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11 UNITED STATES DISTRICT COURT
12
13 SOUTHERN DISTRICT OF CALIFORNIA

14 JADER DE JESUS DIAZ AGUIRRE,

15 Petitioner,

16 v.

17 WARDEN, *Imperial Regional Detention*
18 *Center,*

19 Respondents.
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Case No.: 26-cv-02282-BJC-JLB

RESPONSE TO PETITION

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 parole
 9 issued under 8 U.S.C. § 1226(a). It is the government's position that Petitioner is subject
 10 to mandatory detention under § 1225(b)(2). However, the government acknowledges that
 11 this Court, and Courts in this District, have repeatedly reached the opposite conclusion
 12 under the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-
 13 BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No.
 14 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*,
 15 No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*,
 16 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS
 17 (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-
 18 cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v.*
 19 *LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v.*
 20 *LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-*
 21 *Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v.*
 22 *LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225); *Prieto-*
 23 *Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19,
 24 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D.
 25 Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.
 26 Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.
 27 Cal. Nov. 13, 2025).

28 The government acknowledges that this Court's prior decisions will control the

1 result here if the Court adheres to its prior decisions, as the facts are not materially
2 distinguishable for purposes of the Court's decision, and on that basis the government
3 does not oppose the petition and defers to the Court on the appropriate relief.¹

4 DATED: May 5, 2026

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27 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.