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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MILTON CAMACHO PEREZ,

vs. Petitioner,

JANET NAPOLITANO, Secretary of
Homeland Security, et al.,

Respondents.

CASE NO. 13cv1561-LAB (JMA)
**ORDER DENYING PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner Milton Camacho Perez, a prisoner in federal custody, filed a petition pursuant to 28 U.S.C. § 2241. Perez, a Salvadoran national, is in custody awaiting removal, and requests either immediate release, or else reduction in the bond, which was set at \$25,000.

The government filed a return to the petition, attaching documentary evidence. Although he was given leave to file a response to the government's return, he did not do so, nor did he challenge the authenticity or accuracy of any of the exhibits. Camacho Perez has not sought leave to amend his petition to add claims, update information, or make any other amendments. In fact, he has filed nothing since the government filed its return.

The petition raises a variety of arguments, most of which the Court has no authority to consider. The petition challenges the removal order. But the validity of that order has already been fully litigated, and the Ninth Circuit denied relief. (See Return to Pet., Exs. 2,

1 4–7.) The petition also challenges the denials of his three requests to reopen. The Ninth
2 Circuit has denied relief on those issues, and its decisions are now final.¹ (See *id.*, Exs. 14,
3 29–30, 34–35, 52.) The Court has no authority to reconsider, amend, or overrule any of
4 those decisions.

5 With regard to the amount of Camacho Perez’s bond, the immigration judge set that
6 at \$25,000 after a full hearing, and gave detailed reasons for doing so. (See Return to Pet.,
7 Exs. 21–28.) He sought reconsideration, which was denied. (See *id.*, Exs. 36–38.) The
8 government represents that the Board of Immigration Appeals determined the \$25,000 bond
9 was appropriate, and Camacho Perez has not disputed this representation.

10 The Court has jurisdiction under 28 U.S.C. § 2241 to review bond hearing
11 determinations conducted pursuant to *Casas-Castrillon v. Department of Homeland Security*,
12 535 F.3d 942 (9th Cir. 2008). *Singh v. Holder*, 638 F.3d 1196, 1200 (9th Cir. 2011). The
13 Court has authority to review only for constitutional claims and legal error, *id.*, and not
14 discretionary decisions not involving constitutional violations. *Id.* at 1202; *Gutierrez-Chavez*
15 *v. INS*, 298 F.3d 824, 827, 829–30 (9th Cir. 2002). And an immigration judge’s individualized
16 determination of the amount of bond is ordinarily not reviewable at all. *Prieto-Romero v.*
17 *Clark*, 534 F.3d 1053, 1067 (9th Cir. 2008) (citing 8 U.S.C. § 1226(e)) (holding that
18 petitioner’s claim that he was unable to afford the bond necessary for release from detention
19 was not reviewable). In other words, while the Court may review for legal error such as
20 misinterpretation of the statute or whether a legally-adequate hearing was held, it has no
21 authority to review a claim that the bond amount is excessively high. See *Rivera v. Holder*,
22 307 F.R.D. 539, 546 (W.D. Wash., 2015).

23 The petition conflates several different legal requirements. He cites authority holding
24 that lengthy detentions without a hearing are impermissible, and authority addressing
25 mandatory detention. (Pet. at 5:13–7:8.) But he is not being detained without bond, and he
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27 ¹ At the time the government filed its return, the mandate had not yet issued on the
28 appeal of the third denial, and neither party alerted the Court when it did. But a review of the
docket shows it has now issued. See *Perez v. Holder*, 12-74202, docket number 34
(mandate). The denials of all of Camacho Perez’s appeals are therefore final.

1 has been given both an individualized bond hearing, and the opportunity to seek
2 reconsideration. He has not alleged, nor sought leave to amend his petition to allege that
3 the hearing was inadequate, or that he has applied for any more bond reductions.

4 The petition's argument finally turns to the factors the immigration judge considered
5 when setting bond, and argues that the judge incorrectly weighed them when setting bond.
6 But, as noted, the Court has no authority to review this determination. Camacho Perez's
7 contention that he cannot afford to pay the bond does not alter this. *See Prieto-Romero*, 534
8 F.3d at 1067.

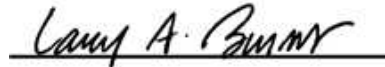
9 The petition is **DENIED**.

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11 **IT IS SO ORDERED.**

12 DATED: May 12, 2016

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HONORABLE LARRY ALAN BURNS
United States District Judge

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