (citation and internal quotation
8 omitted). This Court has similarly found that where "the discretionary procedures of
9 § 1226 govern Petitioner's detention, [] the Petition must be granted." *Id.*

10 Here, Petitioner's continued confinement without individualized review is
11 arbitrary and serves no legitimate immigration purpose, and each day he is detained is
12 a significant violation of his rights. Thus, he is entitled to immediate release. Release
13 is the traditional remedy for unlawful custody in habeas proceedings. *See Preiser v.*
14 *Rodriguez*, 411 U.S. 475, 484 (1973) ("[T]he traditional function of the writ is to
15 secure release from illegal custody."); *see also Munaf v. Geren*, 553 U.S. 674, 693
16 (2008) ("Habeas is at its core a remedy for unlawful executive detention.");
17 *Ambroladze v. Maldonado*, No. 26-CV-00474 (HG), 2026 WL 280182, at *3
18 (E.D.N.Y. Feb. 3, 2026) (ordering immediate release where continued detention
19 followed a failure of process). This Court has recently concluded that immediate
20 release was the appropriate remedy under similar facts. *Miranda Guevara*, 2026 WL
21 1349068, at *2.

22 Accordingly, this Court should grant the petition and order Petitioner's
23 immediate release.

24 Date: July 20, 2026

Respectfully submitted,

26 /s/ Alexa S. White

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