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Attorney for Petitioner,

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

Angel Didier Deagueros Mota,
Petitioner,

) Case No. 26-cv-2830-RBM-MMP

V.

TODD BLANCHE, Acting Attorney General of the United States, in his official capacity; MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security, in his official capacity; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; GREGORY J. ARCHAMBEAULT, ICE Field Office Director for Imperial County, in his official capacity, WARDEN of Imperial Regional Detention Facility.

PETITIONER'S TRAVERSE

Respondents.

Respondents' Return attempts to characterize this matter as involving only a straightforward and finite period of detention pending completion of Ninth Circuit review. However, the procedural posture of this case has materially changed since

1 the prior habeas proceedings. At the time of the earlier petition, Petitioner had not
2 yet obtained vacatur and dismissal of the criminal conviction that materially
3 impaired his immigration eligibility and formed the practical basis underlying his
4 current immigration posture. The state court has now vacated that conviction and
5 the prosecution dismissed the charges in their entirety.

7 Following those developments, Petitioner is actively preparing to pursue
8 adjustment-related relief through the filing of a Form I-485 together with
9 accompanying Forms I-601 and I-212 based upon approved immigrant visa
10 petitions and the materially changed circumstances resulting from the vacatur.
11 Petitioner's immigration counsel anticipates those filings will be submitted
12 imminently. Thus, unlike the posture presented during the prior habeas
13 proceedings, the conclusion of the Ninth Circuit proceedings no longer necessarily
14 renders removal immediately executable or reasonably imminent.

17 Respondents argue that removal remains foreseeable because Petitioner has
18 not yet filed a motion to reopen the underlying 2005 removal proceedings. But the
19 relevant inquiry under *Zadvydas* is not whether an administratively final order
20 technically remains in existence. Rather, the inquiry is whether there exists a
21 significant likelihood of actual removal in the reasonably foreseeable future.
22 *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Here, judicial review remains
23 pending before the Ninth Circuit. The matter is presently under consideration for
24 oral argument before the Ninth Circuit, and removal remains stayed pursuant to
25 order of that court.

27 Simultaneously, Petitioner is actively pursuing congressionally authorized
28 immigration remedies following vacatur of the conviction. Respondents'

1 contention that removal is reasonably foreseeable because the Ninth Circuit
2 proceedings may conclude in the near future necessarily depends upon
3 assumptions regarding the outcome and timing of ongoing judicial proceedings
4 that remain unresolved. At present, judicial review remains pending, removal
5 remains stayed, and Petitioner continues pursuing available immigration remedies
6 following vacatur of the predicate conviction. Under these circumstances,
7 Respondents cannot establish that execution of removal is reasonably imminent
8 within any defined timeframe.
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11 Further, Petitioner's pending Petition for Review raises non-frivolous
12 challenges concerning the reinstatement proceedings themselves. As alleged in the
13 Petition, following his original removal Petitioner later presented himself at the
14 San Ysidro Port of Entry and was waived through inspection by an immigration
15 officer without questioning or presentation of documentation, conduct consistent
16 with a "wave-through" entry recognized in *Matter of Quilantan*. Petitioner further
17 maintains that the reinstatement proceedings contain additional procedural and
18 legal deficiencies presently before the Ninth Circuit. The Court need not resolve
19 those issues in these habeas proceedings. Their pendency nevertheless further
20 demonstrates that removal is not practically imminent while judicial review
21 remains ongoing and adjustment-related proceedings are actively being prepared.
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24 Moreover, Petitioner has now remained under DHS custody arising from
25 these reinstatement proceedings since approximately March 2025, including the
26 period following his unlawful removal in violation of the Ninth Circuit's stay order
27 and his subsequent parole return to the United States at the Government's
28 direction. He has therefore endured substantially more than six months of

1 aggregate immigration detention tied to the same reinstatement proceedings and
2 ongoing judicial review. During that time, Petitioner has remained separated from
3 his United States citizen wife and three United States citizen children while
4 detained without any constitutionally adequate custody hearing.
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6 Respondents also continue to characterize Petitioner as subject to
7 “mandatory detention” under 8 U.S.C. § 1231. However, the mandatory ninety-day
8 removal period under § 1231(a)(2) has long since expired. Any continued
9 detention now exists, if at all, only under the discretionary post-removal-period
10 authority addressed in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Under *Zadvydas*,
11 once detention extends beyond the presumptively reasonable six-month period and
12 removal is not reasonably foreseeable, continued civil detention becomes
13 constitutionally impermissible absent adequate justification. Here, removal remains
14 stayed, judicial review remains pending before the Ninth Circuit, Petitioner
15 continues to pursue non-frivolous challenges relating to reinstatement, and
16 Petitioner is actively preparing congressionally authorized adjustment-related
17 filings following vacatur of the predicate conviction. Under these circumstances,
18 Respondents cannot demonstrate that removal is sufficiently imminent to justify
19 continued prolonged detention. Nor have Respondents provided Petitioner with any
20 meaningful custody review process sufficient to justify his continued confinement
21 after expiration of the mandatory removal period.
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25 Petitioner also possesses substantial equities and liberty interests that further
26 weigh against continued prolonged detention. Petitioner has resided in the United
27 States since early childhood, is married to a United States citizen, is the father of
28 three United States citizen children, previously operated his own business, and has

1 extensive family and community ties within the United States. Following vacatur
2 of the conviction that previously impaired his immigration eligibility, Petitioner
3 now has potential avenues to pursue lawful permanent residence through
4 congressionally authorized immigration procedures. Petitioner and immigration
5 counsel are actively preparing the necessary filings, including Forms I-485, I-601,
6 and I-212. Continued detention substantially burdens Petitioner's ability to assist in
7 and meaningfully participate in those ongoing proceedings while separated from
8 his United States citizen wife and children.
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11 Accordingly, Respondents have failed to establish that Petitioner's continued
12 detention under 8 U.S.C. § 1231 remains reasonably related to effectuating
13 removal or that removal is significantly likely to occur within the reasonably
14 foreseeable future. The mandatory ninety-day removal period has expired, and
15 Petitioner has now endured substantially more than six months of aggregate
16 immigration detention arising from the same reinstatement proceedings. Under
17 *Zadvydas*, continued civil detention under these circumstances is no longer
18 constitutionally permissible.
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21 Petitioner therefore respectfully requests immediate release from custody. In
22 the alternative, Petitioner requests a prompt constitutionally adequate custody
23 hearing before a neutral decisionmaker at which the Government bears the burden
24 of establishing by clear and convincing evidence that continued detention remains
25 necessary. In the further alternative, should the Court determine that additional
26 confirmation regarding the anticipated adjustment-related filings is necessary,
27 Petitioner respectfully requests that the matter be held in abeyance for a brief
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1 period to permit submission of proof that the Forms I-485, I-601, and I-212 have
2 been filed, rather than denial of the Petition.
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5 Dated: May 18, 2026

Respectfully submitted,

6 /s/LeRoy George Siddell

7 LeRoy George Siddell

8 Attorney for Petitioner
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