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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 JAIDIVERT HURTADO-ANCHICO,

13 Petitioner,

14 v.

15 WARDEN, et al.,

16 Respondents.
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Case No.: 26-cv-02502-LL-DDL

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 On February 19, 2026, Petitioner was detained by Border Patrol Agents pursuant to
9 a suspected alien smuggling incident. *See* Exhibit 1 (I-213); *see also* Exhibit 2 (FBI Record
10 of Arrests and Prosecutions). It is the government's position that Petitioner is subject to
11 mandatory detention under § 1225(b)(2). However, the government acknowledges that this
12 Court, and Courts in this District, have repeatedly reached the opposite conclusion under
13 the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB,
14 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-
15 JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-
16 LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d
17 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL
18 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB,
19 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-
20 TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-
21 BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-
22 2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-
23 RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-
24 2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*,
25 No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v.*
26 *LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v.*
27 *Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

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

5 DATED: April 28, 2026

ADAM GORDON
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8 ANTONIO ESTRADA
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26 _____
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.