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

12 SAHIL KUMAR,

13 Petitioner,

14 v.
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16 JEREMY CASEY, *Warden of Imperial*
17 *Regional Detention Facility, et al.,*

18 Respondents.
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Case No.: 26-cv-03134-DMS-BJW

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

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

1 the right to appeal, the government respectfully submits this abbreviated response to
2 preserve the legal issues, to conserve judicial and party resources, and to expedite the
3 Court's consideration of this matter.

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

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

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28 ¹ 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

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DATED: May 27, 2026

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_____ such order provide the government 14 days from issuance to hold such bond hearing.