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

11 WILLIAM SAMUEL PEREIRA-  
12 ORELLANA,

13 Petitioner,  
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15 v.

16 MARKWAYNE MULLIN et al.,

17 Respondents.  
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Case No.: 26-cv-3151-JLS-DDL

**RESPONSE TO PETITION**

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

8 Petitioner was previously released from immigration custody on conditional parole  
9 issued under 8 U.S.C. § 1226(a). It is the government’s position that Petitioner is subject  
10 to mandatory detention under § 1225(b)(2). However, the government acknowledges that  
11 this Court, and Courts in this District, have repeatedly reached the opposite conclusion  
12 under the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-  
13 MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-  
14 cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No.  
15 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F.  
16 Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM),  
17 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-  
18 RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-  
19 cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-  
20 3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-  
21 cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-  
22 RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-  
23 2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*,  
24 No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v.*  
25 *LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v.*  
26 *Noem*, No. 25cv2892-BTM-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 Respondents do  
3 not oppose the petition. The Respondents aver that the appropriate remedy is a bond  
4 hearing pursuant to 8 U.S.C. §1226(a) at which Petitioner bears the burden to demonstrate  
5 by clear and convincing evidence that they are not a danger to the community or a flight  
6 risk. 8 C.F.R. § 1003.19(h)(3).<sup>12</sup>

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8 DATED: May 28, 2026

ADAM GORDON  
United States Attorney

9  
10 *s/ Michael D. Wallace*  
11 MICHAEL D. WALLACE  
Assistant United States Attorney  
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25 <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.

26 <sup>2</sup> Petitioner was apprehended on May 3, 2026. He was previously detained in relation to  
27 an alien smuggling event on June 7, 2022. His next master calendar hearing is  
28 scheduled for June 4, 2026.