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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JULIO MATEO LORENZO,
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13 Petitioner,
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15 v.
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17 CHRISTOPHER LaROSE; et al.,
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19 Respondents.
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Case No.: 26-CV-03767-DMS-MMP

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. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
5 the right to appeal, the government respectfully submits this abbreviated response to
6 preserve the legal issues, to conserve judicial and party resources, and to expedite the
7 Court's consideration of this matter.

8 It is the government's position that Petitioner is subject to mandatory detention under
9 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
10 District, have repeatedly reached the opposite conclusion under the same and/or similar
11 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
12 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
13 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
14 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
15 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.
16 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
17 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
18 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
19 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
20 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
21 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
22 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
23 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
24 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
25 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

26 Furthermore, Petitioner's claims for relief are based on his assertion that he was
27 detained, released, and then improperly re-detained by ICE in 2023 without notice or due
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process. ECF No. 1 at ¶¶ 3, 27-31, 54-55, 64-65, 80-81, 87. However, Petitioner's immigration records provided to the undersigned by Respondents do not support Petitioner's argument and the Petition does not include evidence of Petitioner's arrest and re-detention in 2023. *See* Exhibit 1 (Form I-213). Accordingly, Respondents assume Petitioner is referring to the 12-day period between December 13, 2022, and December 25, 2022, where Petitioner was arrested three times by Border Patrol for attempting to enter the United States illegally. *Id.* at 5. However, Petitioner was not released into the U.S. by ICE after these encounters such that he obtained a liberty interest as he argues. Instead, Border Patrol merely allowed Petitioner to voluntarily return to Mexico three times in 12-days, rather than referring him to the United States Attorney's Office for criminal prosecution under 8 U.S.C. § 1326. *Id.*

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

DATED: July 6, 2026

ADAM GORDON
United States Attorney

s/ Hunter Norton
HUNTER V. NORTON
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¹ To the extent the Court issues an order directing a bond hearing under 1226(a), considering heavy caseloads and staffing levels, Respondents respectfully request that such order provide the government 14 days from issuance to hold such bond hearing. Respondents also respectfully note that the Ninth Circuit has confirmed that at a bond 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).