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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MATIAS VELASCO-VALDEZ, [redacted]

Petitioner,

v.

WARDEN, ET AL.,

Respondents.

No. 1:26-CV-5275-TLN-CKD

SUPPLEMENT TO OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

In accordance with this Court's August 4, 2026 Minute Order, Respondents provide the following supplement to their Answer to the petition, ECF 10.

As an initial matter, the Court should not entertain Petitioner's new claim about identity raised for the first time in his traverse. In his petition for writ of habeas corpus, Petitioner alleged "[h]e has no prior deportation orders," ECF 1 at p. 2, and contested the legality of his prior detention on that basis. Petitioner was served with a Decision to Reinstate a Prior Order of removal on July 7, 2026, prior to his filing of the instant petition, through counsel, on July 9, 2026. ECF 10-4. To the extent he contested whether he was the person that was previously ordered removed, he should have raised that claim in his petition. He did not. It is well settled that a habeas petitioner cannot amend his petition, much less introduce wholly new claims, in his reply brief. *See, e.g., Montalvan Reyes v. Warden of Golden State Aneez Detention Facility*, No. 1:26-cv-00441-DC-JDP, 2026 WL 760264 (E.D. Cal. Mar. 18, 2026)

(citation omitted); *Alvarado v. Wamsley*, 2:25-cv-02375-DGE-BAT, 2026 WL 890446 (W.D. Wash. Apr. 1, 2026) (citing cases); *Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007) ("The district court need not consider arguments raised for the first time in a reply brief.").

Further, it is not clear whether this Court possesses jurisdiction to entertain Petitioner's new claim. As a general matter, this Court's jurisdiction to review Petitioner's reinstated expedited removal order is limited to three determinations: "(A) whether the petitioner is an alien, (B) whether the petitioner was ordered removed under such section, and (C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence, has been admitted as a refugee under section 1157 of this title, or has been granted asylum under section 1158 of this title, such status not having been terminated, and is entitled to such further inquiry as prescribed by the Attorney General pursuant to section 1225(b)(1)(C) of this title." 8 U.S.C. § 1252(e)(2) (Habeas Proceedings). The Ninth Circuit has not reached the issue of whether section 1252(E)(2)'s restrictions on review of habeas corpus would prevent a district court from consideration a petition from someone allegedly targeted for expedited removal based on mistaken identity. *Li v. Eddy*, 259 F.3d 1132, 1135 (9th Cir. 2001) *vacated on reh'g as moot,* 324 F.3d 1109 (9th Cir. 2003); *see generally Garcia de Rincon v. Dep't of Homeland Security*, 539 F.3d 1133, 1139-40 (9th Cir. 2008) (discussing jurisdictional limitations). Though Respondents do not believe there is any indication of mistaken identity in this case, it is not clear that this Court has jurisdiction to consider any such claim.

In response to Petitioner's contention about identity, Petitioner's identity was indeed determined and verified via fingerprints. *See* Ex. 1, 2; Declaration of D.O. Kennth Jager ("Decl."). As D.O. Jager explains in the attached declaration, the fingerprints taken at the time of Petitioner's 2014 arrest and his 2026 arrest match as evidenced by the Fingerprint Identification Number ("FIN") on the I-213s.[1] Decl. ¶ 10. A FIN is a unique identifier assigned to a set of fingerprints submitted to EID and FBI. Decl. ¶ 10. The I-213 from the 2014 encounter bears the same FIN as the I-213 from the 2026 encounter.

[1] The original 2014 I-213 provided to the Court was a copy of I-213 pulled from the electronic database. The copy containing fingerprints is typically stored in hardcopy in the A file or T file which is not necessarily maintained locally. Had the Petitioner raised the identity issue in his petition, the issue could have been addressed in Respondents' Answer.

Compare Ex. 1 at p. 1 (2014 I-213) *with* Ex. 2 at p. 3 (2026 I-213). This shows that the fingerprints obtained from each encounter are a match.

For the reasons stated in the Answer to the petitioner and the further reasons discussed above, the petition should be denied.

Dated: August 7, 2026

Respectfully submitted,

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By: /s/ Shelley Weger
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