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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANGEL JESUS VALLE DIAZ,

Petitioner,

v.

WARDEN, GOLDEN STATE ANNEX
DETENTION FACILITY

Respondent.

CASE NO. 1:26-CV-05064-DJC-CKD

ANSWER AND OPPOSITION TO HABEAS
PETITION; RESPONSE TO ORDER TO SHOW
CAUSE

Preliminary Matters

Respondent does not request a hearing and does not intend to file any additional affirmative briefing. This case is different than the cases cited by the Court in its minute order (ECF 6) since Petitioner in this case is detained pursuant to the Laken Riley Act. Petitioner was recently arrested for Inflict Corporal Injury on Spouse, which is factually distinct from the cases cited by the Court in its minute order. Petitioner is also detained pursuant to 8 USC § 1225(b)(2). Respondent opposes habeas and all requested relief for the reasons noted below.

Background

Petitioner is a native and citizen of Mexico who entered the United States at an unknown location and time and was not admitted or paroled after inspection by an immigration officer. He was served with a Notice to Appear charging him with 8 USC § 1182(a)(6)(A)(i). On April 29, 2026, ICE ERO officers detained Petitioner following his April 9, 2026 arrest by local law enforcement authorities

for Inflict Corporal Injury on Spouse in violation of Cal. Pen. Code § 273.5(a). See Exhibits 1-2

Petitioner is detained pursuant to 8 USC § 1226(c)(1)(E) (Laken Riley Act).

Argument

Petitioner's Detention was Mandatory and His Due Process Rights were Not Violated

Specifically, the Laken Riley Act amends the categories of aliens subject to mandatory detention under INA § 236(c), 8 U.S.C. § 1226(c), by adding an additional category at INA § 236(c)(1)(E), 8

U.S.C. § 1226(c)(1)(E), to require the Secretary of Homeland Security to detain any alien who:

- (i) is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a); and
- (ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, shoplifting, or assault of a law enforcement officer offense, or ***any crime that results in death or serious bodily injury to another person.***

The Laken Riley Act further clarifies that, under the mandatory detention category at 8 U.S.C. § 1226(c)(1)(E), the terms “burglary,” “theft,” “larceny,” “shoplifting,” “assault of a law enforcement officer,” and “serious bodily injury” “have the meanings given such terms in the jurisdiction in which the acts occurred.” INA § 236(c)(2), 8 U.S.C. § 1226(c)(2). Exhibit 3 (attached). Petitioner was arrested for Inflict Corporal Injury on Spouse [Cal. Pen. Code § 273.5(a)]. The jury instructions for Cal. Pen. Code § 273.5(a) require infliction of an injury which results in a traumatic condition. See <https://www.justia.com/criminal/docs/calcrim/800/840/> “Traumatic condition means a condition of the body-such as a wound, external injury, or internal injury, including injury as a result of strangulation or suffocation.” Cal. Crim. No. 840. A plain reading of the crime for which Petitioner was arrested, and the statute reflects he is subject to mandatory detention pursuant to 8 USC § 1226(c)(1)(E). See Exhibits 2, 3.

The Department of Homeland Security (DHS) initially determines whether an alien is subject to mandatory detention under INA § 236(c), 8 U.S.C. § 1226(c), and Immigration Judges cannot redetermine the conditions of custody imposed by DHS with respect to aliens in removal proceedings subject to mandatory detention. 8 C.F.R. § 1003.19(h)(2)(i)(D). However, an alien subject to mandatory detention may seek a determination from an Immigration Judge regarding whether the alien is “properly included” in a mandatory detention category. See 8 C.F.R. § 1003.19(h)(2)(ii); *Matter of Joseph*, 22 I&N

Dec. 799 (BIA 1999). Additionally, The Laken Riley Act amended the judicial review provision at, 8 U.S.C. § 1226(e). The provision as amended provides that no court “may set aside any action or decision by the Attorney General” under INA § 236, 8 U.S.C. § 1226, “regarding the detention of any alien or the revocation or denial of bond or parole.” INA § 236(e), 8 U.S.C. § 1226(e). Accordingly, the process due for Petitioner is to simply seek determination from an Immigration Judge regarding whether he was properly included in a mandatory detention category. Accordingly, Petitioner’s due process rights are limited to whatever statutory rights Congress provides. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (“certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographical borders.”); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) (same). None of Petitioner’s constitutional or due process rights were violated.

This case is similarly situated to *Yaman v. Warden*, et al., No. 1:26-cv-2048-DJC-JDP, 2026 WL 1162729 (E.D. Cal. April 29, 2026), *findings and recommendation adopted*, *Yaman v. Warden*, 1:26-cv-2048-DJC-JDP, 2026 WL 1457379 (E.D. Cal. May 21, 2026) (court denied alien’s habeas petition finding alien’s arrest for theft under California law subjected him to mandatory detention under the Laken Riley Act, alien had no greater interest than permanent resident in *Demore*, alien’s detention of fewer than five months under 1226(c) satisfies due process).

Mandatory Detention Pursuant to 8 USC § 1225(b)(2)

Petitioner entered the United States illegally. Petitioner is thus an “applicant for admission” who is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2). *Joaquin Herrera Avila v. Bondi*, No. 25-3741 (8th Cir. March 25, 2026); *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026); *see also Cortes Alonzo v. Noem*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D. Cal. Nov. 17, 2025).

An “alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (quoting 8 U.S.C. § 1225(a)(1)). As an applicant for admission, petitioner is subject to mandatory detention and thus ineligible for a bond hearing. Petitioner does not possess a right to freedom from immigration detention in any form other than the form provided by Congress. *Shaughnessy v. United*

1 *States ex rel. Mezei*, 345 U.S. 206, 212 (1953), *reaffirmed in DHS v. Thuraissigiam*, 591 U.S. 103, 139
2 (2020).

3 Here, given Petitioner's mandatory detention, he cannot establish a likelihood of success on the
4 merits, and the Court should deny his habeas petition, and all requested relief.

5 Conclusion

6 Therefore, the Petitioner's habeas petition, and all requested relief must be denied.

7
8 Dated: July 8, 2026

ERIC GRANT
United States Attorney

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10 By: /s/ Anthony Andrews
ANTHONY ANDREWS
Assistant United States Attorney

11
12 CERTIFICATE OF SERVICE BY MAIL

13 The undersigned hereby certifies that I am an employee in the Office of the United States
14 Attorney for the Eastern District of California and is a person of such age and discretion to be competent
15 to serve papers; that on July 8, 2026, I served a copy of Respondents' Answer and Opposition to
16 Petition; Response to Order to Show Cause by forwarding this document to a legal assistant of the same
17 office who subsequently placed said copy in a postpaid envelope addressed to the person hereinafter
18 named, at the place and address stated below which is the last known address, and by depositing said
19 envelope and its contents in the United States Mail at Fresno, California.

20
21 /s/ Anthony Andrews
ANTHONY ANDREWS
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