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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUAN FLORES-LEON Petitioner, **v.** WARDEN, et al Respondents.	Case No. 26CV3866 JLS JLB **PETITIONER'S TRAVERSE**

Petitioner respectfully asks the Court to order immediate release from custody or alternatively that any custody hearing be conducted before this Court or the assigned Magistrate Judge.

Petitioner was unlawfully arrested without a warrant as is required under § 1226(a). No valid exception to warrant requirement existed. Respondents did not make a required custody determination as to whether Petitioner constitutes a flight risk or danger to the community. ECF No 1 at ¶¶ 51-56. Respondents did not contest any of these facts in their response. Respondents swept Petitioner, a longtime resident of the United States with considerable family ties, off the street and whisked him to a detention center where they now claim to hold him pursuant to INA § 1225(b). ECF No 4 at 2. Respondents now indicate they do not oppose an order from this Court directing a bond hearing to be held

but that if such bond hearing is directed, that respondents need at least 14 day to schedule it because of "heavy caseloads and staffing levels." Id. at FN2.

Respondents self-inflicted problem of having too many detainees and not enough judges or staff to hold statutorily required hearings does not warrant continued detention in violation of the laws and Constitution of the United States. Instead, we respectfully ask that the Court to order immediate release.

Furthermore, there is significant reporting and case law supporting Petitioner's unrefuted and unaddressed allegations that Respondents have made it impossible for an immigration judge to provide a truly adequate and neutral custody hearing. This is largely because judge's face financial and professional penalty if they do not rule in accord with agency policy objectives (deny more bond requests). ECF No. 1 at ¶¶ 58-73. A hearing before a financially and professionally threatened adjudicator does not comport with Constitution or the law. Caperton v. A.T. Massey Coal Co., Inc., 556 U.S. 868, 872 (2009); Castro-Cortez v. INS, 239 F.3d 1037, 1049 (9th Cir. 2001); Concrete Pipe & Products of Cal., Inc. v. Construction Laborers Pension Trust for Southern Cal., 508 U.S. 602, 617-618 (1993) (As against these supposed threats to the trustees' neutrality, due process requires a "neutral and detached judge in the first instance,{...]").

Alternatively, we ask that the Court order Respondents to immediately conduct an individualized custody determination under § 1226(a) as is required by the law. If Respondents determine that Petitioner is a flight risk or danger, a proposition for which there is absolutely no evidence, that Petitioner be afforded a custody hearing before this Court or a magistrate judge as soon as is practicable. Finally, Petitioner asks that if the Court orders that Respondents should provide a bond hearing before an immigration judge, that the court order that the judge must not deny release on the ground that § 1225(b)(2) is applicable and that such hearing occur no more than 10 days from the date of this Court's order (unless Petitioner requests continuance) but that Petitioner be provided with at least 3 days notice in advance of any scheduled hearing so as to be able to adequately prepare and to secure witness availability.

Respectfully submitted this 15th Day of July 2026,

/S/BEN LOVEMAN

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