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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JAIME SALVADOR JUAREZ  
12 GONZALEZ,

13 Petitioner,  
14

15 v.

16 DANIEL BRIGHTMAN; et al.,

17 Respondents.  
18

Case No.: 26-cv-3852-JO-JAC

**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 this Court, and Courts in this  
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District, have repeatedly reached the opposite conclusion under the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

In response to the Court's July 6, 2026 order, ECF No. 2, Respondents note that Petitioner was previously arrested for driving under the influence, unlawfully entered the United States, and previously accepted Voluntary Return multiple times. *See* Exhibit 1.

To the extent Petitioner asserts claims regarding conditions of confinement, the Court lacks jurisdiction over such claims because they do not challenge the lawfulness of his custody. An individual may seek habeas relief under 28 U.S.C. § 2241 if he is "in custody" under federal authority "in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c). But habeas relief is available to challenge only the legality or duration of confinement. *Pinson v. Carvajal*, 69 F.4th 1059, 1067 (9th Cir. 2023); *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *Dep't of Homeland Security v. Thraissigiam*, 591 U.S. 103, 117 (2020) (The writ of habeas corpus historically "provide[s]

1 a means of contesting the lawfulness of restraint and securing release.”). The Ninth Circuit  
2 squarely explained how to decide whether a claim sounds in habeas jurisdiction: “[O]ur  
3 review of the history and purpose of habeas leads us to conclude the relevant question is  
4 whether, based on the allegations in the petition, release is *legally required* irrespective of  
5 the relief requested.” *Pinson*, 69 F.4th at 1072 (emphasis in original); *see also Nettles v.*  
6 *Grounds*, 830 F.3d 922, 934 (9th Cir. 2016) (The key inquiry is whether success on the  
7 petitioner’s claim would “necessarily lead to immediate or speedier release.”). Petitioner’s  
8 claims regarding the conditions of confinement do not arise under § 2241. *See Nettles*, 830  
9 F.3d at 933 (“We have long held that prisoners may not challenge mere conditions of  
10 confinement in habeas corpus.”); *Giron Rodas v. Lyons*, No. 25cv1912-LL-AHG, 2025  
11 WL 2300781, at \*3 (S.D. Cal. Aug. 1, 2025) (“Like in *Pinson*, the Court lacks jurisdiction  
12 over Petitioner’s § 2241 habeas petition since it cannot be fairly read as attacking ‘the  
13 legality or duration of confinement.’”) (quoting *Pinson*, 69 F.4th at 1065); *Guselnikov v.*  
14 *Noem*, No. 25-cv-1971-BTM-KSC, 2025 WL 2300873, at \*1 (S.D. Cal. Aug. 8, 2025)  
15 (finding petitioners’ claims did not arise under § 2241 because they were not arguing they  
16 were unlawfully in custody and receiving the requested relief would not entitle them to  
17 release).

18 The government acknowledges that this Court’s prior decisions will control the  
19 result here if the Court adheres to its prior decisions, as the facts are not materially  
20 distinguishable for purposes of the Court’s decision. Accordingly, for the reasons stated  
21 above, the government does not oppose the petition and defers to the Court on the  
22 appropriate relief.

23  
24 DATED: July 11, 2026

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