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**UNITED STATES DISTRICT COURT**

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**SOUTHERN DISTRICT OF CALIFORNIA**

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NIDLER GONZALEZ MENDOZA,

Case No.: 26-cv-02383-AGS-DEB

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Petitioner,

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

13

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v.

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MERRICK B. GARLAND,

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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 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, including  
5 the right to appeal, the government respectfully submits this abbreviated response to  
6 preserve the legal issues, to conserve judicial and party resources, and to expedite the  
7 Court's consideration of this matter.

8 It is the government's position that Petitioner is subject to mandatory detention under  
9 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this  
10 District, have repeatedly reached the opposite conclusion under the same and/or similar  
11 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773  
12 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025  
13 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025  
14 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.  
15 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.  
16 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL  
17 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,  
18 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF  
19 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF  
20 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9  
21 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025  
22 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-  
23 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-  
24 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-  
25 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  
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1 distinguishable for purposes of the Court’s decision, and on that basis the government does  
2 not oppose the petition and defers to the Court on the appropriate relief.<sup>1</sup>

3 DATED: April 23, 2026

ADAM GORDON  
United States Attorney

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5 *s/ Jacob T. Metzger*  
6 JACOB T. METZGER  
Special Assistant United States Attorney

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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.