Vanessa Molina (SBN 325672)
The Law Office of Vanessa Molina
1530 Lancaster Point Way
San Diego, CA 92154
Phone: (619) 790-4300
Email: vanessa@vanessamolinalaw.com

Counsel for Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Jonathan Alejandro Chuqui Mayancela
Agency No. [redacted]

Petitioner,

v.

Sixto Marrero, Warden, Imperial Regional Detention Center; Gregory Archambault, San Diego Field Office Director, U.S. Immigration and Customs Enforcement; Markwayne Mullin, Secretary of Homeland Security; and Todd Blanche, Acting Attorney General of the United States,

Respondents.

Case No.: 3:26-cv-04310-RSH-DDL

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

Respondents' Response significantly narrows the issues before this Court. Respondents concede that Petitioner is detained pursuant to 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225, and therefore do not oppose the Petition. EC4 at 2. The only remaining issue is the appropriate remedy. Respondents contend that a future bond hearing under §1226(a) would suffice. *Id.* It would not.

Respondents' Response does not refute Petitioner's constitutional allegations. *See generally* ECF 4. Nor does it deny the facts supporting those claims. Instead, Respondents simply propose a lesser remedy, a bond hearing within fourteen days. That proposal does not cure the constitutional violations alleged in the Petition.

The Petition alleges more than Petitioner's entitlement to a bond hearing under 8 U.S.C. § 1226(a). ECF 1 at 5. It alleges that Respondents violated Petitioner's Fifth Amendment right to due process by revoking a previously granted liberty interest without constitutionally adequate procedures. *Id.* At 5-6. The constitutional injury occurred when Respondents re-detained Petitioner without first providing the process required by the Fifth Amendment. *Id.* A future bond hearing cannot retroactively remedy that violation.

As set forth in the Petition, the Government previously determined that Petitioner did not present a danger to the community or a flight risk and released him from custody while his removal proceedings remained pending. *Id.* That release created a protected liberty interest. Petitioner relied upon that determination and remained at liberty for more than five years. *Id.* During that time, he complied with the conditions of his release, continued residing with the same sponsor, and established his life in the United States. *Id.*

The Government's own actions after Petitioner's release further confirmed that determination. USCIS granted Petitioner's Special Immigrant Juvenile petition, granted deferred action, issued him a valid Employment Authorization Document, and authorized him to obtain a Social Security number. ECF 1-5, 1-6. Those affirmative governmental actions recognized Petitioner's continued presence in the United States and are entirely consistent with the Government's earlier determination that he could safely remain at liberty while his immigration proceedings continued.

Respondents do not dispute any of these facts. They do not contend that Petitioner violated any condition of his release. They do not identify any changed circumstance occurring between Petitioner's release and his re-detention. They do not argue that Petitioner became a danger to the community or a flight risk. Nor do they assert that an individualized custody determination was made before Petitioner's liberty was revoked. Those unrebutted allegations remain before the Court.

Instead, Respondents ask this Court to order a future bond hearing. ECF 4. But the constitutional violation alleged in the Petition is not simply the absence of a bond hearing. It is the deprivation of Petitioner's liberty without constitutionally adequate process before that liberty was taken away. Once Respondents granted Petitioner's release, due process required more than simply re-detaining him years later without an individualized determination supported by changed circumstances. As explained in the Petition, an immigration judge conducting a future bond hearing cannot retroactively cure Respondents' earlier constitutional violation.

Nor does Respondents' proposed remedy provide complete relief. Respondents request fourteen days to conduct a bond hearing, during which Petitioner would remain detained despite Respondents' concession that he is properly detained, if at all, under § 1226(a). Yet Respondents identify no evidence that Petitioner currently presents a danger to the community or a flight risk, no evidence that he violated any release condition, and no evidence that circumstances materially changed after his release. Petitioner's circumstances instead remain consistent with those supporting his original release. He has no criminal history, remains eligible for deferred action, possesses valid work authorization, and has complied with the Government's requirements throughout these proceedings.

Respondents' concession that Petitioner is detained pursuant to § 1226(a) resolves the statutory question presented by the Petition. It does not resolve Petitioner's constitutional claims or the appropriate remedy for those claims. The only question remaining before the Court is whether a delayed

bond hearing adequately remedies Respondents' unconstitutional deprivation of Petitioner's liberty. It does not.

Accordingly, the Court should grant the Petition, order Petitioner's immediate release under the same conditions previously imposed, and grant such further relief as requested in the Petition, including prohibiting Respondents from re-detaining Petitioner absent constitutionally adequate process consistent with the Fifth Amendment.

Respectfully submitted,

Date: August 10, 2026

s/ Vanessa Molina
Vanessa Molina
SBN 325672
The Law Office of Vanessa Molina
1530 Lancaster Point Way
San Diego, CA 92154

Counsel for Petitioner