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

13 MILTON CAMACHO-PEREZ,
14
15 Petitioner,

16 v.

17 MARKWAYNE MULLIN, Secretary of
18 the Department of Homeland Security,
19 TODD BLANCHE, Acting Attorney
20 General, TODD M. LYONS, Acting
21 Director, Immigration and Customs
22 Enforcement, JESUS ROCHA, Acting
23 Field Office Director, San Diego Field
24 Office, CHRISTOPHER LAROSE,
25 Warden at Otay Mesa Detention Center,

26 Respondents.

Civil Case No.: 26-cv-3691-JLS-DDL

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

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

1 In his amended petition for a writ of habeas corpus, Mr. Camacho-Perez
2 made several arguments about how Respondents failed to follow their own
3 regulations when revoking his order of supervision.

4 As an initial matter, because Respondents do not address Mr. Camacho-
5 Perez's arguments as to ICE's failure to follow its regulations, they have waived—
6 or at least forfeited—their opportunity to contest the regulation violations or argue
7 against immediate release. *See United States v. Castillo-Marin*, 684 F.3d 914, 919
8 (9th Cir. 2012) (determining that the government concedes an argument that “was
9 available at the time it filed its answering brief”) (citing *United States v. McEnry*,
10 659 F.3d 893, 902 (9th Cir. 2011)).

11 Even still, the arguments in Mr. Camacho-Perez's amended petition support
12 this Court granting his petition and ordering immediate release. The government
13 wholly ignores the substance of Mr. Camacho-Perez's arguments in their return and
14 instead merely claims that because a Notice of Revocation of Release was issued at
15 *some* time, they have complied with the regulations. *See* ECF 10. But the
16 regulations require more of Respondents than simply issuance of this notice at some
17 point.

18 First, Respondents claim that Mr. Camacho-Perez did receive an informal
19 interview where he was given the opportunity to contest the revocation of his
20 supervision and provide evidence. Mr. Camacho-Perez maintains he did not
21 actually receive this interview or an opportunity to provide evidence or contest his
22 revocation. *See* ECF 8-1 at ¶ 8. And even if he did receive an interview, that
23 interview was conducted weeks after he was originally detained. ECF 10-1 at 4
24 (claiming this interview happened on June 10, 2026, two weeks after Mr. Camacho-
25 Perez was first detained). This does not comport with the regulations, which entitle
26 the re-detained person to “an initial informal interview *promptly* after his [] return
27 to Service custody” 8 C.F.R. § 241.4(l)(1) (emphasis added). An interview
28 meant to provide someone an opportunity to contest their re-detention that happens

1 two weeks after such re-detention is not prompt.

2 Second, Mr. Camacho-Perez did not receive any actual notice of revocation
3 at the time he was re-detained. The Notice of Revocation of Release provided by
4 Respondents shows that Mr. Camacho-Perez was not provided with this notice until
5 June 10, 2026—two weeks after he was re-detained. ECF 10-1 at 2–3. Section
6 241.13(i) makes clear that “upon revocation,” the re-detained person be “notified
7 of the reasons for revocation.” This, of course, can’t happen if the person receives
8 no notice at all when they are re-detained.

9 Finally, the notice of reasons for revocation provided by ICE was wholly
10 insufficient to comply with the regulations. Again, Respondents do not
11 acknowledge Petitioner’s arguments that the notice and reasons provided were not
12 only inadequate but also did not state a permissible reason for revocation or
13 demonstration of a changed circumstances. 8 C.F.R. § 241.1(l)(2) lists the reasons
14 release may be revoked, and none of those have been satisfied. The only reason
15 provided on the notice was that Mr. Camacho-Perez was ordered removed on
16 January 13, 2021. ECF 10-1 at 2. As noted in his amended petition, this removal
17 order predates Mr. Camacho-Perez’s order of supervision date of May 15, 2023;
18 this is not new information. *See* ECF 8 at 5–6. The government has provided no
19 information or documentation showing any other determination has been made that
20 would allow for the revocation of Mr. Camacho-Perez’s previously approved
21 release.

22 For the above reasons and the reasons argued in his amended petition, this
23 Court should order Mr. Camacho-Perez’s immediate release.

24 Respectfully submitted,

25
26 Dated: July 28, 2026

s/ Hannah Pineiro Basalone
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