

1 ADAM GORDON  
United States Attorney  
2 DANIELLE L. BROWN  
Special Assistant United States Attorney  
3 Colorado State Bar No. 57814  
Office of the U.S. Attorney  
4 880 Front Street, Room 6293  
San Diego, CA 92101-8893  
5 Telephone: 619-546-8693  
Email: Danielle.Brown2@usdoj.gov  
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7 Attorneys for Respondents  
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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 PAULA ANDREA CAVIEDES SUAREZ,

13 Petitioner,

14 v.

15 U.S. ICE, *et al.*,

16 Respondents.  
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Case No.: 26-cv-02850-DMS-JLB

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

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22 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has  
23 carefully reviewed this petition and determined that the legal issues presented concern the  
24 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of  
25 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including  
26 the right to appeal, the government respectfully submits this abbreviated response to  
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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, 2025); *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 provides that on May 13, 2026, a removal order was issued. *See*  
22 Exhibit 1. Petitioner is within the statutory period to file an appeal of the removal order  
23 with the Board of Immigration Appeals. *Id.* If the removal order is not appealed, the  
24 detention authority will convert to INA § 241, 8 U.S.C. § 1231.

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

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DATED: May 26, 2026

ADAM GORDON  
United States Attorney

*s/Danielle L. Brown*  
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DANIELLE L. BROWN  
Special Assistant United States Attorney  
Attorney for Respondents

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<sup>1</sup> To the extent the Court issues an order directing a bond hearing under 1226(a), considering heavy caseloads and staffing levels, Respondents respectfully request that such order provide the government 14 days from issuance to hold such bond hearing.