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

12 HECTOR ANDRES RODRIGUEZ
13 HORTA,

14 Petitioner,

15 v.

16 CHRISTOPHER J. LAROSE, Warden of
17 Otay Mesa Detention Center; *et al.*,

18 Respondents.
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Case No.: 26-cv-03038-JO-JAC

RESPONSE TO PETITION

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

3 On February 18, 2022, Petitioner was previously released from immigration custody
4 on parole issued under 8 U.S.C. § 1182(d)(5). Respondents have insufficient information
5 regarding termination of that parole, pursuant to 8 C.F.R. § 212.5(e)(2), to provide to the
6 Court. On April 28, 2026, Immigration and Customs Enforcement (ICE) issued an
7 immigration detainer to the Turner Guiford Kight Jail in Miami, Florida, for Petitioner to
8 return to ICE's custody, following Petitioner's arrest for an expired driver's license. It is
9 the government's position that Petitioner is subject to mandatory detention under
10 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
11 District, have repeatedly reached the opposite conclusion under the same and/or similar
12 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
13 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
14 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
15 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
16 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.
17 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
18 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
19 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
20 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
21 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
22 (S.D. Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
23 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
24 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
25 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
26 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

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

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5 DATED: May 20, 2026

ADAM GORDON
United States Attorney

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7 s/ Camille Savedra
CAMILLE SAVEDRA
Assistant United States Attorney

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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.