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 11 **UNITED STATES DISTRICT COURT**
 12
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 DYLAN ADOLFO MATHEU-YANCOR,

Case No.: 26-cv-02350-RSH-MMP

15 **Petitioner,**

**RETURN TO PETITION FOR A
 WRIT OF HABEAS CORPUS**

16 v.

17 WARDEN, *Otay Mesa Detention Center, et*
 18 *al.,*

19 **Respondents.**

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

8 Petitioner was previously released from immigration custody on conditional
9 parole issued under 8 U.S.C. § 1226(a). However, it is the government’s position that
10 Petitioner is subject to mandatory detention under § 1225(b)(2). Furthermore, the Court
11 should not find that Petitioner’s re-detention violated his right to due process under the
12 Fifth Amendment as Petitioner was arrested by U.S. Border Patrol for alien smuggling
13 and Petitioner signed an acknowledgement that he would be detained. *See* Exhibit 1 at
14 1-3, 6 (Form I-213).

15 However, the government acknowledges that this Court, and Courts in this
16 District, have repeatedly reached the opposite conclusion under the same and/or similar
17 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
18 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
19 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
20 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
21 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.
22 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
23 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-
24 JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-
25 VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-
26 JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-
27 VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-
28 CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No.

1 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*,
2 No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No.
3 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

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

8 DATED: April 21, 2026

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9
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11
12 *s/ Jacob Metzger*
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¹ To the extent the Court issues an order directing a bond hearing under 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.