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

17 HECTOR RAMIREZ PEDRO,

18 Petitioner,

19 v.

20 TODD BLANCHE, U.S. ATTORNEY
21 GENERAL, *et al.*,

22 Respondents.

Case No. 26-cv-03186-RBM-SBC

**REPLY IN SUPPORT OF HABEAS
CORPUS PETITION**

1 In response to Petitioner's habeas petition, Respondents contend that Petitioner
2 "appears to be a member of the Bond Eligible Class certified in *Maldonado Bautista*."
3 Response, ECF No. 6 at 1. As Respondents acknowledge, *Maldonado Bautista* is
4 stayed outside the Central District of California. *Id.* As such, Petitioner does not seek
5 relief as a purported class member of the Bond Eligible Class. *See generally* ECF No.
6 1. Relying on *Maldonado Bautista*, Respondents submit that they "do not oppose an
7 order from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a)."
8 ECF No. 6. The only appropriate remedy for Petitioner's unlawful detention under §
9 1225(b)(2) is immediate release.

10 Beyond their brief assertion that Petitioner is a member of the Bond Eligible
11 Class, Respondents do not contend with any of the arguments or claims Petitioner
12 asserted in his habeas petition, including that his detention under § 1225(b)(2) violates
13 both the Immigration and Nationality Act and the Fifth Amendment's Due Process
14 Clause. Respondents' failure to respond is dispositive of the legal questions raised in
15 the petition. Because Petitioner has been subject to unlawful detention, the after-the-
16 fact bond hearing Respondents propose "cannot serve as an adequate procedural
17 safeguard . . . and cannot prevent an erroneous deprivation of liberty." *Miranda*
18 *Guevara v. Mullin*, No. 3:26-CV-02690-RBM-AHG, 2026 WL 1349068, at *2 (S.D.
19 Cal. May 14, 2026) (Bermudez Montenegro, J.) (citation and internal quotation
20 omitted). This Court has similarly found that where "the discretionary procedures of
21 § 1226 govern Petitioner's detention, [] the Petition must be granted." *Id.*

22 Here, Petitioner's continued confinement without individualized review is
23 arbitrary and serves no legitimate immigration purpose, and each day he is detained is
24 a significant violation of his rights. Thus, he is entitled to immediate release. Release
25 is the traditional remedy for unlawful custody in habeas proceedings. *See Preiser v.*
26 *Rodriguez*, 411 U.S. 475, 484 (1973) ("[T]he traditional function of the writ is to
27 secure release from illegal custody."); *see also Munaf v. Geren*, 553 U.S. 674, 693
28 (2008) ("Habeas is at its core a remedy for unlawful executive detention.");

1 *Ambroladze v. Maldonado*, No. 26-CV-00474 (HG), 2026 WL 280182, at *3
2 (E.D.N.Y. Feb. 3, 2026) (ordering immediate release where continued detention
3 followed a failure of process). This Court has recently concluded that immediate
4 release was the appropriate remedy under similar facts. *Miranda Guevara*, 2026 WL
5 1349068, at *2.

6 Accordingly, this Court should grant the petition and order Petitioner's
7 immediate release.

8 Date: June 2, 2026

Respectfully submitted,

9
10 /s/ Roxana Gerardo Fernandez

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