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7 Attorneys for Respondents

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

10 M.D.,

11 Petitioner,

12 v.

13 CHRISTOPHER LAROSE, Warden,  
Otay Mesa Detention Center, *et al.*,

14 Respondents.

Case No.: 26-cv-01792-TWR-SBC

**RESPONSE TO PETITION**

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

8 Petitioner was previously released from immigration custody on parole issued  
 9 under 8 U.S.C. § 1182(d)(5). Respondents have insufficient information regarding  
 10 termination of that parole, pursuant to 8 C.F.R. § 212.5(e)(2), to provide to the Court.  
 11 It is the government's position that Petitioner is subject to mandatory detention under  
 12 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in  
 13 this District, have repeatedly reached the opposite conclusion under the same and/or  
 14 similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB,  
 15 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*,  
 16 No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v.*  
 17 *Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v.*  
 18 *Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*,  
 19 No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025);  
 20 *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580  
 21 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,  
 22 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET,  
 23 ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*,  
 24 No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*,  
 25 No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v.*  
 26 *LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025);  
 27 *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal.  
 28 Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal.

1 Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.  
2 Cal. Nov. 13, 2025).

3 The government acknowledges that this Court's prior decisions will control the  
4 result here if the Court adheres to its prior decisions, as the facts are not materially  
5 distinguishable for purposes of the Court's decision, and on that basis the government  
6 does not oppose the petition and defers to the Court on the appropriate relief.<sup>1</sup>

7  
8 DATED: March 26, 2026

Respectfully submitted,

9 ADAM GORDON  
10 United States Attorney

11 s/ Kim A. C. Gregg  
12 KIM A. C. GREGG  
13 Assistant United States Attorney  
14 Attorney for Respondents  
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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.