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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
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12 JOAN ALBERTO CHIRINOS URANGA,

13 Petitioner,

14 v.

15 PATRICK DIVVER, et al,

16 Respondents.
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Case No.: 26-cv-02437-BAS-DEB

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 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 Petitioner was previously released from immigration custody on parole issued under
9 8 U.S.C. § 1182(d)(5). Respondents contend that upon filing of the Notice to Appear filed
10 on March 18, 2026, Petitioner's parole was terminated pursuant to 8 C.F.R.
11 § 212.5(e)(2)(i).¹ See Exhibit 1 (Notice to Appear). As such, it is the government's position
12 that Petitioner is subject to mandatory detention under § 1225(b)(2). However, the
13 government acknowledges that this Court, and Courts in this District, have repeatedly
14 reached the opposite conclusion under the same and/or similar facts. See, e.g., *Arias Torres*
15 *v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025);
16 *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct.
17 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov.
18 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v.*
19 *LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-*
20 *Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21,
21 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov.
22 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12,
23 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13,
24 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025);
25 *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.

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27 ¹ "When a charging document is served on the alien, the charging document will constitute
28 written notice of termination of parole, unless otherwise specified." 8 C.F.R. § 212.5(e)(2)(i)

1 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931
2 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.
3 Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.
4 Cal. Nov. 13, 2025).

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

9 DATED: April 24, 2026

ADAM GORDON
United States Attorney

11 *s/Antonio Estrada*
12 ANTONIO ESTRADA
Special Assistant United States Attorney

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26 ² To the extent the Court issues an order directing a bond hearing under 1226(a),
27 considering heavy caseloads and staffing levels, Respondents respectfully request that
28 such order provide the government 14 days from issuance to hold such bond hearing.