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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 SERGIO IVAN GARCIA PRIETO,

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

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13 Petitioner,

**OBJECTIONS TO MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATION**

14 v.

15 WARDEN, MESA VERDE DETENTION
16 FACILITY,

17 Respondent.
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21 Respondent objects to the findings and recommendation because Petitioner is now
22 subject to a final removal order. Doc. 11-1. As of August 5, 2026, when the removal order
23 became administratively final, 8 U.S.C. § 1231 governs custody, and detention during the
24 90-day removal period (through November 3, 2026) is mandatory. *See* 8 U.S.C.
25 § 1231(a)(1)–(2); *Johnson v. Guzman Chavez*, 594 U.S. 523, 528 (2021). Because the
26 magistrate judge's Findings and Recommendations (F&Rs) issued before finality, they
27 applied the wrong detention regime; the Court should sustain the government's objections
28 and evaluate custody under § 1231, not pre-final bond frameworks.

1 After the 90-day period, detention proceeds under § 1231(a)(6), which does not
2 require bond hearings; instead, the statute permits continued custody so long as
3 reasonably necessary to effect removal, with a six-month presumption. *Zadvydas v. Davis*,
4 533 U.S. 678, 699–701 (2001). The F&Rs, issued before the removal order, did not and
5 could not account for this post-order framework; the proper course is to reject the F&Rs
6 and deny relief under § 1231, reserving any *Zadvydas* analysis unless and until petitioner
7 meets the threshold showing after six months from August 5, 2026.

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9 Dated: August 6, 2026

Respectfully submitted,

ERIC GRANT

United States Attorney

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12 By: /s/ Jonathan Williams
13 JONATHAN WILLIAMS
Special Assistant United States Attorney

14 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 August 6, 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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/s/ Jonathan Williams

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