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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DONGXIN LUO,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, PAMELA JO BONDI, Attorney General, TODD M. LYONS, Acting Director, Immigration and Customs Enforcement, JESUS ROCHA, Acting Field Office Director, San Diego Field Office, CHRISTOPHER LAROSE, Otay Mesa Detention Center,

Respondents.

Civil Case No.: 26-cv-3329-DMS-AHG

Traverse in Support of Petition for a Writ of Habeas Corpus

On May 29, 2026, Dongxin Luo filed a pro se habeas petition arguing that his prolonged detention of now 13 months in immigration custody has violated the Due Process Clause of the Fifth Amendment. *See* Luo Petition for Writ of Habeas Corpus, ECF No. 1. The government filed its response to Mr. Luo's petition on June 11, 2026. *See* Gov. Response, ECF No. 4. The government does not dispute any of the facts set forth in Mr. Luo's petition. *Id.* Moreover, the government concedes "that this Court should order that Petitioner receive a bond hearing, where the government would bear the burden of proof of establishing, by

clear and convincing evidence, that Petitioner poses a danger to the community or a flight risk." *Id.*

On June 23, 2026, this Court appointed counsel to represent Mr. Luo and ordered a status report or amended petition be filed by June 30, 2026. In the interest of judicial efficiency, undersigned counsel believes an amended petition is not needed given the details provided in Mr. Luo's original petition and considering Respondent's concession to his request for a bond hearing.

And while Mr. Luo appreciates the government's concession, he reemphasizes his argument that immediate release is the proper remedy given his unreasonably prolonged detention of *13 months*. "In recent months, courts across the country have ordered the release of detainees in similar situations." *Moctezuma v. Henkey*, No. 25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government's repeated use of unlawful detention policies across the country, causing petitioners to "sit in jail waiting for a judicial decision," the court would order immediate release instead of causing additional delay through a bond hearing) (citing *Lepe v. Andrews*, 801 F. Supp. 3d 1104 (E.D. Cal. 2025); *J.U. v. Maldonado*, No. 25-CV-4836, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29, 2025); *Rosado v. Figueroa*, No. 25-CV-2157, 2025 WL 2337099, at *19 (D. Ariz. Aug. 11, 2025); *Pinchi v. Noem*, No. 25-CV-05632, 2025 WL 1853763, at *4 (N.D. Cal. July 4, 2025). *Santiago v. Noem*, No. EP-25-CV-361, 2025 WL 2792588, at *13-14 (W.D. Tex. Oct. 2, 2025) ("Without a legitimate interest in her detention, immediate release appropriately remedies Respondents' violation of [Petitioner's] due process rights through her continued detention."). Order, ECF No. 14 at 19, *Miri v. Bondi*, No. 5:26-CV-00698-MEMF (C.D. Cal. March 5, 2026) ("Miri's prompt release is the remedy that will best return Miri to the status quo and restore his position as it was prior to the detention that Miri contends was in violation of his constitutional and statutory protections.").

Thus, Mr. Luo should be granted release, or at the very least a bond hearing.

Respectfully submitted,

Dated: June 26, 2026

s/ Hannah Basalone

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