

1 Petitioner submits this Traverse and Memorandum to comply with the Court's order and the
2 habeas corpus procedure and to expedite the process.

3 **1225 v. 1226**

4 As a threshold matter, petitioner agrees with respondents non-opposition that petitioner is
5 detained pursuant to 8 U.S.C. § 1226(a). There have been dozens, maybe hundreds, of decisions in
6 the Southern District of California reaching this conclusion. Despite this mountain of established
7 law in this District, the respondent continue to obstinately detain noncitizens on this unlawful
8 basis—including petitioner. This has resulted in a gargantuan waste of scarce judicial resources as
9 well as the infliction of needless cruelty and oppression on thousands of respondents and their
10 families. The court must still decide the appropriate remedy for this lawless government conduct.

11 **Remedy**

12 In this case, the appropriate remedy is an order that respondents immediately release
13 petitioner from detention. Petitioner has lived and worked in the USA for years. He has no criminal
14 record. The circumstances of his detention smack of racial profiling. Nevertheless, respondents
15 have unlawfully detained petitioner since February 12, 2026—a total of 19 days and counting.
16 Petitioner is never getting those 19 days of life back. Worse, respondents know that petitioner was
17 entitled to a 1226(a) bond hearing but they are forcing him (and everyone else) to file habeas corpus
18 petitions to compel compliance with the law. Finally, there is a growing trend or realization that the
19 bond proceedings at the Otay Mesa Immigration Court are not fair. The EOIR system has been
20 debased into a deportation machine. The judges apparently know that they risk being fired if they do
21 not perform their expected task of denying bonds. Respondents' goal is to oppress noncitizens into
22 hopelessness, despair, and exhaustion so that they will abandon their legal rights.

23 But the court should not countenance this injustice. Accordingly, some courts are finding
24 that immediate release, rather than a bond hearing, is the appropriate remedy. *See E.A. T.-B. v.*
25 *Wamsley*, 795 F. Supp. 3d 1316, 1324 (W.D. Wash. 2025) ("Although the Government notes that
26 Petitioner may request a bond hearing while detained, such a post-deprivation hearing cannot serve
27 as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous
28 deprivation of liberty."); *Jorge M.F. v. Jennings*, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021) ("if

1 Petitioner is detained, he will already have suffered the injury he is now seeking to avoid”);
2 *Domingo v. Kaiser*, Case No. 25-cv-05893 (RFL), 2025 WL 1940179, at *3 (N.D. Cal. July 14,
3 2025) (“Even if Petitioner[] received a prompt post-detention bond hearing under 8 U.S.C. §
4 1226(a) and was released at that point, he will have already suffered the harm that is the subject of
5 his motion; that is, his potentially erroneous detention.”).

6 So, petitioner seeks the following remedy:

- 7 1. Respondents are ordered to immediately release Petitioner from custody.
- 8 2. The Court orders, prior to any re-detention of Petitioner, that Petitioner shall receive
9 a hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) to determine whether
10 detention is warranted. Respondents shall bear the burden of establishing, by clear and convincing
11 evidence, that Petitioner poses a danger to the community or a risk of flight.

12 DATED: 19 May 2026

13 Respectfully submitted,

14 /s/ *William Baker*
15 William Baker (157 906)
16 MORENO & ASSOCIATES
17
18
19
20
21
22
23
24
25
26
27
28