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

12 SCARLETH JUNIETH RODRIGUEZ  
13 PACHECO,

14 Petitioner,

15 v.

16 CHRISTOPHER LAROSE, *Warden, Otay*  
17 *Mesa Detention Center, et al.,*  
18  
19 Respondents.  
20  
21

Case No.: 26-cv-02621-BTM-DEB

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

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

1 preserve the legal issues, to conserve judicial and party resources, and to expedite the  
2 Court's consideration of this matter.

3 It is the government's position that Petitioner is subject to mandatory detention under  
4 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this  
5 District, have repeatedly reached the opposite conclusion under the same and/or similar  
6 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773  
7 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025  
8 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025  
9 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.  
10 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.  
11 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL  
12 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,  
13 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF  
14 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF  
15 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9  
16 (S.D. Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025  
17 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-  
18 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-  
19 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-  
20 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

21 The government acknowledges that this Court's prior decisions will control the  
22 result here if the Court adheres to its prior decisions, as the facts are not materially  
23 distinguishable for purposes of the Court's decision, and on that basis the government does  
24 not oppose the petition and defers to the Court on the appropriate relief.<sup>1</sup>

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26 <sup>1</sup> 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.

1 DATED: May 21, 2026

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