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UNITED STATES DISTRICT COURT

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11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 SUNDARARAJU PERIYANNAN,

13 Petitioner,

14 v.

15 JEREMY CASEY, et al.,

16 Respondents.
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Case No.: 26-cv-03700-RSH-JLB

**RETURN TO PETITION FOR A
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. § 1282(b). While reserving all rights, including the right to
 5 appeal, the government respectfully submits this abbreviated response to preserve the legal
 6 issues, to conserve judicial and party resources, and to expedite the Court's consideration
 7 of this matter.

8 Petitioner is a native and citizen of India, who previously entered the United States
 9 as a Crewmember. *See* Exhibit 1 (Notice of Referral to the immigration judge). On July
 10 31, 2016, Petitioner was served with a Notice of Referral to an immigration judge (IJ). *See*
 11 *id.* On December 3, 2025, Petitioner was detained by U.S. Immigration and Customs
 12 Enforcement (ICE). Given that Petitioner was referred to an IJ via a Notice of Referral, as
 13 opposed to a Notice to Appear, Petitioner is lawfully detained pursuant to 8 U.S.C. §
 14 1282(b).¹ *See Matter of Di Santillo*, 18 I&N Dec. 407 (BIA 1983)(The revocation of
 15 respondents D-1 conditional landing permit and his removal from the United States
 16 pursuant to the provisions of 8 U.S.C. 1282(b), constituted an "arrest and deportation" for
 17 purposes of 8 U.S.C. (a)(17) and, therefore, his deportability under 8 U.S.C. 1231(a)(1))

18 It is the Government's position that Petitioner is lawfully detained pursuant to 8
 19 U.S.C. § 1282(b) and defers to the Court on the appropriate resolution of this matter.

20 DATED: July 13, 2026

ADAM GORDON
 United States Attorney

22 s/ Antonio Estrada
 23 ANTONIO ESTRADA
 Special Assistant United States Attorney

27 ¹ Petitioner was initially granted bond in error, however, upon a motion to reconsider by
 28 Respondents, the IJ properly denied bond. *See* Exhibit 3 (IJ Bond Order)