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9 Attorneys for Respondents

10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

13 GERMAN RESENDIZ MEJIA,

14 Petitioner,

15 v.

16 SENIOR WARDEN, *Otay Mesa Detention*  
17 *Center, et al.,*

18 Respondents.

Case No.: 26-cv-02388-RSH-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  
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 It is the government’s position that Petitioner is subject to mandatory detention  
9 under § 1225(b)(2). However, the government acknowledges that this Court, and Courts  
10 in this District, have repeatedly reached the opposite conclusion under the same and/or  
11 similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL  
12 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-  
13 AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-  
14 LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d  
15 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025  
16 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-  
17 JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-  
18 3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-  
19 3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-  
20 cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-  
21 RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-  
22 2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*,  
23 No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v.*  
24 *LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v.*  
25 *Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

26 The government acknowledges that this Court’s prior decisions will control the  
27 result here if the Court adheres to its prior decisions, as the facts are not materially  
28 distinguishable for purposes of the Court’s decision, and on that basis the government

1 does not oppose the petition and defers to the Court on the appropriate relief.<sup>1</sup>

2 DATED: April 22, 2026

3 ADAM GORDON  
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4 *s/ Hunter V. Norton*  
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6  
7 *s/ Jacob T. Metzger*  
8 JACOB T. METZGER  
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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.