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

11 ERSIN TABAK,

12 Petitioner,

13 v.
14

15 SIXTO MARRERO, Warden, Imperial
16 Regional Detention Facility; et al.,

17 Respondents.
18

Case No.: 26-cv-01640-CAB-DDL

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

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

27 Petitioner was previously released from immigration custody on bond that ICE has
28 since canceled. It is the government's position that Petitioner is subject to mandatory

1 detention under § 1225(b). However, the government acknowledges that this Court, and
2 courts in this District, have repeatedly reached the opposite conclusion under the same
3 and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL
4 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG,
5 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB,
6 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D.
7 Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361
8 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
9 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
10 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
11 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
12 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
13 (S.D. Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
14 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
15 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
16 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
17 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

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

22 DATED: March 19, 2026

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23
24 s/ Kim A. C. Gregg
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25
26 Attorneys for Respondent

27 ¹ 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.