

1 ADAM GORDON
United States Attorney
2 LESLIE GARDNER
Assistant United States Attorney
3 California Bar No. 228693
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-7603
Email: Leslie.gardner2@usdoj.gov

6 Attorneys for Respondents
7
8

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

11
12 AMIR BAHRAMAIN,

13 Petitioner,

14 v.

15 CHRISTOPHER J. LAROSE,
16 WARDEN, OTAY MESA DETENTION
CENTER, et al.,

17 Respondents.
18
19
20
21
22
23
24
25
26
27
28

Case No.: 26-cv-02053-DMS-JLB

RESPONSE TO PETITION

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 conditional parole
9 issued under 8 U.S.C. § 1226(a). It is the government’s position that Petitioner is subject
10 to mandatory detention under § 1225(b)(2). However, the government acknowledges that
11 this Court, and Courts in this District, have repeatedly reached the opposite conclusion
12 under the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-
13 MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-
14 cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No.
15 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F.
16 Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM),
17 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-
18 RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-
19 cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-
20 3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-
21 cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-
22 RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-
23 2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*,
24 No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v.*
25 *LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v.*
26 *Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

27 The government acknowledges that this Court’s prior decisions will control the
28

1 result here if the Court adheres to its prior decisions, as the facts are not materially
2 distinguishable for purposes of the Court's decision, and on that basis the government does
3 not oppose the petition and defers to the Court on the appropriate relief.¹

4 DATED: April 8, 2026

ADAM GORDON
United States Attorney

6 *s/ Leslie Gardner*
7 _____
LESLIE GARDNER
Assistant United States Attorney

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
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.