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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

HECTOR GRIJALVA-CAMBRONERO, Petitioner, v. WARDEN, Imperial Regional Detention Facility; *et al.*, Respondents.	Case No.: 26-cv-03179-RSH-JAC **RETURN TO PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner previously filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 in January 2026 in the United States District Court for the District of Arizona. That first petition was denied on June 4, 2026. *See Cambronero v. Rivas*, No. CV-26-00405-PHX-KML (ASB), 2026 WL 1601684 (D. Ariz. June 4, 2026). The District Judge in Arizona made the following findings:

> Petitioner's order of removal became final on February 17, 2026, meaning he remains in the presumptively reasonable six-month period of detention recognized in *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Petitioner seems to argue his detention is indefinite and prolonged but that is the direct result of his petition for review filed with the Ninth Circuit. "Although [petitioner's] removal has certainly been delayed by his pursuit of judicial review of his administratively final removal order, he is not stuck in a 'removable-but-unremovable limbo,' as the petitioners in *Zadvydas* were." *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir.

> 2008). The only evidence is the government "stands ready to remove [petitioner] as soon as judicial review is complete." *Id.* In these circumstances, petitioner's "detention, while lengthy, is not indefinite." *Id.* at 1065. Petitioner is not entitled to relief at this time.

Cambronero v. Rivas, No. CV-26-00405-PHX-KML (ASB), 2026 WL 1601684, at *1. Upon being transferred to the Southern District of California, Petitioner filed his second Petition for Writ of Habeas Corpus on May 21, 2026. ECF No. 1.

To the extent the District Judge in Arizona found Petitioner is currently detained under 8 U.S.C. § 1231 and is within the presumptively reasonable removal period under *Zadvydas*, Respondents respectfully disagree given that the Ninth Circuit has issued a stay of Petitioner's removal. "The statute makes clear that when a court of appeals issues a stay of removal pending its decision on an alien's petition for review of his removal order, the removal period begins only after the court denies the petition and withdraws the stay of removal." *Prieto-Romero v. Clark*, 534 F.3d 1053, 1059–60 (9th Cir. 2008) (holding that detention authority reverts to the initial detention authority when a stay of removal is issued by a court of appeals); *see* 8 U.S.C. § 1231(a)(1)(B)(ii). Accordingly, Petitioner is subject to mandatory detention under 8 U.S.C. §1225(b)(2) while his Petition for Review (PFR) is pending before the Ninth Circuit.

Petitioner is a native and citizen of Guatemala who entered the United States without inspection in 1998. *Id*; Exhibit 1 (Form I-213 with RAP Sheet). In 2016, Petitioner was arrested by Border Patrol and released on a $10,000 bond. *Id.* In 2021, an Immigration Judge (IJ) denied Petitioner's "asylum, withholding, and CAT applications," but granted Petitioner's request for voluntary departure. *Id.* Petitioner then appealed the IJ's removal order and filed a Motion to Remand with the Board of Immigration Appeals (BIA), both of which were dismissed/denied by the BIA on February 17, 2026. *See* Exhibit 4.

Due to Petitioner's extensive criminal history spanning 23 years, including multiple convictions for DUI as well as multiple probation revocations while released on bond, Petitioner's cash bond and voluntary departure were cancelled on May 28,

2025, and he was re-detained. *See* Exhibit 2 (Arrest Warrant); Exhibit 5 at 2 (Order Denying Bond). Petitioner then received a bond hearing on July 23, 2025. Exhibit 5 at 1. Though the IJ originally denied bond based on risk of flight, due to "intervening caselaw," the IJ's order on appeal to the BIA denied bond based on lack of jurisdiction.[1] That appeal remains pending, as does Petitioner's PFR with the Ninth Circuit of his removal order. *See* Exhibit 6 (PFR and Stay of Removal).

While Respondents maintain that Petitioner is subject to mandatory detention under 8 U.S.C. §1225(b)(2), Respondents also acknowledge the prior orders from this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in similar cases.[2] Respondents therefore do not oppose an order from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).[3]

Dated: June 10, 2026

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s/ Hunter Norton
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[1] Between when the Immigration Judge denied appeal based on risk of flight on July 23, 2025, and when the IJ prepared her written order for Petitioner's appeal to the BIA on September 22, 2025, the Board of Immigration Appeals issued its decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Accordingly, the IJ's reason for denying bond in the written order was due to lack of jurisdiction and that is the order currently on appeal before the BIA. *See* Exhibit 5 at 2.

[2] To the extent the Court issues an order directing a bond hearing under 1226(a), considering heavy caseloads and staffing levels, Respondents respectfully request that such order provide the government 14 days from issuance to hold such bond hearing.

[3] The Ninth Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the burden is on the detainee to demonstrate by a preponderance of the evidence that he is not a flight risk or danger to the community. *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th Cir. 2022); *see also Dos Santos v. Becerra*, No. 26-cv-01423-GPC-VET, 2026 WL 800201 (S.D. Cal. Mar. 23, 2026).