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

9 DEYBIS RAFAEL ARIAS-CHACON,

10 Petitioner,

11 v.

12 WARDEN OF IMPERIAL REGIONAL
13 DETENTION FACILITY, et al.,

14 Respondents.

Case No.: 26-cv-1722 DMS VET

RESPONSE TO PETITION

15
16 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government
17 has carefully reviewed this petition and determined that the legal issues presented
18 concern the statutory authority for U.S. Immigration and Customs Enforcement's (ICE)
19 detention of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all
20 rights, including the right to appeal, the government respectfully submits this
21 abbreviated response to preserve the legal issues, to conserve judicial and party
22 resources, and to expedite the Court's consideration of this matter.

23 It is the government's position that Petitioner is subject to mandatory detention
24 under § 1225(b)(2). However, the government acknowledges that this Court, and Courts
25 in this District, have repeatedly reached the opposite conclusion under the same and/or
26 similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL
27 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-
28 AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-

1 LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp.
2 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025
3 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-
4 JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-
5 cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-
6 cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No.
7 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-
8 2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No.
9 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega*
10 *v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025);
11 *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025);
12 *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13,
13 2025).

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

18 DATED: March 24, 2026

Respectfully submitted,

19
20 ADAM GORDON
United States Attorney

21 *s/ Allie E. Malone*
22 ALLIE E. MALONE
23 Assistant United States Attorney
24 Attorneys for Respondents

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26
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.