

1 ADAM GORDON
United States Attorney
2 CAMILLE SAVEDRA
Assistant U.S. Attorney
3 California Bar No. 336490
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-5084
Facsimile: (619) 546-7751
6 Email: camille.savedra@usdoj.gov

7 Attorneys for Respondents

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10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 LEONET RICARDO GAMEZ SABOGAL,

13 Petitioner,

14 v.

15 TODD BLANCHE, Acting Attorney
16 General of the United States, Department of
17 Justice; *et al.*,

18 Respondents.
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Case No.: 26-cv-03418-JES-BJW

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 detained by ICE on April 19, 2026, pursuant to an Immigration
9 Detainer (Form I-247) that was issued after Petitioner was arrested for possession of a
10 controlled substance in Miami, Florida. It is the government's position that Petitioner is
11 subject to mandatory detention under § 1225(b)(2). However, the government
12 acknowledges that this Court, and Courts in this District, have repeatedly reached the
13 opposite conclusion under the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*,
14 No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez*
15 *v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025);
16 *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025);
17 *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-
18 CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v.*
19 *LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025);
20 *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13,
21 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12,
22 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13,
23 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225);
24 *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.
25 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931
26 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.

1 Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.
2 Cal. Nov. 13, 2025).

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

7 DATED: June 9, 2026

ADAM GORDON
United States Attorney

9 s/Camille Savedra
10 CAMILLE SAVEDRA
Assistant United States Attorney
11 Attorneys for Respondents
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23 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
24 considering heavy caseloads and staffing levels, Respondents respectfully request that
25 such order provide the government 14 days from issuance to hold such bond hearing.
26 Respondents also respectfully note that the Ninth Circuit has confirmed that at a bond
27 hearing under 8 U.S.C. § 1226(a), the burden is on the detainee to demonstrate by a
28 preponderance of the evidence that he is not a flight risk or danger to the community. *See*
Rodriguez Diaz v. Garland, 53 F.4th 1189, 1197 (9th Cir. 2022); *see also Dos Santos v.*
Becerra, No. 26-cv-01423-GPC-VET, 2026 WL 800201 (S.D. Cal. Mar. 23, 2026).