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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ROMEL SOLIS-BECERRIL,
11 Petitioner,
12 v.

13 MARKWAYNE MULLIN, Secretary, U.S.
14 Department of Homeland Security, *et al.*,
15 Respondents.

Case No.: 26-cv-03688-DMS-BJW
RESPONSE TO PETITION

16
17 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has
18 carefully reviewed this petition and determined that the legal issues presented concern the
19 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of
20 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
21 the right to appeal, the government respectfully submits this abbreviated response to
22 preserve the legal issues, to conserve judicial and party resources, and to expedite the
23 Court's consideration of this matter.

24 It is the government's position that Petitioner is subject to mandatory detention under
25 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
26 District, have repeatedly reached the opposite conclusion under the same and/or similar
27 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
28 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025

1 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
 2 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
 3 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.
 4 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
 5 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
 6 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
 7 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
 8 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
 10 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
 11 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
 12 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
 13 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

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

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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).

1 DATED: July 1, 2026

Respectfully submitted,

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