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

12 NURIA MARTINEZ ALVARADO,

13 Petitioner,
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15 v.

16 JEREMY CASEY, et al.,

17 Respondents.
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Case No.: 26-cv-3633-JO-MSB

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. § 1231. The relevant statute, 8 U.S.C. § 1231, provides for
5 mandatory detention of noncitizens with final removal orders, including aliens subject to
6 reinstatement of removal and those in withholding-only proceedings. Petitioner is subject
7 to a final removal order due to her arrest and subsequent conviction on June 14, 2012, for
8 kidnapping, conspiracy to kidnap an adult for ransom, conspiracy to distribute cocaine, and
9 distribution of cocaine. It is the government's position that Petitioner is subject to
10 mandatory detention under § 1231(a).

11 While reserving all rights, including the right to appeal, the government respectfully
12 submits this abbreviated response to preserve the legal issues, to conserve judicial and party
13 resources, and to expedite the Court's consideration of this matter. Based on the facts of
14 this case, the government acknowledges that this Court's prior decisions regarding re-
15 detention after an immigration judge granted bond will control the result here if the Court
16 adheres to its prior decisions, as the facts are not materially distinguishable for purposes of
17 the Court's decision, and on that basis the government does not oppose the petition and
18 avers that Petitioner should be afforded a bond hearing. Bond hearings are permitted in §
19 1231 withholding-only proceedings.

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21 DATED: June 29, 2026

ADAM GORDON
United States Attorney

23 *s/ Michael D. Wallace*
24 MICHAEL D. WALLACE
Assistant United States Attorney