UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GERARDO JOSE NUNEZ-RAMIREZ,

Petitioner,

Case No.: 226-cv-03276-LL-GC

v.

SIXTO MARRERO, et al.,

Respondents.
_____/

PETITIONER'S MOTION TO ENFORCE HABEAS CORPUS ORDER

Petitioner, Gerardo Jose Nunez Ramirez, by and through his undersigned counsel, respectfully moves this Court to enforce its prior Order granting habeas relief and states as follows:

I. THIS COURT'S HABEAS ORDER REQUIRES A MEANINGFUL, INDIVIDUALIZED BOND HEARING

On June 18, 2026, this Court granted Petitioner's Petition for Writ of Habeas Corpus and ordered Respondents to provide Petitioner with a prompt, individualized bond hearing before an Immigration Judge. The Court expressly held that Petitioner is detained pursuant to 8 U.S.C. § 1226(a) and is therefore entitled to a bond hearing that includes meaningful consideration of the evidence and application of the factors set forth in *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

II. RESPONDENTS FAILED TO PROVIDE A COMPLIANT BOND HEARING

Despite this clear directive, Respondents have failed to comply with the Court's Order. The June 23, 2026, proceeding resulted in a conclusory denial based on an alleged "flight risk".

III. THE IMMIGRATION JUDGE IGNORED THE GUERRA FACTORS AND THE EVIDENTIARY RECORD

The record demonstrates that counsel presented a structured and comprehensive custody case fully consistent with Matter of Guerra. As reflected in the Index for the Motion for Custody

Redetermination, extensive documentary evidence was submitted addressing each relevant factor, including family ties, financial support, community support, and equities.

During the bond hearing, counsel walked through each Guerra factor and identified the specific exhibits supporting each factor in favor of Respondent. Despite this detailed and organized presentation, the Immigration Judge failed to meaningfully engage with the evidence or articulate any analysis of those factors.

Furthermore, when the Immigration Judge raised concerns regarding flight risk, undersigned counsel requested that the Court consider a higher bond amount as a less restrictive alternative to continued detention. Counsel proffered that. Despite this, the Immigration Judge did not address this request or consider whether a reasonable bond amount could mitigate any perceived risk. The failure to consider less restrictive alternatives to detention further demonstrates that the bond proceeding was not a meaningful or individualized determination as required under Matter of Guerra.

IV. CONTROLLING LAW REQUIRES A MEANINGFUL AND INDIVIDUALIZED BOND DETERMINATION

Federal law requires that bond hearings under § 1226(a) be meaningful and individualized. *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018). A conclusory denial or one based on improper considerations fails to satisfy due process.

This Court has already rejected Respondents' reliance on § 1225 and confirmed that § 1226(a) governs. A hearing conducted under an incorrect legal framework or without proper analysis cannot satisfy that ruling.

V. THE DEFICIENCIES ARE CONSISTENT WITH BROADER CONCERNS REGARDING BOND ADJUDICATIONS

Recent reporting has documented systemic pressure on immigration judges to deny bond and limit custody redeterminations, with adjudications closely monitored and an expectation of denial in many cases. The report notes that the "pressure to deny bond is overt," raising concerns about whether detainees are receiving neutral and individualized determinations.

While not binding authority, this context is consistent with the irregularities present here and reinforces the conclusion that Petitioner did not receive the individualized hearing required by this Court.

VI. RESPONDENTS' NON-COMPLIANCE REQUIRES IMMEDIATE RELEASE

Respondents were given a clear directive: provide a lawful, individualized bond hearing or release Petitioner. Having failed to provide a compliant hearing after a attempt and having applied an incorrect legal standard while disregarding the evidentiary record continued detention violates this Court's Order.

X. CONCLUSION

Petitioner respectfully requests that this Court find that Respondents have failed to comply with the June 18, 2026 Order and order Petitioner's immediate release.

Petitioner further requests any additional relief this Court deems just and proper.

Dated: June 29, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will provide notice of electronic filing to all counsel of record.

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