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

11 LUIS JOSE LEIRA PENA,  
12  
13 Petitioner,

14 v.

15 JEREMY CASEY, et al.,  
16 Respondents.  
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Case No.: 26-cv-3194-TWR-VET

**RESPONSE TO PETITION**

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1 Respondents, by and through counsel, hereby respond to the Petition for Writ of  
2 Habeas Corpus. Undersigned counsel is unable to ascertain sufficient facts at this time to  
3 establish that Petitioner’s supervised release was revoked according to the procedures  
4 established by law. Respondents therefore acknowledge that Petitioner is entitled to be  
5 released from custody subject to conditions of supervision. *See* 8 U.S.C. § 1231(a)(3); 8  
6 C.F.R. § 241.13(h)(1); *Ba v. Lyons*, No. 25-cv-2871-CAB-BJW, 2026 WL 218936, at \*1  
7 (S.D. Cal. Jan. 27, 2026) (“The habeas statute does not empower courts to manage ICE  
8 supervision programs.”) (citing 28 U.S.C. § 2241(c)(3)); *Khachikian v. Casey*, No. 25-cv-  
9 3737-GPC-JLB, ECF No. 13 (S.D. Cal. Jan. 13, 2026) (“Ultimately, ICE has discretion to  
10 impose conditions on release.”).

11 DATED: May 29, 2026

ADAM GORDON  
United States Attorney

13 *s/ Michael D. Wallace*  
14 MICHAEL D. WALLACE  
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