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

11
12 SIVERLINC POINT DUJOUR,

13 Petitioner,

14 v.

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

17 Respondents.
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Case No. 26-cv-02207-JES-MSB

RESPONSE TO PETITION

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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). Respondents have 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 8 U.S.C.
12 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
13 District, have repeatedly reached the opposite conclusion under the same and/or similar
14 facts. *See, e.g., Nayer v. LaRose*, No. 25-cv-03111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec.
15 12, 2025); *Cardoso v. LaRose*, No. 25-cv-03043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12,
16 2025); *Lagarda-Vega v. Noem*, No. 3:25-cv-02970-GPC-DDL, 2025 WL 3558931 (S.D.
17 Cal. Dec. 11, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
18 3251580 (S.D. Cal. Nov. 21, 2025); *A.S. v. LaRose*, No. 25-cv-02876-RBM-VET, ECF No.
19 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 3:25-cv-2824-CAB-DDL,
20 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Torres v. Bondi*, No. 25-cv-02457-BAS-
21 MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-
22 03038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Maceda-Garcia v. Noem*, No. 25-
23 cv-02968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *Amaya v. Noem*, No. 25cv2892-
24 BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025); *Beltran v. Noem*, No. 25cv2650-
25 LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Martinez Lopez v. LaRose*, No. 25-
26 cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Esquivel-Ipina v.*
27 *LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025);
28 *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 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 does
4 not oppose the petition and defers to the Court on the appropriate relief.¹

5 Dated: April 14, 2026

Respectfully submitted,

6 ADAM GORDON
7 United States Attorney

8 *s/ Matthew Riley*
9 MATTHEW RILEY
10 Assistant United States Attorney
11 Attorney for Respondents
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27 ¹ To the extent the Court issues an order directing a bond hearing under 8 U.S.C. § 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.