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DETAINED

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

JULIO MATEO LORENZO

Petitioner,

vs.

CHRISTOPHER J. LAROSE, et al.,

Respondents.

Case No.: 26-cv-3767-DMS-MMP



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

PETITIONER'S TRAVERSE

Petitioner, Julio Mateo Lorenzo, through undersigned counsel, respectfully submits this Traverse to Respondent's Return and in support of his Petition for the Writ of Habeas Corpus.

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I. INTRODUCTION

Petitioner, by and through undersigned counsel, respectfully submits this Traverse to Respondents' Return and in further support of his Petition for Writ of Habeas Corpus.

Respondents' Response rests on two central premises: first, that Petitioner's allegations concerning his prior detention, release, and subsequent re-detention are unsupported by his immigration records and therefore fail to establish the factual basis for his claims; and second, that Petitioner is subject to mandatory statutory detention under 8 U.S.C. § 1225 (b)(2).

Petitioner does not bring a generalized grievance or a challenge detached from his confinement. Rather, Petitioner explicitly challenges the legality and duration of his physical executive detention, a core claim that falls squarely within the historic scope of the writ of habeas corpus under 28 U.S.C. § 2241. Respondents' assertion that Petitioner's immigration records do not corroborate his prior detention, release, and subsequent re-detention does not alter the nature of the constitutional challenge presented. Success on his claim legally requires his release from unlawful custody, and Respondents' disagreement with the factual allegations underlying that claim does not defeat habeas review or justify his

1 continued detention.

2 Furthermore, Respondents' reliance on the categorical mandatory detention
3 framework of § 1225(b)(2) is unavailing. Respondents themselves openly
4 acknowledge that this Court, and multiple other courts within this District, have
5 repeatedly rejected the government's interpretation of § 1225(b)(2) under the
6 same or nearly identical facts. Because the government fails to provide a lawful,
7 individualized constitutional justification for his ongoing confinement, his
8 continued detention is arbitrary and violates due process.
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11 **II. FACTUAL BACKGROUND**

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13 Petitioner Julio Mateo Lorenzo is currently held in immigration custody under
14 federal authority within this Court's jurisdiction. He filed a timely Petition for
15 Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to contest the lawfulness of
16 his physical restraint and secure his release.
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18 On July 6, 2026, Respondents filed their Response to the Petition. The
19 government argues that the Petitioner's claim regarding his alleged detention is
20 unsupported by his immigration records, asserting instead that the records reflect
21 only three voluntary returns to Mexico in December 2022 and that Petitioner
22 therefore never acquired the liberty interest alleged in the Petition. Concurrently,
23 the government asserted that his custody is mandatory under 8 U.S.C. §
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1 1225(b)(2).

2 However, recognizing a long line of adverse controlling precedents in this
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4 District, the government explicitly conceded that if this Court adheres to its prior
5 decisions, those decisions control the outcome here. Consequently, Respondents
6 stated they do not oppose an alternative order directing that a bond hearing be held
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8 under 8 U.S.C. § 1226(a).

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10 **III. ARGUMENT**

11 **A. Respondents acted arbitrarily and capriciously by detaining Petitioner**
12 **without an individualized determination, violating the Administrative**
13 **Procedure Act and Due Process.**

14 When Respondents detained Petitioner, they failed to provide any
15 individualized explanation for their decision or identify any facts demonstrating
16 that detention had become necessary. Either way, the government's actions violate
17 the Administrative Procedure Act and Due Process. Under the Administrative
18 Procedure Act (APA), an agency action may be held unlawful and set aside if it is
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20 "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with
21 law." 5 U.S.C. § 706(2)(A). An action is an abuse of discretion if the agency
22 "entirely failed to consider an important aspect of the problem, offered an
23 explanation for its decision that runs counter to the evidence before the agency, or
24 is so implausible that it could not be ascribed to a difference in view or the product

1 of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S.
2 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm*
3 *Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). For a challenged agency action to be
4 upheld, the agency “must explain the evidence which is available, and must offer a
5 rational connection between the facts found and the choice made.” *Motor Vehicle*
6 *Mfrs.*, 463 U.S. at 52 (1983) (internal quotations omitted) (quoting *Burlington*
7 *Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

10 Here, Respondents’ decision to detain Petitioner violated the APA.
11 Petitioner has a reasonable expectation of liberty arising from Respondents’ own
12 prior decisions permitting him to remain at liberty, and nothing in the record
13 demonstrates any material change of circumstances warranting his present
14 detention. Doing so violated the APA because the agency did not “offer a rational
15 connection between the facts found and the choice made”—i.e., the fact that
16 Petitioner had remained available to immigration authorities for years following
17 Respondents’ prior decisions not to detain him, yet the agency nevertheless elected
18 to place him back into custody without any individualized explanation. *Motor*
19 *Vehicle Mfrs.*, 463 U.S. at 52. And nothing suggests a “rational” reason for this
20 decision, given that Petitioner has no criminal convictions, has remained available
21 to immigration authorities, has meaningful community ties, and has secured a
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1 lawful permanent resident sponsor willing to ensure his appearance throughout
2 these proceedings. This was the epitome of an “arbitrary” and “capricious” agency
3 action under the APA. 5 U.S.C. § 706(2)(A).
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5 The agency further violated the APA by detaining Petitioner without
6 considering the individualized circumstances that its own prior decisions had
7 already recognized. As set forth in the Petition, Respondents previously allowed
8 Petitioner to remain at liberty and, despite his continued availability to immigration
9 authorities, now seek to justify detention without identifying any material change
10 in circumstances or articulating any reasoned basis for departing from their earlier
11 determination. An agency may not disregard the reliance interests created by its
12 prior decisions or depart from them without a reasoned explanation. *Department of*
13 *Homeland Security v. Regents of the University of California*, 591 U.S. 1, 30–33
14 (2020); *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515–16 (2009). Under
15 the APA, “It is Respondents’ burden to provide a reasoned explanation for their
16 action,” which they have failed to do.
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21 What’s more, Respondents’ Return does not cure these defects. Rather than
22 identifying any individualized determination that Petitioner presently poses a
23 danger to the community or a flight risk, Respondents merely dispute Petitioner’s
24 characterization of his prior encounters with immigration authorities and continue
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1 to rely upon a categorical theory of detention. Whether those prior encounters are
2 characterized as releases or voluntary returns does not relieve Respondents of their
3 obligation to provide a lawful, individualized explanation for Petitioner's present
4 confinement. Several courts have rejected similar attempts to justify categorical
5 detention under materially similar circumstances, and Respondents themselves
6 acknowledge that those decisions control if this Court adheres to its prior
7 precedent. Accordingly, Respondents' continued detention of Petitioner remains
8 arbitrary, capricious, and not in accordance with law under 5 U.S.C. § 706(2)(A).
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12 **B. Respondents Fail to Justify Petitioner's Detention**

13 Respondents fail to address one of Petitioner's central claims: that his
14 continued detention is unsupported by any individualized justification or
15 materially changed circumstances. That failure alone is fatal to their position, as it
16 leaves Respondents without any lawful basis to justify Petitioner's continued
17 detention. Rather than identifying facts demonstrating that Petitioner presently
18 poses a danger to the community or a flight risk, Respondents devote their
19 Response to disputing Petitioner's characterization of his prior encounters with
20 immigration authorities. Yet they do not contend that Petitioner has engaged in
21 any conduct warranting detention, nor do they identify any individualized
22 determination supporting his continued confinement.
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1 As set forth in the Petition, once the government has exercised its discretion
2 to permit an individual to remain at liberty, that individual possesses a protected
3 liberty interest in remaining free from detention absent a lawful, individualized
4 justification for re-arrest. Instead, Respondents argue that Petitioner's immigration
5 records reflect voluntary returns to Mexico rather than releases into the United
6 States. But they do not explain how that factual dispute, even if accepted,
7 establishes that Petitioner presently poses a danger to the community or a flight
8 risk. Nor do they identify any individualized determination supporting his
9 continued detention. Most importantly, Respondents fail to articulate any reasoned
10 explanation connecting Petitioner's present circumstances to the decision to detain
11 him.
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13 That omission is dispositive. Civil immigration detention is permissible
14 only for limited purposes, including ensuring appearance at proceedings and
15 protecting the community. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
16 Detention is not tied to those purposes; an individualized determination of danger
17 or flight risk is arbitrary and therefore unlawful. Respondents provide no such
18 determination here. They do not identify any changed circumstances, and they do
19 not articulate any finding that Petitioner poses a danger to the community or a
20 flight risk. Their failure to justify Petitioner's continued detention renders his
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1 confinement arbitrary, unsupported, and in violation of due process.

2 **C. Alleged Mandatory Detention Under 8 U.S.C. § 1225 Does Not Resolve**
3 **the Constitutional Question**
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5 Respondents argue that Petitioner's detention is lawful because he is subject
6 to mandatory detention under 8 U.S.C. § 1225(b)(2). That argument assumes that
7 a statutory label alone resolves the legality of detention. It does not. Respondents'
8 reliance on § 1225 also fails under their own framework. In *Jennings v.*
9 *Rodriguez*, the Supreme Court addressed the statutory scope of detention
10 provisions but did not hold that such provisions eliminate constitutional
11 constraints on detention. Respondents, therefore, cannot rely on *Jennings* to avoid
12 the constitutional question presented here.
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16 Respondents' reliance on authorities recognizing § 1225(b)(2) detention
17 authority does not resolve the issue presented here. Those authorities may address
18 statutory classification, but they do not answer whether due process permits
19 Respondents to continue detaining an individual without an individualized
20 determination or a meaningful opportunity to contest the factual basis for
21 detention. Likewise, Respondents' assertion that Petitioner falls within § 1225
22 does not cure the constitutional defect. The question is not merely whether
23 Respondents may invoke a statutory detention provision; it is whether they may
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1 rely on that provision to impose continued detention without the individualized
2 process the Constitution requires.

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4 Even where a statute authorizes detention, the Constitution imposes
5 independent limitations on the government's ability to deprive an individual of
6 liberty. A categorical assertion that detention is "mandatory" does not satisfy that
7 requirement. That requirement necessarily demands an individualized
8 determination that detention is needed to address flight risk or danger to the
9 community, not a categorical assertion that detention is mandatory. Respondents'
10 failure to engage with the constitutional question is dispositive. Their reliance on a
11 statutory label cannot substitute for the individualized and procedural safeguards
12 the Constitution requires. They do not contend that Petitioner has been found to
13 pose a danger to the community or a risk of flight. Nor do they identify any
14 process through which such a determination has been made or could be
15 challenged. Their reliance on § 1225 substitutes a statutory conclusion for the
16 analysis the Constitution requires.

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18 That omission is particularly significant in this case. Respondents now seek
19 to justify Petitioner's continued detention without identifying any individualized
20 basis demonstrating that detention is necessary to serve the legitimate purposes of
21 civil immigration detention. Section 1225 does not authorize that result.

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1 Respondents' own briefing underscores the weakness of their position. They
2 acknowledge that courts in this District have repeatedly rejected their
3 interpretation of § 1225 under materially similar circumstances. Their attempt to
4 distinguish those cases by disputing Petitioner's characterization of his prior
5 encounters with immigration authorities does not cure the constitutional defect.
6 Even assuming Respondents' version of those events were accepted, due process
7 still requires a meaningful opportunity for Petitioner to challenge the factual basis
8 for his continued detention through an individualized determination. Respondents
9 have provided no such opportunity. At bottom, Respondents' argument collapses
10 into a single proposition: that the invocation of § 1225 is sufficient to justify
11 detention. That proposition is inconsistent with the fundamental principle that
12 liberty may not be deprived arbitrarily. Section 1225 does not authorize detention
13 untethered to individualized justification, nor does it permit the government to
14 dispense with the procedural protections required by due process.
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20 **D. Respondents' Alternative Request for a Bond Hearing Undermines**
21 **Their Position**

22 Respondents' alternative request for a bond hearing underscores the central
23 defect in their position: they have not established a lawful basis for Petitioner's
24 detention. That is, Respondents now seek the very determination, whether
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1 Petitioner presents a danger or a flight risk, that they have failed to make.
2 Respondents maintain that Petitioner is subject to mandatory detention under 8
3 U.S.C. § 1225(b)(2), a framework that, by their own argument, does not
4 contemplate individualized custody determinations. Yet they simultaneously
5 acknowledge that, if this Court follows its prior decisions, a bond hearing may be
6 appropriate and request additional time to conduct one. Those positions cannot be
7 reconciled. If detention were truly mandatory, no such inquiry would be
8 necessary. Respondents' request, therefore, concedes that Petitioner's continued
9 detention turns on precisely the type of individualized determination they have
10 failed to make.
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14 More importantly, Respondents do not contend that any such determination
15 has already occurred. They do not assert that Petitioner has been found to be a
16 danger to the community or a flight risk. Instead, they seek an opportunity to
17 make that determination only after Petitioner has already been detained and, in
18 doing so, further argue that the burden of proof should rest on Petitioner at any
19 future bond hearing. That approach reverses the constitutional framework
20 governing deprivation of liberty. Respondents cannot justify detention by
21 detaining first and attempting to establish a basis later. This case is not about
22 whether Respondents might be able to justify Petitioner's detention in the future.
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1 It is about whether they have done so. They have not. Their request for a bond
2 hearing, therefore, confirms that Petitioner's current detention lacks a lawful,
3 individualized basis.
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5 **IV. CONCLUSION AND PRAYER FOR RELIEF**

6 Respondents' Return fails to establish a lawful basis for Petitioner's
7 continued detention. Their reliance on 8 U.S.C. § 1225(b)(2) ignores the
8 constitutional limitations on detention and fails to address Petitioner's central
9 claim: that his continued detention lacks any individualized justification and
10 violates due process.
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13 Petitioner challenges the legality of his detention, not the government's
14 authority to conduct removal proceedings. He need not remain in custody where
15 Respondents have failed to provide any lawful, individualized basis for that
16 detention.
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18 Accordingly, the Court should reject Respondents' position, grant the relief
19 requested, and order Petitioner's immediate release or, at a minimum, provide him
20 with a prompt and meaningful opportunity to challenge his detention before a
21 neutral adjudicator.
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1 Respectfully submitted,

2 Dated: July __, 2026

3 //s// Mario Portugal

4 Mario Portugal

5 Pro Bono Counsel for Petitioner,

6 Julio Mateo Lorenzo

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