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

11 ENDY GUERRA-PORTILLO,
12
13 Petitioner,
14
15 v.
16
17 TODD BLANCHE, *et al.*,
18 Respondents.

Case No. 26-cv-03625-JAO-DEB

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

1 Respondents filed a timely response and “acknowledge[ed] that this
2 Court’s prior decisions will control the result here if the Court adheres to its prior
3 decisions, as the facts are not materially distinguishable for purposes of the Court’s
4 decision, and on that basis the government does not oppose the petition and defers
5 to the Court on the appropriate relief.” Dkt. 5.
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7 Petitioner argues, in line with the cases previously cited in the
8 petition, that the only appropriate remedy is immediate release. Courts in this
9 district have continued to order released based on the due process violation related
10 to re-detention without notice or opportunity. *See Gutierrez-Paniagua v. Mullin*,
11 No. 26-CV-2512-GPC-JLB, 2026 WL 1747297, at *6 (S.D. Cal. June 17, 2026)
12 (“In light of such a violation, Petitioner’s release from custody is appropriate.”);
13 (citing *Quiroz v. Larose*, No. 26-CV-866 JLS (DEB), 2026 WL 673822, at *3
14 (S.D. Cal. Mar. 10, 2026); *Aliyev v. LaRose*, No. 3:26-CV-01119-CAB-JLB, 2026
15 WL 699818, at *3 (S.D. Cal. Mar. 12, 2026); *Devilmar v. LaRose*, No. 3:26-CV-
16 01748-JES-MSB, 2026 WL 1042439, at *2 (S.D. Cal. Apr. 17, 2026); *Perez v.*
17 *Noem*, No. 3:25-CV-03777-CAB-JLB, 2026 WL 102643, at *2 (S.D. Cal. Jan. 14,
18 2026) (“Petitioner’s sudden re-detention without notice, an individualized
19 determination, or an opportunity to be heard violates the Due Process Clause.”);
20 *see also Escobar v. Mullin*, No. 26CV3312-LL-DEB, 2026 WL 1805729, at *1
21 (S.D. Cal. June 23, 2026) (“Respondents are ordered to immediately release
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Petitioner from custody under any preexisting conditions of his conditional parole.”); *Perez Oropeza v. Mullin, et al.*, No. 3:26-CV-00656-BTM-DEB, 2026 WL 1831751, at *1 (S.D. Cal. June 24, 2026) (“The Respondents shall immediately release Perez Oropeza from custody on any preexisting conditions.”); *Hidalgo Gonzalez v. Larose*, No. 26-CV-3561-GPC-GC, 2026 WL 1822279, at *4 (S.D. Cal. June 24, 2026) (“Petitioner’s release from custody is the appropriate remedy.”).

The Court should, thus, order Petitioner's immediate release on the same conditions that governed his release prior to his re-detention in April 2026.

If, however, the Court directs Respondents to provide Petitioner with an individualized custody hearing, the Court should order that Respondents bear the burden of proof of establishing by clear and convincing evidence that Petitioner poses a danger or a flight risk. *See Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011) (overruled on other grounds) (discussing burden of proof in prolonged detention cases and placing burden on government). Finally, the Court should retain jurisdiction over this matter, to ensure EOIR complies with any order issued by this Court and to protect Petitioner’s due process rights.

RESPECTFULLY SUBMITTED this July 1, 2026.

/s/ Nanya Thompson
Nanya Yoshiko Morinaga Thompson, Esq.

1 For: Nanya Thompson Law, Inc.

2 *Attorney for Petitioner*

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4 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

5 I represent Petitioner, Endy Guerra-Portillo and submit this verification on his
6 behalf. I hereby verify that the factual statements made in the foregoing Traverse
7 in Support of the Petition for Writ of Habeas Corpus are true and correct to the best
8 of my knowledge.

9
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11 Dated: July 1, 2026

12 /s/ Nanya Y.M. Thompson
13 Nanya Thompson (CA SBN 249904)