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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 YHONNY ESCALONA RIVERO,
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13 Petitioner,
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15 v.
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15 CHRISTOPHER LAROSE, *Warden,*
16 *Imperial Regional Detention Facility,*

17 Respondent.
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19
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Case No.: 26-cv-02615-DMS-BJW

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

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 Petitioner was previously released from immigration custody on conditional parole
2 issued under 8 U.S.C. § 1226(a). The Respondents further provide that the Petitioner was
3 arrested for Driving Under the Influence under California Vehicle Code § 23152(a) VC on
4 November 23, 2025, and subsequently convicted of the same offense on January 23, 2026.
5 The Petitioner was sentenced to five years of probation. *See* Exhibit 1. It is the
6 government's position that Petitioner is subject to mandatory detention under § 1225(b)(2).
7 However, the government acknowledges that this Court, and Courts in this District, have
8 repeatedly reached the opposite conclusion under the same and/or similar facts. *See, e.g.,*
9 *Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18,
10 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D.
11 Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D.
12 Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina*
13 *v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025);
14 *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov.
15 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal.
16 Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec.
17 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov.
18 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19,
19 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D.
20 Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL
21 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF
22 No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL
23 3182998 (S.D. Cal. Nov. 13, 2025).

24 The government acknowledges that this Court's prior decisions will control the
25 result here if the Court adheres to its prior decisions, as the facts are not materially
26 distinguishable for purposes of the Court's decision, and on that basis the government does
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28

1 not oppose the petition and defers to the Court on the appropriate relief.¹

2 DATED: May 6, 2026

3 ADAM GORDON
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5 DANIELLE L. BROWN
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6 Attorneys for Respondent
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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.