

1 ADAM GORDON
United States Attorney
2 ALLIE E. MALONE
Assistant U.S. Attorney
California State Bar No. 317588
3 Office of the U.S. Attorney
880 Front Street, Room 6293
4 San Diego, CA 92101-8893
Telephone: (619) 674-9225
5 Facsimile: (619) 546-7751
Email: allie.malone.subke@usdoj.gov

6 Attorneys for Respondents

7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 QIHAO DING,

Petitioner,

11 v.

12 CHRISTOPHER LAROSE, et al.,

13 Respondents.
14

Case No.: 26-cv-3742-BAS-BJW

RESPONSE TO PETITION

15
16 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government
17 has carefully reviewed this petition and determined that the legal issues presented
18 concern the statutory authority for U.S. Immigration and Customs Enforcement's (ICE)
19 detention of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all
20 rights, including the right to appeal, the government respectfully submits this
21 abbreviated response to preserve the legal issues, to conserve judicial and party
22 resources, and to expedite the Court's consideration of this matter.

23 Petitioner was previously released from immigration custody on conditional
24 parole issued under 8 U.S.C. § 1226(a). It is the government's position that Petitioner
25 is subject to mandatory detention under § 1225(b)(2). However, the government
26 acknowledges that this Court, and Courts in this District, have repeatedly reached the
27 opposite conclusion under the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*,
28 No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez*

1 *Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30,
 2 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4,
 3 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v.*
 4 *LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025);
 5 *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal.
 6 Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D.
 7 Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D.
 8 Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9
 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D.
 10 Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL
 11 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
 12 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
 13 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
 14 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

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

19 DATED: July 2, 2026

Respectfully submitted,

20 ADAM GORDON
 21 United States Attorney
 22

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

s/ Allie E. Malone

ALLIE E. MALONE

Assistant United States Attorney

Attorneys for Respondents

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28