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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

S.R.I.,

Petitioner,

v.

CHRISTOPHER J. LAROSE, Warden, Otay Mesa Detention Center; DANIEL BRIGHTMAN, Field Office Director, San Diego Field Office, United States Immigration and Customs Enforcement; DAVID J. VENTURELLA, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of Homeland Security; TODD BLANCHE, Acting United States Attorney General, *in their official capacities,*

Respondents.

Civil Action No.: 26-cv-04547-LEK-MMP

SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner S.R.I. maintains that denial or dismissal of his Petition is not warranted for the reasons stated in the Petition, the Traverse, and *infra*. Immediate relief is appropriate, but in the alternative, the Court should permit supplementation of the Petition to address the new factual allegations raised in Respondents' August 19, 2026 age determination and authorize the limited discovery identified in the Request for Production, Exhibit A.

Respondents have not shown that the Petition fails to state a claim.

Respondents argue in the Return that the petition should be dismissed for "failure to state a claim," ECF No. 6 at 2, alluding to Federal Rule of Civil Procedure 12(b)(6) which permits dismissal for "failure to state a claim upon which relief can be granted." Under Rule 12(b)(6), courts must "accept factual allegations in the complaint as true and construe the pleadings in the light most favorable to the nonmoving party." *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1031 (9th Cir. 2008). Further, a "claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Although Respondents characterize their requested disposition as dismissal for "failure to state a claim," their argument depends on rejecting Petitioner's well-pleaded factual allegations and crediting a disputed post-petition agency assessment. ECF No. 6 at 2-4. Following Respondents' lead and assuming that Rule 12(b)(6) applies, that is not a permissible basis for dismissal. Accepting S.R.I.'s factual allegations as true, as required, Respondents have provided <u>no</u> reason to dismiss the Petition.

In the alternative to granting the Petition, S.R.I. seeks leave to supplement the Petition and requests limited discovery.

A. The Court should grant leave to supplement the Petition.

Should the Court be inclined to dismiss or deny the Petition, S.R.I. seeks leave

to supplement the Petition and requests limited discovery. The Court may "permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented." Fed. R. Civ. P. 15(d). "Rule 15(d) is intended to give district courts broad discretion in allowing supplemental pleadings. The rule is a tool of judicial economy and convenience. Its use is therefore favored." *Keith v. Volpe*, 858 F.2d 467, 473 (9th Cir. 1988) (citation omitted).

In response to the Petition, Respondents conducted a written age determination for the first time on August 19, 2026, ostensibly considering the evidence filed with the Petition. ECF No. 6. This Memorandum of Investigation-Age Assessment (MOI) occurred after the petition was filed on August 7, 2026, ECF No. 1, and is the crux of the legal dispute.

S.R.I. therefore seeks leave to supplement the Petition, following the completion of discovery if permitted, to address both the August 19, 2026 MOI and any evidence produced concerning the factual basis of that determination. These supplemental pleadings concern the same custody challenged in the original Petition. Permitting S.R.I. to supplement his Petition would serve the interests of judicial economy and fairness by allowing him to integrate the MOI's allegations into the facts and arguments of his Petition.

B. The Court should order limited discovery.

In addition, in the alternative to granting the Petition, S.R.I. requests limited discovery of three narrowly tailored categories of evidence that remain exclusively within Respondents' control and bear directly on the central factual disputes underlying Respondents' MOI: (1) complete recordings of S.R.I.'s July 16, 2026 and July 21, 2026 credible fear interviews; (2) a complete recording and all officer notes from Customs and Border Protection's interview of S.R.I.; and (3) physical access to inspect all of S.R.I.'s original identification documents in the possession of the U.S. Department of Homeland Security (DHS). *See* Ex. A (Request for Production).

Under Rule 6(a) of the Rules Governing § 2254 Cases, applicable to this § 2241 proceeding through Rule 1(b), a district court "may, for good cause, authorize a party to conduct discovery." *See also* Rules Governing § 2255 Cases R. 6(a). "Good cause exists 'where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is entitled to relief." *Smith v. Mahoney*, 611 F.3d 978, 996 (9th Cir. 2010) (quoting *Bracy v. Gramley*, 520 U.S. 899, 908-09 (1997)) (cleaned up).

Here, S.R.I. petitioned for habeas corpus on the basis that, as a 17-year-old, DHS's detention of him with adults in an adult detention facility violates the Trafficking Victims Protection Reauthorization Act, the *Flores* Settlement Agreement, the Administrative Procedure Act, and the Fifth Amendment of the U.S. Constitution. ECF No. 1. S.R.I. presented specific allegations that he consistently and correctly stated his date of birth as 2009 and that he never stated he was 25 years old or born in the year 2000. ECF No. 1-2 at 3-4 ¶¶ 14-16, 18, at 6 ¶¶ 31-32 (Petitioner's Declaration); ECF No. 7-1 ¶¶ 1, 3 (Petitioner's Supplemental Declaration).

In response to the Petition, Respondents conducted a written age determination for the first time on August 19, 2026, purporting to consider evidence filed with the Petition. *See* ECF No. 6-1 at 71-73. The MOI was authored after the Petition was filed on August 7, 2026, and now forms the foundation of Respondents' opposition. In the MOI, Respondents rely heavily on statements that S.R.I. disputes were ever made. *See id.* at 71 (MOI); *see* ECF No 1-2 at 4 ¶ 16, 6 ¶ 31 (Petitioner's Declaration); ECF No. 7-1 ¶ 3 (Petitioner's Supplemental Declaration). Because at least two of these alleged statements were made during formal interviews, Respondents should possess recordings of them, which would provide objective evidence bearing directly on this factual dispute. Recordings corroborating S.R.I.'s recitation of events will likely establish that the MOI relies on statements S.R.I. did not make and that the MOI therefore cannot serve as the basis for his adult detention.

What's more, Respondents should not be permitted to defeat habeas relief by

relying on a post-petition factual assessment while maintaining exclusive control over the contemporaneous recordings and records necessary to test the accuracy of that assessment. If the Court considers the MOI in resolving the Petition, fundamental fairness requires S.R.I. to have a meaningful opportunity to examine the evidence underlying it.

In short, Respondents possess evidence that may effectively disprove the new age determination, the central premise of Respondents' arguments. S.R.I. has no way to access this evidence without court order. Undersigned Counsel emailed the U.S. Attorney's Office on Thursday, August 27, 2026 (almost three weeks ago) to attempt to resolve this informally, but has not received a response. There is therefore good cause for discovery.

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S.R.I. continues to request the relief outlined in his Petition's Prayer for Relief, ECF No. 1 at 36. As explained in the Traverse, this relief is warranted. ECF No. 7. Dismissal pursuant to Rule 12(b)(6) as argued in the Return is not. In the alternative, S.R.I. requests leave to supplement his Petition and for limited discovery as outlined in Exhibit A.

Dated: September 16, 2026

Respectfully submitted,

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