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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 CELIMAR CHIRNOS DE HERNANDEZ,
12

13 Petitioner,

14 v.

15 CHRISTOPHER J. LAROSE; et al.,
16

17 Respondents.
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Case No.: 26-cv-3629-RBM-SBC

RESPONSE TO PETITION

20 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. As an initial matter,
21 Petitioner has failed to plead sufficient information in her habeas petition. The Constitution
22 limits federal judicial power to designated “cases” and “controversies.” U.S. Const., art. III,
23 § 2; *see also SEC v. Med. Comm. for Human Rights*, 404 U.S. 403, 407 (1972) (federal
24 courts may only entertain matters that present a “case” or “controversy” within the meaning
25 of Article III). “Absent a real and immediate threat of future injury there can be no case or
26 controversy, and thus no Article III standing for a party seeking injunctive relief.” *Wilson*
27 *v. Brown*, No. 05-cv-1774-BAS-MDD, 2015 WL 8515412, at *3 (S.D. Cal. Dec. 11, 2015)
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1 (citing *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 190
2 (2000) (“[I]n a lawsuit brought to force compliance, it is the plaintiff’s burden to establish
3 standing by demonstrating that, if unchecked by the litigation, the defendant’s allegedly
4 wrongful behavior will likely occur or continue, and that the threatened injury is certainly
5 impending.”) (simplified)). At the “irreducible constitutional minimum,” standing requires
6 that a petitioner demonstrate the following: (1) an injury in fact (2) that is fairly traceable
7 to the challenged action of the United States and (3) likely to be redressed by a favorable
8 decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992).

9 Further, an individual may seek habeas relief under 28 U.S.C. § 2241 if she is “in
10 custody” under federal authority “in violation of the Constitution or laws or treaties of the
11 United States.” 28 U.S.C. § 2241(c). But habeas relief is available to challenge only the
12 legality or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir. 2023);
13 *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *Dep’t of Homeland Security v.*
14 *Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ of habeas corpus historically “provide[s]
15 a means of contesting the lawfulness of restraint and securing release.”). The Ninth Circuit
16 squarely explained how to decide whether a claim sounds in habeas jurisdiction: “[O]ur
17 review of the history and purpose of habeas leads us to conclude the relevant question is
18 whether, based on the allegations in the petition, release is *legally required* irrespective of
19 the relief requested.” *Pinson*, 69 F.4th at 1072 (emphasis in original); *see also Nettles v.*
20 *Grounds*, 830 F.3d 922, 934 (9th Cir. 2016) (The key inquiry is whether success on the
21 petitioner’s claim would “necessarily lead to immediate or speedier release.”); *Guselnikov*
22 *v. Noem*, No. 25-cv-1971-BTM-KSC, 2025 WL 2300873, at *1 (S.D. Cal. Aug. 8, 2025)
23 (finding petitioners’ claims did not arise under § 2241 because they were not arguing they
24 were unlawfully in custody and receiving the requested relief would not entitle them to
25 release); *Giron Rodas v. Lyons*, No. 25cv1912-LL-AHG, 2025 WL 2300781, at *3 (S.D.
26 Cal. Aug. 1, 2025) (“Like in *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241
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1 habeas petition since it cannot be fairly read as attacking ‘the legality or duration of
2 confinement.’”) (quoting *Pinson*, 69 F.4th at 1065).

3 Moreover, the Supreme Court has held that “[h]abeas Corpus Rule 2(c) is more
4 demanding [than Federal Rule of Civil Procedure 8(a)]. It provides that the petition must
5 ‘specify all the grounds for relief available to the petitioner’ and ‘state the facts supporting
6 each ground.’” *Mayle v. Felix*, 545 U.S. 644, 655 (2005) (citing Rules Governing Section
7 2254 Cases in the United States District Court (“Federal Habeas Rules”); *see also James v.*
8 *Borg*, 24 F.3d 20, 26 (9th Cir. 1994) (“Conclusory allegations which are not supported by
9 a statement of specific facts do not warrant habeas relief.”). As stated by the Advisory
10 Committee’s Note on Habeas Corpus Rule 4, 28 U.S.C., p. 471, “notice pleading is not
11 sufficient, for the petition is expected to state facts that point to a real possibility of
12 constitutional error.”) (internal quotation marks omitted).

13 Here, Petitioner’s habeas petition fails to supply sufficient or coherent factual
14 information for the Court to adjudicate her claims, or to establish that she is unlawfully
15 detained. *See* ECF No. 1 at 10-13. As such, the Court should deny the petition. *See Alonso*
16 *Velasquez v. LaRose*, No. 25-cv-3216-JES-AHG, 2025 WL 3473773 (S.D. Cal. Dec. 3,
17 2025) (dismissing without prejudice habeas petition that failed to allege sufficient factual
18 information).

19 While the government believes this petition should be dismissed for failure to
20 properly state a habeas claim, for purposes of judicial the government provides the
21 following response. It is the government’s position that Petitioner is subject to mandatory
22 detention under § 1225(b)(2). However, the government acknowledges that this Court, and
23 Courts in this District, have repeatedly reached the opposite conclusion under the same
24 and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL
25 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG,
26 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB,
27 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D.

1 Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361
 2 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
 3 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
 4 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
 5 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
 6 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
 7 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL
 8 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL,
 9 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-
 10 DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB,
 11 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

12 The government acknowledges that this Court's prior decisions will control the result
 13 here if the Court adheres to its prior decisions. Accordingly, to the extent the Court declines
 14 to dismiss the petition for failing to state a claim, the government does not oppose an order
 15 from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).¹

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 17 DATED: June 28, 2026

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18
 19 s/ Erin Dimbleby

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 23 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a), considering
 24 heavy caseloads and staffing levels, Respondents respectfully request that such order
 25 provide the government 14 days from issuance to hold such bond hearing. Respondents also
 26 respectfully note that the Ninth Circuit has confirmed that at a bond hearing under 8 U.S.C.
 27 § 1226(a), the burden is on the detainee to demonstrate by a preponderance of the evidence
 28 that he is not a flight risk or danger to the community. *See Rodriguez Diaz v. Garland*, 53
 F.4th 1189, 1197 (9th Cir. 2022); *see also Dos Santos v. Becerra*, No. 26-cv-01423-GPC-
 VET, 2026 WL 800201 (S.D. Cal. Mar. 23, 2026).