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5 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
6 **SAN DIEGO**

7 Javier Alfonso Ariza Garcia,
Petitioner,

8 v.

9 Attorney General of the United States,
et al.,
10 Respondents.
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Case No. 26-cv-02241-RBM-MSB

Agency No. 

PETITIONER'S TRAVERSE

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1 Given that Petitioner has been re-detained in violation of law, seemingly
2 without a warrant, Petitioner asks this Court to find that his continued detention is
3 unlawful and that he must be released immediately. ECF No 1. The Respondents have
4 not meaningfully challenged this assertion by Petitioner, or provided any evidence that
5 Petitioner is rightfully detained in the first instance. ECF No. 4. Respondents failed to
6 respond to the merits of the allegations in the Petition set forth at ¶¶ 22 – 48. *See*,
7 *generally*, ECF No. 1. Not opposing a bond hearing does not respond to the petition.
8 Thus, the merits of the claims set forth at ¶¶ 37 – 48 of the Petition are conceded. *See*
9 *Soleimani v. Larose*, 2025 U.S. Dist. LEXIS 230910, 2025 WL 3268412, *3 (S.D.
10 Cal. 2025) (granting habeas petition where government’s response to the petition
11 failed to respond to numerous claims raised in the petition); *Singh v. Chiang*, 2025
12 WL 4058328, *4 (C.D. Cal. 2025) (construing government’s failure to oppose
13 argument raised by habeas petitioner as a concession); *Dilewar Singh v. Annex*, No.
14 26-cv-00440-FMO-AJR, Dkt. 9, 2026 U.S. Dist. LEXIS 27669 (C.D. Cal. Feb. 9,
15 2026) (granting petition where “the court construes respondents’ failure to address
16 petitioner’s due process claim as a concession of petitioner’s argument”).

17 Multiple district courts have found in favor of immediate release for petitioners
18 who were re-detained under the same or similar circumstances as Petitioner. ECF No.
19 1, ¶ 41.

20 Petitioner has shown his desire to follow the laws of the United States, as
21 evidenced by his lack of any criminal record and his pending asylum application filed

1 with U.S. Citizenship and immigration services. ECF No. 1, ¶ 21.

2 Therefore, given Respondents lack of any meaningful challenge to his petition,
3 and the evidence of record that Petitioner's ongoing re-detention is unlawful and his
4 evidence of compliance with U.S. law, he respectfully requests immediate release to
5 the same conditions before his unlawful detention, and an order requiring the
6 government to follow proper statutes and regulations should it seek to re-detain
7 Petitioner in the future. *See* ECF No. 1, generally.

8 April 27, 2026

9 /s/ Leah L. Chavarria
Leah L. Chavarria
10 *Counsel for Petitioner*
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