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 9 **UNITED STATES DISTRICT COURT**
 10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 ABDALLAH ALI MAHMOUD ETOOM,
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 13 Petitioner,
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 15 v.
 16 CHRISTOPHER LAROSE, *Warden, Otay*
Mesa Detention Center, et al.,
 17
 18 Respondents.

Case No.: 26-cv-02458-LL-BJW

RETURN TO PETITION FOR WRIT OF HABEAS CORPUS

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 23 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has
 24 carefully reviewed this petition and determined that the legal issues presented concern the
 25 statutory authority for U.S. Immigration and Customs Enforcement’s (ICE) detention of
 26 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
 27 the right to appeal, the government respectfully submits this abbreviated response to
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1 preserve the legal issues, to conserve judicial and party resources, and to expedite the
2 Court's consideration of this matter.

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

22 The government acknowledges that this Court's prior decisions will control the
23 result here if the Court adheres to its prior decisions, as the facts are not materially
24 distinguishable for purposes of the Court's decision, and on that basis the government does
25 not oppose the petition and defers to the Court on the appropriate relief.¹

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28 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
considering heavy caseloads and staffing levels, Respondents respectfully request that

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such order provide the government 14 days from issuance to hold such bond hearing.