UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FILED

AUG 10 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

LUIS ANTONIO PEREZ MACHADO,

Petitioner,

v.

Case No. 1:26-CV-05394-DC-JDP

U.S. DEPARTMENT OF HOMELAND SECURITY, et al.,

Respondents,

_____/

PETTIONER'S TRAVERSE IN REPLY TO RESPONDENTS' RESPONSE TO ORDER AND OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS.

I. INTRODUCTION

The Court ordered Respondents to show cause why the Petition should not be granted. Respondents' submit that this petition for writ of habeas corpus is indeed entitle to Relief. Respondents contend that the form of relief should be a bond hearing within a 14-day set period instead of immediate release. Respondents have preserve their position that Petitioner is subject to mandatory pre-order detention statue, 8 U.S.C. § 1225(b). Petitioner's charges were dropped/abandoned by the prosecutor(Exhibit A No Action Memorandum). Petitioner's loss of liberty for over 6 months without a pre-deprivation hearing violated the Due Process Clause of the 5th Amendment and suitable relief applied here should be immediate relief as was the case in an earlier petition in this district *Reynaldo L.R. v. United States*

Dep't of Homeland Sec., No. 1:26-CV-04814-MWJS.

RESPONDENTS REQUESTED BOND RELIEF THAT SHOULD HAVE BEEN GIVEN SIX MONTHS AGO.

Petitioner was detained by ICE on January 22, 2026 without a pre-deprivation hearing and no notice to Petitioner. Based on respondent's response to order and opposition they do not contest that Petitioner's arrest and detention violated the Due Process Clause of the Fifth Amendment. The only argument here is which is the correct form of relief for Petitioner. If Respondents are aware that they violated Petitioner's right to liberty then why has Petitioner been detained for such a prolong period of detention without an opportunity to be heard. Petitioner was detained at Krome Detention Center in South Florida were he worked in the laundry department. Since his detention of 6+ months Petitioner has had no disciplinary reports and has not caused any trouble in a place where tensions can get out of control. Petitioner was eventually transferred to California where he filed this writ of habeas corpus. Respondents are requesting a bond hearing knowing that Petitioner has been detained for over 6 months with no incoming income cause by his current detention.

PETITIONER'S DETENTION AUTHORITY IS NOT 8 U.S.C. § 1225(b) MAKING CURRENT DETENTION UNLAWFUL

Respondents confirm that Petitioner was paroled into the United States on June 19, 2024 under the Cuban Humanitarian Parole. Petitioner has lived in the interior of the United States and establish community ties. Petition worked for a party event company in Miami. Petitioner has a pending application for permanent resident under the Cuban Adjustment Act filed on June 20, 2025(Exhibit B Form I-797C, Notice of Action). Petitioner has a liberty interest from staying away from incarceration. Petitioner has reported to all his appointments and recently completed his bio metrics in late 2025. Respondents state that Petitioner's detention is pursuant to 8 U.S.C. § 1225. By making this assertion Respondents confirm that Petitioner's detention is unlawful from the time of his detainment. Respondent's certified that they are detaining Petitioner under 8 U.S.C. § 1225(b) pursuant to Federal

Respondents' novel statutory interpretation of this provision. Petitioner's sole detention was based on Respondent's reimagination of the Immigration and Nationality Act ("INA"). Respondents have acted in violation of the INA. Respondents have failed to identify any lawful authority that permits Petitioners' continued detention, and Respondent's knowing that Petitioner's petition would win on its merits is conceding to a 6-month late Bond Hearing, the appropriate remedy with respect to the Court should be immediate release.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant Petition for Writ of Habeas Corpus;

2. Order Petitioner's Immediate Release from ICE Custody; and

3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



Luis Antonio Perez Machado

Petitioner, Pro Se

California City Immigration Processing Center