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**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF CALIFORNIA**

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| Angel Jesus Lucas Gregorio,<br><br>Petitioner,<br><br>vs.<br><br>CHRISTOPHER J. LAROSE, et al.,<br><br>Respondents. | Case No.: 26-cv-03918-RBM-SBC<br><br>**PETITIONER'S TRAVERSE TO RESPONDENTS' RESPONSE TO PETITION** |

Petitioner respectfully submits this traverse in reply to Respondents' Response to Petition (ECF No. 4). For the reasons set forth in the Petition, Petitioner rests on the arguments previously presented. Although Respondents continue to maintain that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), they acknowledge this Court's prior orders directing custody proceedings under 8 U.S.C. § 1226(a) for similarly situated petitioners and expressly state that they do not oppose an order directing a bond hearing pursuant to § 1226(a). (ECF No. 4 at 2). Thus, the dispute has narrowed to the appropriate remedy.

Respondents ask the Court to limit relief to a future bond hearing and request an additional fourteen days to conduct that hearing because of "heavy caseloads and staffing levels." (ECF No. 4 at 2 & n.2). Petitioner opposes that request. As outlined in the Petition, this Court has repeatedly held that immediate release, not a delayed bond hearing, is the appropriate remedy where a petitioner has been unlawfully subjected to mandatory detention under § 1225(b)(2). *See Miranda Guevara v. Mullin*, Case No.: 3:26-cv-02690-RBM-AHG at 3 (S.D. Cal. May 14, 2026); *Ramirez v. Mullin*, Case No.: 3:26-cv-01880-RBM-VET (S.D. Cal. Apr. 9, 2026); *Perez Solis v. LaRose*, Case No.: 3:26-cv-01532-RBM-AHG (S.D. Cal. Mar. 26, 2026); *Arias Torres v. LaRose*, Case No.: 3:26-cv-01532-RBM-BJW (S.D. Cal. Mar. 26, 2026); *Rodas-Dieguez v. Noem*, Case No.: 3:26-cv-00976-RBM-MMP (S.D. Cal. Feb. 26, 2026). In each of these cases, this Court expressly rejected a future § 1226(a) bond hearing as an adequate remedy and instead ordered the petitioner's immediate release. That reasoning applies with equal force here, and Respondents offer no reason why this case should be treated differently. A delayed custody hearing cannot remedy Petitioner's unlawful deprivation of liberty.

Moreover, Respondents ask this Court to delay relief for an additional fourteen days based solely on agency staffing levels and administrative workload. That request is inconsistent with the historic purpose of the writ of habeas corpus. Congress has directed that habeas petitions be resolved promptly, providing that the Court shall, "summarily hear and determine the facts, and dispose of the matter as law and justice require." 28 U.S.C. § 2243. Likewise, the Supreme Court has recognized that habeas corpus is "the swift and imperative remedy in all cases of illegal restraint or confinement." *Harris v. Nelson*, 394 U.S. 286, 290-91 (1969). Where a court has determined that a petitioner's detention is unlawful, administrative workload cannot justify prolonging that unlawful detention for an additional fourteen days.

Respondents' reliance on the administrative warrant does not alter the appropriate disposition of this case. The warrant attached to the Response is dated June 22, 2026, which is the date of Petitioner's arrest, but it contains no time of issuance. Nor does it establish that the warrant existed at the time Petitioner was seized. The warrant itself reflects that it was based upon Petitioner's own statements to immigration officers, further underscoring that it does not establish the chronology of Petitioner's arrest. Accordingly, the exhibit does not foreclose Petitioner's claim that Respondents failed to satisfy the requirements governing warrantless civil immigration arrests.

Respondents' reliance on *Garcia-Juarez* is also misplaced, as the case did not consider the statutory argument presented here. *Garcia-Juarez* did not analyze whether the statutory prerequisites for a warrantless arrest under 8 U.S.C. § 1357(a)(2) had been satisfied. Instead, the court there concluded only that the subsequent issuance of an administrative warrant within forty-eight hours foreclosed immediate release under different facts and a different procedural posture. Here, Petitioner alleges that Respondents lacked statutory authority to conduct a warrantless arrest because they have never shown that he was "likely to escape before a warrant could be obtained," as required by § 1357(a)(2). Nor does Respondents' Response attempt to show that ICE had reason to believe Petitioner was "likely to escape before a warrant could be obtained," the statutory prerequisite Congress imposed for a warrantless civil immigration arrest.

Therefore, Petitioner respectfully asks that this Court grant the writ and order Petitioner's immediate release.

Dated July 15, 2026

Respectfully submitted,

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