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

11 ARTUR SORVANOV,

12 Petitioner,

13 v.

14 CHRISTOPHER J. LAROSE, et al.,

15 Respondents.
16

Case No.: 26-cv-1339-JES-BJW

RETURN TO HABEAS PETITION

Judge: Hon. James E. Simmons

17 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Respondents have
18 reviewed this petition and determined that the legal issues presented concern the
19 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention
20 of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a), and whether Petitioner is
21 entitled to a bond hearing. While reserving all rights, including the right to appeal, the
22 government respectfully submits this abbreviated response to preserve the legal issues,
23 to conserve judicial and party resources, and to expedite the Court's consideration of
24 this matter.¹

25 It is the government's position that Petitioner is subject to mandatory detention
26 under § 1225(b), because Petitioner was present in the United States without being
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28 ¹ To the extent the Court prefers a more formal response, the government respectfully requests an opportunity to submit within a reasonable timeframe.

1 admitted or paroled. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA
2 2025); *see also See, e.g., Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330
3 (5th Cir. 2026); *Valencia v. Chestnut*, --- F. Supp. 3d ---, 2025 WL 3205133 (E.D. Cal.
4 Nov. 17, 2025); *Alonzo v. Noem*, --- F. Supp. 3d ----, 2025 WL 3208284 (E.D. Cal. Nov.
5 17, 2025); *Cabanas v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov.
6 13, 2025); *Altamirano Ramos v. Lyons*, --- F. Supp. 3d ---, 2025 WL 3199872 (C.D.
7 Cal. Nov. 12, 2025); *Mejia Olalde v. Noem*, No. 1:25-cv-00168-JMD, 2025 WL 313942
8 (E.D. Mo. Nov. 10, 2025); *Silva Oliveira v. Patterson*, No. 6:25-cv-01463, 2025 WL
9 3095972 (W.D. La. Nov. 4, 2025); *Barrios Sandoval v. Acuna*, No. 6:25-cv-01467,
10 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Cirrus Rojas v. Olson*, No. 25-cv-1437-
11 bhl, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025); *Vargas Lopez v. Trump*, --- F. Supp.
12 3d ----, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, --- F. Supp. 3d -
13 ---, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Pena v. Hyde*, No. 25-11983-NMG,
14 2025 WL 2108913 (D. Mass. July 28, 2025).

15 However, the government acknowledges that Courts in this District have
16 repeatedly reached the opposite conclusion. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-
17 2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v.*
18 *LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025);
19 *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025);
20 *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No.
21 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel*
22 *v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025);
23 *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13,
24 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12,
25 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov.
26 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19,
27 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D.
28 Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL

3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

On the legal issue of which statute governs Petitioner's detention here—whether it is 8 U.S.C. § 1226(a) or 8 U.S.C. § 1225(b)—the government acknowledges that this District's prior decisions would control the result here if the Court adheres to its prior decision, as the facts are not materially distinguishable for purposes of the Court's decision. Respondents therefore do not oppose a bond hearing in this matter and respectfully request 14 days for the hearing, due to large caseloads and competing demands for adjudication of immigration matters.

Finally, Respondents contention that Petitioner's assertion that "Otay Mesa's immigration judges" have been "compromised" is speculative. On the contrary, there are numerous habeas cases from this district confirming that immigration judges have complied in good faith with this court's orders to conduct individualized bond hearings, often on a very quick turnaround. *See, e.g., Ramirez Ceja v. Divver*, No. 26-cv-00254-DMS-DEB, ECF No. 6 (S.D. Cal. Feb. 19, 2025) (Joint Status Report reflecting immigration judge granted bond at Otay Mesa Immigration Court); *Prabhpreet v. LaRose*, No. 26-cv-00393-JES-SBC, ECF No. 10 (S.D. Cal. Feb. 19, 2026) (same); *I.E. v. Casey*, No. 25-cv-03227-DMS-DDL, ECF No. 10 (S.D. Cal. Dec. 16, 2025) (same for Imperial Regional Detention Facility); *Gautam v. Correctional Corp. of Am.*, No. 25-cv-03600-JES-DEB, ECF No. 8 (S.D. Cal. Jan. 9, 2026) (Notice of Compliance); *Alemanji v. Mayorkas*, No. 25-cv-03499-JO-DDL, ECF No. 13 (S.D. Cal. Dec. 23, 2025) (Notice Confirming Bond Hearing); *Xie v. LaRose*, No. 26-cv-00529-RBM-DDL (Notice of Compliance; bond granted)(S.D. Cal. March 4, 2026) *Ding v. LaRose*, 26-cv-01117-TWR-JLB (granting bond following habeas order)(S.D. Cal. March 4, 2026); *Jacinto Rodriguez v. LaRose*, 26-cv-00693-BAS-DEB (S.D. Cal. Feb. 24, 2026) (granting bond following district court order). Petitioner's proposed "alternative forms of relief" are unwarranted and fall outside the scope of this habeas petition. An IJ is best

1 positioned to examine Petitioner's immigration history and evaluate the relevant factors
2 regarding flight risk and potential danger to the community in a consistent and uniform
3 manner. *Mansoor v. Figueroa*, No. 3:17-cv-01695-GPC (NLS), 2018 WL 840253, at
4 *4 (S.D. Cal. Feb. 13, 2018) ("The Court finds the IJ is uniquely qualified and situated
5 to make neutral administrative determinations about Petitioner's eligibility for release
6 on bond and/or placement in a supervised release program[.]")

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9 DATED: March 11, 2026

Respectfully submitted,

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13 Attorneys for Respondents
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