HANNAH BASALONE
California Bar No. 368332
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101-5030
Telephone: (619) 234-8467
Facsimile: (619) 687-2666
Hannah_basalone@fd.org

Attorneys for Mr. Castro Valle

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JULIO CESAR CASTRO VALLE,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, TODD BLANCHE, Acting Attorney General, TODD M. LYONS, Acting Director, Immigration and Customs Enforcement, JESUS ROCHA, Acting Field Office Director, San Diego Field Office, JEREMY CASEY, Warden of Otay Mesa Detention Center,

Respondents.

Case No.: 26-cv-3321-LL-MMP

Traverse in Support of Unopposed First Amended Petition for Writ of Habeas Corpus

In his First Amended Petition, Mr. Castro Valle explained that he received parole in 1999 when he applied for and was granted temporary protected status as a citizen of Nicaragua. He had complied with all his conditions and had a pending asylum application. He thus explained that his immigration arrest at the beginning of May violated due process and requested his immediate release onto his pre-existing parole conditions. ECF No. 7.

In response, the government agrees that Mr. Castro Valle was released "on

parole issued under 8 U.S.C. § 1182(d)(5)." ECF No. 8. It also "acknowledges that this Court's prior decisions will control the result here if the Court adheres to its prior decisions, as the facts are not materially distinguishable for purposes of the Court's decision, and on that basis the government does not oppose the petition and defers to the Court on the appropriate relief." ECF No. 8 at 3.

Further, the government failed to acknowledge Mr. Castro Valle's alternative argument that his arrest without a warrant requires immediate release. *See* ECF 7 at 8–10. Because Respondents do not address Mr. Castro Valle's argument that he was detained without a statutorily required warrant, they have waived—or at least forfeited—their opportunity to contest the due process violations or argue against immediate release. *See United States v. Castillo-Marin*, 684 F.3d 914, 919 (9th Cir. 2012) (determining that the government concedes an argument that "was available at the time it filed its answering brief") (citing *United States v. McEnry*, 659 F.3d 893, 902 (9th Cir. 2011)).

Under either argument, the proper remedy in this situation is for "Respondents [to be] ordered to immediately release Petitioner from custody under any preexisting conditions" of his parole. *Brizo v. Director, Imperial Regional Adult Detention Facility*, No. 26-cv-2664-BTM-DDL, 2026 WL 1218399, *1 (S.D. Cal. May 4, 2026).

Mr. Castro Valle thus requests this Court grant his requested relief:

1. Order Respondents to immediately release Petitioner from custody under the same conditions of his parole;
2. Order Respondents to return all property obtained from Petitioner during his recent arrest; and
3. Order Respondents to not cause Petitioner to be re-detained during the pendency of his immigration proceedings without prior leave of this Court.

Respectfully submitted,

Dated: June 22, 2026

s/ Hannah Basalone

Hannah Basalone
Federal Defenders of San Diego, Inc.
Email: hannah_basalone@fd.org