

1 RON QUIJADA (SBN 363726)
2 LAW OFFICES OF RON QUIJADA
3 750 E. GREEN STREET, SUITE 302
4 PASADENA, CA 91101
5 TELEPHONE: (626) 437-0724
6 FACSIMILE: (626) 604-8329
7 E-MAIL: RON@QUIJADALEGAL.COM

8
9
10
11 ATTORNEY FOR PETITIONER
12
13

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 MELVIN GEOVANY RAMOS-
15 ACOSTA

16 Petitioner,

17 vs.

18 FERETI SEMAIA, Warden, Adelanto
19 ICE Processing Center; JAIME
20 RIOS, Field Office Director, Los
21 Angeles Field Office, ICE; TODD
22 LYONS, Acting Director, U.S.
23 Immigration and Customs
24 Enforcement; MARKWAYNE
25 MULLIN, Secretary of Homeland
26 Security; and TODD BLANCHE,
27 Acting Attorney General of the
28 United States,

Respondents

Case No.: 2:26-cv-05655-ACCV

TRAVERSE TO RETURN IN
SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS
[ECF 8]

Honorable Angela C. C. Viramontes
United States Magistrate Judge

TABLE OF CONTENTS

INTRODUCTION	3
ARGUMENT	4
I. THIS COURT HAS JURISDICTION OVER THIS PETITION	4
II. EXHAUSTION IS NOT REQUIRED; COURT HAS DISCRETION TO WAIVE IT	6
A. BIA Review Would Be Futile	7
B. Exhaustion Would Cause Irreparable Injury	8
III. PETITIONER'S FOURTH AMENDMENT RIGHTS WERE VIOLATED	9
A. The Arrest Violated 8 U.S.C. Section 1357(a)(2)	11
IV. PETITIONER'S DUE PROCESS RIGHTS WERE VIOLATED	12
A. Parvinder Mann Is Materially Distinguishable	12
B. Bond Hearing Was Legally and Constitutionally Deficient	12

INTRODUCTION

1
2 1. Respondents' opposition does not engage with the substance of this
3 case. It does not dispute that immigration agents seized Petitioner *without*
4 *reasonable suspicion* that he had violated any law. It does not dispute that
5 Petitioner held valid deferred action and a valid Employment Authorization
6 Document at the time of his arrest. It does not dispute that the arresting agents
7 lacked any basis under 8 U.S.C. § 1357(a)(2) to arrest him without a warrant.
8 Instead, Respondents' opposition rests entirely on three threshold arguments:
9 mootness, jurisdiction, and exhaustion.

10 2. Respondents argue that the bond hearing Petitioner received renders
11 this Petition moot. It does not. Petitioner remains in custody and seeks release. A
12 bond hearing that resulted in an unconstitutional outcome does not moot a petition
13 challenging the legality of his initial arrest and ongoing detention.

14 3. Respondents invoke 8 U.S.C. §§ 1226(e) and 1252(g) and (b)(9) to
15 strip this Court of jurisdiction. But those provisions do not reach what this Petition
16 actually challenges: the constitutionality of the warrantless arrest and the due
17 process deficiencies of the subsequent bond proceedings. Critically, Respondents'
18 own brief concedes that "the Ninth Circuit would have habeas jurisdiction to
19 consider any error of law including a due process violation." Opp. at 11. That is
20 precisely what Petitioner presents.

21 4. Respondents argue that Petitioner failed to exhaust administrative
22 remedies by not appealing to the BIA. But the BIA has no authority to adjudicate
23 Fourth Amendment claims, making exhaustion futile as to Petitioner's
24 constitutional claims. Moreover, A court may waive the exhaustion requirement
25 "when administrative remedies are inadequate or their exercise would be futile, or
26 irreparable injury would result without immediate judicial intervention." *Ward v.*
27 *Chavez*, 678 F.3d at 1045.

5. The government's silence on the merits of the Fourth Amendment claim is telling. The I-213 speaks for itself: the arresting agent "saw" Petitioner in a Home Depot, approached him, and detained him. That is racial profiling during an "at-large" operation, not individualized reasonable suspicion. Under *Perez Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019), that is unconstitutional. This Court has jurisdiction, exhaustion is not required, and the Petition has merit. Petitioner respectfully requests that the Court grant the writ.

ARGUMENT

I. THIS COURT HAS JURISDICTION OVER THIS PETITION

6. Respondents assert that the bond hearing Petitioner received “renders his Petition moot.” Opp. at 18, page 1.

7. A case becomes moot when a court can no longer grant any effectual relief to the prevailing party. *Chafin v. Chafin*, 568 U.S. 165, 172 (2013).

8. Here, Petitioner is presently detained at the Adelanto ICE Processing Center. This Court can order his release. There is nothing remotely moot about this case.

9. What Respondents apparently mean is that because the IJ conducted a bond hearing, the constitutional infirmities have been cured. They have not.

10. First, the central claims in this Petition Count One (Fourth Amendment) and Count Three (8 U.S.C. § 1357(a)(2)) challenge the legality of the initial warrantless seizure, not merely the bond procedures that followed. A bond hearing conducted after an unlawful arrest does not retroactively supply the reasonable suspicion that was absent at the moment of detention. *See Terry v. Ohio*, 392 U.S. 1, 21–22 (1968) (reasonable suspicion must exist at the inception of the stop).

11. Second, Counts Four through Eight allege that the bond proceedings themselves were constitutionally and legally deficient. The bond hearing did not

1 cure those defects; it is the source of them. A hearing that violates due process
2 does not moot a petition alleging that very violation.

3 12. Third, Petitioner remains detained under a bond order that, as shown
4 below, was issued in violation of BIA precedent and the Fifth Amendment. Until
5 he is released, there is live controversy. The Petition is not moot.

6 13. “In general, the Court does not have jurisdiction to review
7 discretionary bond decisions.” *Soriano*, --- F. Supp. 3d ---, 2026 WL 969764, at *3
8 (citing 8 U.S.C. § 1226(e)). However, while an IJ’s discretionary judgment may
9 not be judicially reviewed pursuant to 8 U.S.C. § 1226(e), district courts retain
10 habeas jurisdiction over “constitutional claims or questions of law.” *Singh v.*
11 *Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011). *See also Calderon-Rodriguez v.*
12 *Wilcox*, 374 F. Supp. 3d 1024, 1031 (W.D. Wash. 2019) (“Federal district courts
13 have habeas jurisdiction to review bond hearing determinations for constitutional
14 claims and legal error.”). Such jurisdiction extends to “mixed questions” involving
15 application of law to facts. *N.A. v. Warden*, No. 5:25-cv-03007-CV-MBK, 2026
16 WL 734587, at *6 (C.D. Cal. Feb. 20, 2026), *report and recommendation adopted*
17 *sub nom. N.A. v. Warden, Adelanto Det. Facility*, No. 5:25-CV-03007-CV-MBK,
18 2026 WL 734585 (C.D. Cal. Mar. 12, 2026) (citing *Martinez v. Clark*, 124 F. 4th
19 775, 783 (9th Cir. 2024)). Indeed, “claims that the discretionary process itself was
20 constitutionally flawed are cognizable in federal court on habeas because they fit
21 comfortably within the scope of § 2241.” *Id.* (internal quotation marks and citation
22 omitted).

23 14. In this case, Petitioner argues that the process he was provided at his §
24 1226(a) bond hearing was legally and constitutionally deficient, thus this Court
25 retains jurisdiction to review Petitioner’s claims.

26 ///

27 ///

28 ///

II. EXHAUSTION TO THE BOARD OF IMMIGRATION APPEALS IS NOT REQUIRE AND THE COURT HAS DISCRETION TO WAIVE IT

15. There is no requirement of statutory exhaustion for a petition for writ of habeas corpus. However, exhaustion may be required as a prudential matter. *Ward v. Chavez*, 678 F.3d 1042, 1045 (9th Cir. 2012).

16. Habeas claims are generally accompanied by a prudential exhaustion requirement. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017) (“The exhaustion requirement is prudential, rather than jurisdictional, for habeas claims”). A district court may require prudential exhaustion when:

- (1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision;
- (2) relaxation of the requirement would encourage the deliberate bypass of the administrative scheme; and
- (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review. *Id.* (quoting *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007)).

17. When a petitioner does not exhaust prudentially required administrative remedies, the district court “ordinarily should either dismiss the petition without prejudice or stay the proceedings until the petitioner has exhausted remedies.” *Id.* (quoting *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011)). However, a court may waive the prudential exhaustion requirement if:

- (1) “administrative remedies are inadequate or not efficacious”;
- (2) “pursuit of administrative remedies would be a futile gesture”;
- (3) “irreparable injury will result”; or
- (4) “the administrative proceedings would be void.” *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004).

18. Because exhaustion is not jurisdictional, courts “have discretion to waive a prudential requirement.” *Id.*

1 **A. BIA review would be futile**

2 19. A court may waive the exhaustion requirement “when administrative
3 remedies are inadequate or their exercise would be futile, or irreparable injury
4 would result without immediate judicial intervention.” *Ward v. Chavez*, 678 F.3d at
5 1045.

6 20. In this case, Prudential exhaustion should be waived because
7 administrative remedies are inadequate and exhaustion would be futile. Of the 59
8 Board of Immigration Appeals decisions issued between May through September
9 2025 in cases where the noncitizen appealed Adelanto immigration court bond
10 decisions, none of those cases overturned an immigration judge’s finding that the
11 noncitizen was a danger to others or a flight risk.¹

12 21. Of the six decisions which sustained the appeal and remanded the
13 case, all were due to procedural errors made by the immigration judge.

14 22. Based on the fifty-nine Adelanto bond appeal decisions referenced
15 above, processing times at the Board ranged from approximately two to ten
16 months. (*See Exhibit 9 - Report and Declaration of Zabdi J. Salazar Re: BIA*
17 *Bond Appeal Outcomes and Processing Times (Adelanto Immigration Court,*
18 *2024–2026)*).

19 23. The precedent decisions issued by the Board of Immigration Appeals
20 under the Trump Administration further indicate that it is futile to require
21 prudential exhaustion in this case.

22 24. A March 30, 2026 report issued by the National Public Radio found
23 that last year, 97 percent of Board published decisions were in favor of the
24
25
26

27
28

¹ The decisions are posted at EOIR Freedom of Information Act (FOIA) Reading Room at
<https://foia.eoir.justice.gov/app/ReadingRoom.aspx>. They are not available after September of 2025.

1 Department of Homeland Security.² On April 9, 2026, *The New York Times*
 2 reported that “The administration has instructed judges to stop granting bond to
 3 immigrants who crossed the border illegally, a change from decades of practice.
 4 The new policy has required people to remain in detention for extended periods
 5 even if they do not have a criminal record and have lived in the country for years.”³

6 25. Here, requiring Petitioner to exhaust before the Board would serve
 7 none of the purposes that prudential exhaustion is designed to achieve. The Board
 8 is not positioned to correct the legal errors presented here; it has demonstrated a
 9 consistent practice of affirming bond denials on these precise grounds.
 10 Administrative exhaustion would not generate a more complete record; it would
 11 simply delay judicial review while Petitioner remains detained. The BIA will not
 12 apply the independent constitutional analysis that Petitioner's Fourth Amendment
 13 and due process claims require. Exhaustion would be futile.

14 **B. Exhaustion Would Cause Irreparable Injury**

15 26. In this case, even if an appeal to the Board were not futile, requiring
 16 Petitioner to exhaust would cause irreparable injury.

17 27. Petitioner has already been detained for approximately six months. He
 18 has been detained since December 15, 2025. He is a pastor and leads a church. If
 19 he is required to exhaust his appeal with the BIA, he will suffer irreparable harm in
 20 the form of continued detention without a legally adequate opportunity to
 21 demonstrate his entitlement to bond
 22

23 ² Ximena Bustillo, Rahul Mukherjee, “An Immigration Court Few Have Heard of is Quietly Shaping Policy Behind
 24 the Scenes,” npr.org, (Mar. 20, 2026) [https://www.npr.org/2026/03/20/nx-sl-5707535/trump-immigration-](https://www.npr.org/2026/03/20/nx-sl-5707535/trump-immigration-detention-appeals-board-deportation)
 25 [detention-appeals-board-deportation](https://www.npr.org/2026/03/20/nx-sl-5707535/trump-immigration-detention-appeals-board-deportation)

26 ³ Nicholas Nehamas, Allison McCann, Steven Rich, Jazmine Ulloa and Hamed Aleaziz, “How Trump Purged
 27 Immigration Judges to Speed Up Deportations,” *The New York Times*, April 9, 2026
 28 <https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html>

1 28. Forcing him to wait an additional two to ten months for a Board
2 decision that the data overwhelmingly suggests will affirm the denial would extend
3 his civil detention to potentially over a year.

4 29. That harm is not compensable after the fact. Every month Petitioner
5 remains detained is another month he is separated from his wife, prevented from
6 leading his church, and working under his valid Employment Authorization
7 Document. An eventual BIA decision, even a favorable one, cannot undo that harm
8 retroactively.

9 30. The Court need not determine whether the *Puga* factors weigh in
10 favor of an exhaustion requirement in this case. This is because, even if exhaustion
11 is required, Petitioner has successfully argued that multiple *Laing* factors apply
12 such that waiver is warranted. The *Laing* waiver standards are satisfied:
13 administrative remedies are not efficacious because the BIA takes months in
14 deciding his appeal, exhaustion would be futile, and irreparable injury will result
15 from further delay.

16 31. Prudential exhaustion should be waived, and this Court should reach
17 the merits of Petitioner's habeas claim

18 **III. PETITIONER'S FOURTH AMENDMENT RIGHTS WERE VIOLATED**
19 **(THE GOVERNMENT OFFERS NO RESPONSE ON THE MERITS)**

20 32. Respondents' opposition is entirely devoted to threshold arguments.
21 Respondents say nothing about the merits of the Fourth Amendment claim. That
22 silence is significant.

23 33. The Fourth Amendment requires that any detention be supported by
24 reasonable suspicion grounded in specific and articulable facts particular to the
25 individual detained. *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975).
26 The government does not dispute that this standard applies.

27 34. The I-213, which is the government's own record establishes the
28 absence of individualized suspicion. It states that the arresting agent was

1 conducting an “immigration enforcement operation” and “saw” Petitioner on the
2 premises of a Home Depot. The agent approached, made contact, and conducted an
3 “immigration inspection.”

4 35. The I-213 does not identify a single fact particular to Petitioner
5 suggesting he was unlawfully present, no furtive movement, no flight, no evasion,
6 no tip, no prior knowledge, no observable conduct suggesting unlawful presence.
7 The agent simply “saw” a person and approached him. **(Petition. Exh. 5 at 2.)**

8 36. Under binding Ninth Circuit precedent, that is not enough. In *Perez*
9 *Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019), the court held that ICE’s
10 general suspicion that a worksite employed undocumented workers “did not
11 provide reasonable suspicion that Perez Cruz himself was undocumented.” The
12 same principle controls here. ICE’s suspicion that certain areas of Carson,
13 California contain undocumented persons seeking day labor does not provide
14 reasonable suspicion that the specific individual agents happen to observe on a
15 given morning is undocumented. As the Supreme Court has held, “a person’s mere
16 propinquity to others independently suspected of [unlawful] activity does not,
17 without more, give rise to probable cause to search [or seize] that person.” *Ybarra*
18 *v. Illinois*, 444 U.S. 85, 91 (1979).

19 37. Critically, even if the seizure could be justified by what the agent
20 learned afterward, it cannot. Reasonable suspicion must exist at the inception of
21 the stop. *Terry v. Ohio*, 392 U.S. 1, 21–22 (1968). The agent learned Petitioner was
22 from Honduras only after he had already initiated the detention. Post-seizure
23 admissions cannot retroactively supply the suspicion that was absent at the moment
24 of the stop. Everything the agent learned about Petitioner his country of birth, his
25 entry, his documentation status was the product of an unconstitutional seizure and
26 must be excluded under the exclusionary rule as fruit of the poisonous tree. *Wong*
27 *Sun v. United States*, 371 U.S. 471, 487–88 (1963).

1 38. Petitioner also held deferred action and a valid Employment
2 Authorization Document at the time of his arrest. (**Petition Exhibits 3, 4.**) He was
3 not “unlawfully present.” *See Arizona v. United States*, 567 U.S. 387, 396 (2012)
4 (deferred action is DHS’s decision to forbear removal as an act of prosecutorial
5 discretion). The agent was told this. Petitioner stated he had a work permit and
6 provided accurate information. The agent disregarded it. On these facts, there was
7 no basis individualized or otherwise to conclude Petitioner was in violation of law.
8 His arrest violated the Fourth Amendment.

9 39. Petitioner was detained based on his racial profiling and nothing else.

10 **A. The Arrest Violated 8 U.S.C. 1357(A)(2)**

11 40. Respondents do not address Count Three at all. That count asserts that
12 the warrantless arrest exceeded the statutory authority conferred by 8 U.S.C. §
13 1357(a)(2), which authorizes a warrantless civil immigration arrest only where the
14 officer has reason to believe both (1) that the person is unlawfully present and (2)
15 that the person “is likely to escape before a warrant can be obtained.” In this
16 Circuit, “reason to believe” is equivalent to probable cause. *Tejeda-Mata v. INS*,
17 626 F.2d 721, 725 (9th Cir. 1980). The government’s failure to respond to this
18 claim is a concession of its force.

19 41. The statutory claim is independently meritorious. As to the first prong,
20 Petitioner was not unlawfully present. He held deferred action DHS’s affirmative
21 exercise of prosecutorial discretion to forbear removal and a valid work permit. He
22 could not be removed while deferred action was in effect. *Dep’t of Homeland Sec.*
23 *v. Regents of the Univ. of Cal.*, 591 U.S. 1, 12 (2020). The arresting agent had no
24 probable cause to believe Petitioner was unlawfully present; Petitioner had
25 informed the agent of his work permit before the arrest was effectuated.

26 42. As to the second prong, the government possessed no facts showing
27 Petitioner was likely to escape before a warrant could be obtained. He was
28 standing in a Home Depot, surrounded by ICE agents during a planned

1 enforcement operation. He made no move to flee. He provided information
2 voluntarily. Nothing about the circumstances suggested that he would not remain
3 available for the time necessary to secure a warrant. The statutory escape
4 requirement was not met. Petitioner's warrantless arrest exceeded statutory
5 authority, and his continued detention resulting from that unlawful arrest is
6 unlawful.

7 **IV. PETITIONER'S DUE PROCESS RIGHTS WERE VIOLATED**

8 43. Respondents argue that the bond hearing Petitioner received cured any
9 due process concern, relying on *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th
10 Cir. 2022), and a recent district court decision, *Parvinder Mann v. Semaia*, No.
11 5:26-cv-02669-BFM (C.D. Cal. June 3, 2026). Neither disposes of Petitioner's due
12 process claims.

13 **A. Parvinder Mann is materially distinguishable**

14 44. *Parvinder Mann* is materially distinguishable. That petitioner had not
15 been granted deferred action. He had no pre-existing governmental grant of lawful
16 status. The Court's holding that his due process rights were not violated where he
17 "had been detained for just under a year" and "had received a bond hearing" is
18 fact-specific and depends on the absence of the extraordinary circumstances
19 present here. (*See Exhibit 10 – Order on Habeas Corpus Case 5:26-cv-02669-*
20 **BFM**).

21 45. Petitioner here was arrested without basis notwithstanding his lawful
22 legal status, which is deferred action granted by the government through his U visa
23 pending.

24 **B. Petitioner's Bond Hearing Was Legally and Constitutionally Deficient**

25 46. "In light of *Martinez*, courts may review an IJ's finding that an alien
26 poses a flight risk for abuse of discretion." *Zaitsev v. Warden of Adelanto ICE*
27 *Processing Center*, No. 2:26-CV-00454-SPG-AS, 2026 WL 391429, at *10 (C.D.
28 Cal. Feb. 9, 2026) (citing 124 F. 4th at 784). "[A]buse of discretion' review does

1 not involve ‘reweigh[ing] evidence’ but rather determining whether the IJ ‘applied
2 the correct legal standard.’” *Loba L.M. v. Andrews*, No. 1:25-CV-00611-JLT-SAB,
3 2026 WL 710307, at *5 (E.D. Cal. Mar. 13, 2026) (quoting *Martinez*, 124 F. 4th at
4 784) (alterations in original). Thus, “the Court must decide whether the IJ ‘relied
5 upon proof that—as a matter of law—could not establish’” the conclusion drawn.
6 *Kharis v. Sessions*, No. 18-CV-04800-JST, 2018 WL 5809432, at *5 (N.D. Cal.
7 Nov. 6, 2018) (quoting *Nguti v. Sessions*, No. 16-CV-6703, 2017 WL 5891328, at
8 *3 (W.D.N.Y. Nov. 29, 2017)). The scope of this Court’s review remains the same
9 whether the government or petitioner bears the burden of proof. *Id.* Lastly, “the
10 reviewing court must bear in mind that ‘the government’s discretion to incarcerate
11 non-citizens is always constrained by the requirements of due process.’” *Loba*
12 *L.M.*, 2026 WL 710307, at *5 (quoting *Hernandez*, 872 F.3d at 981).

13 47. Because the Court is tasked with determining whether the IJ applied
14 the correct legal standard, the Court starts with identifying the legal standard at
15 issue. At Petitioner’s 1226(a) hearing, he bore the burden of showing by a
16 preponderance of the evidence that he was not a danger to the community or a
17 flight risk. *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th Cir. 2022).
18 “To determine whether an alien is a danger to the community or a risk of flight, an
19 IJ weighs nine factors under BIA precedent.” *Martinez v. Clark*, 124 F.4th 775 (9th
20 Cir. 2024) (citing *In re Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006)). An IJ “may”
21 consider “any or all of the following”:

- 22 (1) whether the alien has a fixed address in the United States;
- 23 (2) the alien’s length of residence in the United States;
- 24 (3) the alien’s family ties in the United States, and whether they may
25 entitle the alien to reside permanently in the United States in the
26 future;
- 27 (4) the alien’s employment history;
- 28 (5) the alien’s record of appearance in court;

1 (6) the alien's criminal record, including the extensiveness of criminal
2 activity, the recency of such activity, and the seriousness of the
3 offenses;

4 (7) the alien's history of immigration violations;

5 (8) any attempts by the alien to flee prosecution or otherwise escape
6 from authorities; and

7 (9) the alien's manner of entry to the United States.

8 *Id.* (quoting *Guerra*, 24 I. & N. Dec. at 40).

9 48. An IJ has “broad discretion” in weighing these factors, “as long as the
10 decision is reasonable.” *Guerra*, 24 I. & N. Dec. at 40. Indeed, an IJ may “consider
11 any evidence in the record . . . when assessing flight risk, provided that such
12 evidence is ‘probative and specific.’” *Garcia*, --- F. Supp. 3d ---, 2025 WL
13 3466312, at *8 (quoting *Guerra*, 24 I. & N. Dec. at 40-41). Though what
14 constitutes flight risk is “malleable and involves agency discretion,” it is “still a
15 legal standard so long as federal courts ‘can assess whether an IJ correctly applied
16 the statutory standard to a given set of facts.’” *Martinez*, 124 F. 4th at 783 (quoting
17 *Wilkinson v. Garland*, 601 U.S. 209, 221 (2024)).

18 49. In this case, there is no evidence that IJ considered the *Guerra* factors
19 or applied them to the set of facts before the court. DHS argues that because
20 Petitioner received a bond hearing, he received his due process. However, that is
21 incorrect.

22 50. The IJ found Petitioner to be a flight risk of such magnitude that no
23 bond in any amount could secure his appearance. The immigration judge
24 concluded that Petitioner was a flight risk despite (1) the Petitioner holding
25 deferred action and a valid EAD; (2) resided in the United States for 22 years; (3)
26 no criminal convictions; (4) serves as a pastor of a congregation he leads in Long
27 Beach; (5) has paid taxes; and (6) has a sponsor available. The “no bond in any
28

1 amount” determination bears no reasonable relation to the government's legitimate
2 interest in ensuring appearance and is substantively unconstitutional.

3 51. That conclusion required the IJ to weigh the relevant factors and find
4 them overwhelmingly unfavorable. They are not. Petitioner has lived in the United
5 States for 22 years a fact the *Guerra* analysis weighs heavily. He has a fixed
6 address and community ties in Long Beach. He has paid taxes. He has no criminal
7 *convictions*, only arrests which are two different things. He held employment
8 authorization and deferred action precisely the type of “probable path to future
9 lawful status.” The IJ's failure to credit these factors or even to meaningfully
10 engage with them was an abuse of discretion reviewable by this court.

11 **CONCLUSION**

12 For the foregoing reasons, Petitioner respectfully requests that this Court: (1)
13 find that it has jurisdiction over this Petition; (2) grant the writ of habeas corpus;
14 and (3) order Petitioner's immediate release from ICE custody,

15
16 Respectfully Submitted,

17 Dated: 06/03/2026

18 /s/ Ron Quijada

19 Ron Quijada (SBN: 363736)
20 LAW OFFICES OF RON QUIJADA
21 750 E. Green Street, Suite 302
22 Pasadena, California 91101
23 Telephone: (626) 437-0724
24 Facsimile: (626) 604-8329
25 E-mail: ron@quijadalegal.com
26
27
28

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in this REPLY. Based on those discussions, I hereby verify that the factual statements made in the attached REPLY are true and correct to the best of my knowledge.

Respectfully Submitted,

Dated: 06/03/2026

/s/ Ron Quijada

Ron Quijada (SBN: 363736)
LAW OFFICES OF RON QUIJADA
750 E. Green Street, Suite 302
Pasadena, California 91101
Telephone: (626) 437-0724
Facsimile: (626) 604-8329
E-mail: ron@quijadalegal.com