

1 ADAM GORDON
United States Attorney
2 DANIELLE L. BROWN
Special Assistant United States Attorney
3 Colorado State Bar No. 57814
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: 619-546-8693
Email: Danielle.Brown2@usdoj.gov
6

7 Attorneys for Respondents
8
9

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 HERBY BIEN-AIME,

13 Petitioner,
14

15 v.

16 JEREMY CASEY, *et al.*,

17 Respondents.
18
19
20
21

Case No.: 26-cv-03514-BJC-AHG

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

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

1 preserve the legal issues, to conserve judicial and party resources, and to expedite the
2 Court's consideration of this matter.

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

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

25
26

¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
27 considering heavy caseloads and staffing levels, Respondents respectfully request that
28 such order provide the government 14 days from issuance to hold such bond hearing.

1 DATED: June 24, 2026

ADAM GORDON
United States Attorney

2
3 s/Danielle L. Brown
4 DANIELLE L. BROWN
5 Special Assistant United States Attorney
6 Attorney for Respondents
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28