

1 ADAM GORDON
United States Attorney
2 ALLIE E. MALONE SUBKE
Assistant United States Attorney
3 Missouri State Bar No. 70688
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-9397
Email: allie.malone.subke@usdoj.gov
6 Attorneys for Respondents

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8 **UNITED STATES DISTRICT COURT**

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10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 BERMAN JOSE SOBALVARRO
12 SOMBARRIBA,

13 Petitioner,

14 v.

15 WARDEN, IMPERIAL REGIONAL
16 DETENTION FACILITY, et al.,

17 Respondents.
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Case No.: 26-cv-02238-RBM-DDL

RESPONSE TO PETITION

1 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. As a preliminary matter,
2 it appears that Petitioner has neither paid the applicable filing fee (as required by 28 U.S.C.
3 § 1914(a) and Civil Rule 4.5) nor submitted an application to proceed in forma pauperis (as
4 prescribed by Civil Rule 3.2). Accordingly, the Court should require Petitioner to cure this
5 deficiency before considering his petition.

6 Turning to the merits, the government has carefully reviewed this petition and
7 determined that the legal issues presented concern the statutory authority for U.S.
8 Immigration and Customs Enforcement's (ICE) detention of Petitioner under 8 U.S.C. §§
9 1225(b)(2)(A) or 1226(a). While reserving all rights, including the right to appeal, the
10 government respectfully submits this abbreviated response to preserve the legal issues, to
11 conserve judicial and party resources, and to expedite the Court's consideration of this
12 matter.

13 Petitioner was previously released from immigration custody on parole issued under
14 8 U.S.C. § 1182(d)(5). Respondents have insufficient information regarding termination of
15 that parole, pursuant to 8 C.F.R. § 212.5(e)(2), to provide to the Court. It is the government's
16 position that Petitioner is subject to mandatory detention under § 1225(b)(2). However, the
17 government acknowledges that this Court, and Courts in this District, have repeatedly
18 reached the opposite conclusion under the same and/or similar facts. *See, e.g., Arias Torres*
19 *v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025);
20 *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct.
21 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4,
22 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*,
23 No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel*
24 *v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025);
25 *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025);
26 *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025);
27 *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025);
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1 *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-*
2 *Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19,
3 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal.
4 Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec.
5 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov.
6 13, 2025).

7 The government acknowledges that this Court's prior decisions will control the result
8 here if the Court adheres to its prior decisions, as the facts are not materially distinguishable
9 for purposes of the Court's decision, and on that basis the government does not oppose the
10 petition and defers to the Court on the appropriate relief.¹

11 DATED: April 14, 2026

ADAM GORDON

United States Attorney

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13 *s/ Allie E. Malone Subke*

ALLIE E. MALONE SUBKE

Assistant United States Attorney

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27 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a), considering
28 heavy caseloads and staffing levels, Respondents respectfully request that such order
provide the government 14 days from issuance to hold such bond hearing.