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9 **UNITED STATES DISTRICT COURT**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**  
11

12 JUAN CARLOS MARCOS NICOLAS,

13 Petitioner,

14 v.

15 MARKWAYNE MULLIN, *Secretary,*  
16 *U.S. Department of Homeland Security,*  
17 *et al.,*

18 Respondents.  
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Case No.: 26-cv-02464-JLS-MMP

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

25 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has  
26 carefully reviewed this petition and determined that the legal issues presented concern the  
27 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of  
28

1 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including  
2 the right to appeal, the government respectfully submits this abbreviated response to  
3 preserve the legal issues, to conserve judicial and party resources, and to expedite the  
4 Court's consideration of this matter.

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

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

2 DATED: April 23, 2026

3 ADAM GORDON  
United States Attorney

4 *s/ Jacob T. Metzger*

5 JACOB T. METZGER  
6 Special Assistant U.S. Attorney  
Attorneys for Respondents

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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.