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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 CHI RONGXI,

12 Petitioner,

13 v.

14 MARKWAYNE MULLIN, et al.,

15 Respondents.  
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Case No.: 26-cv-1588-RSH-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). While reserving all rights, including  
5 the right to appeal, the government respectfully submits this abbreviated response to  
6 preserve the legal issues, to conserve judicial and party resources, and to expedite the  
7 Court’s consideration of this matter.

8 Petitioner was previously released from immigration custody on conditional parole  
9 issued under 8 U.S.C. § 1226(a). It is the government’s position that Petitioner is subject  
10 to mandatory detention under § 1225(b)(2). However, the government acknowledges that  
11 this Court, and Courts in this District, have repeatedly reached the opposite conclusion  
12 under the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-  
13 MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-  
14 cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No.  
15 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F.  
16 Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM),  
17 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-  
18 RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-  
19 cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-  
20 3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-  
21 cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-  
22 RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-  
23 2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*,  
24 No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v.*  
25 *LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v.*  
26 *Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

27 The government acknowledges that this Court’s prior decisions will control the  
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1 result here if the Court adheres to its prior decisions, as the facts are not materially  
2 distinguishable for purposes of the Court’s decision, and on that basis the Respondents do  
3 not oppose the petition. The Respondents aver that the appropriate remedy is a bond  
4 hearing pursuant to 8 U.S.C. §1226(a) at which Petitioner bears the burden to demonstrate  
5 by clear and convincing evidence that they are not a danger to the community or a flight  
6 risk. 8 C.F.R. § 1003.19(h)(3).<sup>123</sup>

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8 DATED: March 20, 2026

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

25 <sup>2</sup> Petitioner also challenges his detention citing violations of Due Process. Should the Court  
26 grant the petition, it should decline to address the additional argument. *INS v. Bagamasbad*,  
429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make  
27 findings on issues the decision of which is unnecessary to the results they reach.”).

28 <sup>3</sup> Petitioner has a merits hearing on April 14, 2026.