

1 Leah L. Chavarria, Esq.
CA Bar # 297506
2 2251 San Diego Ave., STE B-200 San
Diego, CA 92110
3 leah@hurwitzholt.com
Pro bono Attorney for Petitioner

4
5 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
6 **SAN DIEGO**

7 P.R.,
Petitioner,

Case No. 26-cv-03150-RBM-JLB

8 v.

PETITIONER'S TRAVERSE

9 Todd Blanche, *et al.*,

10 Respondents.

1 The Respondents have not meaningfully challenged the Petition, or provided
2 any evidence that Petitioner is rightfully detained in the first instance. ECF No. 6 – 6-
3 1. Respondents failed to respond to the merits of the allegations in the Petition set
4 forth at ¶¶ 31 – 39 and ¶¶ 1 – 14 (pp. 18 – 23)¹. ECF No. 1. A conclusory statement
5 that it is the “government’s position that Petitioner is subject to mandatory detention
6 under § 1225(b)(2)” is not a sufficient challenge to the petition. Thus, the merits of
7 the claims of the Petition should be considered conceded. *See Soleimani v. Larose*,
8 2025 U.S. Dist. LEXIS 230910, 2025 WL 3268412, *3 (S.D. Cal. 2025) (granting
9 habeas petition where government’s response to the petition failed to respond to
10 numerous claims raised in the petition); *Singh v. Chiang*, 2025 WL 4058328, *4 (C.D.
11 Cal. 2025) (construing government’s failure to oppose argument raised by habeas
12 petitioner as a concession); *Dilewar Singh v. Annex*, No. 26-cv-00440-FMO-AJR,
13 Dkt. 9, 2026 U.S. Dist. LEXIS 27669 (C.D. Cal. Feb. 9, 2026) (granting petition
14 where “the court construes respondents’ failure to address petitioner’s due process
15 claim as a concession of petitioner’s argument”).

16 Multiple district courts have found in favor of immediate release for petitioners
17 who were re-detained under the same or similar circumstances as Petitioner. ECF No.
18 1, ¶ 36. By the government’s own admission, “there is insufficient information
19 regarding termination of that parole, pursuant to 8 C.F.R. § 212.5(e)(2), to provide to

20
21 ¹ Counsel apologizes for the formatting error that created duplicate paragraph numbers
and so has included the pages for those paragraphs for a more precise citation.

1 the Court.” ECF No. 6

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

8 May 28, 2026

9 /s/ Leah L. Chavarria
10 Leah L. Chavarria
11 *Pro Bono Counsel for Petitioner*
12
13
14
15
16
17
18
19
20
21