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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11

12 JAIRO BALMORE CHICAS GUEVERA,

13 Petitioner,

14 v.

15 MARKWAYNE MULLIN, Secretary, U.S.  
16 Department of Homeland Security; *et al.*,

17 Respondents.  
18  
19

Case No.: 26-cv-3501-GPC-DEB

**RESPONDENTS' SUPPLEMENTAL  
BRIEF**

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22 Pursuant to the Court's June 26, 2026 Order, ECF No. 5, Respondents hereby  
23 provide this supplemental brief in response to Petitioner's supplemental brief, ECF No. 6,  
24 for the Court's consideration.

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1 The government's position is that Petitioner is subject to mandatory detention under  
2 § 1225(b)(2). However, the government concedes, as before, that Petitioner was released  
3 from immigration custody on August 11, 2019, under conditional parole issued pursuant to  
4 8 U.S.C. § 1226(a). *See* Exhibit 1 (U.S. Department of Health and Human Services (HHS)  
5 Office of Refugee Resettlement (ORR) Verification of Release).

6 To the extent Petitioner seeks release based on his medical condition (*see* ECF No. 6  
7 at 8), the government's position is that Petitioner's claims are not proper habeas claims. The  
8 Court lacks jurisdiction over such claims because they do not challenge the lawfulness of  
9 his custody. An individual may seek habeas relief under 28 U.S.C. § 2241 if he is "in  
10 custody" under federal authority "in violation of the Constitution or laws or treaties of the  
11 United States." 28 U.S.C. § 2241(c). But habeas relief is available to challenge only the  
12 legality or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir. 2023);  
13 *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *Dep't of Homeland Security v.*  
14 *Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ of habeas corpus historically "provide[s]  
15 a means of contesting the lawfulness of restraint and securing release.").

16 Here, Petitioner's claims regarding his medical conditions while detained do not arise  
17 under § 2241. *See Nettles v. Grounds*, 830 F.3d 922, 933 (9th Cir. 2016) ("We have long  
18 held that prisoners may not challenge mere conditions of confinement in habeas corpus.");  
19 *Giron Rodas v. Lyons*, No. 25cv1912-LL-AHG, 2025 WL 2300781, at \*3 (S.D. Cal. Aug.  
20 1, 2025) ("Like in *Pinson*, the Court lacks jurisdiction over Petitioner's § 2241 habeas  
21 petition since it cannot be fairly read as attacking 'the legality or duration of confinement.'")  
22 (quoting *Pinson*, 69 F.4th at 1065); *Guselnikov v. Noem*, No. 25-cv-1971-BTM-KSC, 2025  
23 WL 2300873, at \*1 (S.D. Cal. Aug. 8, 2025) (finding petitioners' claims did not arise under  
24 § 2241 because they were not arguing they were unlawfully in custody and receiving the  
25 requested relief would not entitle them to release).

26 Nonetheless, the government again acknowledges that this Court's prior decisions  
27 will control the result here, as the facts are not materially distinguishable for purposes of  
28

1 the Court's decision, and on that basis the government does not oppose the petition and  
2 defers to the Court on the appropriate relief.<sup>1</sup>

3 DATED: July 1, 2026

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23 <sup>1</sup> To the extent the Court issues an order directing a bond hearing under 1226(a), considering  
24 heavy caseloads and staffing levels, Respondents respectfully request that such order provide  
25 the government 14 days from issuance to hold such bond hearing. Respondents also  
26 respectfully note that the Ninth Circuit has confirmed that at a bond hearing under 8 U.S.C.  
27 § 1226(a), the burden is on the detainee to demonstrate by a preponderance of the evidence  
28 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).