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

BRIANDA REGINA VALLE,
Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, JEREMY CASEY, Warden at
Imperial Regional Detention Facility,
Respondents.

Civil Case No.: 26-cv-3450-LL-GC

**Traverse in Support of
Petition for Writ
of Habeas Corpus**

**[Civil Immigration Habeas,
28 U.S.C. § 2241]**

1 In her amended petition for a writ of habeas, Ms. Regina Valle made two
2 arguments. She first argued that she was eligible for relief as a class member of
3 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL
4 3288403, at *9 (C.D. Cal. Nov. 25, 2025). In their Response, Respondents state that
5 they “do not oppose an order from this Court directing a bond hearing be held
6 pursuant to 8 U.S.C. § 1226(a).” ECF 9 at 1–2. Thus, this Court, at the very least,
7 should order that Ms. Regina Valle receives a bond hearing.

8 But Ms. Regina Valle made another argument in her amended petition: she
9 argued that because she was improperly detained without Respondents ever issuing
10 an administrative warrant as required by § 1226, this Court should order her
11 immediate release. ECF 8 at 8. The government wholly ignores this second
12 argument in their return. *See* ECF 9.

13 Ms. Regina Valle first cites to a recent decision by this Court that determined
14 “a noncitizen may only be arrested and detained pending a decision on removal
15 ‘[o]n a warrant issued by the Attorney General.’” *Cruz Pedraza v. Larose*, No. 26-
16 cv-2697-LL-MSB, ECF 12 at 1 (S.D. Cal. May 27, 2026) (quoting 8 U.S.C. §
17 1226(a)). This Court further determined that when the government violates this
18 requirement, “a petitioner’s immediate release is justified.” *Id.* (quotations and
19 alterations omitted). And this Court is not alone in this holding. *Eslid. B.G. v. Bondi*,
20 No. 26-cv-5020-RAL, 2026 WL 734992, *6 (D.S.D. Mar. 16, 2026) (collecting
21 cases); *see also JACP v. Wofford*, No. 25-cv-1354-KES-SKO, 2025 WL 3013328,
22 *8 (E.D. Cal. Oct. 27, 2025); *Diaz v. Albarran*, No. 25-cv-9837-JSC, 2025 WL
23 3214972 (N.D. Cal. Nov. 18, 2025); *R.D. v. Bondi*, No. 26-cv-1904-ECT-EMB,
24 2026 WL 788263, *2 (D. Minn. Mar. 20, 2026) (collecting cases ordering
25 immediate release in the absence of a warrant).

26 The government does not engage with any of the above authorities in its
27 return or even acknowledge Ms. Regina Valle’s argument. They briefly mention
28 Ms. Regina Valle’s criminal conviction, *see* ECF 9 at 2, but this misdemeanor

1 conviction is not relevant to whether Ms. Regina Valle's arrest and detention by
2 ICE complied with the warrant requirement clearly laid out in 8 U.S.C. § 1226. This
3 conviction is also from 2014—nearly 12 years ago. *See* ECF 9 at 2.

4 Because Respondents do not address Ms. Regina Valle's argument that she
5 was detained without a statutorily required warrant, they have waived—or at least
6 forfeited—their opportunity to contest the due process violations or argue against
7 immediate release. *See United States v. Castillo-Marin*, 684 F.3d 914, 919 (9th Cir.
8 2012) (determining that the government concedes an argument that “was available
9 at the time it filed its answering brief”) (citing *United States v. McEnry*, 659 F.3d
10 893, 902 (9th Cir. 2011)).

11 For the above reasons and the reasons argued in her amended petition, this
12 Court should order Ms. Regina Valle's immediate release.

13 Respectfully submitted,
14

15 Dated: June 30, 2026

s/ Hannah Basalone
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