UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GERARDO JOSE NUNEZ-RAMIREZ,

Petitioner,

v. Case No. 26-cv-03276-LL-GC

SIXTO MARRERO, et al.,

Respondents.

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PETITIONER'S TRAVERSE TO RESPONDENTS' RETURN AND REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Petitioner, Gerardo Jose Nunez-Ramirez through undersigned counsel, respectfully submits this Traverse to Respondents' Return and Reply in Support of the Petition for Writ of Habeas Corpus.

I. RESPONDENTS EFFECTIVELY CONCEDE THE CENTRAL ISSUE PRESENTED

Respondents acknowledge that the legal issue presented in this case concerns whether Petitioner is properly detained under 8 U.S.C. § 1225(b)(2) or instead under 8 U.S.C. § 1226(a). Respondents further acknowledge that this Court and numerous other courts within the Southern District of California have repeatedly rejected the Government's interpretation and held that similarly situated individuals are detained pursuant to § 1226(a), not § 1225(b).

Most significantly, Respondents expressly state that they "do not oppose the petition and defer to the Court on the appropriate relief."

Accordingly, there is no genuine dispute that Petitioner is not lawfully subject to mandatory detention under § 1225(b).

II. IMMEDIATE RELEASE IS THE APPROPRIATE REMEDY

Respondents request fourteen additional days to provide a bond hearing if the Court orders relief. A bond hearing, however, would not fully remedy the unlawful detention that Petitioner has already endured.

Petitioner has remained in ICE custody for an extended period despite Respondents relying on a detention theory repeatedly rejected by federal courts within this District. Throughout this period, Petitioner has been separated from his wife and children and deprived of his liberty without a lawful statutory basis.

Moreover, the Government has not presented any evidence that Petitioner poses a danger to the community or a flight risk. Petitioner has significant family ties in the United States, has previously supported his family through lawful employment, and has every incentive to appear for future immigration proceedings.

The Government's request for an additional fourteen days would further prolong detention that Respondents now effectively concede is unsupported under controlling authority. Federal courts possess broad habeas authority to fashion relief necessary to remedy unlawful executive detention. Where detention lacks statutory authorization, immediate release is an appropriate and necessary remedy.

Under the circumstances presented here, immediate release not further delay is the relief that most effectively cures the ongoing violation.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court:

1. Grant the Petition for Writ of Habeas Corpus;

2. Declare that Petitioner's continued detention under 8 U.S.C. § 1225(b) is unlawful;
3. Order Petitioner's immediate release from ICE custody forthwith;
4. Grant such further relief as the Court deems just and proper.

Dated: June 9, 2026

Respectfully submitted,

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