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10 UNITED STATES DISTRICT COURT
11
12 SOUTHERN DISTRICT OF CALIFORNIA

13 AARON ESTEBAN MARTINEZ-PEREZ,

14 Petitioner,

15 v.

16 WARDEN, OTAY ICE DETENTION
17 CENTER, *et al.*,

18 Respondents.
19

Case No.: 3:26-cv-02256-JLS-MSB

20 **RESPONSE TO PETITION**

21 Petitioner initially filed a *Pro Se* habeas petition under 28 U.S.C. § 2241. ECF 1.
22 Counsel subsequently entered an appearance for Petitioner and filed an amended petition.
23 ECF No. 7. The original petition asserts that on 22 August 2025 Petitioner was detained
24 by police while driving for “speed limit,” and that he was subsequently detained by “ICE”
25 on 22 September 2025.¹ ECF 1 at Page ID 2. The amended petition similarly asserts that

26 ¹ Upon information and belief based upon available record information review, Petitioner
27 was arrested on or about 25 August 2025 in Collier County, Naples, Florida, for alleged
28 violation of Fla. Stat. § 316.1922(1)(a). A United States Immigration and Customs
Enforcement (ICE) detainer was issued for Petitioner on or about 25 August 2025.

1 following a traffic stop, Petitioner was detained in September 2025. ECF 7 at Page ID No.
2 25.

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

9 It is the government's position that Petitioner is subject to mandatory detention under
10 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
11 District, have repeatedly reached the opposite conclusion under the same and/or similar
12 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
13 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
14 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
15 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
16 2025); *Esquivel-Ipina v. LaRose*, 812 F.Supp.3d 1073 (S.D. Cal. 2025); *Lucas-Miguel v.*
17 *LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025);
18 *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13,
19 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12,
20 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13,
21 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225);
22 *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.
23 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931
24 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.
25 Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.
26 Cal. Nov. 13, 2025).

27
28 Petitioner was subsequently transferred to ICE custody on or about 19 September 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 an order directing a bond hearing under 1226(a) given the underlying facts of
5 how Petitioner's current custody originated from an ICE detainer, and otherwise defers to
6 the Court on the appropriate relief.²

7 DATED: May 13, 2026

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9 Respectfully submitted,

10 ADAM GORDON
11 United States Attorney

12 s/ Roger G. Wright
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14 Special Assistant U.S. Attorney
15 Michael D. Wallace
16 Assistant U.S. Attorney
17 Attorneys for Respondents
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26 ² If the Court issues an order directing a bond hearing under 1226(a), considering heavy
27 caseloads and staffing levels, Respondents respectfully request that such order provide
28 the government 14 days from issuance to hold such bond hearing.