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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUAN MANUEL VILLANUEVA GONZALEZ,

Petitioner,

v.

CHRISTOPHER LAROSE, *et al.*,

Respondents.

Civil Case No.: 26-cv-03180-LL-VET

PETITIONER'S TRAVERSE

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. 1. Respondents provided two 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 November 1, 2025 "—the day of his arrest. ECF No. 11 at 4; ECF 11-5. Mr. Villanueva Gonzalez will address only the Respondents arguments regarding the warrant and does not disagree with the other arguments address by Respondent in its response.

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

First, the two warrants provided by the Respondent were purportedly served on the same day, the day of Mr. Villanueva Gonzalez arrest. Additionally, they do not specific a location other than "New York." The first warrant provided by Respondent identifies the individual to be arrested at "Villanueva, Juan" This warrant is entirely filled out by hand, suggesting it was created upon arresting Mr. Villanueva Gonzalez and not before.

The second warrant provided by Respondent is filled electronically, only has the last box checked, it signed electronically by a "Joseph P Harrington SDDO" at 11:23 a.m. The second warrant in contrast to the first identifies the individual to be arrested as "Juan Manuel Villanueva Gonzalez." Like the first warrant, the second warrant also fails to specify a location other than "New York." Both warrants acknowledge that notice was given to Mr. Villanueva Gonzalez in the Spanish language but leave blank the section designated to provide the interpreter's information. ECF No. 11 at 4-5.

In other words, nothing in the warrants shows that they were issued *before* Mr. Villanueva Gonzalez arrest; in fact, it suggests that the first warrant was prepared and served on him in a rushed manner (likely in the field) and the second

warrant was prepared and served on him *after* he was arrested and taken into federal custody.

Finally, the warrants purport to make a determination of probable cause for Mr. Villanueva's arrest based on two checked boxes for the first warrant that state:

- "biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to the other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law;" and/or
- "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."

One checked box for the second warrant that states:

- "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 11 at 4-5. But Respondents submit no evidence that a "charging document," "statements made voluntarily by the subject," or "other reliable evidence" existed *before* his arrest. To the contrary, the "statements made voluntarily by the subject to an immigration officer" likely refer to the statements Mr. Villanueva Gonzalez made to agents *at the local precinct*—rather than statements that triggered the issuance of a warrant *before his arrest*.

In other words, everything about the warrant Respondents have produced suggests that immigration agents went to the local precinct in New York or were called there by the NYPD, created the first warrant, arrested him, processed him and then created the second warrant. This rendered Mr. Villlanueva Gonzalez' 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 the warrants were issued before a noncitizen's arrest,[1] the evidence here demonstrates the opposite. Thus, this Court should grant the petition and order Mr. Villanueva Gonzalez' immediate release.

Respectfully submitted,

Dated: July 10, 2026

s/ Ezquerro
Fernanda Ezquerro

[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.