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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SALVADOR ROMERO RADILLA,
Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, CHRISTOPHER LAROSE,
Warden at Otay Mesa Detention Center,

Respondents.

Civil Case No.:26-cv-2263-BAS-DDL

**Amended Petition for Writ
of
Habeas Corpus**

**[Civil Immigration Habeas,
28 U.S.C. § 2241]**

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I. Introduction

Mr. Romero Radilla entered the United States without inspection in 2006 and has lived in Escondido, California for two decades. He has no criminal history. On February 6, 2025, when he went to his boss's house to pick him up, ICE agents detained him. In the 14 months since he was detained, Mr. Romero Radilla has not received a bond hearing.

Mr. Romero Radilla is entitled to a bond hearing for at least two reasons. First, he is a member of the nationwide class of individuals eligible for bond under *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Second, he is subject to prolonged detention. For either reason, this Court should order that he receive a bond hearing in front of a neutral magistrate.

STATEMENT OF FACTS

Mr. Romero Radilla was born in Guatemala and came to the United States on May 1, 2006, without permission. Exhibit A, Declaration of Salvador Romero Radilla, at ¶ 1. He has been living in Escondido, California for 20 years and has no criminal history. *Id.* at ¶ 1. He has an 8-year-old daughter who was born in the United States. *Id.* at ¶ 1.

On February 6, 2025, Mr. Romero Radilla drove to his boss's house to pick him up for work. But ICE had already arrived at his boss's house, and they asked Mr. Romero Radilla for identification. *Id.* at ¶ 2. When he couldn't show them any proof of his immigration status, ICE arrested him and took him into immigration custody. *Id.* at ¶ 2.

Mr. Romero Radilla has been in immigration custody for over 14 months. *Id.* at ¶ 3. During this time, he applied for relief, but the immigration judge ordered him removed on March 16, 2026. *Id.* at ¶ 3. He filed an appeal with the BIA on April 1, 2026, which is currently pending. *Id.* at ¶ 3.

1 Mr. Romero Radilla has never received a bond hearing. *Id.* at ¶ 4. The only
2 time he asked an immigration judge for bond, they said there was no jurisdiction.
3 *Id.* at ¶ 4.

4 ARGUMENT

5 **I. Mr. Romero Radilla is not subject to mandatory detention under 8**
6 **U.S.C. § 1225(b)(2)(A).**

7 **A. Courts disagree with the BIA’s reasoning in *Yajure Hurtado*,**
8 **that stripped most noncitizens who enter without inspection of**
the right to seek bond.

9 In *Yajure Hurtado*, the BIA concluded that noncitizens who enter without
10 inspection have no right to seek bond from an IJ, regardless of how long they
11 have been residing in the country and irrespective of whether they were
12 apprehended by immigration authorities. 29 I&N Dec. at 228.

13 Since *Yajure Hurtado* was decided, many immigrants who otherwise would
14 have received bond hearings under § 1226(a) have challenged that decision in the
15 federal courts. As mentioned above in the introduction and as the government
16 recognizes in its Return, numerous courts disagree with the BIA’s decision. Doc.
17 6 at 12-13. Courts broadly agree that the BIA’s novel constructions of
18 § 1225(b)(2)(A) and § 1226(a) are not correct.

19 On the one hand, § 1225(b)(2)(A) is best read to apply to immigrants who
20 are at or near the border or other ports of entry, for at least three reasons.

21 *First*, § 1225(b)(2)(A)’s statutory context strongly suggests that it applies
22 only to persons apprehended at or near the border. As the Supreme Court
23 recognized in *Jennings*, § 1225(b) is concerned “primarily [with those] seeking
24 entry,” and is generally imposed “at the Nation’s borders and ports of entry,
25 where the Government must determine whether [a noncitizen] seeking to enter the
26 country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281 at 297, 287(2018).
27 Throughout its text, the statute refers to “inspections”—a term not defined in the
28 INA but which typically connotes an examination upon or soon after physical

1 entry. 8 U.S.C. § 1225 (“Inspection by immigration officers; expedited removal of
2 inadmissible arriving [noncitizens]; referral for hearing”); *id.* § 1225(b)(1)–(2)
3 (referring to “inspections” in their titles); *id.* § 1225(d)(1) (authorizing
4 immigration officials to search certain conveyances in order to conduct
5 “inspections” where noncitizens “are being brought into the United States”).
6 Many statutory provisions, various regulations, and BIA precedent discuss
7 “inspection” in the context of admission processes at ports of entry, further
8 supporting the conclusion that § 1225 has a limited temporal and geographic
9 scope. 8 U.S.C. § 1187(h)(2)(B)(i); 8 U.S.C. § 1225a; 8 U.S.C. § 1752a; 8 C.F.R.
10 § 235.1; *Matter of Quilantan*, 25 I&N Dec. 285 (BIA 2010). Petitioner’s
11 interpretation accords.

12 *Second*, consistent with the statute’s overall focus on the moment of
13 physical entry, § 1225(b)(2)’s plain language limits the statute’s reach to persons
14 actively attempting to enter the United States. The statute applies only to those
15 who are *both* “applicants for admission” *and* in the process of “seeking
16 admission.” 8 U.S.C. § 1225(b)(2)(A). Because the statute’s first clause already
17 limits the provision to “applicants for admission,” the phrase “seeking admission”
18 must have a different meaning. Any other reading would constitute “an obvious
19 violation of the rule against surplusage.” *Romero*, 2025 WL 2403827, at *10.

20 On its face, the phrase “seeking admission” suggests an active attempt to
21 enter the country. Congress’s use of the present and present progressive tenses
22 “necessarily requires some sort of present-tense action,” excluding noncitizens in
23 the interior who are no longer in the process of seeking admission to the U.S.
24 *Romero*, 2025 WL 2403827, at *9 (cleaned up); *accord Rosado*, 2025 WL
25 2337099, at *11 (similar); *Lopez Benitez*, 2025 WL 2371588, at *6 (noting the
26 statute’s “present-tense active language”). “Realistically speaking,” it is hard to
27 accept that the statute’s plain language could mean anything else: “[I]f Congress’s
28

1 intention” to detain everyone who entered without inspection “was so clear, why
2 did it take thirty years to notice?” *Romero*, 2025 WL 2403827, at *12.

3 *Third*, the statutory history supports a limited reading of § 1225(b)’s reach.
4 When Congress amended § 1225(b)’s predecessor statute—which authorized
5 detention only of arriving noncitizens—to include individuals who had not been
6 admitted, legislators expressed concerns about recent arrivals to the United States
7 who lacked the documents to remain in the country. H.R. Rep. No. 104-469, pt. 1,
8 at 157–58, 228–29 (1996); H.R. Rep. No. 104-828, at 209 (1996) (Conf. Rep.).
9 There was no suggestion in the legislative history that Congress intended to
10 subject all people present in the United States after an unlawful entry to
11 mandatory detention and thereby transform immigration detention and sweep
12 millions of noncitizens into § 1225(b).

13 The BIA’s contrary reading of the legislative history is not persuasive.
14 True, IIRIRA “altered the typology of immigration *proceedings* to ‘place[] on
15 equal footing’ ‘all immigrants who have not been lawfully admitted.’” *Romero*,
16 2025 WL 2403827, at *12 (emphasis added) (quoting *Torres v. Barr*, 976 F.3d
17 918, 928 (9th Cir. 2020)). But that “says nothing about *detention* pending the
18 outcome of those proceedings.” *Id.* (emphasis added). All these indicators suggest
19 that § 1225(b)(2)(A) applies only to recent arrivals at the border or ports of entry,
20 not people who have already entered the country.

21 On the other hand, § 1226(a) is best read to apply to some inadmissible
22 persons. It cannot plausibly be the case that all inadmissible persons fall under
23 § 1225(b)(2)(A) and none fall under § 1226(a).

24 *First*, § 1226(a)’s statutory structure makes clear that it reaches some
25 individuals who have not been admitted and have entered without inspection.
26 Section 1226(c) exempts specific categories of noncitizens from the default
27 eligibility to seek release on bond in § 1226(a). “Among the individuals carved
28 out and subject to mandatory detention are certain categories of ‘inadmissible’

1 noncitizens.” *Rodriguez*, 779 F. Supp. 3d at 1246 (quoting 8 § 1226(c)(1)(A), (D),
2 (E)). The 2025 Laken Riley Act (“LRA”) added to that list. “This ‘new’ category”
3 of persons not eligible for bond “includes those noncitizens who are deemed
4 inadmissible, including for being ‘present in the United States without being
5 admitted or paroled,’ and who have been arrested, charged with, or convicted of
6 certain crimes.” *Rosado*, 2025 WL 2337099, at *9 (citing 8 U.S.C. §
7 1226(c)(1)(E); LRA, Pub. L. No. 119-1). If § 1226(a) did not apply to
8 inadmissible noncitizens, then the longstanding carve outs that refer to
9 inadmissibility and Congress’ most recent amendments would all be surplusage.
10 *See Garcia*, 2025 WL 2549431, at *6. The better reading is the Supreme Court’s
11 in *Jennings*: that § 1226(a) “applies to aliens already present in the United States.”
12 583 U.S. at 303.

13 *Second*, § 1226(a)’s legislative history supports Petitioner’s reading. “After
14 passing the IIRIRA, Congress declared the new § 1226(a) ‘restates the current
15 provisions in [the predecessor statute] regarding the authority of the Attorney
16 General to arrest, detain, and release on bond’ a noncitizen ‘who is not lawfully in
17 the United States.’” *Rosado*, 2025 WL 2337099, at *9. Because noncitizens
18 deemed inadmissible “were entitled to discretionary detention under § 1226(a)’s
19 predecessor statute, and Congress declared the statute’s scope unchanged by
20 IIRIRA,” § 1226(a) must “allow for a discretionary release on bond for”
21 inadmissible noncitizens, too. *Id.*

22 Thus, the best reading of 8 U.S.C. §§ 1225, 1226 shows that petitioner is
23 eligible for bond. And under the Supreme Court’s recent decision in *Loper Bright*
24 *v. Raimondo*, this Court must independently interpret the meaning and scope of
25 §§ 1225(b), 1226(a) using the traditional tools of statutory construction. 603 U.S.
26 369, 385, 401 (2024); *see also Rodriguez*, 779 F. Supp. 3d at 1251; *Kostak*, 2025
27 WL 2472136, at *2 n.29; *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL
28 1869299, at *8 n.9 (D. Mass. July 7, 2025). Because the BIA’s decision in *Yajure*

1 *Hurtado* is a deviation from the agency’s long-standing interpretation of §§ 1225,
2 1226; is not guidance issued contemporaneously with enactment of the relevant
3 statutes; and contradicts the statutory interpretations of dozens of federal courts,
4 this Court should give it no weight. If anything, the government’s “decades of
5 practice” providing bond hearings to those who entered without inspection is a
6 more persuasive guide to the proper outcome here. *Martinez*, 2025 WL 2084238,
7 at *4.

8 **B. Detaining Mr. Romero Radilla without a bond hearing violates 8**
9 **U.S.C. § 1226(a), associated regulations, the administrative**
10 **procedures act, and the Fifth Amendment right to due process.**

11 Both the 8 U.S.C. § 1226(a) and its associated regulations entitle Petitioner
12 to a bond hearing. *See* 8 C.F.R. §§ 326.1(d), 1236.1, 1003.19(a)-(f). Accordingly,
13 the Fifth Amendment’s due process clause requires the government to provide the
14 legally required bond hearing before Petitioner is detained. *See Hernandez-Lara*
15 *v. Lyons*, 10 F.4th 19, 27 (1st Cir. 2021).

16 The statute and regulations implement the due process protection that
17 attends any civil detention. *See Rodriguez v. Marin*, 909 F.3d 252, 256 (9th Cir.
18 2018) (expressing “grave doubts that any statute that allows for arbitrary
19 prolonged detention without any process is constitutional or that those who
20 founded our democracy precisely to protect against the government’s arbitrary
21 deprivation of liberty would have thought so”). The Supreme Court has
22 “repeatedly recognized that civil commitment for any purpose constitutes a
23 significant deprivation of liberty that requires due process protection,” including
24 an individualized detention hearing. *Addington v. Texas*, 441 U.S. 418, 425
25 (1979); *see also United States v. Salerno*, 481 U.S. 739, 755 (1987); *Foucha v.*
26 *Louisiana*, 504 U.S. 71, 81–83 (1992); *Kansas v. Hendricks*, 521 U.S. 346, 357
(1997).

27 Here, Mr. Romero Radilla has not received a bond hearing. That violated
28 the statute, regulations, due process, and the Administrative Procedures Act.

1 **II. The Fifth Amendment's Due Process Clause prohibits prolonged**
2 **immigration detention without a bond hearing.**

3 Alternatively, Mr. Romero Radilla should receive a bond hearing because
4 his detention has become unconstitutionally prolonged.

5 First, in *Zadvydas v. Davis*, the Supreme Court indicated that indefinite
6 immigration detention raises serious due process concerns. 533 U.S. 678 (2001).
7 *Zadvydas* involved a statute authorizing the government to detain immigrants
8 after they are ordered removed. *Id.* at 683. For immigrants who cannot be
9 removed, that statute had the potential to subject them to years, decades, or a
10 lifetime in custody. *See id.* at 690. The Supreme Court held that if the statute
11 “permit[ed] indefinite detention of an alien[,] [it] would raise a serious
12 constitutional problem,” because

13 [t]he Fifth Amendment's Due Process Clause forbids the Government
14 to ‘depriv[e] any ‘person ... of ... liberty ... without due process of
15 law.’ Freedom from imprisonment—from government custody,
16 detention, or other forms of physical restraint—lies at the heart of the
17 liberty that Clause protects. *See Foucha v. Louisiana*, 504 U.S. 71, 80
18 (1992). And this Court has said that government detention violates
19 that Clause unless the detention is ordered in a *criminal* proceeding
20 with adequate procedural protections, *see United States v. Salerno*,
21 481 U.S. 739, 746 (1987), or, in certain special and ‘narrow’
nonpunitive ‘circumstances,’ *Foucha, supra*, at 80, where a special
justification, such as harm-threatening mental illness, outweighs the
‘individual's constitutionally protected interest in avoiding physical
restraint.’ *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997).

22 *Id.* Ultimately, however, the Court declined to decide whether a statute permitting
23 indefinite detention would violate the Due Process Clause. Instead, the Court
24 employed the constitutional avoidance canon to read implicit limits into the
25 statute, requiring release after detention became sufficiently prolonged. *Id.* at 699.

26 Following *Zadvydas*, the Ninth Circuit applied similar reasoning to
27 § 1225(b). *Rodriguez v. Robbins*, 804 F.3d 1060, 1087–89 (9th Cir. 2015).
28 Employing the constitutional avoidance canon, the Ninth Circuit held that

1 § 1225(b) implicitly entitled detained immigrants to bond hearings every six
2 months. *Id.*

3 The Supreme Court overruled that precedent in *Jennings v. Rodriguez*,
4 holding that the statute does not entitle detainees to bond hearings or otherwise
5 impose “any limit on the length of detention.” 583 U.S. 281, 297 (2018). But
6 though *Jennings* held that § 1225(b) imposes no statutory limit on the length of
7 detention, it reserved the question of whether prolonged, mandatory detention
8 without bond hearings violates due process. *Id.* at 312.

9 Finally, the Supreme Court held in *Demore v. Kim* that at least some
10 statutes mandating detention during immigration proceedings do not
11 automatically violate the Due Process Clause. 538 U.S. 510, 513 (2003). *Demore*
12 addressed 8 U.S.C. § 1226(c), which mandates detention without a bond hearing
13 for persons with certain criminal convictions. *Id.* The Court upheld § 1226(c) in a
14 5-4 opinion based on (1) the government interests justifying the detention of
15 immigrants with certain, aggravated criminal convictions, and (2) the relative
16 brevity of detention in most cases, with the vast majority taking only about five
17 months. *Id.* at 517–31. Justice Kennedy supplied a deciding vote. His concurrence
18 left open the possibility that individual immigrants could be “entitled to an
19 individualized determination as to his risk of flight and dangerousness if the
20 continued detention became unreasonable or unjustified.” *Id.* at 532–33.

21 “In the wake of *Jennings*,” *Zadvydas*, and *Demore*, “district courts have
22 grappled with how to address due process challenges to prolonged mandatory
23 detention under § 1225(b).” *Banda*, 385 F. Supp. 3d at 1116. But after a full
24 evaluation, “[n]early all district courts that have considered the issue agree that
25 prolonged mandatory detention pending removal proceedings, without a bond
26 hearing, will—at some point—violate the right to due process.” *Id.* (cleaned up)
27 (collecting cases).
28

1 These Courts have relied on the due process concerns recognized in
2 *Zadvydas*. See, e.g., *Kydyrali*, 499 F. Supp. 3d at 771; *Banda*, 385 F. Supp. 3d at
3 1113–17; *Abdul Kadir v. Larose*, No. 25CV1045-LL-MMP, 2025 WL 2932654,
4 at *3 (S.D. Cal. Oct. 15, 2025). As the Ninth Circuit put it in *Jennings*’ wake,
5 those considerations raise “grave doubts that any statute that allows for arbitrary
6 prolonged detention without any process is constitutional or that those who
7 founded our democracy precisely to protect against the government’s arbitrary
8 deprivation of liberty would have thought so.” *Rodriguez v. Marin*, 909 F.3d 252,
9 256 (9th Cir. 2018).

10 Neither *Jennings* nor *Demore* undermines that conclusion. *Jennings* held
11 only that the statute itself did not impose any limits on detention. It “did not
12 foreclose as-applied constitutional challenges to detention under” mandatory-
13 detention statutes. *Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 209
14 (3d Cir. 2020). And *Demore* held only that conviction-based mandatory detention
15 during immigration proceedings does not necessarily violate due process,
16 particularly when the detention has an expected duration of about five months. *Id.*
17 at 208–11. But many persons detained under § 1225(b)—like Mr. Romero
18 Radilla—do not have criminal convictions. And as Justice Kennedy’s concurrence
19 made clear, *Demore* does not prevent immigrants from arguing that sufficiently
20 prolonged detention violates due process in their individual cases. See *id.*¹

21 Thus, this Court should hold that sufficiently prolonged detention violates
22 the Due Process Clause, as most courts have. See, e.g., *Gao v. LaRose*, No. 25-
23 CV-2084-RSH-SBC, 2025 WL 2770633, at *3 (S.D. Cal. Sept. 26, 2025); *Abdul*
24

25 ¹ The Supreme Court’s later decision in *Dep’t of Homeland Sec. v. Thuraissigiam*,
26 591 U.S. 103 (2020), is also inapposite, because it addressed only immigrants’ due
27 process rights in deportation proceedings—i.e., the process due when noncitizens
28 seek to stay in the country instead of being removed. See *Lopez-Arevelo v. Ripa*,
No. EP-25-CV-337-KC, 2025 WL 2691828, at *7–9 (W.D. Tex. Sept. 22, 2025). It
does not purport to hold that immigrants have no constitutional right to due process
before the government holds them indefinitely in immigration detention. *Id.*

1 *Kadir v. Larose*, No. 25CV1045-LL-MMP, 2025 WL 2932654, at *4 (S.D. Cal.
2 Oct. 15, 2025); *Cong v. Noem*, No. 25-CV-3730-GPC-DEB, 2026 WL 76566, at
3 *3 (S.D. Cal. Jan. 9, 2026); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal.
4 2020) (Battaglia, J.); *Mardian v. Mayorkas*, 25-cv-3467-JLS; *Raeva v. Mayorkas*,
5 25-cv-3175-JO; *Abdul-Samed v. Warden of Golden State Annex Det. Facility*, No.
6 25-cv-98-SAB-HC, 2025 WL 2099343, at *6 (E.D. Cal. July 25, 2025);
7 *Hernandez v. Wofford*, No. 25-cv-986-KES-CDB (HC), 2025 WL 2420390, at *3
8 (E.D. Cal. Aug. 21, 2025); *Padilla v. ICE*, 704 F. Supp. 3d 1163, 1171–72 (W.D.
9 Wash. 2023).

10 Though courts agree that due process mandates a bond hearing when
11 detention grows unreasonably prolonged, they disagree about how to assess
12 whether a particular migrant’s detention has reached that point. *Sanchez-Rivera v.*
13 *Matuszewski*, No. 22-CV-1357-MMA (JLB), 2023 WL 139801, at *5–6 (S.D.
14 Cal. Jan. 9, 2023) (Anello, J.) (surveying the various approaches). Because it
15 incorporates nearly all the factors, many courts have found it “most appropriate to
16 apply the *Banda* test to Petitioner’s detention here under § 1225(b), as other
17 courts within this district have done in the past.” *Sandesh v. Noem*, 26-cv-846-
18 JES-DDL, Dkt. 13 at 5 (Mar. 5, 2026 S.D. Cal). The *Banda* factors include:

- 19 (1) the total length of detention to date;
- 20 (2) the likely duration of future detention;
- 21 (3) the conditions of detention;
- 22 (4) delays in the removal proceedings caused by the detainee;
- 23 (5) delays in the removal proceedings cause by the government; and
- 24 (6) the likelihood that the removal proceedings will result in a final order
25 of removal.

26 *Banda*, 385 F. Supp. 3d at 1106. Applying these factors here shows that
27 Mr. Romero Radilla’s detention has become prolonged.
28

1 First, the “most important factor,” the length of detention, favors Mr.
2 Romero Radilla. *Banda*, 385 F. Supp. 3d at 1118. In assessing this factor, “[i]t is
3 important to bear in mind the context: The detention that is being examined here
4 is the detention of a human being who has never been found to pose a danger to
5 the community or to be likely to flee if released.” *Jamal A. v. Whitaker*, 358 F.
6 Supp. 3d 853, 859 (D. Minn. 2019). With that context, courts have granted bond
7 hearings for persons detained between nine and eleven months. *See Ashemuke v.*
8 *ICE Field Off. Dir.*, No. C23-1592-RSL-MLP, 2024 WL 1683797, at *4 (W.D.
9 Wash. Feb. 29, 2024), *report and recommendation adopted*, No. C23-1592-RSL,
10 2024 WL 1676681 (W.D. Wash. Apr. 18, 2024) (“approximately eleven
11 months”); *Brissett v. Decker*, 324 F. Supp. 3d 444, 452 (S.D.N.Y. 2018) (“over
12 nine months”); *Perez v. Decker*, No. 18-CV-5279 (VEC), 2018 WL 3991497, at
13 *5 (S.D.N.Y. Aug. 20, 2018) (“more than nine months”); *Masood v. Barr*, No. 19-
14 CV-07623-JD, 2020 WL 95633, at *2 (N.D. Cal. Jan. 8, 2020) (“nearly nine
15 months”). Mr. Romero Radilla has been detained for even longer, for 14 months.
16 Exh. A at ¶ 3. This factor therefore strongly favors Mr. Romero Radilla.

17 Second, Mr. Romero Radilla has reason to anticipate significant future
18 detention, as his case is on appeal to the BIA and will likely go to the Ninth
19 Circuit. *Id.* at ¶ 4. All told, “[t]his process may take up to two years or longer.”
20 *Banda*, 385 F. Supp. 3d at 1119. Because “Petitioner’s future detention can last
21 several more months or even years[,]” this factor favors Mr. Romero Radilla.
22 *Abdul Kadir v. Larose*, No. 25CV1045-LL-MMP, 2025 WL 2932654, at *5 (S.D.
23 Cal. Oct. 15, 2025).

24 Third, conditions of confinement weigh in favor of him. “Petitioner’s
25 confinement at [Otay Mesa Detention Center] is ‘indistinguishable from penal
26 confinement.’” *Abdul Kadir*, 2025 WL 2932654, at *5 (quoting *Kydyrali*, 499 F.
27 Supp. 3d at 773).

1 *Fourth* and *fifth*, Mr. Romero Radilla has not caused any unreasonable
2 delays in his removal proceedings; thus, this factor is arguably neutral.

3 *Sixth*, regarding the likelihood that the removal proceedings will result in a
4 final order of removal, Mr. Romero Radilla has a strong claim and would likely
5 win on appeal. *Id.* at ¶ 4. Accordingly, under the *Banda* factors, Mr. Romero
6 Radilla is entitled to release or a bond hearing.

7 **III. This Court must hold an evidentiary hearing on any disputed facts.**

8 Resolution of a prolonged-detention habeas petition may require an
9 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009).
10 Mr. Romero Radilla hereby requests such a hearing on any material, disputed
11 facts.

12 **IV. Prayer for relief**

13 For these reasons this Court should order that Mr. Romero Radilla receive a
14 bond hearing.

15 Respectfully submitted,

16
17 Dated: April 22, 2026

s/ Kara Hartzler

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