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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

ANGEL MARTINEZ SANCHEZ,
A[redacted],

Petitioner,
v.

TODD BLANCHE, in his official capacity as Acting Attorney General,

MARKWAYNE MULLIN, in his official capacity as Secretary of the Department of Homeland Security,

U.S. DEPARTMENT OF HOMELAND SECURITY,

CHRISTOPHER CHESTNUT, in his official capacity as Warden of California City Detention Facility,

SERGIO ALBARRAN, in his official capacity as ICE Field Office Director,

Case No. 1:26-cv-05712-JLT-SAB

TRAVERSE

IMMIGRATION HABEAS CASE

Defendants.

On July 22, 2026, Angel Martinez Sanhcez (Petitioner), by and through his undersigned counsel, filed a petition for a writ of habeas corpus, challenging his continued unlawful detention. Dkt. 1. He requested immediate release, arguing that Respondents violated his due process rights, that he was subjected to an unlawful arrest, and Respondents violated the Administrative Procedure Act (APA), and that his detention was in violation of the preliminary injunction in *ICWC v. Noem*. *Id.*

On August 13, 2026, Respondents filed their answer, reaffirming their position that Petitioner is detained under 8 U.S.C. § 1225(b)(2), but conceding that he is eligible for a bond hearing under the Ninth Circuit's decision in *Rodriguez Vazquez v. Bostock*. Dkt. 6. Respondents do not address Petitioner's contentions that his prolonged detention has become punitive in nature and violates substantive due process; that his detention without a pre-deprivation hearing violated due process; that he was subjected to an unlawful, warrantless arrest; that ICE unlawfully failed to conduct an initial custody determination as required under § 1226(a); and that his detention violates the *ICWC* injunction. Respondents' failure to address these arguments on the merits should be considered a concession that the petition should be granted. *See e.g.*, *Singh v. Warden Desert View Annex, et al.*, No. 26-cv-00440-FMO-AJR, Dkt. 9 (C.D. Cal. Feb. 9, 2026) (granting petition where "the court construes respondents' failure to address petitioner's due

process claim as a concession of petitioner's argument"); *Soleimani v. Larose*, No. 25-cv-3082-DMS-DEB, 2025 WL 3268412, at *3 (S.D. Cal. Nov. 24, 2025) (granting petition because, "[b]y failing to respond to the claims actually asserted, Respondents have conceded the claims"); *See also N-E-M-B v. Wamsley*, No. 3:25-cv-989-SI, 2025 WL 3527111, at *1 (D. Or. Dec. 9, 2025) ("Respondents do not challenge any aspect of the Petition on the merits and thus the Court finds that Respondents have waived such challenges and *c*onceded those aspects of the Petition."); *E-M- v. Hermosillo*, No. 3:25-cv-1083-SI, 2026 WL 883776, at *1 (D. Or. Mar. 31, 2026) ("Respondents do not challenge Count Three on the merits and thus the Court finds that Respondents have waived any such challenge and conceded those aspects of Count Three of the Petition"); *Rojas v. Mullin*, No. 26-cv-1437-FMO-MAA, 2026 WL 1105039, at *1 (C.D. Cal. Apr. 17, 2026) (granting petition where "the court construes respondents' failure to address petitioner's due process claim as a concession"); *Khoury v. Noem*, No. 5:26-cv-00113-SRM-MBK, 2026 WL 846040, at *3 (C.D. Cal. Jan. 22, 2026) (granting TRO requiring the petitioner's release where "the Court construes Respondents' failure to address this argument as a concession that Petitioner is likely to succeed on the merits of this claim").

Moreover, Respondents do not address Petitioner's argument that a bond is not an appropriate remedy, as it will not return Petitioner to the status quo prior to his unlawful detention, or Petitioner's contention that bond hearings in Immigration

Court are an insufficient remedy because they have been incurably infected by political bias and Immigration Judges are willfully violating federal court orders. *See Esmail v. Noem*, Case No. 2:25-cv-8325-WLH-RAO, 2025 WL 3030590, at *6 (C.D. Cal. Sept. 12, 2025) ("Providing Petitioner an interview *ex post facto*, while keeping him detained in ICE's custody, would not remedy the apparent constitutional violation that Petitioner has suffered in being re-detained without any measure of due process. The fact that he was not given an interview renders his detention unlawful in the first place, necessitating his release."); *See also Rodriguez-Acurio v. Almodovar*, No. 2:25-cv-06065 (NJC), 2025 WL 3314420, at *31 (E.D.N.Y. Nov. 28, 2025) (ordering a noncitizen's release on this basis because "a bond determination by a DHS officer or an immigration judge would not remedy the core constitutional violation at issue here" where the noncitizen's detention was unlawful from its inception); *see also Ramirez-Serna v. Mullin*, 2026 WL 1514337, *7-*8 (C.D. Ca. May 28, 2026) (unpub) (noting that "notwithstanding Respondents' admission that Petitioner is a member of the *Maldonado Bautista* class, Respondents failed to comply with the final judgment in *Maldonado Bautista* with respect to Petitioner, as they did not provide him with an individualized bond hearing during the entirety of his detention" and ordering immediate release of a petitioner who had been detained for just under two months); *Vega-Huerta v. Acting Director, ICE*, 2026 WL 1529239, *3-*4 (C.D. Ca. May 28, 2026) (unpub) (noting that a bond hearing would be futile, in part, because "many immigration

judges in this District have improperly denied bond to noncitizen detainees under 8 U.S.C. § 1226(a) solely based on the alleged lack of jurisdiction" and ordering immediate release of the petitioner); *Calixtro v. Mullin*, 2026 WL 1288654, *3-*4 (May 7, 2026) (unpub) (noting the immigration judge improperly determined that she lacked jurisdiction to grant bond to a class member and ordering the petitioner's immediate release); *Garcia Aguilar v. Mullin*, 2026 WL 1196090, *4-*5 (C.D. Ca. Apr. 28, 2026) (unpub) (same); *Herrera Castro v. Johnson*, 2026 WL 1104766, *3-*4 (C.D. Ca. Apr. 17, 2016) (unpub) (same); Exhibit F ("The national data show a marked increase in bond adjudication volume and a broad shift toward more denial-heavy outcomes. Completed bond records more than doubled from 34,845 in 2024 to 80,130 in 2025, while grant/denial records increased to about 2.5 times the 2024 level. Over the same annual comparison, the grant rate fell from 42.2% to 36.7%, and denial share rose from 36.1% to 43.2%. The denial-share increase became more pronounced in later periods, reaching 50.8% in 2025 Q4 and 54.9% in 2026 Q1.").

Because Respondents have failed to meaningfully address the basis of Petitioner's request for release, this Court should construe their filing as a concession that the relief sought (immediate release) should be granted. "To the extent that respondents' non-opposition to a bond hearing implies opposition to release, an implication is not an argument." *Luis Alfredo Barajas-Bautista v. Warden, Desert View Annex, et al.*, No. 5:26-cv-03135-SK, 2026 WL 2058433, at *1 (C.D. Cal. July 13, 2026); *Chavez Pastore v. Warden of Adelanto ICE*

Processing Ctr., et al., No. 5:26-cv-04002-BFM, 2026 WL 2178765, at *1 (C.D. Cal. July 27, 2026) (granting release where "Petitioner argued for release, Respondents did not respond to that argument—instead, they merely conceded his eligibility for a lesser form of relief that Petitioner sought in the alternative and registered their opposition to any other form of relief."). Where the "government does not offer any argument on the merits" of the claims in the petition, "it has waived any challenge to the arguments [ ] raised." *Martinez v. Sessions*, 873 F.3d 655, 660 (9th Cir. 2017).

For these reasons, as well as those articulated in the initial petition, Petitioner respectfully submits that this Court should order his immediate release from custody.

RESPECTFULLY SUBMITTED this 13th day of August, 2026.

/s/ Sabrina Damast
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