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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Rodney Valido Mesa,

Petitioner,

vs.

CHRISTOPHER CHESTNUT, Senior Warden of Cal City Detention Facility, Et. Al.

Respondents.

Case No.: 1:26-CV-05336-DAD-AC

PETITIONER'S TRAVERSE

Petitioner Rodney Valido Mesa ("Mr. Valido") respectfully submits his traverse to his writ of habeas corpus. Mr. Valido is in the physical custody of Respondents at the California City Detention Facility in California City, California.

Mr. Valido requests immediate release from detention in his Petition for a Writ of Habeas Corpus, or, in the alternative, a bond hearing within seven days of any order from this Court. (ECF. 1) Magistrate Judge Allison Claire issued a Minute Order on July 21, 2026, ordering Respondents to "substantively address whether there are any factual or legal issues that materially distinguish this case from *R.M.*

v. Warden of the Golden State Annex ICE Det. Facility, No. 1:25-cv-1607 TLN AC, 2026 WL 836322 (E.D. Cal. Mar. 26, 2026), findings and recommendations adopted 2026 WL 896162 (E.D. Cal. Apr. 1, 2026), *Rivas Campos v. Chestnut*, 1:26-cv-DJC SCR, 2026 WL 1816190, at *8 (E.D. Cal. June 24, 2026), and other similar cases previously decided by this court, or otherwise indicate that the matter is not substantively distinguishable." ECF 5.

In its Answer, the Government opposes Mr. Valido's habeas petition and all relief requested. ECF 6. It went on to concede that, "[t]here appears to be no substantial difference between this case and the cases the Court cited in its minute order (ECF 5) but respondents nonetheless oppose relief for the reasons noted below. Respondents do not oppose the Court ruling directly on the habeas petition without further briefing." ECF 6, p.1. Of note, Respondents make no argument that Petitioner presents a flight risk or a danger to the community. ECF 6.

Because there are no factual or legal issues that substantively distinguish Mr. Valido Mesa's case from the cases cited in the Minute Order, and because a bond hearing will not provide Mr. Valido with the relief he is entitled to, this Court should grant Mr. Valido Mesa's Petition and order immediate release from custody. Alternatively, Mr. Valido Mesa requests a bond hearing within 7 days before a neutral decision-maker where the government bears the burden of proving by clear and convincing evidence that he poses a flight risk or a danger to the community.

I. DISCUSSION

A. This Case Is Not Distinguishable from the Long Line of Cases Decided By This Court And Others in This Circuit

Mr. Valido Mesa's case is not distinguishable from several other prolonged detention cases previously decided in petitioners favor by this Court. In *R.M. v. Warden of the Golden State annex ICE Det. Facility*, No. 1:25-cv-1607 TLN AC, WL 836322 (E.D. Cal. Mar. 26, 2026), the petitioner was detained under 8 U.S.C.

§ 1225(b)(1) but then received a positive credible fear determination. *Id.* at * 1. The petitioner R.M. was taken out of expedited removal proceedings and placed in "standard removal proceedings" however remained in custody for nearly a year since their arrival. *Id.* at *5. Applying the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Court found that the factors weighed in the petitioner's favor because the petitioner had been detained for nearly a year with no end in sight, respondents did not argue or present any evidence that the petitioner presented a danger to the community or a flight risk, and that the government's "interest in detaining petitioner without a hearing is 'low'" and custody hearings in immigration court "are routine and impose a 'minimal' cost." *Id.* at *5-6.

Therefore, because the government's interest in detention without a hearing was low and did not outweigh petitioner's substantial liberty interest or the high risk of erroneous deprivation, the writ of habeas corpus was granted, and the Court ordered a bond hearing be held within seven days. *Id.* at *5-6. Similarly, here, Respondents make no argument and present no evidence that Petitioner presents a danger to the community or a flight risk. Despite that, they argue that the *Mathews* factors weigh against providing Mr. Valido Mesa even the basic due process of a routine custody hearing in immigration court. Respondents' argument fails.

Mr. Valido Mesa's entry without inspection does not disqualify him from basic due process protections. As found in *Rivas Campos v. Chestnut,* the "entry fiction" that previously disqualified arriving non-citizens from any due process protections beyond those granted by statute was based on a set of immigration statutes that "no longer exists." 1:26-cv-01330 DJC SCR, 2026 WL 1816190 (E.D. Cal., June 24, 2026) (citing *Xi v. INS,* 298 F.3d 832 (9th Cir. 2002)). Thus, the supposed "entry fiction" found in *Barrera-Echavarria v. Rison* does not continue to apply to Mr. Valido Mesa, who is detained under a completely different set of immigration statutes. 44 F.3d 1441 (9th Cir. 1995).

Respondents also argue that *DHS v. Thuraissigiam* prevents Mr. Valido Mesa from claiming a due process right to a bond hearing. However, this argument misconstrues the holding in *Thuraissigiam*, which discussed the narrow issue of due process rights in challenges to "admissibility" to the United States rather than a challenge to the legality of prolonged detention with no bond hearing. 591 U.S. 103, 139 (2020). Indeed, as held in *Rivas Campos* and countless other district court opinions, *Thuraissigiam* does not circumscribe due process rights in relation to detention.

Mr. Valido Mesa's prolonged detention without a bond hearing places him in the same legal position as the petitioner in *Gallardo Flores v. Warden California City Detention Facility,* No. 1:2026-cv-02789 DC AC, 2026 WL 2042331 (E.D. Cal. July 15, 2026). In *Gallardo Flores*, the petitioner was arrested upon arrival to the United States and remained in custody for seventeen months throughout his removal proceedings. *Id.* at 1-2. The court concluded that petitioner's seventeen-month detention was punitive and violated substantive due process (*Id.* at 7) and ordered immediate release as the appropriate remedy. *Id.* at 14. The court reasoned that the petitioner presented a low-to-medium flight risk, a low dangerousness risk, and thus detention was excessive in relation to any government interest. *Id.* at 10. The court found in the alternative that petitioner's prolonged detention violated procedural due process, as all *Mathews* factors weighed in petitioner's favor. *Id.* at 11. The court specifically rejected the argument made by the government, which is echoed by Respondents here, that the government's interested in enforcing its immigration laws outweighed a non-citizen's interest in freedom from mandatory detention during removal proceedings with no bond hearing. *Id.* at 12 ("while the government has a strong interest in enforcing its immigration laws, its 'interest in

detaining petitioner without a hearing is 'low' and custody hearings in immigration court 'are routine and impose minimal cost.'").

Similar to the petitioner in *Gallardo Flores,* Mr. Valido Mesa has been detained in custody for over eighteen months without a bond hearing, despite having immediate relatives with lawful status in the United States who are willing to welcome him into their homes and sponsor him. He has no criminal or immigration history. He has an order by the Immigration Court granting withholding of removal from June 24, 2025. The denial of asylum, which was entirely based on a now vacated regulation, is being reviewed by the Ninth Circuit. Because Petitioner has provided this court ample evidence that he does not pose a flight risk or a danger to the community and Respondents make no argument in opposition, this Court should grant Mr. Valido Mesa's petition and order immediate release from custody. In the alternative, this Court should order a bond hearing within 7 days where the government bears the burden of showing flight risk or danger to the community.

B. This Court Should Order the Immediate Release of Mr. Valido Because Bond Hearings in Immigration Court Are No Longer an Adequate Remedy

"[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and…the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). While a bond hearing is an intermediate relief option to a writ of habeas corpus, the Court may still provide the traditional remedy of immediate release and remains "free to fashion the remedy as law and justice require." *Mubanga v. Mullin*, No. 26-cv-02565-JO-AHG, 26 WL 1945743, at 2 (S.D. Cal. July 6, 2026), (citing *Burnett v. Lampert*, 432 F.3d 996, 999 (9th Cir. 2005)). Accordingly, courts retain full

discretion to fashion equitable relief as appropriate and necessary. *See Burnett v. Lampert*, 432 F.3d at 999.

Bond hearings in immigration court are no longer an adequate remedy for habeas petitions, particularly when, as in Petitioner's case, there is ample evidence to show that Petitioner's detention serves no legitimate government interest. As observed in *Mubanga*, recent developments in immigration court proceedings show that immigration judges are routinely failing to comply with habeas orders to provide constitutionally adequate bond hearings. *Mubanga v. Mullin*, 2026 WL 1945743 (S.D. Cal. July 6, 2026). In *Mubanga,* the court discussed "sham" bond hearings post habeas grants, which instead of correcting the constitutional violation merely prolong unlawful detentions. *Id.* at 2. The same risk is present here. Where the Court has sufficient evidence that Mr. Valido Mesa is not a flight risk or a danger to the community, and Respondents make no argument to the contrary, the appropriate remedy is to order immediate release.

II. CONCLUSION

For the reasons stated in Mr. Valido Mesa's Petition for a Writ of Habeas Corpus as well as in the instant Traverse, Mr. Valido Mesa respectfully requests this Court grant his petition and order his immediate release.

Dated: August 3, 2026

Respectfully Submitted,
/s/Janice Deaton
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Immigrant Defenders Law Center
Attorney for Petitioner