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8 UNITED STATES DISTRICT COURT
9
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JOSE ANGEL SOLIS CISNEROS,

12 Petitioner,

13 v.

14 CHRISTOPHER J. LAROSE, Warden;
15 *et al*,

16 Respondents.
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Case No.: 26-cv-03843-AGS-DEB

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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
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1 member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, 813 F.
2 Supp. 3d 1084 (C.D. Cal. 2025). The Ninth Circuit has stayed application of the Order
3 beyond the Central District of California. However, Respondents acknowledge the prior
4 orders from this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in similar
5 cases. Respondents therefore do not oppose an order from this Court directing a bond
6 hearing be held pursuant to 8 U.S.C. § 1226(a).¹

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

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15 DATED: July 20, 2026

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17 s/ Camille Savedra
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23 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
24 considering heavy caseloads and staffing levels, Respondents respectfully request that such
25 order provide the government 14 days from issuance to hold such bond hearing. The Ninth
26 Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the burden is on the
27 detainee to demonstrate by a preponderance of the evidence that he is not a flight risk or
28 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).