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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 HERMES JUNIOR VALERO AGUIAR,
12 Petitioner,
13 v.
14 CHRISTOPHER CHESTNUT ET AL.,
15 Respondents.

No. 1:26-CV-05213-TLN-JDP

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

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20 Respondents object to the recommendation that Petitioner be immediately released.
21 Detention in this case was pursuant to 8 U.S.C. § 1225(b)(2)(A), and Respondents respect-
22 fully maintain the position that such provision governs here. Respondents acknowledge,
23 however, that *Rodriguez Vazquez v. Bostock*, No. 25-6842, 2026 WL 2196424, (9th Cir.
24 July 30, 2026) holds that § 1226(a) governs Petitioner's detention. Petitioner is therefore
25 entitled to seek a custody redetermination hearing before an immigration judge. He is not
26 entitled to immediate release. *Id.* at *5 (9th Cir. July 30, 2026) ("detention under § 1226(a)
27 is discretionary, allowing the release of aliens on bond pending their removal proceed-
28 ings.").

1 Dated: August 3, 2026

Respectfully submitted,

2 ERIC GRANT

3 United States Attorney

4 By: /s/ Jonathan Williams

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5 Special Assistant United States Attorney