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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DIONICIO CALMO PEREZ,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, TODD BLANCHE, Acting Attorney General, TODD M. LYONS, Acting Director, Immigration and Customs Enforcement, JESUS ROCHA, Acting Field Office Director, San Diego Field Office, CHRISTOPHER LAROSE, Warden at Otay Mesa Detention Center,

Respondents.

Civil Case No.: 26-cv-3178-LL-JAC

Reply to Government's Response Re: Order ECF No. 9

On June 23, 2026, this Court ordered Respondents to "respond to Petitioner's argument that he was arrested without a warrant and if so, what the appropriate remedy would be." ECF No. 9. In response, Respondents provided an I-200 Warrant for Arrest of Alien and contended that "Petitioner is not entitled to an immediate release as Petitioner was served with the administrative warrant on January 3, 2026"—the day of his arrest. ECF No. 10 at 1; ECF 10-1.

Not only is this evidence insufficient, it *affirmatively suggests* that Mr. Calmo Perez was arrested without a warrant, for three reasons.

First, the certificate of service states that the warrant was served on Mr. Calmo Perez "at San Diego, CA." ECF No. 10-1. But the government's own documents related to Mr. Calmo Perez's arrest demonstrate that Mr. Calmo Perez was arrested in Oceanside, California. Exhibit A, Record of Deportable/Inadmissible Alien at 1. The deportation officer's account of events even confirms that officers conducted a record check of the registered owner of the car, not Mr. Calmo Perez. *See* Exh. A at 2. These same records confirm the information in Mr. Calmo Perez's declaration—something Respondents have never contested—which states that on January 3, 2026, he was a passenger in his coworker's car when the car was "surrounded by many ICE detention officers." ECF No. 6, Exhibit A, at ¶ 3. In other words, nothing in the warrant shows that it was issued *before* Mr. Calmo Perez's arrest as a mere passenger in his coworker's car; in fact, it suggests that the warrant was only prepared and served on him *after* he was arrested and taken into custody.

Second, the two signature spaces on the warrant for the Authorized Immigration Officer and the officer serving the warrant have been heavily redacted to the point where it is impossible to tell whether the warrant was even signed. Thus, the warrant contains no evidence that it was validly issued by the appropriate immigration officers.

Finally, the warrant purports to make a determination of probable cause for Mr. Calmo Perez's arrest based on three checked boxes that state:

- "the execution of a charging document to initiate removal proceedings against the subject";
- "biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law"; and
- "statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmative indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law."

ECF 16-1. But Respondents submit no evidence that a "charging document," "biometric confirmation" or "a records check," "statements made voluntarily by the subject," or "other reliable evidence" existed *before* his arrest at the traffic stop initially conducted on his coworker. To the contrary, the "statements made voluntarily by the subject to an immigration officer" likely refer to the statements Mr. Calmo Perez made to agents *after his coworker was pulled over*—rather than statements that triggered the issuance of a warrant *before his arrest*. There's no information to indicate officers knew who Mr. Calmo Perez was before pulling the car over, let alone whether they knew anything about his immigration status.

In other words, everything about the warrant Respondents have produced suggests that immigration agents pulled over Mr. Calmo Perez's coworker in Oceanside, decided to also arrest Mr. Calmo Perez, brought him to San Diego, and only then created, signed, and served the warrant. This rendered Mr. Calmo Perez's arrest illegal. As one court has explained, "[t]he Supreme Court's explanation of the process for a warrant-based apprehension and detention under S 1226(a) confirms that the warrant must be issued *before* the alien is arrested and taken into custody." *Ramos v. Lyons*, 809 F. Supp. 3d 1015, 1023 (C.D. Cal. Nov.

12, 2025). So, unlike other cases where Respondents have submitted evidence that this warrant was issued before a noncitizen's arrest,[1] the evidence here demonstrates the opposite. Thus, this Court should grant the petition and order Mr. Calmo Perez's immediate release.

Respectfully submitted,

Dated: June 26, 2026

s/ Hannah Basalone
Hannah Basalone
Federal Defenders of San Diego, Inc.

[1] For instance, in *Villano de Jesus v. Mullin*, 26-cv-2958-LL-MMP (S.D. Cal. June 24, 2026), this Court rejected a similar warrant argument where Respondents had submitted a warrant with visible signatures and an accompanying I-213 that stated agents had been "tasked with locating an individual *with an I-200 [warrant] lodged against him*." *See id.* at ECF 10-1. So unlike here, the record in *Villano de Jesus* contained direct evidence that the warrant was issued prior to the indvidual's apprehension.