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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Javier Solorio Alvarez,

Petitioner,

v.

Markwayne MULLIN, Secretary, U.S. Department of Homeland Security;

Todd LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

Patrick DIVVER, Field Office Director, San Diego Field Office, U.S. Immigration and Customs Enforcement.

Christopher LAROSE, Senior Warden, Otay Mesa Detention Center;

Sirce OWEN, Acting Director of the Executive Office for Immigration Review (EOIR), U.S. Department of Justice.

Todd BLANCHE, Acting Attorney General, U.S. Department of Justice.

Does 1-2
Respondents.

Case No.:

Agency File No.: A[redacted]

PETITIONER'S TRAVERSE IN SUPPORT OF WRIT OF HABEAS CORPUS

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Petitioner, through undersigned counsel, respectfully submits this Traverse in response to Respondents' July 22, 2026, Reply.

I. INTRODUCTION

On July 16, 2026, Petitioner filed a Petition for Writ of Habeas Corpus challenging his continued detention without a bond hearing under 8 U.S.C. § 1226(a). In their July 22, 2026 Reply, Respondents' expressly concede that:

- Petitioner is currently being held subject to mandatory detention under § 1225(b)(2).
- This Court, and Courts in this District, have repeatedly reached the opposite conclusion under the same and/or similar facts (Petitioner is not subject to Mandatory Detention and is thus entitled to a custody hearing pursuant to 8 U.S.C. § 1226(a))
- This Court's prior decisions will control result here if the Court adheres to its prior decisions, as the facts are not materially distinguishable for purposes of the Court's decision,
- The government does not oppose the petition.

Accordingly, there is no dispute that Petitioner should have their Petition granted and an order be issued for Petition to have a bond hearing pursuant to 8 U.S.C. § 1226(a) to which he was legally entitled. The only remaining issue is the timing and scope of relief.

II. RESPONDENTS CONCEDE PETITIONER SHOULD BE PROVIDED A BOND HEARING

Respondents acknowledge that the underlying facts of Petitioner's matter are indistinguishable from prior cases before this court, where it was held that the detainee was entitled to a custody hearing before a neutral fact finder. Respondents' failure to provide Petitioner with a bond hearing constitutes an unlawful deprivation of Petitioner's statutory and due process rights. Respondents' concession confirms that Petitioner's continued detention without a bond hearing was improper.

V. CONCLUSION

Respondents concede that Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a) and that such hearing has not been provided. The only dispute concerns timing. For the foregoing reasons, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus;

c. Declare the Petitioner's detention is unlawful;

d. Declare that Petitioner's detention is governed by INA § 236(a), not INA § 235(b);

e. Order Respondents to immediately release Petitioner;

f. Alternatively order prompt constitutionally compliant bond hearing before a neutral adjudicator within five (5) days;

g. Award Petitioner attorney's fees and costs as permitted by law; and

h. Grant any other and further relief that this Court deems just and proper.

DATED this 22nd Day of July, 2026.

/S/ ANNA M HYSELL
Attorney for Petitioner