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10 **UNITED STATES DISTRICT COURT**

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12 **SOUTHERN DISTRICT OF CALIFORNIA**

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14 ALEJANDRO DIEGO CASTRO,

Case No.: 26-cv-02203-BAS-MMP

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16 Petitioner,

RESPONSE TO PETITION

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18 v.

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20 CHRISTOPHER LAROSE,
21 SENIOR WARDEN, OTAY MESA
22 DETENTION CENTER; et al.,

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24

25 Respondents.

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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) and his previous removal proceedings were dismissed by an
10 immigration judge in May 2023. *See* ECF 1 at 2. However, Petitioner came to the attention
11 of Immigration and Customs Enforcement/Enforcement and Removal Operation
12 (ICE/ERO) due to his multiple criminal arrests/convictions. *See* Exhibit 1 (I-213); *see also*
13 Exhibit 2 (Petitioner's Record of Arrests and Prosecutions). Specifically, on September 18,
14 2024, Petitioner was convicted of Driving Under the Influence (DUI) and Hit and Run:
15 Property Damage; and on July 30, 2025, he was arrested for DUI. *See* Exhibit 2. On
16 November 3, 2025, Petitioner was detained by officers from ICE/ERO and Homeland
17 Security Investigations (HSI) and was issued a Notice to Appear (NTA). *See* Exhibit 1; *see*
18 *also* Exhibit 3 (Notice to Appear); *see also* Exhibit 4 (I-261). By operation of law, the filing
19 of the NTA revoked Petitioner's previous grant of parole. *See* 8 CFR § 212.5(e)(2)(i)(When
20 a charging document is served on the alien, the charging document will constitute written
21 notice of termination of parole). Petitioner is currently detained at the Otay Mesa Detention
22 Center.

23 It is the government's position that Petitioner is subject to mandatory detention under
24 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
25 District, have repeatedly reached the opposite conclusion under the same and/or similar
26 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
27 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
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1 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
2 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
3 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.
4 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
5 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
6 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
7 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
8 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
10 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
11 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
12 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
13 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

14 The government acknowledges that this Court's prior decisions will control the
15 result here if the Court adheres to its prior decisions, as the facts are not materially
16 distinguishable for purposes of the Court's decision, and on that basis the government does
17 not oppose Portioners requested relief for a bond hearing.¹

18 DATED: April 16, 2026

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