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5 Attorneys for Respondents

6 UNITED STATES DISTRICT COURT
7
8 EASTERN DISTRICT OF CALIFORNIA

9 CESARIO MARINI-SANCHEZ,

10 Petitioner,

11 v.

12 MARKWAYNE MULLIN et al

13 Respondents.
14

CASE NO. 1:26-cv-05080-DJC-CKD

ANSWER AND OPPOSITION TO PETITION FOR
WRIT OF HABEAS CORPUS; RESPONSE TO
ORDER TO SHOW CAUSE

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16 Petitioner is detained under 1225(b)(2)(A). Petitioner previously filed a habeas petition with the
17 United States District Court in the Northern District of Texas. *See* Exhibits 1-6. He came to the
18 attention of ICE after an arrest by local officers for DUI.

19 The instant matter is not substantially different than the other cases cited by the Court in its
20 minute order (ECF 4). Respondents do not request a hearing and do not intend to file additional
21 affirmative briefing. Respondents do not oppose the Court ruling on Count 2 of the habeas petition
22 without further briefing.

23 Petitioner entered the United States illegally. Petitioner is thus an “applicant for admission” who
24 is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2). *Joaquin Herrera Avila v. Bondi*,
25 No. 25-3741 (8th Cir. March 25, 2026); *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330,
26 at *1 (5th Cir. Feb. 6, 2026); *see also Cortes Alonzo v. Noem*, 1:25-cv-01519-WBS-SCR at Dkt. 14
27 (E.D. Cal. Nov. 17, 2025).
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1 An “alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been
2 admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)
3 (quoting 8 U.S.C. § 1225(a)(1)). As an applicant for admission, petitioner is subject to mandatory
4 detention and thus ineligible for a bond hearing. Petitioner does not possess a right to freedom from
5 immigration detention in any form other than the form provided by Congress. *Shaughnessy v. United*
6 *States ex rel. Mezei*, 345 U.S. 206, 212 (1953), *reaffirmed in DHS v. Thuraissigiam*, 591 U.S. 103, 139
7 (2020). The Court should deny the petition for writ of habeas corpus and petitioner’s detention is
8 mandated by statute. ¹

9 Dated: July 13, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

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12 By: /s/ Anthony Andrews
13 ANTHONY ANDREWS
Assistant United States Attorney
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25 _____
26 ¹ Respondent apologizes for the inadvertent missed filing deadline. Petitioner’s counsel kindly notified undersigned
27 of the missed deadline late last night. Respondent counsel strives to adhere to all court-imposed deadlines and
28 requests the court accept this untimely response. As the Court is aware respondents handle a very high volume of
cases and the missed deadline may have resulted from mis-calendarling.