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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 SERGIO IVAN GARCIA PRIETO,

No. 1:26-CV-05183-KES-EPG

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13 OPPOSITION TO PETITION FOR WRIT
OF HABEAS CORPUS

14 Petitioner,

15 v.

16 WARDEN, MESA VERDE DETENTION
FACILITY,

17 Respondent.
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19 This case is in the category of immigration habeas cases for which courts in this
20 district have typically ordered a bond hearing to determine Petitioner's suitability for
21 release from detention pending a final order of removal. Petitioner is in pre-order
22 detention and has recent criminal history. Exh. A; Exh. B.

23 Should the Court find that the detention authority is 8 U.S.C. § 1226, Respondent
24 does not offer any opposition at this time to the Court ordering a bond hearing.
25 Respondent would request a 14-day period during which to set the ordered bond hearing.

26 Respondent preserves its position that Petitioner is subject to the mandatory pre-
27 order detention statute, 8 U.S.C. § 1225(b). Petitioner entered the United States illegally
28 and is thus an "applicant for admission," subject to mandatory detention. *Joaquin Herrera*

1 *Avila v. Bondi*, No. 25-3741 (8th Cir. March 25, 2026); *Buenrostro-Mendez v. Bondi*, No.
2 25-20496, 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026); *see also Cortes Alonzo v. Noem*,
3 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D. Cal. Nov. 17, 2025). Petitioner does not possess
4 the right to freedom from immigration detention in any form other than the form provided
5 by Congress. *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953),
6 *reaffirmed in DHS v. Thuraissigiam*, 591 U.S. 103, 139 (2020).

7 Respondent requests to submit on this pleading without additional documentation
8 beyond the attachments provided and request that the Court rule on the petition in its
9 entirety.

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11 Dated: July 22, 2026

Respectfully submitted,

ERIC GRANT

United States Attorney

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14 By: /s/ Jonathan Williams
JONATHAN WILLIAMS
15 Special Assistant United States Attorney
16 Attorneys for Respondent
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PROOF OF SERVICE

I certify that I am an employee in the Office of the United States Attorney for the Eastern District of California and a person of such age and discretion to be competent to serve papers; that on July 22, 2026, I prepared these documents for mailing and sent them to a member of the U.S. Attorney support staff to place in the United States Mail at Sacramento, California, to deliver to the addressee, at the place and address stated below, which is the last known address.

Addressee:

Sergio Ivan Garcia Prieto

MESA VERDE DETENTION FACILITY
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ERIC GRANT
United States Attorney

/s/ Jonathan Williams

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