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

10 AYHAN GUMUSTEKIN,

11 Petitioner,

12 v.  
13

14 PAMELA BONDI, Attorney General of the  
15 U.S., et al.,

16 Respondents.  
17

Case No.: 26-cv-01633-CAB-MMP

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

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

25 Petitioner was previously released from immigration custody on conditional parole  
26 issued under 8 U.S.C. § 1226(a). It is the government's position that Petitioner is subject  
27 to mandatory detention under § 1225(b). However, the government acknowledges that this  
28

1 Court, and courts in this District, have repeatedly reached the opposite conclusion under  
2 the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB,  
3 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-  
4 JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-  
5 LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d  
6 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL  
7 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB,  
8 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-  
9 TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-  
10 BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-  
11 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.*  
16 *Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

17 The government acknowledges that this Court’s prior decisions will control the  
18 result here if the Court so adheres, as the facts are not materially distinguishable for  
19 purposes of the Court’s decision, and on that basis, the government does not oppose the  
20 petition and defers to the Court on the appropriate relief.<sup>1</sup>

21 DATED: March 20, 2026

ADAM GORDON  
United States Attorney

22 s/ Kim A. C. Gregg  
23 KIM A. C. GREGG  
24 Assistant United States Attorney

25 Attorneys for Respondent

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