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

11 **NURIA MARTINEZ ALVARADO,**

12 Petitioner,

13 vs.

14 **JEREMY CASEY**, Warden, at Imperial
15 Regional Detention Facility,

16 **GREGORY J. ARCHAMBAULT**, Field
17 Office Director, Immigration and Customs
18 Enforcement and Removal Operations
19 ("ICE/ERO"),

20 **TOD M. LYONS**, Acting Director of
21 Immigration and Customs Enforcement ("ICE")

22 **MARKWAYNE MULLIN**, Secretary of the
23 U.S. Department of Homeland Security; and,

24 **TODD BLANCHE**, Attorney General of the
25 United States (Acting),

26 In their official capacities.

27 Respondents.
28

Case No. 3:26-cv-03633-JO-MSB

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

CASE NO. 3:26-CV-03633-JO-MSB PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF
HABEAS CORPUS

1 Ms. Martinez respectfully submits this traverse to the government's abbreviated response to
2 her petition for writ of habeas corpus.

3 The government has explicitly conceded that this Court's prior decisions regarding ICE's re-
4 detention of a petitioner who has not violated the terms of their release—following an
5 immigration judge's grant of bond—control the outcome of this case.¹ See *Rios v. Noem*, No.
6 3:25-cv-02866-JES-VET (S.D. Cal. 2025); *Soto Mori v. Larose*, No. 3:26-cv-01350-GPC-BJW
7 (S.D. Cal. filed March 3, 2026); *Phakeokoth v. Noem*, No. 3:25-cv-02817-RBM-SBC, 2025 WL
8 3124341 (S.D. Cal. Nov. 7, 2025). The material facts of Ms. Martinez's case are
9 indistinguishable from these controlling precedents and the government states that it does not
10 oppose the petition. By acknowledging the facts of Ms. Martinez's case are not materially
11 distinguishable from this Court's prior decisions granting habeas petitions, the government
12 effectively withdraws any substantive legal defense of her detention and correctly acknowledges
13 that bond hearings are legally permitted for individuals placed in 8 U.S.C. § 1231 withholding-
14 only proceedings.
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21 ¹ The government's unilateral re-detention of Petitioner—despite her total compliance with the
22 IJ-ordered bond conditions—presents the exact same constitutional and procedural defect as the
23 arbitrary re-detention of a noncitizen released by ICE on their own recognizance. Under INA §
24 236(b) (8 U.S.C. § 1226(b)), while the government maintains general authority to revoke a
25 custody determination, that authority is restricted by the Fifth Amendment's Due Process Clause
26 and Petitioner's re-detention constitutes abuse of discretion under federal regulations. Because
27 the original bond in this case was mutually agreed upon and no conditions were violated, the
28 constitutional and statutory constraints on the government are heightened and, in both contexts,
re-detention absent a change in risk of flight or danger to the community is inherently arbitrary,
capricious, and punitive. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (detention must bear a
reasonable relation to its government purpose).

1 Ms. Martinez's detention, without judicial oversight from this Court, violates both statutory
2 intent and constitutional due process. Because the government has waived opposition, Ms.
3 Martinez's right to her immediate release or, in the alternative, to a custody redetermination
4 hearing is absolute.

5 Finally, to achieve the mutual goal of conserving judicial and party resources, expedite the
6 Court's consideration, and to prevent further unlawful deprivation of liberty, the Court should
7 dispense with further briefing or oral argument and enter an order granting the petition
8 immediately.
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12 DATED: July 3, 2026.

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14 Respectfully Submitted,

15 Robert Ferretti

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