

1 ADAM GORDON
United States Attorney
2 CAMILLE SAVEDRA
Assistant U.S. Attorney
3 California Bar No. 336490
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-5084
Facsimile: (619) 546-7751
6 Email: camille.savedra@usdoj.gov

7 Attorneys for Respondents

8
9
10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 YUNIELL MICHELL GUERRA
13 FONSECA,

14 Petitioner,

15 v.

16 MARKWAYNE MULLIN, Secretary of
17 the Department of Homeland Security; *et*
18 *al.*,

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

Case No.: 26-cv-02496-BJC-BJW

**RESPONSE TO AMENDED
PETITION**

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

8 Petitioner was previously released from immigration custody. His release was not a
9 parole issued under 8 U.S.C. § 1182(d)(5) and Petitioner has not provided any evidence to
10 the contrary. It is the government's position that Petitioner is subject to mandatory
11 detention under § 1225(b)(2). However, the government acknowledges that this Court, and
12 Courts in this District, have repeatedly reached the opposite conclusion under the same
13 and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL
14 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG,
15 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB,
16 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D.
17 Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361
18 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
19 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
20 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
21 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
22 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
23 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
24 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
25 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
26 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
27 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. On that basis, the government does
4 not oppose the amended petition and defers to the Court on the appropriate relief.¹

5 DATED: May 13, 2026

ADAM GORDON
United States Attorney

7 s/ Camille Savedra
8 CAMILLE SAVEDRA
Assistant United States Attorney

10
11
12
13
14
15
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.