

1 Mihret Getabicha (CA SBN 326787)  
mihret@caleilaw.com  
2 CALIFORNIA LABOR EMPLOYMENT  
& IMMIGRATION LAW PRACTICE, P.C.  
3 8885 Rio San Diego Dr., Ste. 237  
San Diego, California 92108  
4 Telephone: (619) 923-4249  
Facsimile: (619) 704-3971  
5

*Attorney for Petitioner Angel Cruz Rodriguez*

6  
7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 Angel Cruz Rodriguez,

11 Petitioner,

12 v.

13 Warden of Mesa Verde Detention Facility,  
14 et al.

15 Respondents.  
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No. 1:25-cv-1680-TLN-CKD P

**PETITIONER'S OBJECTIONS TO  
MAGISTRATE JUDGE'S FINDINGS  
AND RECOMMENDATIONS**

**PETITIONER'S OBJECTIONS TO MAGISTRATE JUDGE'S**  
**FINDINGS AND RECOMMENDATIONS**

**I. The Court May Consider Petitioner's Untimely Objections Under Its Equitable Authority.**

Petitioner Angel Cruz Rodriguez's ("Petitioner" or "Mr. Cruz Rodriguez") untimely objections to the Magistrate Judge's Findings and Recommendations should be considered under the Court's inherent equitable authority. *See Walker v. Johnston*, 312 U.S. 275, 287 (1941). Additionally, after meeting and conferring, Respondents' counsel do not object to this submission of objections by Petitioner beyond the 14-day deadline provided in ECF No. 16.

**II. Petitioner Requests the Court Exercise Its Equitable Authority in Reviewing Arguments for the Requested Relief.**

As Petitioner previously noted, he has a minor son who is struggling in his absence and traumatized by his re-detention. ECF No. 15, at Ex. A. Petitioner also only requested the lift of his stay of removal in his 9<sup>th</sup> Circuit appeal out of sheer desperation and despair because of Respondents' refusal to provide bond hearings in 2025 in reliance on the *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See, e.g., Nicanor Palomera Baltazar v. James Janecka, et al.*, No. Case 5:26-cv-00019-SSS-BFM, ECF No. 9, at 1-2 (C.D. Cal. Jan. 16, 2026) (unpub) ("But individuals filing these habeas petitions are not to blame; rather, the current volume of habeas petitions and temporary restraining orders being filed can be attributed to Respondents' deliberate choice to continue defying the final judgment entered in *Bautista*." Petitioner respectfully requests that the Court consider this in exercising its equitable authority. Notably, February 18,

1 2026, the Central District of California squarely rejected that case and vacated it for the  
2 nationwide certified class. *See Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,  
3 2026 WL 468284, at \*10 (C.D. Cal. Feb. 18, 2026) (“All *Yajure Hurtado* does is parrot  
4 the DHS Policy. *Yajure Hurtado* contains an identical, incorrect interpretation of law.”).

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6 Additionally, as noted in Petitioner’s Petition and Reply, the *Mathews v. Eldridge*  
7 factors all favor Mr. Cruz Rodriguez. *Mathews v. Eldridge*, 424 U.S. 319, 334-35 (1976).  
8 *See generally* ECF No. 15, at 3-6; ECF No. 1, at 10, ¶ 32. The Magistrate Judge’s  
9 Findings and Recommendations refer to Petitioner’s arguments under *Mathews v.*  
10 *Eldridge* but do not provide an analysis under those factors. *See* ECF No. 16, at 2.  
11 Instead, the Findings and Recommendations focus on statutory detention under 8 U.S.C.  
12 § 1231(a). *Id.* at 3. Petitioner believes the *Mathews v. Eldridge* balancing test and as-  
13 applied constitutional challenge favors him and should be analyzed. *See Johnson v.*  
14 *Arteaga-Martinez*, 596 U.S. 573, 583 (2022) (“The courts below did not reach [the  
15 petitioner]’s constitutional claims because they agreed with him that the statute required  
16 a bond hearing. We leave them for the lower courts to consider in the first instance.”).

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20 Dated: March 2, 2026

Respectfully Submitted,

21 /s/ Mihret Getabicha

22 Mihret Getabicha (CA SBN 326787)

23 mihret@caleilaw.com

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& IMMIGRATION LAW PRACTICE, P.C.

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