

ERIC GRANT
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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GABRIEL ARTURO PEREZ MORENO,


Petitioner,

v.

WARDEN, GOLDEN STATE ANNEX
DETENTION FACILITY,

Respondent.

CASE NO. 1:26-CV-05093-TLN-SCR

**OPPOSITION TO PETITION FOR
WRIT OF HABEAS CORPUS AND
ALL INJUNCTIVE RELIEF**

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

1 (2020). The Court should deny the petition for writ of habeas corpus because there is no such liberty
2 interest, and petitioner's detention is mandated by statute. Pursuant to the Court's July 6, 2026, Order
3 requiring Respondent to include any portions of Petitioner's A-File relevant to the issues presented in
4 this case (Dkt. 6), Respondent provides Exhibits A (I-200), B (I-286), C (I-213), D (I-862), and E
5 (Notice to Appear).

6 Respectfully submitted,

7 Dated: July 8, 2026

ERIC GRANT
United States Attorney

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9 By: /s/ Elisa M. Rodriguez
10 ELISA M. RODRIGUEZ
11 Assistant United States Attorney
12 Attorneys for Respondent
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers. She also certifies that on July 8, 2026, a copy of the OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS AND ALL INJUNCTIVE RELIEF was served by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Fresno, California.

Addressee: **Gabriel Arturo Perez Moreno**


GOLDEN STATE ANNEX
611 Frontage Road
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/s/ Elisa M. Rodriguez
ELISA M. RODRIGUEZ