

1 ADAM GORDON
United States Attorney
2 ALLIE E. MALONE
Assistant U.S. Attorney
California State Bar No. 317588
3 Office of the U.S. Attorney
880 Front Street, Room 6293
4 San Diego, CA 92101-8893
Telephone: (619) 674-9225
5 Facsimile: (619) 546-7751
Email: allie.malone.subke@usdoj.gov

6 Attorneys for Respondents

7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 ARMAN BAZRIKARSEFIDI,
10
11 Petitioner,

12 v.

13 GREGORY J. ARCHAMBEAULT, et al.,
14
15 Respondents.

Case No.: 26-cv-3078-TWR-JAC

RESPONSE TO PETITION

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

23 Petitioner was previously released from immigration custody on parole issued
24 under 8 U.S.C. § 1182(d)(5). Respondents have insufficient information regarding
25 termination of that parole, pursuant to 8 C.F.R. § 212.5(e)(2), to provide to the Court.
26 It is the government's position that Petitioner is subject to mandatory detention under
27 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in
28 this District, have repeatedly reached the opposite conclusion under the same and/or

1 similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL
2 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-
3 AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-
4 LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp.
5 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025
6 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-
7 JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-
8 cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-
9 cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No.
10 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-
11 2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No.
12 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega*
13 *v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025);
14 *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025);
15 *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13,
16 2025).

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

21 DATED: May 20, 2026

Respectfully submitted,

22
23 ADAM GORDON
United States Attorney

24
25 s/ Allie E. Malone
ALLIE E. MALONE

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.

Assistant United States Attorney
Attorneys for Respondents

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28