Alejandro Monsalve
CA SBN 324958
Alex Monsalve Law Firm, PC
240 Woodlawn Ave., Suite 9
Chula Vista, CA 91910
(619) 777-6796
Counsel for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUAN CARLOS CASTILLO-TORUNO,

Petitioner

v.

Christopher LaROSE, Warden, Otay Mesa Detention Center, *et al.*,

Case No.: 26-CV-03977-BAS-VET

PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

I. Introduction

Petitioner respectfully submits this Traverse in support of his Petition for Writ of Habeas Corpus.

Respondents' Return effectively concedes that, under this Court's existing precedent, the Petition should be granted. Although Respondents preserve their statutory position that Petitioner is subject to detention under 8 U.S.C. § 1225(b), they expressly acknowledge that this Court's prior re-detention decisions "will control the result here" because "the facts are not materially distinguishable for purposes of the Court's decision." On that basis, Respondents "do not oppose the petition" and "defer to the Court on the appropriate relief."

Accordingly, the only remaining issue before the Court is the appropriate remedy. This Court has already answered that question. In materially indistinguishable re-detention cases, this

Court has held that once the government releases a noncitizen from custody and permits that person to remain at liberty, due process prohibits revoking that liberty without constitutionally adequate procedures and materially changed circumstances. Where those constitutional requirements are not satisfied, this Court has ordered immediate release on the same terms and conditions under which the petitioner was previously released, rather than merely directing a future custody hearing.

Because Respondents identify no material factual or legal distinction from those prior decisions and expressly acknowledge that they control the outcome here, the Petition should be granted and Petitioner immediately released on the same terms and conditions under which he previously remained at liberty.

II. The Petition Challenges the Revocation of Petitioner's Previously Granted Liberty Without Constitutionally Adequate Process

Respondents do not meaningfully dispute the factual allegations underlying the Petition or attempt to distinguish this case from this Court's prior re-detention decisions. Instead, while preserving their statutory position for appellate purposes, Respondents expressly acknowledge that this Court's prior decisions "will control the result here" because "the facts are not materially distinguishable for purposes of the Court's decision." Respondents further state that they "do not oppose the petition" and "defer to the Court on the appropriate relief." Respondents identify no material factual or legal distinction warranting a different result, nor do they present any intervening authority or constitutional analysis that would justify departing from this Court's established re-detention jurisprudence.

That concession is significant. Rather than attempting to distinguish Petitioner's circumstances or defend the constitutionality of his re-detention, Respondents acknowledge that the legal issue presented has already been resolved by this Court's prior decisions. Respondents do not identify any materially changed circumstance, any individualized determination that Petitioner poses a danger to the community or a risk of flight, or any constitutionally adequate procedure preceding the revocation of Petitioner's previously granted liberty. Nor do

Respondents identify any material factual or legal distinction warranting a different outcome here.

Accordingly, there is no need for the Court to revisit the constitutional principles governing Petitioner's re-detention. Respondents acknowledge that this Court's existing precedent controls the merits of the Petition. Accordingly, the only remaining issue is the appropriate remedy for Respondents' unlawful revocation of Petitioner's previously granted liberty.

III. Respondents Fail to Justify the Revocation of Petitioner's Previously Granted Liberty

The Due Process Clause protects individuals against arbitrary governmental deprivations of liberty. Once the government affirmatively releases an individual from physical custody and permits that individual to remain at liberty in the community, it may not later revoke that liberty without constitutionally adequate procedures. Respondents do not contend that those constitutional requirements were satisfied here. Instead, they acknowledge that this Court's prior re-detention decisions control the outcome because the facts of this case are not materially distinguishable.

The relevant facts are undisputed. Petitioner was released from government custody as an unaccompanied minor in January 2023 and thereafter remained at liberty in the United States for approximately three and one-half years. During that period, Respondents permitted Petitioner to reside openly in the community, remain available to immigration authorities, and continue living at liberty without seeking his detention or revoking his release.

Most significantly, Respondents do not contend that Petitioner's re-detention resulted from any violation of the conditions of his release, that he became a danger to the community or a flight risk, or that any materially changed circumstance arose after his release that justified revoking his liberty. Nor do Respondents identify any constitutionally adequate process preceding that deprivation of liberty. Instead, they identify no material factual or legal distinction

from this Court's prior decisions and expressly acknowledge that those decisions control the disposition of this case.

This Court has repeatedly recognized that the government's decision to release a noncitizen from custody creates a protected liberty interest that cannot later be revoked absent constitutionally adequate procedures and materially changed circumstances. Where the government re-detains a previously released noncitizen without providing such procedures or identifying any individualized justification for the deprivation of liberty, continued detention violates the Due Process Clause regardless of the government's assertion that the petitioner remains subject to detention under 8 U.S.C. § 1225(b).

The same reasoning governs here. Having previously released Petitioner and permitted him to remain at liberty for years, Respondents cannot constitutionally revoke that liberty without the process required by the Fifth Amendment. Because Respondents identify no constitutionally adequate procedures, no materially changed circumstances, and no individualized justification supporting Petitioner's re-detention, Petitioner's continued detention violates the Due Process Clause.

IV. Immediate Release Is the Appropriate Remedy

The constitutional violation was complete when Respondents revoked Petitioner's previously granted liberty without constitutionally adequate procedures. Because that injury has already occurred, the traditional function of habeas corpus is to restore the liberty that was unlawfully taken. Immediate release is therefore the appropriate remedy.

This Court has repeatedly held that immediate release—not merely a future custody hearing—is the appropriate remedy where DHS unlawfully revokes a previously granted liberty interest. Most recently, in *Ramos-Garcia v. Casey*, Case No. 3:26-cv-03957-BAS-DEB (S.D. Cal. July 2026), this Court ordered Petitioner's immediate release on the same terms and conditions under which he had previously remained at liberty. Likewise, in *Guifarro-Guerrero v. Noem*, Case No. 3:26-cv-02107-BAS-DEB (S.D. Cal. Apr. 24, 2026), this Court held that although the petitioner had originally been subject to detention under 8 U.S.C. § 1225(b),

Respondents violated the Due Process Clause by re-detaining her without notice, without an opportunity to be heard, and without materially changed circumstances justifying the revocation of her previously granted liberty. The Court therefore ordered that the petitioner "be released on the same terms and conditions as she was previously released." These decisions reflect this Court's consistent recognition that habeas corpus restores the liberty unlawfully taken when DHS re-detains a previously released noncitizen without constitutionally adequate process.

The same result is warranted here. Petitioner likewise was previously released from government custody, remained at liberty in the community for more than three years, and was re-detained without any identified violation of the conditions of his release, any materially changed circumstance, or any constitutionally adequate process preceding the revocation of his liberty. Respondents identify no material factual or legal distinction between this case and this Court's prior decisions and expressly acknowledge that those decisions "will control the result here" because "the facts are not materially distinguishable for purposes of the Court's decision." Respondents therefore do not oppose the Petition and defer to the Court regarding the appropriate relief.

Respondents nevertheless suggest that, if relief is granted, the Court should merely order a future custody hearing. That remedy does not fully redress the constitutional injury already inflicted. The Due Process Clause protects against the unlawful deprivation of liberty itself. Once that deprivation has occurred without constitutionally adequate procedures, habeas corpus restores the liberty unlawfully taken. A future custody hearing may determine whether continued detention is justified, but it does not remedy the unconstitutional revocation of Petitioner's previously granted liberty. Indeed, this Court has recently rejected that very approach by ordering immediate release under materially indistinguishable circumstances.

Accordingly, Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release on the same terms and conditions under which he previously remained at liberty.

In the alternative, should the Court decline to order immediate release, Petitioner respectfully requests that the Court order a prompt constitutionally adequate custody hearing before a neutral decisionmaker at which Respondents bear the burden of establishing, by clear and convincing evidence, that continued detention is necessary because Petitioner presents a danger to the community or a risk of flight, and at which less restrictive alternatives to detention are considered.

V. Conclusion

For the foregoing reasons, Respondents have failed to establish that Petitioner's continued detention complies with the Due Process Clause of the Fifth Amendment. Respondents identify no material factual or legal distinction between this case and this Court's prior re-detention decisions and expressly acknowledge that those decisions "will control the result here" because "the facts are not materially distinguishable for purposes of the Court's decision." Respondents therefore do not oppose the Petition and defer to the Court regarding the appropriate relief.

Accordingly, Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release on the same terms and conditions under which he previously remained at liberty.

In the alternative, and only if the Court declines to order immediate release, Petitioner respectfully requests that the Court order Respondents to provide a prompt constitutionally adequate custody hearing before a neutral decisionmaker at which Respondents bear the burden of establishing, by clear and convincing evidence, that Petitioner's continued detention is necessary because he presents a danger to the community or a risk of flight, and at which less restrictive alternatives to detention are considered.

Petitioner further respectfully submits that the Court may resolve the Petition on the existing record. Respondents have fully addressed the legal issues presented, expressly do not oppose the Court resolving the Petition on the present record, and identify no factual dispute requiring an evidentiary hearing.

Respectfully Submitted.

/s/ Alejandro J. Monsalve, Esq. CA SBN 324958
Alex Monsalve Law Firm, PC
240 Woodlawn Ave, Suite 9
Chula Vista, CA 91910
Phone: (619) 777-6796
Counsel for Petitioner

Dated: July 21, 2026