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10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

13 ANTONY YAIR QUISPE CARDENAS,

14 Petitioner,

15 v.

16 CHRISTOPHER J. LAROSE, *et al.*,

17 Respondents.  
18

Case No.: 3:26-cv-02352-JO-JLB

**RESPONSE TO PETITION**

19  
20 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has  
21 carefully reviewed this petition and determined that the legal issues presented concern the  
22 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of  
23 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including  
24 the right to appeal, the government respectfully submits this abbreviated response to  
25 preserve the legal issues, to conserve judicial and party resources, and to expedite the  
26 Court's consideration of this matter.

27 Based upon allegations contained within the Petition and an exhibit to the Petition,  
28 it appears that Petitioner was previously released from immigration custody on parole

1 issued under 8 U.S.C. § 1182(d)(5). ECF No. 1 at ¶ 3; Exhibit to Petition at page ID No.  
2 17. Respondents have insufficient information regarding termination of that parole,  
3 pursuant to 8 C.F.R. § 212.5(e)(2), to provide to the Court. It is the government's position  
4 that Petitioner is subject to mandatory detention under § 1225(b)(2). However, the  
5 government acknowledges that this Court, and Courts in this District, have repeatedly  
6 reached the opposite conclusion under the same and/or similar facts. *See, e.g., Arias Torres*  
7 *v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025);  
8 *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct.  
9 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov.  
10 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v.*  
11 *LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-*  
12 *Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21,  
13 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov.  
14 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12,  
15 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13,  
16 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025);  
17 *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.  
18 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931  
19 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.  
20 Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.  
21 Cal. Nov. 13, 2025).

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

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28 <sup>1</sup> The government notes that the Petition alleges: “[On] information and belief,  
[Petitioner] has one criminal conviction. The criminal conviction resulted from retail

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DATED: April 21, 2026

Respectfully submitted,

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theft in the value of less than \$500 (misdemeanor), for which he served two days in the Salt Lake County Jail before being picked up on an ICE detainer.” ECF No. 1 at ¶ 21. Should the Court issue an order directing a bond hearing under 1226(a), considering heavy caseloads and staffing levels, Respondents respectfully request that such order provide the government 14 days from issuance to hold such bond hearing.