Hernando De Cima, Esq. (SBN 361132)
DE CIMA LAW
105 N Rose st #109
Escondido, CA 92027
Tel: (858) 525-5578
Fax: (760) 418-6462
Email: hernando@decimalaw.com

Attorney for: Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RAMON ANTONIO CADAMO
(A-Number: [redacted]
Petitioner,

vs.

MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security;
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
PATRICK DIVVER, San Diego Field Office Director, ICE;
WARDEN, OTAY MESA DETENTION CENTER; and
TODD BLANCHE, Attorney General of the United States

Respondents.

Case No.

Agency No. [redacted]

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

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

I. INTRODUCTION & CONCESSION OF RELIEF

Petitioner RAMON ANTONIO CADAMO, by and through undersigned counsel, respectfully submits this Reply in Support of his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241.

In their Response, Respondents explicitly acknowledge controlling district precedent and state that "the government does not oppose the petition and defers to the Court on the appropriate relief". Because the government concedes that Petitioner's detention under 8 U.S.C. § 1225(b)(2) is improper under established Southern District of California case law, this Court should grant the Petition immediately.

Petitioner submits this Reply to emphasize the constitutional unjustifiability of his confinement, directly refute Respondents' footnote arguments regarding the allocation of the burden of proof, and object to their requested 14-day hearing delay.

II. ARGUMENT

A. PETITIONER'S DETENTION IS CONSTITUTIONALLY UNJUSTIFIED FOR LACK OF CAUSE AND DENIAL OF PRE- OR POST-DEPRIVATION HEARINGS

Petitioner's ongoing incarceration at the Otay Mesa Detention Center is constitutionally unsupportable. Petitioner was residing peacefully in the community and actively pursuing his asylum claim when he was abruptly seized during a routine commute without cause, prior notice, or explanation.

1. **Absence of Cause or Violation:** Respondents have produced no administrative record, charge, or evidence demonstrating that Petitioner violated any condition of his release, committed any crime, or poses a danger or flight risk.

2. **Deprivation of Hearing:** Respondents re-detained Petitioner without providing *any* procedural safeguards—denying him both a pre-deprivation hearing before revoking his liberty and a prompt post-deprivation hearing to contest his incarceration.

Under the Fifth Amendment Due Process Clause, civil immigration detention is permissible only to serve a valid regulatory purpose. Depriving a compliant asylum seeker of physical liberty without demonstrating cause or providing a procedural forum to be heard converts civil detention into arbitrary, unconstitutional punishment. Unless Respondents can immediately meet their burden to show constitutionally valid cause for his detention, Petitioner must be released.

B. CONSTITUTIONAL DUE PROCESS DEMANDS THAT THE BURDEN OF PROOF REST SQUARELY ON RESPONDENTS

In Footnote 2 of their Response, Respondents cite *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022), to assert that the burden of proof at any upcoming custody hearing must fall on Petitioner. Respondents' position ignores the fundamental procedural posture of this case.

While *Rodriguez Diaz* addressed ordinary 8 U.S.C. § 1226(a) initial detention proceedings, Petitioner here was previously paroled into the United States, resided lawfully in the community, and was summarily re-detained without cause or notice. Having already granted Petitioner physical liberty, the government's summary revocation of that liberty interest triggers heightened Fifth Amendment due process protections.

When the Executive unilaterally revokes a noncitizen's liberty without a threshold showing of cause, fundamental due process demands that the government—not the detainee—bear the burden of proof. To justify Petitioner's ongoing confinement, Respondents must be required to demonstrate by **clear and convincing evidence** before a neutral arbiter that Petitioner poses an active flight risk or a danger to the community. Shifting the burden onto

a compliant, re-detained asylum applicant perpetuates the very procedural due process violation this Habeas Petition seeks to remedy.

C. THE COURT SHOULD ORDER IMMEDIATE RELEASE OR A BOND HEARING WITHIN SEVEN (7) DAYS

Respondents request that any order directing a bond hearing afford them fourteen (14) days from issuance to hold the hearing. Petitioner respectfully objects to this extended timeframe.

Because Petitioner was detained without cause and denied both pre- and post-deprivation hearings, every additional day he remains in custody constitutes an ongoing constitutional violation. Given Respondents' total non-opposition to the illegality of his statutory detention framework, prolonging his confinement for two more weeks is unjustified.

Petitioner respectfully requests that this Court order his **immediate release under reasonable conditions of supervision** or, in the alternative, require Respondents to hold an individualized bond hearing before an Immigration Judge **within seven (7) days** of this Court's Order.

D. ANY BOND SET MUST BE CONSTITUTIONALLY REASONABLE AND NOT COST-PROHIBITIVE

Fifth Amendment Due Process and the Eighth Amendment's Excessive Bail Clause strictly prohibit setting a bond at an unreachable sum that functions as a constructive denial of release.

See Hernandez v. Sessions, 872 F.3d 976, 999 (9th Cir. 2017) (holding that due process requires consideration of financial circumstances and non-monetary alternatives to detention). Should an Immigration Judge conduct a bond hearing pursuant to this Court's order, the Court should explicitly instruct that any bond set must be reasonably calibrated to

Petitioner's financial resources so as not to maintain executive detention under the guise of an unreachable financial condition.

III. CONCLUSION AND REQUESTED RELIEF

In light of Respondents' non-opposition and the constitutional unjustifiability of Petitioner's summary detention, Petitioner respectfully requests that this Court GRANT the Petition for Writ of Habeas Corpus and issue an Order:

1. Directing Respondents to immediately release Petitioner under reasonable non-monetary conditions of supervision due to the lack of cause and denial of procedural due process; or
2. In the alternative, ordering Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge within **seven (7) days**, at which **Respondents bear the burden of proving by clear and convincing evidence** that Petitioner poses a flight risk or danger to society; and
3. Explicitly instructing that any financial bond imposed must account for Petitioner's financial capacity and not operate as a constructive denial of release in violation of the Eighth Amendment.

Dated: 7/20/2026

Respectfully submitted,

/s/Hernando De Cima
Hernando De Cima, Esq
105 N Rose St Ste 109
Escondido, Ca 92027
hernando@decimalaw.com
858-525-5578
Attorney for Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CERTIFICATE OF SERVICE

I, Hernando De Cima, certify that on 7/20/2026, I filed the foregoing with the Clerk of the Court via CM/ECF and will serve the Respondents and the U.S. Attorney's Office for the Southern District of California.

Dated: 7/20/2026

Respectfully submitted,

/s/Hernando De Cima
Hernando De Cima, Esq
105 N Rose St Ste 109
Escondido, Ca 92027
hernando@decimalaw.com
858-525-5578
Attorney for Petitioner