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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LUIS ARMANDO VALLADOLID VALADEZ [redacted]

Petitioner,

v.

WARDEN, IMPERIAL REGIONAL DETENTION FACILITY; FIELD OFFICE DIRECTOR, SAN DIEGO FIELD OFFICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; DAVID VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement; TODD BLANCHE, Acting Attorney General of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; and EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 3:26-cv-03874-CAB-BJW

REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Immigration Detention — Bond Hearing

DETAINED

I. INTRODUCTION

1. Respondents' Response (ECF No. 5) does not oppose the core relief the Petition seeks: an order directing that Petitioner receive an individualized bond hearing pursuant to 8 U.S.C. §

1226(a). ECF No. 5 at 2 ("Respondents therefore do not oppose an order from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a)."). The matter is accordingly ripe for immediate decision. Petitioner submits this brief Reply to address the terms of the order to be entered.

II. THE ORDER SHOULD DIRECT THE IMMIGRATION JUDGE TO EXERCISE SECTION 1226(a) DISCRETION NOTWITHSTANDING MATTER OF YAJURE HURTADO

2. The relief conceded by Respondents is effective only if the order entered by this Court forecloses a repetition of what has already occurred. On June 29, 2026, the Immigration Judge denied Petitioner's request for a custody redetermination not on the merits, but on the ground that she lacked jurisdiction under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). (Pet. Ex. B.) An order that merely directs "a bond hearing" would return Petitioner to the same forum that has already declared itself powerless to act, and would afford him process in name only.

3. The risk is not hypothetical. Although the Central District of California has vacated *Matter of Yajure Hurtado*, the Ninth Circuit has administratively stayed that vacatur insofar as it extends beyond the Central District, No. 26-1044 (9th Cir. Mar. 6, 2026), and the Board of Immigration Appeals continues to apply *Yajure Hurtado* as binding precedent — including by vacating bond orders that Immigration Judges have entered notwithstanding it. See *Matter of N-A-G-C-*, 29 I&N Dec. 662 (BIA 2026). Absent an express directive from this Court, the Immigration Judge remains bound by Board precedent to repeat the jurisdictional denial that prompted this Petition.

4. This District has entered materially identical relief in indistinguishable cases, including the order attached to the Petition as Exhibit D, and Respondents themselves acknowledge "the prior orders from this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in similar cases." ECF No. 5 at 2; see also *Tiboko-Tifuh v. Noem*, No. 26-cv-1215-JO-DEB, 2026 WL 1603795 (S.D. Cal. June 4, 2026); *Faizi v. Larose*, No. 25-cv-02974-JO-MSB, 2026 WL 1112035 (S.D. Cal. Apr. 24, 2026) (cataloguing more than thirty such orders in this District); *Perez Velasquez v. Bondi*, No. 26-cv-01759-GPC-DDL, 2026 WL 1042479 (S.D. Cal. Apr. 16, 2026); *Dos Santos v. Becerra*, No. 26-cv-01423-GPC-VET, 2026 WL 800201 (S.D. Cal. Mar. 23, 2026).

5. Petitioner therefore requests that the order (1) declare that Petitioner's detention is governed by 8 U.S.C. § 1226(a), and (2) direct that, at the bond hearing, the Immigration Judge shall exercise the discretion conferred by § 1226(a) and consider Petitioner's release on bond or conditions on an individualized basis, notwithstanding Matter of Yajure Hurtado.

III. THE HEARING SHOULD BE HELD WITHIN SEVEN DAYS, WITH A RELEASE BACKSTOP

6. Respondents request fourteen days to hold the hearing, citing "heavy caseloads and staffing levels." ECF No. 5 at 2 n.2. Habeas proceedings are summary in character and are to be resolved "as law and justice require" without unnecessary delay. 28 U.S.C. § 2243. Petitioner — who has no criminal history, was arrested in the interior of the country at a traffic stop, and is the husband and father of United States citizens — has now been detained without any individualized custody determination since on or about June 20, 2026. (Pet. ¶¶ 9–12; Pet. Ex.

C at 44.) Every additional day of detention without process compounds the injury the Petition was filed to remedy.

7. The Imperial Immigration Court maintains a detained docket serving the facility where Petitioner is held, and bond hearings are routinely calendared there on short notice; indeed, Petitioner's prior bond hearing was held on June 29, 2026, three days after his supporting documents were filed. (Pet. Ex. B; Pet. Ex. C.) A seven-day deadline is therefore reasonable and consistent with the expedition this Court's Chief Judge Order No. 144 embodies. To ensure the deadline is meaningful, Petitioner requests that the order provide that, should no bond hearing be held within seven days, Respondents shall release Petitioner on his own recognizance, subject to reasonable conditions of supervision, pending such hearing.

8. Such conditional relief is established practice. In *Villa v. Mullin*, No. 5:26-cv-01690-JDE, 2026 WL 1583941 (C.D. Cal. June 2, 2026), the habeas court directed the government to provide a bond hearing or release the petitioner if a hearing was not timely provided, and later enforced that order with release. More recently, this District dispensed with a bond hearing altogether and ordered immediate release, citing mounting evidence that immigration judges have failed to comply with habeas courts' orders to provide constitutionally adequate bond hearings. *Mubanga v. Mullin*, No. 26-cv-02565-JO-AHG, 2026 WL 1945743 (S.D. Cal. July 6, 2026). Against that backdrop, a seven-day deadline with a release backstop is a measured request that imposes no burden on Respondents if they simply comply, and guarantees that administrative convenience does not extend an unlawful detention.

IV. THE COURT NEED NOT REACH PETITIONER'S CONSTITUTIONAL CLAIM

9. Petitioner agrees that, if the Court grants the statutory relief requested with the terms set forth above, it need not reach the Fifth Amendment claim. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam). Petitioner reserves that claim should the relief ordered prove inadequate.

V. CONCLUSION

10. For the foregoing reasons and those stated in the Petition, the Court should grant the Petition and enter an order providing that: (1) Petitioner's detention is governed by 8 U.S.C. § 1226(a); (2) within seven (7) days of the order, Respondents shall provide Petitioner an individualized bond hearing before an Immigration Judge at which the Immigration Judge shall exercise the discretion conferred by § 1226(a) and consider Petitioner's release on bond or conditions on an individualized basis, notwithstanding *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); (3) if no bond hearing is held within seven (7) days, Respondents shall release Petitioner on his own recognizance, subject to reasonable conditions of supervision, pending such hearing; and (4) Respondents shall not transfer Petitioner outside the Southern District of California pending compliance. See Chief Judge Order No. 144, § 5.

DATED: July 14, 2026

Respectfully submitted,

Ivan Alexandrovich

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