

1 ADAM GORDON
United States Attorney
2 HUNTER V. NORTON
Assistant U.S. Attorney
3 Washington D.C. Bar No. 1780736
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8592
Facsimile: (619) 546-7751
6 Email: Hunter.Norton2@usdoj.gov

7 Attorneys for Respondents

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

10 VIKAS VIKAS,

11 Petitioner,

12 v.

13 CHRISTOPHER LaRose, *Warden, Otay*
14 *Mesa Detention Facility,*

15 Respondents.
16
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Case No.: 26-cv-01451-DMS-DDL

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

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

9 The Ninth Circuit has recently stayed application of the District Court’s order in
10 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---,
11 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), outside of the Central District of California.
12 See Exhibit 1. Accordingly, it is the government’s position that Petitioner is subject to
13 mandatory detention under § 1225(b), because Petitioner was present in the United States
14 without being admitted or paroled. See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216,
15 228 (BIA 2025); see also *See, e.g., Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026
16 WL 323330 (5th Cir. 2026); *Valencia v. Chestnut*, --- F. Supp. 3d ---, 2025 WL 3205133
17 (E.D. Cal. Nov. 17, 2025); *Alonzo v. Noem*, --- F. Supp. 3d ----, 2025 WL 3208284 (E.D.
18 Cal. Nov. 17, 2025); *Cabanas v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331 (S.D.
19 Tex. Nov. 13, 2025); *Altamirano Ramos v. Lyons*, --- F. Supp. 3d ---, 2025 WL 3199872
20 (C.D. Cal. Nov. 12, 2025); *Mejia Olalde v. Noem*, No. 1:25-cv-00168-JMD, 2025 WL
21 313942 (E.D. Mo. Nov. 10, 2025); *Silva Oliveira v. Patterson*, No. 6:25-cv-01463, 2025
22 WL 3095972 (W.D. La. Nov. 4, 2025); *Barrios Sandoval v. Acuna*, No. 6:25-cv-01467,
23 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Cirrus Rojas v. Olson*, No. 25-cv-1437-bhl,

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25 ¹ “Ground 2” and “Ground 3” of the Petition assert improper bases for habeas relief as
26 they do not challenge the the legality or duration of confinement. *Pinson v. Carvajal*,
27 69 F.4th 1059, 1067 (9th Cir. 2023); *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir.
1979); *Dep’t of Homeland Security v. Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ
of habeas corpus historically “provide[s] a means of contesting the lawfulness of
restraint and securing release.”).

28 ² To the extent the Court prefers a more formal response, the government respectfully
requests an opportunity to submit within a reasonable timeframe.

1 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025); *Vargas Lopez v. Trump*, --- F. Supp. 3d --
2 --, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, --- F. Supp. 3d ----,
3 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Pena v. Hyde*, No. 25-11983-NMG, 2025
4 WL 2108913 (D. Mass. July 28, 2025).

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

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

27 Thus, while the government does not consent to issuance of the writ and reserves
28 all rights, including the right to appeal, and to conserve judicial and party resources

1 while expediting the Court’s consideration of this case, the government hereby relies
2 upon, and incorporates by reference, the legal arguments it presented in those cases
3 previously adjudicated by the Court,³ and submits fully herein.⁴

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5 DATED: March 19, 2026

6 Respectfully submitted,

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8 ADAM GORDON
9 United States Attorney

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

⁴ Petitioner also challenges his detention citing violations of due process. Should the
Court grant the petition, it should decline to address these additional arguments. *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.”).