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

10 JUAN MANUEL ZUNIGA GARCIA,
11 Petitioner,
12 v.

12 DANIEL BRIGHTMAN, Field Office
13 Director of Enforcement and Removal
Operations, San Diego Field Office,
14 Immigration and Customs Enforcement, *et al.*,
15 Respondents.

Case No.: 26-cv-03760-BAS-VET
RESPONSE TO PETITION

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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 Petitioner appears to be a
26 member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, 813 F.
27 Supp. 3d 1084 (C.D. Cal. 2025). The Ninth Circuit has stayed application of the Order
28 beyond the Central District of California. However, Respondents acknowledge the prior

1 orders from this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in similar
2 cases.¹ Respondents therefore do not oppose an order from this Court directing a bond
3 hearing be held pursuant to 8 U.S.C. § 1226(a).²

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5 DATED: July 6, 2026

Respectfully submitted,

6 ADAM GORDON
7 United States Attorney

8 s/ Douglas D. Nelson
9 DOUGLAS D. NELSON
10 Assistant United States Attorney
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19 ¹ Petitioner also challenges his detention citing violations of the Administrative Procedure
20 Act and Due Process. Should the Court grant the petition, it should decline to address these
21 additional arguments. *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule
22 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 such
25 order provide the government 14 days from issuance to hold such bond hearing. The Ninth
26 Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the burden is on the
27 detainee to demonstrate by a preponderance of the evidence that he is not a flight risk or
28 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).