

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

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11 ATTORNEY FOR PETITIONER
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PONCIANO NAVA MOJICA

Petitioner,

vs.

**FERETI SEMAIA, Warden, Adelanto
ICE Processing Center; JAIME
RIOS, Field Office Director, Los
Angeles Field Office, ICE; TODD
LYONS, Acting Director, U.S.
Immigration and Customs
Enforcement; MARKWAYNE
MULLIN, Secretary of Homeland
Security; and TODD BLANCHE,
Acting Attorney General of the
United States,**

Respondents

Case No.: 5:26-cv-03028-MBK

**TRAVERSE TO RETURN IN
SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS
[ECF 10]**

Honorable Michael B. Kaufman
United States Magistrate Judge

INTRODUCTION

1
2 1. Respondents do not defend the merits of the entire petition. Thus, they
3 have conceded the Petition.

4 2. Respondents themselves have acknowledged that Petitioner appears to
5 be a member of the class certified in *ICWC v. Noem*, No. 2:25-cv-09848-AB-AS
6 (C.D. Cal. May 20, 2026) a class specifically designed to protect individuals with
7 pending U visa petitions from precisely the kind of detention Petitioner is now
8 challenging. His class membership provides an independent and additional basis
9 for the relief he seeks.

10 3. Petitioner was a victim of a crime and he has a relief pending (a visa
11 application) before USCIS.

12 4. Respondents do not really engage in opposition, but have stated in
13 their Return that to the extent Petitioner challenges the outcome of his bond
14 hearing, this court is barred from reviewing. That opposition fails for a
15 straightforward reason. Petitioner is not challenging how the Immigration Judge
16 weighed the evidence. He is challenging the fact that the Immigration Judge failed
17 to apply the governing legal standards at all.

18 5. Petitioner respectfully requests that this Court grant the writ of habeas
19 corpus and order his immediate release.

20 **ARGUMENT**

21 **I. PETITIONER IS A CLASS MEMBER IN *ICWC v. NOEM* AND IS**
22 **ENTITLED TO THE PROTECTIONS OF THAT CLASS AND SHOULD BE**
23 **RELEASED FROM CUSTODY**

24 6. Respondents note that Petitioner appears to be a member of the class
25 certified in *ICWC v. Noem*, No. 2:25-cv-09848-AB-AS (C.D. Cal. May 20, 2026),
26 and suggest that any relief ordered by this Court may be entered consistent with
27 that class action. Petitioner agrees that he qualifies as a class member and that
28 *ICWC v. Noem* provides an additional and independent basis for relief.

1 7. The *ICWC v. Noem* court certified a class that includes individuals
2 with pending principal U visa petitions who ICE detains or seeks to detain for civil
3 immigration enforcement. Petitioner filed his U visa petition on September 4,
4 2025, arising from his victimization in a 2018 attempted murder. He has been
5 detained by ICE since November 3, 2025 well within the class period. He is a
6 principal U visa petitioner detained for civil immigration enforcement. He qualifies
7 as a Class member. **Petitioner's Writ of Habeas Corpus at Exhibit 2, and**
8 **Exhibit 3.**

9 8. The *ICWC v. Noem* litigation challenges ICE policies implemented in
10 2025 that permit the routine detention and removal of noncitizen survivors of
11 domestic violence, human trafficking, and other serious crimes, including a
12 January 2025 policy that reversed prior protections for individuals with pending
13 victim-based immigration applications. Petitioner's detention is precisely the harm
14 that class was certified to address. His continued detention despite a pending U
15 visa petition filed before his arrest and now pending adjudication is what the
16 *ICWC v. Noem* injunction was designed to reach.

17 9. Accordingly, this Court should enter relief consistent with both
18 Petitioner's individual habeas claims and his rights as a certified class member
19 under *ICWC v. Noem*.

20 **II. THIS COURT HAS JURISDICTION: PETITIONER CHALLENGES**
21 **LEGAL ERROR, NOT DISCRETIONARY FACT-FINDING**

22 10. Respondents' reasoning that 8 U.S.C. § 1226(e) strips this Court of
23 jurisdiction to review the Immigration Judge's bond determination because
24 Petitioner is merely asking the Court to re-weigh evidence does not apply to this
25 case. That characterization misreads both the Petition and the governing law.

26 11. Petitioner does not ask this Court to substitute its judgment for the IJ's
27 on the facts. Petitioner asks this Court to hold that the IJ failed to apply the
28 individualized balancing test required by *Matter of Guerra*, 24 I&N Dec. 37 (BIA

1 2006); failed to weigh Petitioner's pending U visa application as required by
2 *Matter of Patel*, 25 I&N Dec. 774 (BIA 2012); misallocated the burden of proof in
3 violation of *Singh v. Holder*; and denied bond outright without making the
4 threshold finding required by *Matter of R-A-V-P-*, 27 I&N Dec. 803 (BIA 2020)
5 that no bond amount would secure attendance. These are legal errors, not requests
6 to re-weigh evidence. They fall squarely within this Court's habeas jurisdiction.

7 12. To the extent Respondents rely on *Nurlanov v. Santacruz Jr.*, No.
8 5:25-cv-03572-MWF-DFM (C.D. Cal. June 5, 2026), that decision is not
9 controlling and is factually distinguishable. Unlike *Nurlanov*, Petitioner does not
10 challenge the IJ's discretionary custody determinations or evidence. An IJ who
11 ignores governing BIA precedent and omits required analytical steps is not
12 exercising discretion. He is committing legal error. That error is reviewable here

13 CONCLUSION

14 For the foregoing reasons, and for those set forth in the Petition, this Court
15 should grant the writ of habeas corpus and order Petitioner's immediate release
16 from custody.

17 Respectfully Submitted,

18 Dated: 06/11/2026

19 /s/ Ron Quijada

20 Ron Quijada (SBN: 363736)
21 LAW OFFICES OF RON QUIJADA
22 750 E. Green Street, Suite 302
23 Pasadena, California 91101
24 Telephone: (626) 437-0724
25 Facsimile: (626) 604-8329
26 E-mail: ron@quijadalegal.com
27
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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: 06/11/2026

/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