

1 ADAM GORDON
United States Attorney
2 MICHAEL D. WALLACE
Assistant U.S. Attorney
3 Maryland State Bar No. 9912160256
ROGER G. WRIGHT
4 Special Assistant U.S. Attorney
Kentucky Bar Association No. 84791
5 Office of the U.S. Attorney
880 Front Street, Room 6293
6 San Diego, CA 92101-8893
Telephone: (619) 546-8714/8895
7 Facsimile: (619) 546-7751
Email: michael.wallace4@usdoj.gov
8 roger.wright@usdoj.gov

9 Attorneys for Respondents

10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12
13 CARLOS ANTONIO ARAGON LOPEZ,

14 Petitioner,

15 v.

16 CHRISTOPHER LAROSE, *et al.*,

17 Respondents.
18
19

Case No.: 3:26-cv-02293-LEK-GC

RESPONSE TO PETITION

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

1 It is the government's position that Petitioner is subject to mandatory detention under
2 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
3 District, have repeatedly reached the opposite conclusion under the same and/or similar
4 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
5 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
6 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
7 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
8 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.
9 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
10 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
11 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
12 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
13 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
14 (S.D. Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
15 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
16 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
17 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
18 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

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

23
24
25
26 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
27 considering heavy caseloads and staffing levels, Respondents respectfully request that
28 such order provide the government 14 days from issuance to hold such bond hearing.

1 DATED: April 22, 2026

2
3 Respectfully submitted,

4 ADAM GORDON
5 United States Attorney

6 s/ Roger G. Wright
7 Roger G. Wright
8 Special Assistant U.S. Attorney
9 Michael D. Wallace
10 Assistant U.S. Attorney
11 Attorneys for Respondents
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28