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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FRANK ESCOBAR MENECES, Petitioner, v. CHRISTOPHER J. LaROSE, Warden, Otay Mesa Detention Center, et al., Respondents.	Case No.: 3:26-cv-4082-JES-MSB **PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

Respondents' Response (ECF No. 6) does not oppose the Petition. Respondents concede that "this Court's prior decisions will control the result here," that "the facts are not materially distinguishable," and that Respondents "do[] not oppose the petition and defer[] to the Court on the appropriate relief." ECF No. 6 at 3. Petitioner accepts that concession and asks the Court to act on it directly: order Petitioner's immediate release, not a further bond hearing.

Respondents request an additional fourteen days of detention before providing any process. [ECF No.6 at n.2]. Yet Respondents identify no governmental interest requiring Petitioner's continued confinement during that period. They have already conceded that this Court's precedent controls, that Petitioner's circumstances are not materially distinguishable from those cases, and that they do not oppose habeas relief. Under those circumstances, continued detention serves no legitimate purpose. The only remaining injury is the ongoing deprivation of liberty itself, which can be remedied only through immediate release.

Moreover, Respondents' Response addresses only Petitioner's statutory classification claim (Claim Two). It does not contest, and therefore concedes, Petitioner's remaining claims: (1) that the immigration court itself lacked jurisdiction to establish Petitioner's removability in the first place, because USCIS retains exclusive initial jurisdiction over his pending I-589 until DHS formally terminates his UAC classification — which DHS has never done, Pet. ¶¶ 12–14, 20; (2) that DHS is collaterally estopped from relitigating that identical jurisdictional question after already litigating and losing it before Judge Sameit, Pet. ¶¶ 15–17, 28–39; and (3) that release, rather than remand for another administrative proceeding, is the only remedy that can restore Petitioner's liberty interest, given DHS's demonstrated pattern in this same case of mooting review through transfer before any judge could reach the merits, Pet. ¶¶ 16, 22–26, 43–45.

This is not Petitioner's first time in this position. He was already held in immigration detention, including at Otay Mesa, for approximately two months in 2025 under this identical theory before Judge Sameit terminated proceedings and found that USCIS — not the immigration court — had jurisdiction over his case. DHS is now attempting to make Petitioner serve that same two months over again, in the same facility, on the same record, while it works its way back toward the same result.

A bond hearing would not cure that pattern; it would repeat it. Respondents' own Response asks for fourteen additional days to hold any hearing this Court might order, ECF No. 6 at 3 n.2 — and Petitioner has already been transferred across the country once, on the eve of a hearing, to avoid a ruling on the identical question now conceded here. Nothing prevents that from happening again while a bond hearing is pending, or before the renewed Motion to Terminate now pending in the Otay Mesa Immigration Court — the same court, on the same record Judge Sameit already resolved — can be heard. Immediate release, by contrast, ends the deprivation of liberty now, on a record Respondents themselves acknowledge compels that result. Respondents simultaneously acknowledge that this Court's prior decisions control this case while requesting an additional administrative proceeding in which Petitioner would again bear the burden of proving his entitlement to liberty. Respondents identify no reason why such a proceeding is necessary after conceding that this Court's precedent governs and that Petitioner's circumstances are materially indistinguishable from those cases. Habeas relief should restore Petitioner's liberty now, not merely postpone that determination.

The Court has already exercised its equitable authority to preserve meaningful habeas review. Now that Respondents concede that this Court's precedent governs the statutory question, immediate release is the only relief that fully vindicates the liberty interest at stake.

Accordingly, Petitioner respectfully requests that the Court grant the Petition and order Petitioner's immediate release from custody on his own recognizance or on reasonable conditions of supervision, consistent with the relief requested in Paragraph B of the Petition's Prayer for Relief.

Respectfully submitted,

Date: July 22, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing Reply with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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