

1 ADAM GORDON
United States Attorney
2 MICHAEL D. WALLACE
Maryland Bar No. 9912160256
3 Assistant U.S. Attorney
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8714
Email: Michael.Wallace4@usdoj.gov
6 Attorneys for Respondent
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 SIRIACO PIOQUINTO ALONSO,

12 Petitioner,
13

14 v.

15 CHRISTOPHER LAROSE,

16 Respondent.
17

Case No. 26-cv-3484-JLS-BJW

**RETURN IN OPPOSITION TO
PETITIONER'S HABEAS
PETITION**

18
19 **I. INTRODUCTION**

20 Petitioner filed a prior Petition for Writ of Habeas Corpus through counsel
21 pursuant to 28 U.S.C. § 2241, where he also challenged, among other bases, the legality
22 of his ICE detention based on a violation of his due process rights. *See Pioquinto Alonso*
23 *v. Warden, et al.*, No. 26-cv-1599-JLS-BJW (S.D. Cal. April 6, 2026). On April 6, 2026,
24 after Respondents conceded to providing Petitioner with a bond hearing to address the
25 alleged due process violation, this Court granted the first petition for writ of habeas
26 corpus. *Id.* at ECF No. 11. Petitioner was ordered removed to Mexico on April 6, 2026
27 which he appealed to the Board of Immigration of Appeals. This appeal is pending.
28 Respondents provided Petitioner with a bond hearing on April 14, 2026 at which an

1 immigration judge found Petitioner, based on his DUI convictions and arrest, posed a
2 danger to the community and denied bond. *Id.* at ECF No. 13. The instant petition, at
3 best, raises the same due process violation claim but otherwise fails to provide sufficient
4 information for the Court to rule or a cognizable legal challenge to Petitioner's current
5 detention. Therefore, the Court should deny Petitioner's request for relief and dismiss
6 the petition.

7 **II. Petitioner Fails to Plead Sufficient Information Upon Which this Court to**
8 **Grant the Petition**

9 The Constitution limits federal judicial power to designated "cases" and
10 "controversies." U.S. Const., art. III, § 2; *see also SEC v. Med. Comm. for Human*
11 *Rights*, 404 U.S. 403, 407 (1972) (federal courts may only entertain matters that present
12 a "case" or "controversy" within the meaning of Article III). "Absent a real and
13 immediate threat of future injury there can be no case or controversy, and thus no Article
14 III standing for a party seeking injunctive relief." *Wilson v. Brown*, No. 05-cv-1774-
15 BAS-MDD, 2015 WL 8515412, at *3 (S.D. Cal. Dec. 11, 2015) (citing *Friends of the*
16 *Earth, Inc. v. Laidlaw Env'tl. Servs. (TOC), Inc.*, 528 U.S. 167, 190 (2000) ("[I]n a
17 lawsuit brought to force compliance, it is the plaintiff's burden to establish standing by
18 demonstrating that, if unchecked by the litigation, the defendant's allegedly wrongful
19 behavior will likely occur or continue, and that the threatened injury is certainly
20 impending.") (simplified)). At the "irreducible constitutional minimum," standing
21 requires that a petitioner demonstrate the following: (1) an injury in fact (2) that is fairly
22 traceable to the challenged action of the United States and (3) likely to be redressed by
23 a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992).

24 Moreover, an individual may seek habeas relief under 28 U.S.C. § 2241 if he is
25 "in custody" under federal authority "in violation of the Constitution or laws or treaties
26 of the United States." 28 U.S.C. § 2241(c). But habeas relief is available to challenge
27 only the legality or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067
28 (9th Cir. 2023); *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *Dep't of Homeland*
Security v. Thraissigiam, 591 U.S. 103, 117 (2020) (The writ of habeas corpus

1 historically “provide[s] a means of contesting the lawfulness of restraint and securing
2 release.”). The Ninth Circuit squarely explained how to decide whether a claim sounds
3 in habeas jurisdiction: “[O]ur review of the history and purpose of habeas leads us to
4 conclude the relevant question is whether, based on the allegations in the petition,
5 release is *legally required* irrespective of the relief requested.” *Pinson*, 69 F.4th at 1072
6 (emphasis in original); *see also Nettles v. Grounds*, 830 F.3d 922, 934 (9th Cir. 2016)
7 (The key inquiry is whether success on the petitioner’s claim would “necessarily lead
8 to immediate or speedier release.”); *Guselnikov v. Noem*, No. 25-cv-1971-BTM-KSC,
9 2025 WL 2300873, at *1 (S.D. Cal. Aug. 8, 2025) (finding petitioners’ claims did not
10 arise under § 2241 because they were not arguing they were unlawfully in custody and
11 receiving the requested relief would not entitle them to release); *Giron Rodas v. Lyons*,
12 No. 25cv1912-LL-AHG, 2025 WL 2300781, at *3 (S.D. Cal. Aug. 1, 2025) (“Like in
13 *Pinson*, the Court lacks jurisdiction over Petitioner’s § 2241 habeas petition since it
14 cannot be fairly read as attacking ‘the legality or duration of confinement.’”) (quoting
15 *Pinson*, 69 F.4th at 1065).

16 Moreover, the Supreme Court has held that “[h]abeas Corpus Rule 2(c) is more
17 demanding [than Federal Rule of Civil Procedure 8(a)]. It provides that the petition
18 must ‘specify all the grounds for relief available to the petitioner’ and ‘state the facts
19 supporting each ground.’” *Mayle v. Felix*, 545 U.S. 644, 655 (2005) (citing Rules
20 Governing Section 2254 Cases in the United States District Court (“Federal Habeas
21 Rules”)); *see also James v. Borg*, 24 F.3d 20, 26 (9th Cir. 1994) (“Conclusory allegations
22 which are not supported by a statement of specific facts do not warrant habeas relief.”).
23 As stated by the Advisory Committee’s Note on Habeas Corpus Rule 4, 28 U.S.C., p.
24 471, “notice pleading is not sufficient, for the petition is expected to state facts that point
25 to a real possibility of constitutional error.”) (internal quotation marks omitted).

26 Here, Petitioner’s habeas petition fails to supply sufficient information for the
27 Court to adjudicate his claim. As this Court recognized in its order denying relief in
28 response to Petitioner’s first habeas petition, Petitioner is lawfully detained pursuant to

1 8 U.S.C. § 1225(b) as an individual who entered without inspection. Petitioner has been
2 provided the relief requested in his first petition. Petitioner remains detained pursuant
3 to the same statute while his appeal is pending. Petitioner has alleged no legal or factual
4 basis challenging the lawfulness of Petitioner's detention under 1225(b). Nor has he
5 provided any support for why this Court should now grant the same challenge as his
6 prior petition when he been provided an individualized custody determination pursuant
7 to 8 U.S.C. § 1226(a). *Id.* Instead, Petitioner simply states that he is being detained and
8 the Court should release him without providing any legal basis that his continued
9 detention is unconstitutional or unlawful. *See* ECF No. 1. Further, he does not raise a
10 Constitutional infirmity in his bond hearing. He simply says bond was denied and this
11 Court should release him. *Id.* As such, the Court should deny the petition. *See Alonso*
12 *Velasquez v. LaRose*, No. 25-cv-3216-JES-AHG, 2025 WL 3473773 (S.D. Cal. Dec. 3,
13 2025) (dismissing without prejudice habeas petition that failed to allege sufficient
14 factual information).

15 III. CONCLUSION

16 For the foregoing reasons, Respondents respectfully request that the Court
17 dismiss Petitioner's habeas petition.

18
19 DATED: June 10, 2026

ADAM GORDON
United States Attorney

20
21 s/ Michael D. Wallace
MICHAEL D. WALLACE
22 Assistant United States Attorney
Attorneys for Respondent
23
24
25
26
27
28