

ERIC GRANT
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Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARCO POLO FLORES MILLAN,

Petitioner,

v.

WARDEN, MESA VERDE DETENTION
CENTER, *et al.*,

Respondents.

CASE NO. 1:26-CV-05116-TLN-AC

**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.

3 Respondents do not oppose the Court converting the motion for temporary restraining order into
4 one for a preliminary injunction. Respondents do not oppose, and in fact, respectfully request that the
5 Court resolve the underlying habeas petition on the current briefing and without a hearing.

6 Pursuant to the Court's July 6, 2026, Order requiring Respondents to include any portions of
7 Petitioner's A-File relevant to the issues presented in this case (Dkt. 5), Respondents provide Exhibits A
8 (I-213 2024), B (I-213 2026), C (Motion to Change Venue), D (Notice of Hearing), and E (Notice to
9 Appear).

10 Respectfully submitted,

11 Dated: July 8, 2026

ERIC GRANT
United States Attorney

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13 By: /s/ Elisa M. Rodriguez
14 ELISA M. RODRIGUEZ
15 Assistant United States Attorney
16 Attorneys for Respondents
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