

1 ADAM GORDON
United States Attorney
2 ANTONIO ESTRADA
Special Assistant United States Attorney
3 California State Bar No. 321247
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-6987
Email: Antonio.Estrada@usdoj.gov

6 Attorneys for Respondents
7
8

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

11 VITALII MIRONOV,
12

13 Petitioner,

14 v.

15 JEREMY CASEY,
16

17 Respondents.
18
19
20
21
22
23
24
25
26
27
28

Case No.: 26-cv-02473-LEK-BJW

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

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 initially detained when he entered the United States without
9 inspection on August 3, 2021. *See* Exhibit 1 (Notice to Appear). He was then released from
10 immigration custody on bond under 8 U.S.C. § 1226(a) ordered by an Immigration Judge
11 (IJ). *See* Exhibit 2 (IJs Order dated 11.12.2021). On May 5, 2023, Petitioner's applications
12 for relief were denied and he was ordered removed to Russia by an IJ. *See* Exhibit 3 (IJ
13 Order dated 05.05.2023). Petitioner timely filed an appeal of the IJs removal order to the
14 Board of Immigration Appeals (BIA). *See* Exhibit 4 (BIA Receipt). Petitioner's appeal
15 remains pending with the BIA. On April 16, 2026, was encountered and detained by Border
16 Patrol Agents at a highway checkpoint. *See* Exhibit 5 (I-213)

17 It is the government's position that Petitioner is subject to mandatory detention under
18 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
19 District, have repeatedly reached the opposite conclusion under the same and/or similar
20 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
21 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
22 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
23 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
24 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.
25 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
26 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
27 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF

1 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
2 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
3 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
4 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
5 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
6 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
7 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

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

12 DATED: April 27, 2026

ADAM GORDON
United States Attorney

13
14 s/Antonio Estrada
ANTONIO ESTRADA
15 Special Assistant United States Attorney
16
17
18
19
20
21
22
23
24
25

26 ¹ 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.