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7 Attorneys for Respondents

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

11 JAIME FLORES-BALDERAZ,

12 Petitioners,

13 v.

14 PAMELA BONDI, U.S. ATTORNEY
15 GENERAL, *et al.*,

16 Respondents.
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Case No.: 26-cv-01424-AGS-DEB

RESPONSE TO PETITION

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

8 It is the government's position that Petitioner is subject to mandatory detention under
9 § 1225(b), because Petitioner was present in the United States without being admitted or
10 paroled. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025); *see also See*,
11 *e.g., Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. 2026);
12 *Valencia v. Chestnut*, --- F. Supp. 3d ---, 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025);
13 *Alonzo v. Noem*, --- F. Supp. 3d ----, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025); *Cabanas*
14 *v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Altamirano*
15 *Ramos v. Lyons*, --- F. Supp. 3d ---, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025); *Mejia*
16 *Olalde v. Noem*, No. 1:25-cv-00168-JMD, 2025 WL 313942 (E.D. Mo. Nov. 10, 2025);
17 *Silva Oliveira v. Patterson*, No. 6:25-cv-01463, 2025 WL 3095972 (W.D. La. Nov. 4,
18 2025); *Barrios Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct.
19 31, 2025); *Cirrus Rojas v. Olson*, No. 25-cv-1437-bhl, 2025 WL 3033967 (E.D. Wis. Oct.
20 30, 2025); *Vargas Lopez v. Trump*, --- F. Supp. 3d ----, 2025 WL 2780351 (D. Neb. Sept.
21 30, 2025); *Chavez v. Noem*, --- F. Supp. 3d ----, 2025 WL 2730228 (S.D. Cal. Sept. 24,
22 2025); *Pena v. Hyde*, No. 25-11983-NMG, 2025 WL 2108913 (D. Mass. July 28, 2025).
23 The government also notes Petitioner's record of arrests dating back to 2015. *See Exhibit A*
24 (From I-213) at 2.

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27 ¹ To the extent the Court prefers a more formal response, the government respectfully
28 requests an opportunity to submit within a reasonable timeframe.

1 However, the government acknowledges that Courts in this District have repeatedly
2 reached the opposite conclusion. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-
3 MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-
4 2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No.
5 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F.
6 Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM),
7 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-
8 RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-
9 cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-
10 3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-
11 cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-
12 RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-
13 2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*,
14 No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v.*
15 *LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*,
16 No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

17 On the legal issue of which statute governs Petitioner's detention here—whether it is
18 8 U.S.C. § 1226(a) or 8 U.S.C. § 1225(b)—the government acknowledges that this
19 District's prior decisions would control the result here if the Court adheres to its prior
20 decisions, as the facts are not materially distinguishable for purposes of the Court's decision
21 on the legal issue of which statutory provision authorizes Petitioner's detention.

22 Thus, while the government does not consent to issuance of the writ and reserves all
23 rights, including the right to appeal, and to conserve judicial and party resources while
24 expediting the Court's consideration of this case, the government hereby relies upon, and
25 incorporates by reference, the legal arguments it presented in those cases previously
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1 adjudicated by the Court,² and submits fully herein.³

2 DATED: March 23, 2026

ADAM GORDON
United States Attorney

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4 s/ Tom Merritt
5 TOM MERRITT
Assistant United States Attorney

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15 ² Specifically, the government incorporates by reference all arguments raised in its prior
16 oppositional briefs. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, ECF No.
17 15 (S.D. Cal. Nov. 5, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, ECF
18 No. 7 (S.D. Cal. Oct. 21, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, ECF No. 6 (S.D.
19 Cal. Oct. 9, 2025); *Garcia v. Noem*, No. 25-cv-2180-DMS-MMP, ECF No. 5 (S.D. Cal.
20 Aug. 27, 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), ECF No. 5 (S.D.
21 Cal. Oct. 15, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, ECF No. 4 (S.D.
22 Cal. Nov. 20, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 4 (S.D.
23 Cal. Nov. 12, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 5 (S.D. Cal.
24 Nov. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 8 (S.D. Cal.
25 Nov. 7, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 6 (S.D. Cal. Nov. 7,
26 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, ECF No. 11 (S.D. Cal. Nov.
27 14, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, ECF No. 3 (S.D. Cal. Nov.
28 8, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 4 (S.D. Cal. Nov. 20,
2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, ECF No. 4 (S.D. Cal. Nov. 6, 2025).

³ Petitioner also challenges his detention citing violations of his right to due process under the Fifth Amendment. Should the Court grant the petition, it should decline to address this additional argument. *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”).