

1 ADAM GORDON
United States Attorney
2 CAMILLE SAVEDRA
California Bar No. 336490
3 Assistant U.S. Attorney
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
Telephone: (619) 546-5084
5 Email: camille.savedra@usdoj.gov

6 Attorneys for Respondents
7

8 UNITED STATES DISTRICT COURT
9
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JOSE ISRAEL FRANCO GUZMAN,

12 Petitioner,

13 v.

14 TODD BLANCHE, Acting Attorney
15 General of the United States, Department of
Justice; *et al.*,
16

17 Respondents.
18

Case No.: 26-cv-03837-GPC-MSB

RESPONSE TO PETITION

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

26 It is the government's position that Petitioner is subject to mandatory detention under
27 § 1225(b)(2). However, the government acknowledges that Petitioner appears to be a
28 member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, 813 F.

1 Supp. 3d 1084 (C.D. Cal. 2025). The Ninth Circuit has stayed application of the Order
 2 beyond the Central District of California. However, Respondents acknowledge the prior
 3 orders from this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in similar
 4 cases.¹ Respondents therefore do not oppose an order from this Court directing a bond
 5 hearing be held pursuant to 8 U.S.C. § 1226(a).²

6 To the extent Petitioner requests immediate release because of a lack of an
 7 administrative warrant, Respondents respectfully oppose. Petitioner was issued an
 8 administrative warrant on June 3, 2026. *See* Exhibit 1. Further, Respondents note that 8
 9 U.S.C. § 1357(a)(2) authorizes warrantless arrests and 8 C.F.R. § 287.3(d) provides the
 10 government 48 hours to issue a warrant if it determines that the noncitizen will remain
 11 custody. *See Garcia-Juarez v. Blanche*, No. 26-cv-3007-LL-DEB, ECF No. 18 (S.D. Cal.
 12 June 30, 2026).

13
 14 DATED: July 8, 2026

ADAM GORDON
 United States Attorney

15
 16 s/ Camille Savedra
 CAMILLE SAVEDRA
 Assistant United States Attorney
 17
 18

19 ¹ Petitioner also challenges his detention citing violations of the Fourth Amendment. Should
 20 the Court grant the petition, it should decline to address these additional arguments. *INS v.*
 21 *Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not
 22 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), considering
 24 heavy caseloads and staffing levels, Respondents respectfully request that such order
 25 provide the government 14 days from issuance to hold such bond hearing. The Ninth Circuit
 26 has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the burden is on the detainee
 27 to demonstrate by a preponderance of the evidence that he is not a flight risk or danger to
 28 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).