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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
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12 JIMMY WALTER GODINEZ OROZCO,

13 Petitioner,

14 v.

15 ACTING WARDEN of the Imperial
16 Detention Center, et al.,

17 Respondents.
18
19

Case No.: 26-cv-02586-BTM-MMP

**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).¹ 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 This is Petitioner's first encounter with immigration enforcement officers. *See*
9 Exhibit 1 (I-213). Petitioner's asserts claims under the Fourth Amendment; however, he
10 fails to explain why release is the remedy for such alleged violations. *United States v.*
11 *Crews*, 445 U.S. 463, 474 (1980) (noting, in the criminal context, that Fourth
12 Amendment's "exclusionary principle" "delimits what proof the Government may offer
13 against the accused at trial, closing the courtroom door to evidence secured by official
14 lawlessness," but an individual "is not himself a suppressible 'fruit'"); *Cruz v. Barr*, 926
15 F.3d 1128, 1146 (9th Cir. 2019) (releasing petitioner on Fourth Amendment grounds
16 because fruits of the regulatory violation were the only evidence of petitioner's alienage).
17 Moreover, Fourth Amendment claims related to alienage "belong in front of an
18 Immigration Judge, not a federal district court." *See Marvan v. Slaughter*, No. CV 25-49-
19 H-DLC, 2025 WL 1940043, at *3 (D. Mont. July 15, 2025) (denying habeas petition
20 challenging detention based on Fourth Amendment violations for lack of subject matter
21 jurisdiction). Petitioner cannot simply "bypass the immigration courts and proceed
22 directly to district court. Instead, [she] must exhaust the administrative process before
23 [her] can access the federal courts." *Id.* at *4 (quoting *J.E.F.M.*, 837 F.3d at 1029). To
24 the extent Petitioner desires to bring such claims, this Court does not have jurisdiction.
25 Under 8 U.S.C. § 1252(b)(9), "[j]udicial review of all questions of law and fact . . . arising
26

27 ¹ Petitioner is not subject to a final order of removal as he has a pending Petition for Review with the
28 9th Circuit Court of Appeals. *See* 8 C.F.R. § 1241.1; ECF 1 at 6.

1 *from any action taken or proceeding brought to remove an alien from the United States*
 2 *under this subchapter shall be available only in judicial review of a final order under this*
 3 *section.”*

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

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 27 ² 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

1 DATED: May 8, 2026

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3 ANTONIO ESTRADA
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27 _____
28 such order provide the government 14 days from issuance to hold such bond hearing.