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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

MARIA IVETH GURROLA RECENDIZ, [redacted]

Petitioner,

vs.

MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
PATRICK DIVVER, San Diego Field Office Director, ICE;
WARDEN, OTAY MESA DETENTION CENTER; and
TODD BLANCHE, Attorney General of the United States

Respondents.

Case No. 3:26-cv-03187-RBM-DEB

Agency No. [redacted]

PETITIONER'S REPLY TO RESPONDENTS' RETURN TO PETITION FOR WRIT OF HABEAS CORPUS

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Petitioner Maria Iveth Gurrola Recendiz ("Petitioner"), by and through counsel, hereby submits this Reply to Respondents' Return to the Petition for Writ of Habeas Corpus.

1. CONCESSION OF ELIGIBILITY FOR A BOND HEARING

Petitioner notes and accepts Respondents' concession that they do not oppose an order from this Court directing that an immigration bond hearing be held pursuant to 8 U.S.C. § 1226(a).

2. PETITIONER OBJECTS TO RESPONDENTS' REQUESTED 14-DAY DELAY

While the parties agree that a bond hearing must be ordered, Petitioner strongly objects to Respondents' request for a 14-day window from the issuance of this Court's order to conduct the hearing. Petitioner remains incarcerated at the Otay Mesa Detention Center. Continued administrative detention inherently infringes upon her fundamental liberty interests. While Petitioner acknowledges the heavy caseloads and staffing constraints raised by Respondents, a two-week delay to schedule a localized administrative hearing is unreasonable and punitive given the explicit consensus on her entitlement to relief. To safeguard Petitioner's constitutional right to due process, this Court should order the Executive Office for Immigration Review (EOIR) to conduct the bond hearing within three (3) calendar days of the Court's order.

3. BURDEN OF PROOF AT THE BOND HEARING

To ensure the ordered relief complies with fundamental constitutional principles, the Court's order should explicitly clarify that at the 8 U.S.C. § 1226(a) hearing, the burden of proof rests on the Government to demonstrate by clear and convincing evidence that Petitioner is a flight risk or a danger to the community.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus in part and issue an order directing Respondents to provide Petitioner with an 8 U.S.C. § 1226(a) bond hearing within three (3) calendar days, utilizing the proper constitutional burdens of proof. Dated: June 8, 2026 Respectfully submitted,

Dated: 6/8/2026

Respectfully submitted,

/s/Hernando De Cima
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