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7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 DILCIA YOLANDA  
11 GUIFARRO-GUERRERO,

12 Petitioner,

13 v.

14 CHRISTOPHER LAROSE, Senior Warden  
15 Otay Mesa Detention Center, *et al.*,

16 Respondents.  
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Case No.: 26-cv-02107-BAS-DEB

**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  
3 the statutory authority for U.S. Immigration and Customs Enforcement’s (ICE) detention  
4 of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights,  
5 including the right to appeal, the government respectfully submits this abbreviated  
6 response to preserve the legal issues, to conserve judicial and party resources, and to  
7 expedite the Court’s consideration of this matter.

8 Petitioner was previously released from immigration custody on conditional  
9 parole issued under 8 U.S.C. § 1226(a). It is the government’s position that Petitioner is  
10 subject to mandatory detention under § 1225(b)(2). However, the government  
11 acknowledges that this Court, and Courts in this District, have repeatedly reached the  
12 opposite conclusion under the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*,  
13 No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025);  
14 *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457  
15 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837  
16 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025);  
17 *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361  
18 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB,  
19 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*,  
20 No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*,  
21 No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v.*  
22 *Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*,  
23 No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v.*  
24 *LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025);  
25 *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931  
26 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL,  
27 ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB,  
28 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

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

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6 DATED: April 14, 2026

Respectfully submitted,

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8 ADAM GORDON  
United States Attorney

9  
10 s/ Kim A. C. Gregg  
KIM A. C. GREGG  
11 Assistant United States Attorney  
12 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.