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8 UNITED STATES DISTRICT COURT  
9  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 ROHIT ROHIT,

12 Petitioner,

13 v.

14 WARDEN; et al.,

15 Respondents.  
16  
17

Case No.: 26-cv-2194-TWR-DDL

**RESPONSE TO PETITION**

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

27 It is the government’s position that Petitioner is subject to mandatory detention under  
28 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this

1 District, have repeatedly reached the opposite conclusion under the same and/or similar  
2 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D.  
3 Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL  
4 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL  
5 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025);  
6 *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct.  
7 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D.  
8 Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D.  
9 Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal.  
10 Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal.  
11 Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19,  
12 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.  
13 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931  
14 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.  
15 Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.  
16 Cal. Nov. 13, 2025).

17 The government acknowledges that this Court’s prior decisions will control the result  
18 here if the Court adheres to its prior decisions, as the facts are not materially distinguishable  
19 for purposes of the Court’s decision. Accordingly, the government does not oppose an order  
20 from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).<sup>1</sup>

21  
22 DATED: April 11, 2026

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23  
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26  
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.