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Attorneys for Petitioner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ODILSON EDGARDO CORTES
BUSTILLO,

Petitioner,

v.

TODD BLANCHE, *et al.*,

Respondents.

Case No. 1:26-CV-05271-TLN-JDP

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

1 Respondents concede that this case falls within the category of immigration
2 habeas cases in which this Court has typically ordered immediate release. Respondents
3 nevertheless argue that Petitioner is subject to mandatory detention under 8 U.S.C. §
4 1225(b) because he entered without inspection and was not previously released.

5 That argument should be rejected. Section 1225 applies to applicants for
6 admission encountered at the border or its functional equivalent, while § 1226 applies
7 to individuals already present in the United States. *Jennings v. Rodriguez*, 583 U.S.
8 282, 288–89 (2018). Petitioner was not apprehended while entering or attempting to
9 enter the United States. He was arrested in the interior after residing in the United
10 States for over two decades. His detention is therefore governed by § 1226(a), which
11 permits release on bond or conditional parole.

12 Respondents rely on various cases that are not binding on this Court, and this
13 District has repeatedly rejected Respondents' interpretation. *See Otero v. Robbins*, No.
14 1:25-cv-1790-CSK, 2025 WL 3704453, at *5 (E.D. Cal. Dec. 22, 2025); *Morales-*
15 *Flores v. Lyons*, No. 1:25-cv-01640-TLN-EFB, 2025 WL 3552841, at *3 (E.D. Cal.
16 Dec. 11, 2025).

17 Respondents have declined to provide further documentation or briefing and
18 request that the Court rule on the Petition in its entirety. Because Petitioner is being
19 detained under an unlawful mandatory-detention classification, immediate release is
20 the proper habeas remedy. *See Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973); *Munaf*
21 *v. Geren*, 553 U.S. 674, 693 (2008).

22 Accordingly, Petitioner respectfully requests that the Court grant the Petition
23 and order Respondents to release him within one day.
24

25
26 Date: July 21, 2026

Respectfully submitted,

27 /s/ Roxana Gerardo Fernandez
28 Roxana Gerardo Fernandez, Esq.

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