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Attorneys for Respondents

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERTO ANTONIO AVILA PERLA,

Petitioner,

v.

TONYA ANDREWS, et al.

Respondents.

CASE NO. 1:26-cv-05105-JLT-HBK

ANSWER AND OPPOSITION TO PETITION FOR
WRIT OF HABEAS CORPUS; OPPOSITION TO
MOTION FOR TEMPORARY RESTRAINING
ORDER (AND PRELIMINARY INJUNCTION);
OPPOSITION TO ALL RELIEF; RESPONSE TO
ORDER TO SHOW CAUSE

Petitioner is detained under 1225(b)(2)(A). Petitioner entered without inspection, was released, and re-detained. *See* Exhibit 1.

Respondents do not request a hearing and do not intend to file additional affirmative briefing. Respondents do not oppose the Court ruling on the habeas petition without further briefing. While respondents oppose habeas and injunctive relief, if the Court is inclined to grant the habeas petition, respondents do not oppose converting the motion for a temporary restraining order to a preliminary injunction.

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

1 (E.D. Cal. Nov. 17, 2025).

2 An “alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been
3 admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)
4 (quoting 8 U.S.C. § 1225(a)(1)). As an applicant for admission, petitioner is subject to mandatory
5 detention and thus ineligible for a bond hearing. Petitioner does not possess a right to freedom from
6 immigration detention in any form other than the form provided by Congress. *Shaughnessy v. United*
7 *States ex rel. Mezei*, 345 U.S. 206, 212 (1953), *reaffirmed in DHS v. Thuraissigiam*, 591 U.S. 103, 139
8 (2020). The Court should deny the petition for writ of habeas corpus, motion for temporary restraining
9 order (and preliminary injunction), and all requested relief because there is no such liberty interest,
10 and petitioner’s detention is mandated by statute.

11 Dated: July 9, 2026

Respectfully submitted,

12 ERIC GRANT
13 United States Attorney

14 By: /s/ Anthony Andrews
15 ANTHONY ANDREWS
16 Assistant United States Attorney
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