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8
9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
11

12 **MUNOZ PALACIOS**
13 **Rosibel Del Carmen**

14 **Petitioner,**

15 **v.**

16 **CHRISTOPHER LAROSE, Warden at**
17 **Otay Mesa Detention Center,**

18 **Respondents.**

CASE NO.: 3:26-cv-03534-JAO-SBC

**Traverse in support of Petition
for a
Writ of Habeas Corpus**

19 The government does not oppose the petition. Doc 5 at 3. We therefore
20 request the court grant outright release as requested in the writ and provide the
21 below reasoning for our request.

22 In her amended petition, Ms. Rosibel Del Carmen Munoz Palacios
23 explained that despite her compliance with her conditional parole release
24 conditions, ICE revoked her parole arbitrarily and without following regulations.
25 She therefore made two claims: (1) ICE had failed to comply with its own
26 regulations, violating the Administrative Procedures Act, and (2) ICE violated due
27 process by revoking parole without notice and an opportunity to be heard. She
28 therefore asked this Court to order outright release.

The government's Return does not respond at all to these claims. Instead
the government purports to unilaterally redefine the "legal issues presented" in the
petition: Per the government, they involve only "the statutory authority for . . .

1 detention of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a), and in a
 2 footnote refers to whether Petitioner is entitled to a bond hearing. Doc. 5 at 2-3.
 3 **That is false—this is not a Yajure Hurtado/Maldonado Bautista case, and the**
 4 **proper remedy is not a bond hearing. This is a parole case, and the proper**
 5 **remedy is release.**

6 That follows from three considerations.

7 First, to state what should be obvious, the government does not get to
 8 decide what “legal issues [are] presented” in a habeas petition. Doc. 5 at 2. The
 9 petitioner does. And the petitioner challenged the revocation of her conditional
 10 parole release, not the government’s failure to provide a bond hearing. Doc. 1 at
 11 13-20.

12 Second, Ms. Munoz Palacios’ case does not at all implicate *Matter of*
 13 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), *Maldonado-Bautista v. Noem*,
 14 No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), or
 15 § 1226(a). *Yajure Hurtado* and *Maldonado Bautista* address the rights of
 16 immigrants who successfully evaded detection at the border, entered the country
 17 illegally, and lived for a time in the United States. *See Maldonado-Bautista*, 2025
 18 WL 3713987, at *2 (defining the class to include people who “were not or will
 19 not be apprehended upon arrival”). The former says that this population is barred
 20 from bond hearings by § 1225(b), while the latter says that it is entitled to bond
 21 hearings under § 1226(a). *Id.* at *12. But Ms. Munoz Palacios did not successfully
 22 evade detection at the border and enter the country illegally, or live for a time in
 23 the United States. She turned herself in immediately at the border. Doc. 1 at 2.
 24 And everyone agrees that people caught immediately at the border are subject to
 25 mandatory detention under § 1225(b), *unless*—as occurred here—ICE exercises
 26 its discretionary authority to grant parole. After her grant of parole, she was
 27 granted TPS for Venezuelans, worked and lived in the U.S. for 3 years. Doc 1 at
 28 2.

1 Thus, the problem with Ms. Munoz Palacios' detention is not that the
 2 government failed to provide her a statutorily guaranteed bond hearing. It is that
 3 ICE exercised discretion to give her parole, then unlawfully revoked it.

4 Third, when an immigrant's parole is unlawfully revoked, the remedy is
 5 release, not a bond hearing. *See, e.g., Arias v. Larose*, No. 3:25-CV-02595-BTM-
 6 MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) ("The Respondents shall
 7 immediately release Arias from custody on her preexisting conditions."); *Noori v.*
 8 *LaRose*, 807 F. Supp. 3d 1146, 1154 (S.D. Cal. 2025) ("order[ing] his immediate
 9 release"); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL 3063629 (S.D.
 10 Cal. Nov. 3, 2025) (ordering that ICE "immediately release Petitioner from custody
 11 subject to the conditions of her preexisting parole and Form I-94"); *Perez v.*
 12 *LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025)
 13 (ordering respondents "to immediately release Petitioner from custody, subject to
 14 the conditions of his preexisting parole and Form I-94"); *Y-Z-L-H v. Bostock*, No.
 15 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025) (ordering
 16 respondents "immediately to release Petitioner from custody"). The government's
 17 cases granting bond hearings to persons wrongly detained under *Yajure Hurtado*
 18 are inapposite, because they involve completely different claims.

19 Thus, this Court must not allow the government to redefine the claims in
 20 the petition, rely on a set of inapplicable cases, and thereby deprive Ms. Munoz
 21 Palacios of the relief to which she is entitled. This Court must instead address the
 22 claims in the petition and—having received no response or opposition to those
 23 claims from the government—grant outright release.

24 The government here does not oppose the petition. Doc 5 at 3. The
 25 government does mention that petitioner was arrested pursuant to an ICE detainer.
 26 Respondents however failed to give petitioner proper notice and an opportunity to
 27 be heard regarding the reasons for their revoking of her parole or their detention
 28 of petitioner despite her having parole. We therefore ask that the court order

1 respondents to immediately release Petitioner from custody, subject to the
2 conditions of her preexisting parole.
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5 Respectfully submitted,
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7 Dated: June 23, 2026

/s/ David Szeles

8 David Szeles,
9 Attorney for Petitioner
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