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10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 CARLOS ALEXANDER QUINONES
13 ZUNIGA,

14 Petitioner,

15 v.
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17 MARKWAYNE MULLIN, *et al.*,

18 Respondents.
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Case No.: 26-cv-03856-DMS-MSB

**RETURN TO PETITION FOR A
WRIT OF HABEAS CORPUS**

24 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has
25 carefully reviewed this petition and determined that the legal issues presented concern the
26 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of
27 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
28 the right to appeal, the government respectfully submits this abbreviated response to

1 preserve the legal issues, to conserve judicial and party resources, and to expedite the
2 Court's consideration of this matter.

3 Petitioner contends that they are a member of the Deferred Action Class certified in
4 *Immigration Center for Women and Children v. Noem* ("ICWC"), and that membership
5 would entitle Petitioner to release as Petitioner has a pending Violence Against Women
6 Act (VAWA) Petition. *See Immigr. Ctr. For Women & Child. v. Noem*, No. 2:25-CV-
7 09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026). In *ICWC*, the U.S. District
8 Court for the Central District of California provisionally granted class certification and
9 granted, in part, a preliminary injunction order staying ICE Directive 11005.4 (Jan. 30,
10 2025) and reinstating ICE Directive 11005.3 (Dec. 2, 2021) and ICE Policy 10076.1 (June
11 17, 2011). *See* Exhibit 1 (ICE Policy 10076.1); Exhibit 2 (ICE Directive 11005.3). Per
12 reinstated ICE Directive 11005.3 (Dec. 2, 2021), ICE will "exercise discretion to defer
13 decisions on civil immigration enforcement action... until USCIS makes a... [n]egative
14 prima facie determination for pending VAWA petitions." *See* Exhibit 2 at 2-3. As of today,
15 Petitioner's Violence Against Women Act petition remains pending. Thus, as noted in the
16 reinstated policy directive, ICE has discretion to defer decisions, such as Petitioner's
17 detention, while USCIS makes a determination regarding the VAWA Petition. For that
18 reason, Petitioner's claim to release due to *ICWC* membership and their pending VAWA
19 petition should be denied.

20 It is the government's position that Petitioner is subject to mandatory detention under
21 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this
22 District, have repeatedly reached the opposite conclusion under the same and/or similar
23 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773
24 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
25 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
26 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
27 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).

The government acknowledges that this Court's prior decisions will control the result here if the Court adheres to its prior decisions, as the facts are not materially distinguishable for purposes of the Court's decision,¹ and on that basis the government does not oppose the petition and defers to the Court on the appropriate relief.²

DATED: July 13, 2026

Respectfully submitted,

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s/ Jacob T. Metzger
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Attorney for Respondents

¹ Petitioner also challenges their detention citing violations of the Administrative Procedure Act and Due Process. Should the Court grant the petition, it should decline to address these additional arguments. *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.").

² To the extent the Court issues an order directing a bond hearing under 1226(a), considering heavy caseloads and staffing levels, Respondents respectfully request that such order provide the government 14 days from issuance to hold such bond hearing. Respondents also respectfully note that the Ninth Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the burden is on the detainee to demonstrate by a preponderance of the evidence that he is not a flight risk or 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).