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9 Attorneys for Respondents

10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 MARVIN DIAZ PAZ,

13 Petitioner,

14 v.

15 JEREMY CASEY, *Facility administrator*  
 16 *at the Imperial Regional Detention*  
 17 *Facility, et al.,*

18 Respondents.

Case No.: 26-cv-02370-BAS-MSB

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

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

1 Nov. 13, 2025).

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

6 DATED: April 22, 2026

Respectfully submitted,

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27 <sup>1</sup> 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.