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

11
12 ROBERTO LARREINAGA CHAVEZ,

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14 Petitioner,

15 v.

16 JEREMY CASEY, Facility Administrator at
17 Imperial Regional Detention Facility; *et al.*,

18 Respondent.
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Case No.: 3:26-cv-03656-BAS-BJW

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

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. §§ 1225(b)(2)(A) or 1226(a). Dkt. 1 (Petition) at ¶ 34 ("This case
5 concerns the detention provisions at [8 U.S.C.] §§ 1226(a) and 1225(b)(2)."), ¶¶ 35-50.
6 While reserving all rights, including the right to appeal, the government respectfully
7 submits this abbreviated response to preserve the legal issues, to conserve judicial and party
8 resources, and to expedite the Court's consideration of this matter.

9 Petitioner, a native and citizen of Honduras, unlawfully entered the United States
10 without inspection near Rio Grande, Texas on October 15, 2022. *See* Exhibit 1 (Form I-
11 213) at 2. Shortly after, Petitioner was apprehended by agents with United States Border
12 Patrol. *Id.* ("Alien was arrested and served a WA/NTA by the USBP in Rio Grande City,
13 Texas on October 15, 2022"). Because Petitioner entered as an unaccompanied minor, he
14 was released to the Office of Refugee Resettlement (ORR) for resettlement with a sponsor.

15 Immigration and Customs Enforcement (ICE) was notified on April 24, 2026, that
16 Petitioner had been arrested and booked into the Okeechobee County Jail in Florida based
17 on a traffic violation. *Id.* ICE then put an immigration detainer in place and served
18 Petitioner with an administrative arrest warrant once he was released from jail and
19 transferred into ICE custody. *See* Exhibit 2 (Detainer and Arrest Warrant). A superseding
20 Notice to Appear was also filed charging Petitioner with removability under 8 U.S.C. §
21 1182(a)(6)(A)(i). *See* Exhibit 3 (Notice to Appear). Petitioner's immigration proceedings
22 are still pending. Dkt. 1 (Petition) at ¶ 3.

23 It is the government's position that Petitioner is subject to mandatory detention under
24 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
25 District, have repeatedly reached the opposite conclusion under the same and/or similar
26 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
27 (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,¹ and on that basis the government
17 does not oppose the petition and defers to the Court on the appropriate relief.²

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19 ¹ Petitioner also challenges his detention alleging violations of the Administrative
20 Procedure Act and the Due Process Clause of the Fifth Amendment. Dkt. 1 (Petition) at
21 ¶¶ 51-67. Should the Court grant the petition, it should decline to address these additional
22 arguments. *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("As a general rule courts and
agencies are not required to make findings on issues the decision of which is unnecessary
to the results they reach.").

23 ² 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 20, 2026

2 Respectfully submitted,

3 ADAM GORDON
4 United States Attorney

5 *s/ Hunter V. Norton*
6 HUNTER V. NORTON
7 Assistant United States Attorney
8 Attorneys for Respondents
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