

SALGADO & PERALTA, P.A.
Mario Salgado, SBN: 128533
605 Market Street, Suite 1111
San Francisco, CA 94105
Tel: (415) 401-8699

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

Jenny Fabiola Barbecho Morocho,

Petitioner,

v.

Christopher Chestnut, et al.,

Respondents.

Case Number: **1:26-cv-05223-VC**

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

Petitioner Jenny Fabiola Barbecho Morocho, by and through counsel, respectfully submits this Reply to Respondents' Response to the Petition for Writ of Habeas Corpus. Respondents do not meaningfully address the constitutional claims raised in the Petition, provide no individualized justification for Petitioner's continued detention, and offer no case-specific reason why this matter should be treated differently from the category of cases in which this Court has typically ordered immediate release. The Petition should therefore be granted.

I. RESPONDENTS DO NOT MEANINGFULLY RESPOND TO THE PETITION

Respondents' two-page Response consists primarily of the conclusory assertion that Petitioner is an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b). Respondents do not address Petitioner's constitutional arguments, do not meaningfully analyze

1 her particular procedural history, and do not provide an individualized explanation establishing
2 that her continued detention is lawful.

3 Significantly, Respondents themselves recognize that:

4 *"This case is in the category of cases for which the Court has*
5 *typically ordered immediate release."* Resp. at 1.
6

7 Yet Respondents identify no factual or legal basis for treating Petitioner's case differently.
8 Instead, they ask to submit the matter without additional briefing and request that the Court rule
9 on the Petition based upon their abbreviated Response.
10

11 **II. RESPONDENTS DO NOT ADDRESS PETITIONER'S LENGTHY HISTORY OF**
12 **RELEASE BEFORE HER RE-DETENTION**
13

14 Respondents' own records confirm that ERO released Petitioner into the United States on
15 parole in September 2015 and that ICE did not arrest her again until June 2026. Resp. Ex. A, ECF
16 No. 6-1 at 3–4. The Immigration History included in Respondents' Exhibit A specifically states:
17

18 *"On September 25, 2015, ERO released BARBECHO into the*
19 *United States 'on parole.'"* Resp. Ex. A, ECF No. 6-1 at 3.

20 Respondents do not address the significance of Petitioner's approximately eleven-year
21 period of release, identify any intervening individualized custody determination, or explain why
22 her present detention may continue without addressing the due-process claims raised in the
23 Petition.
24

25 The Response simply asserts that § 1225(b) controls without analyzing Petitioner's lengthy
26 release history, the circumstances of her re-detention, or whether any neutral decisionmaker
27 reviewed the decision to return her to custody.
28

**III. RESPONDENTS' CITED AUTHORITIES DO NOT ADDRESS PETITIONER'S
PARTICULAR CIRCUMSTANCES**

Respondents cite several decisions concerning detention under 8 U.S.C. § 1225(b), but they do not explain how those decisions resolve Petitioner's particular claims or address the procedural history documented in the Government's own records.

Respondents do not explain whether the cited decisions involved a noncitizen who had previously been released by ERO and remained in the United States for nearly eleven years before being re-detained. The Response therefore does not address Petitioner's particular procedural history or the specific due-process claims presented in the Petition.

Merely listing authorities does not demonstrate that those decisions resolve the constitutional claims raised here or justify Petitioner's continued detention under her individual circumstances.

**IV. RESPONDENTS IDENTIFY NO CURRENT INDIVIDUALIZED CUSTODY
DETERMINATION**

Respondents' Response does not identify any current agency determination that Petitioner poses a danger to the community or a flight risk. Nor does the Response explain whether a neutral decisionmaker reviewed the decision to re-detain Petitioner.

Although Respondents' exhibit references a prior DUI-related matter, the Response does not connect that event to any current individualized custody determination or explain why it warrants Petitioner's continued detention without the process requested in the Petition.

The absence of any identified current individualized custody determination is especially significant because Respondents acknowledge that this case falls within the category in which this

1 Court has typically ordered immediate release. Respondents provide no basis for departing from
2 that result here.

3
4 **CONCLUSION**

5 Respondents have not meaningfully answered the constitutional claims presented in the
6 Petition. Their Response rests on a conclusory assertion that 8 U.S.C. § 1225(b) applies but does
7 not address Petitioner's approximately eleven-year period of release, the circumstances
8 surrounding her re-detention, or whether any neutral decisionmaker made a current individualized
9 custody determination. Respondents also provide no reason why this case should be treated
10 differently from the category of cases in which this Court has typically ordered immediate release.
11

12 Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus
13 and order Respondents to release Petitioner immediately, together with such further relief as the
14 Court deems just and proper.

15 **Dated:** July 13, 2026,

Respectfully Submitted,

17 /s/ Mario Salgado
18 Mario Salgado, Esq.
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Mario Salgado, am over the age of 18 and maintain a business address at 605 Market Street, Suite 1111, San Francisco, California 94105. I electronically served the **PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS** to the United States Attorney's Office for the Eastern District of California, 501 I Street, Suite 10-100, Sacramento, CA 95814, via this Court's electronic filing system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 13, 2026,

Respectfully Submitted,

/s/ Mario Salgado
Mario Salgado, Esq.