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10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12
13 LINO PASTOR HERRERA RODRIGUEZ, Case No.: 3:26-cv-02625-TWR-BJW

14 Petitioner,

RESPONSE TO PETITION

15 v.

16 WARDEN, IMPERIAL REGIONAL
17 DETENTION CENTER,

18 Respondent.
19

20
21 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has
22 carefully reviewed this petition and determined that the legal issues presented concern the
23 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of
24 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
25 the right to appeal, the government respectfully submits this abbreviated response to
26 preserve the legal issues, to conserve judicial and party resources, and to expedite the
27 Court's consideration of this matter.
28

1 It is the government's position that Petitioner is subject to mandatory detention under
2 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
3 District, have repeatedly reached the opposite conclusion under the same and/or similar
4 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
5 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
6 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
7 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
8 2025); *Esquivel-Ipina v. LaRose*, 812 F.Supp.3d 1073 (S.D. Cal. 2025); *Lucas-Miguel v.*
9 *LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025);
10 *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13,
11 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12,
12 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13,
13 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225);
14 *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.
15 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931
16 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.
17 Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.
18 Cal. Nov. 13, 2025).

19 The government acknowledges that this Court's prior decisions will control the
20 result here if the Court adheres to its prior decisions, as the facts are not materially
21 distinguishable for purposes of the Court's decision, and on that basis the government does
22 not oppose an order directing a bond hearing under 1226(a), and other otherwise defers to
23 the Court on the appropriate relief.¹

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25
26 ¹ If the Court issues an order directing a bond hearing under 1226(a), considering heavy
27 caseloads and staffing levels, Respondents respectfully request that such order provide
28 the government 14 days from issuance to hold such bond hearing.

1 DATED: May 4, 2026

2 Respectfully submitted,

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