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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

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RAPHAEL FLANCY,

Case No.: 26-cv-2003-RSH-DDL

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Petitioner,

RESPONSE TO PETITION

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v.

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JEREMY CASEY,

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Respondent.

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

1 No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL
2 3182998 (S.D. 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. Accordingly, the government does not
6 oppose the petition and defers to the Court on the appropriate relief.¹

7 DATED: April 6, 2026

ADAM GORDON
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9 *s/Erin M. Dimbleby*
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Attorneys for Respondent

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