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

11 JOSE LEONARDO MUNOZ DIAZ,

12 Petitioner,
13

14 v.

15 WARDEN, Imperial Regional Detention
16 Facility; et al.,

17 Respondents.
18
19

Case No.: 26-cv-01491-CAB-BJW

**RETURN TO PETITION FOR
WRIT OF HABEAS CORPUS
UNDER 28 U.S.C. § 2241**

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

1 Petitioner was previously released from immigration custody on parole that ICE has
2 since revoked. It is the government's position that Petitioner is subject to mandatory
3 detention under § 1225(b). However, the government acknowledges that this Court, and
4 courts in this District, have repeatedly reached the opposite conclusion under the same
5 and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL
6 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG,
7 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB,
8 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D.
9 Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361
10 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
11 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
12 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
13 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
14 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
15 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
16 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
17 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
18 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
19 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

20 The government acknowledges that this Court's prior decisions will control the
21 result here if the Court so adheres, as the facts are not materially distinguishable for
22 purposes of the Court's decision, and on that basis the government does not oppose the
23 petition and defers to the Court on the appropriate relief.¹

24 _____
25 ¹ To the extent the Court issues an order directing a bond hearing under § 1226(a),
26 considering heavy caseloads and staffing levels, Respondents respectfully request that such
27 order provide the government 14 days from issuance to hold such bond hearing. *But see*
28 *Deniz v. LaRose*, No. 25-cv-3588-CAB-DEB, 2025 WL 3719320, at *2 (S.D. Cal. Dec. 23,
2025) (finding release to be the appropriate remedy under similar facts).

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2 DATED: March 19, 2026

Respectfully submitted,

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4 s/ Kim A. C. Gregg
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6 Attorneys for Respondent
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