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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JAVIER HARO BECERRA, Petitioner, v. JEREMY CASEY, et al., Respondent.	Case No.: 26-cv-03074-AGS-SBC **RESPONDENTS' SUPPLEMENTAL BRIEF**

I. INTRODUCTION

Respondents provide the following supplemental briefing pursuant to the Court's Order of June 15, 2026. ECF No. 8. Based on the arguments set forth below, the Court should deny any requests for relief and dismiss the petition.

II. STATEMENT OF FACTS

On February 11, 2026, Petitioner filed his first petition for writ of habeas corpus (Petition 1). *Haro Becerra v. Kristi Noem et al*, 26-cv-00878-AGS-BJW, No. 1. On February 18, 2026, this Court partially granted Petitioner's first habeas petition and ordered Respondents to "provide petitioner with a bond hearing before an immigration

judge by March 4, 2026." *See id.*, No. 4. On March 3, 2026, Respondents provided Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) before an immigration judge (IJ) in compliance with this Court's order. *See* Exhibit 1 (IJ Order dated March 3, 2026). The IJ denied bond, holding that Petitioner was a "[r]isk of flight." *See id.* Petitioner failed to file an appeal of his bond denial before the Board of Immigration Appeals (BIA). ECF No. 3, 4. On April 14, 2026, Petitioner received a second bond hearing. *See* Exhibit 2 (IJ Order dated April 14, 2026). The IJ denied Petitioner's second bond request holding that there was "No change in circumstances when the bond was previously denied in March of this year." *See id.* Petitioner again failed to file a bond appeal to the BIA. ECF No 3-4.

On May 17, 2026, Petitioner filed a second petition for writ of habeas corpus. *Haro Becerra v Casey, et al,* 26-cv-03074-AGS-SBC, ECF No. 1. Petitioner made new arguments on his second petition, including the argument that "Respondent's failed to comply with statutory and regulatory requirements governing termination of parole." *See generally id.* Petitioner also requested new relief in the form of "immediate release." *See id.* On June 15, 2026, after hearing arguments on the matter, the Court requested supplemental briefing. *See id.*, ECF 8.

Based on the arguments set forth below, the Court should deny any requests for relief and dismiss the petition.

III. ARGUMENT

A. Raising new challenges to his re-detention, that could have been raised in his first Petition, is an abuse of the writ

The doctrine of abuse of the writ generally "forbids the reconsideration of claims that were or could have been raised in a prior habeas petition." *Calderon v. United States Dist. Ct.*, 163 F.3d 530, 538 (9th Cir.1998) (*en banc*) (overruled in part on other grounds by *Woodford v. Garceau*, 538 U.S. 202 (2003)). Under the abuse of the writ doctrine, a successive petition must be dismissed unless the petitioner can show (1) cause for

bringing a successive petition and that prejudice would result or (2) that a fundamental miscarriage of justice would result from failure to entertain the claim. *See McCleskey v. Zant*, 499 U.S. 467, 494–95 (1991); *Sanders v. United States*, 373 U.S. 1, 15 (1963). The government bears the burden of pleading abuse of the writ, *McCleskey*, 499 U.S. at 477.

After receiving a bond hearing, Petitioner has now filed a second petition for writ of habeas corpus that fails to meaningfully address Petition 1 or provide an explanation for why these arguments were not raised previously. The instant Petition ("Petition 2") argues for the first time that Petitioner was re-detained without adequate due process based on having been previously released from immigration custody. *See Haro Becerra v Casey, et al,* 26-cv-03074-AGS-SBC, ECF No. 1. Because the arguments in Petition 2 could have been raised in Petition 1, and because Petitioner already received an individualized bond hearing, Respondents contend Petition 2 runs afoul of the abuse of the writ doctrine. Furthermore, if Petitioner believed the Government did not honor the Court's order in Petition 1, he is free to seek to re-open that case with the Court. The Court should dismiss Petition 2 as an abuse of the writ.

IV. CONCLUSION

Because Petitioner has abused the writ by filing a successive petition with challenges that could have been raised in his first Petition, the Court should dismiss this matter.

DATED: June 22, 2026

Respectfully submitted,

ADAM GORDON
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s/ ANTONIO ESTRADA
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