ADAM GORDON
United States Attorney
JULIET KEENE
Assistant United States Attorney
NM SBN 126365
Office of the U.S. Attorney
880 Front Street, Room 6293
San Diego, CA 92101-8893
Telephone: (619) 546-6768
Email: Juliet.Keene@usdoj.gov

Attorneys for Respondents

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BENJAMIN CASTILLO BUCILLO,
Petitioner,

v.

CHRISTOPHER J. LAROSE, et al.,
Respondents.

Case No.: 26-cv-1559-JES

RETURN TO PETITION

Judge: Hon. James E. Simmons

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has carefully reviewed this petition and determined that the legal issues presented concern the statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a).

It is the government's position that Petitioner is subject to mandatory detention under § 1225(b), because Petitioner was present in the United States without being admitted or paroled. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025); *see also See, e.g.*, *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. 2026).

Petitioner appears to be a member of the Bond Eligible Class certified in *Maldonado*

Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). However, the Ninth Circuit later stayed application of the Order beyond the Central District of California. Respondents acknowledges the prior orders from this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in similar cases.[1] Respondents therefore do not oppose an Order requiring such a hearing for Petitioner.

DATED: March 18, 2026

ADAM GORDON
United States Attorney

s/Juliet M. Keene
JULIET M. KEENE
Assistant United States Attorney

[1] To the extent the Court issues an order directing a bond hearing under 1226(a), considering heavy caseloads and staffing levels, Respondents respectfully request that such order provide the government 14 days from issuance to hold such bond hearing.