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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAIRO BALMORE CHICAS GUEVARA,

Case No.



Agency No.



Petitioner,

vs.

**PETITIONER JAIRO BALMORE
CHICAS GUEVARA'S
SUPPLEMENTAL BRIEF REGARDING
PRIOR RELEASE ON PAROLE AND
DUE PROCESS RIGHTS**

MARKWAYNE MULLIN, Secretary, U.S.
Department of Homeland Security;
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
PATRICK DIVVER, San Diego Field Office
Director, ICE;
**WARDEN, OTAY MESA DETENTION
CENTER; and**
TODD BLANCHE, Attorney General of the
United States

Respondents.

**PETITIONER JAIRO BALMORE CHICAS GUEVARA'S SUPPLEMENTAL
BRIEF REGARDING PRIOR RELEASE ON PAROLE AND DUE PROCESS
RIGHTS**

Filed Pursuant to Court Order Dated June 26, 2026 (ECF No. 5)

TABLE OF CONTENTS

• **I. INTRODUCTION**

• **II. STATEMENT OF THE FACTUAL MATRIX**

- *A. The 2019 Unaccompanied Alien Child (UAC) Intake and Familial Release*
- *B. Seven Years of Community Integration and the 2026 Freeway Re-Apprehension*
- *C. The Factual Designations Contained in the Charging Document*

• **III. LEGAL ARGUMENT**

- *A. The Sudden Re-Apprehension and Summary Revocation of Petitioner's Multi-Year Liberty Interest Violates the Fifth Amendment Due Process Clause*
- *B. Petitioner is Detained Under the Framework of 8 U.S.C. § 1226(a), and Navigating the Immigration Court Loop is Categorically Futile*
- *C. Respondents Have Expressly Waived Opposition and Conceded the Controlling Legal Framework*

• **IV. SUMMARY OF LIFE-THREATENING MEDICAL CONDITIONS AND RE-EMPHASIS OF REMEDY**

• **V. CONCLUSION**

• **VI. VERIFICATION**

1 **I. INTRODUCTION**

2
3 Petitioner Jairo Balmore Chicas Guevara ("Petitioner") respectfully submits this
4 supplemental briefing in direct response to the Court's Order dated June 26, 2026.

5 As detailed below, the government's current attempts to subject Petitioner to mandatory
6 detention are not only blocked by its own formal charging documents but also constitute an
7 unconstitutional retroactive revocation of a protected, long-standing liberty interest without
8 due process. Because Respondents have already filed a formal statement of non-opposition
9 to the core petition, this Court should cut through the administrative delay and order
10 immediate safe release or an expedited bond hearing under 8 U.S.C. § 1226(a).

11 **II. STATEMENT OF THE FACTUAL MATRIX**

12
13 **A. The 2019 Unaccompanied Alien Child (UAC) Intake and Familial Release**

14 Petitioner entered the United States near Calexico, California, on or about September 14,
15 2019. Because he was a minor under the age of eighteen traveling without a parent or legal
16 guardian, he was legally processed as an Unaccompanied Alien Child (UAC) under the
17 William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPPRA). He was
18 placed temporarily in a government-monitored shelter for minors. Following standard
19 statutory screening, the government approved his release to a vetted family sponsor—his
20 sister, Rosmary Guzman. To execute this release, federal authorities affirmatively flew
21 Petitioner from the border zone to Los Angeles, California, delivering him directly into his
22 sister's custody to await his asylum proceedings.

23 **B. Seven Years of Community Integration and the 2026 Freeway Re-Apprehension**

24
25 Following his administrative release into the interior, Petitioner spent nearly seven years
26 completely integrated into the local community. His asylum process proceeded routinely
27 through the executive branches until it was paused or dismissed in 2022.
28

1 On April 15, 2026, Immigration and Customs Enforcement (ICE) intercepted Petitioner
2 during a roadside freeway sweep while he was driving home from his job. His immigration
3 case was abruptly reopened, and he was placed into physical detention at the Otay Mesa
4 Detention Center. Crucially, facility records compiled during his booking explicitly verify
5 that this adult apprehension represents Petitioner's **"First time incarcerated"**.

6 **C. The Factual Designations Contained in the Charging Document**

7
8 On the same date as his interior re-apprehension, the Department of Homeland Security
9 issued his Form I-862 Notice to Appear (NTA). In this official charging instrument,
10 Respondents left the checkbox designated **"You are an arriving alien" completely blank**.
11 Instead, the issuing officer explicitly selected the alternative factual category:

12 "You are an alien present in the United States who has not been admitted or paroled."

13
14 Furthermore, the continuation sheet of the NTA formally charges Petitioner under INA §
15 212(a)(6)(A)(i) as an alien present without admission or inspection, rather than as a transient
16 border-crosser stopped at a port of entry.

17 **III. LEGAL ARGUMENT**

18 **A. The Sudden Re-Apprehension and Summary Revocation of Petitioner's Multi-Year** 19 **Liberty Interest Violates the Fifth Amendment Due Process Clause** 20

21 The threshold issue raised by this Court is whether a prior administrative release into the
22 interior creates a protected liberty interest that limits summary re-apprehension. It
23 unequivocally does. When the government released Petitioner as a minor to his sister in
24 2019, it granted him an administrative release into the interior of the United States. Having
25 lived openly, worked, and paid taxes in California for nearly seven years, Petitioner gained a
26 vested, constitutionally protected liberty interest in his continued freedom.

27 As this Court noted in its June 26 Order, such an interest cannot be summarily stripped
28 away through an executive highway raid without meeting standard due process

1 requirements, including clear notice and a meaningful pre-deprivation hearing. Under
2 established regional precedents involving re-apprehension on revived immigration charges,
3 an abrupt interior arrest meant to revoke a multi-year interior presence is constitutionally
4 invalid.

5 See *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025); *Devilmar v. LaRose*, No.
6 3:26-CV-01748-JES-MSB, 2026 WL 1042439, at *2 (S.D. Cal. Apr. 17, 2026); *Quiroz v.*
7 *Larose*, No. 26-CV-866 JLS (DEB), 2026 WL 673822, at *2-*3 (S.D. Cal. Mar. 10, 2026).

8
9 **B. Petitioner is Detained Under the Framework of 8 U.S.C. § 1226(a), and Navigating**
10 **the Immigration Court Loop is Categorically Futile**

11 Because Petitioner was apprehended inside the geographic interior after seven years of
12 continuous residence, and because his own NTA formally rejects an "arriving alien"
13 designation, his detention is governed strictly by the general civil provisions of 8 U.S.C. §
14 1226(a). Under § 1226(a), a noncitizen is entitled to an individualized custody
15 redetermination and bond hearing.

16 While Respondents assert an enforcement position that Petitioner falls under mandatory
17 detention under § 1225(b), this argument is completely undermined by their own charging
18 actions on Exhibit A. Furthermore, as detailed in the core petition, the Otay Mesa
19 Immigration Court maintains an unyielding operational practice of refusing bond
20 jurisdiction over individuals who originally entered without inspection, leaving Petitioner
21 without an accessible administrative forum. Forcing a severely ill detainee to seek an
22 impossible remedy from an unyielding administrative body is legally futile and cannot bar
23 federal habeas intervention.

24 **C. Respondents Have Expressly Waived Opposition and Conceded the Controlling**
25 **Legal Framework**

26
27 Crucially, any historical ambiguity regarding the precise mechanics of Petitioner's minor-
28 aged intake is rendered legally moot by the government's formal response in this action. In

1 their formal response filed on June 22, 2026, Respondents explicitly acknowledged that this
2 Court, along with numerous other courts across this District, have repeatedly rejected
3 mandatory detention under identical factual profiles.

4 Recognizing that regional precedent directly controls this outcome, the government
5 explicitly declared:

6
7 "...on that basis the government does not oppose the petition and defers to the Court on the
8 appropriate relief."

9 This statement constitutes a formal, binding legal concession. The government has explicitly
10 waived any opposition to the petition, making the issuance of habeas relief an uncontested
11 requirement of law.

12 **IV. SUMMARY OF LIFE-THREATENING MEDICAL CONDITIONS AND RE-** 13 **EMPHASIS OF REMEDY** 14

15 Because the government does not oppose the petition, the sole remaining determination is
16 the timing and nature of the remedy. Petitioner emphasizes that immediate relief is an urgent
17 medical necessity. As validated by the facility's own medical documentation (Exhibit E),
18 Petitioner suffers from severe, life-threatening vulnerabilities that a standard civil facility is
19 entirely unequipped to manage safely: **Brittle Seizure Disorder & Airway Protection;**
20 **Cognitive and Memory Deficits; Recent Severe Jaw Dislocation; etc.**

21 **V. CONCLUSION** 22

23 For the foregoing reasons, and based upon the government's formal statement of non-
24 opposition, Petitioner respectfully requests that this Court assume jurisdiction, find that his
25 detention is governed exclusively by 8 U.S.C. § 1226(a), and issue a Writ of Habeas Corpus
26 directing his immediate safe release to his family under non-custodial humanitarian
27 monitoring, or, in the alternative, order Respondents to conduct an individualized bond
28 hearing within seven (7) days.

1 Dated: June 26, 2026

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3 Respectfully submitted,

4 Dated: 6/26/2026

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Respectfully submitted,

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/s/Hernando De Cima
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1 **VI. VERIFICATION**

2 I, Hernando de Cima, Esq., state that I am the attorney representing Jairo Balmore Chicas
3 Guevara, the Petitioner in this action. I make this verification on Petitioner's behalf because
4 Petitioner is currently incarcerated at the Otay Mesa Detention Center and is unavailable to
5 sign this document under the immediate time constraints of this filing.
6

7 I have reviewed the foregoing Supplemental Brief to Petition for Writ of Habeas Corpus and
8 know the contents thereof. I declare under penalty of perjury under the laws of the United
9 States of America that the factual representations made therein are true and correct to the
10 best of my knowledge, information, and belief.
11

12 Executed on 6/26/2026, at San Diego, California.

13 Respectfully submitted,
14

15 /s/Hernando De Cima
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