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7 IN THE UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 EMMANUEL AGUILAR LAUREL,

10 Petitioner,

11 v.

12 TONYA ANDREWS ET AL.,

13 Respondents.

CASE NO. 1:26-CV-05221-NW

RESPONSE TO PETITION

14
15 INTRODUCTION

16 This Court should deny Emmanuel Aguilar Laurel (Laurel)'s habeas petition. Lau-
17 rel is subject to mandatory detention under 8 U.S.C. § 1226(c)(1)(A) because he is
18 inadmissible under INA § 1182(a)(2)(B) based on at least two convictions with an aggre-
19 gate sentence to confinement of five years or more. Exh. A at 3; Exh. B at 9–10, 14.
20 Because § 1226(c) applies, he is not eligible for a bond hearing, subject only to the wit-
21 ness-protection exception in § 1226(c)(2). At most he may seek a *Joseph* hearing to contest
22 whether he is properly included in a § 1226(c) category. *Matter of Joseph*, 22 I. & N. Dec.
23 799 (BIA 1999).

24 FACTUAL BACKGROUND

25 Laurel, a citizen of Mexico, entered the United States without inspection at an un-
26 known date and time. Exh. A at 3. After entry he joined a criminal street gang, accrued a
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RESPONSE TO PETITION

1 series of criminal convictions, and ultimately receive a five-year prison sentence in 2023.
2 *Id.*; Exh. B at 14.

3 After completing his sentence, the Department of Homeland Security (DHS) de-
4 tained him on June 10, 2026. Exh. A at 2–3. He attended an immigration court hearing,
5 has another hearing set for July 27, 2026, but has not filed an application for relief from
6 removal. Exh. C at 1.

7 ARGUMENT

8 A. Laurel is subject to mandatory detention under 8 U.S.C. § 1226(c).

9 Section 1226(c)(1)(A) applies to noncitizens inadmissible under § 1182(a)(2); § 1182
10 (a)(2)(B) makes a person inadmissible if he has two or more convictions with aggregate
11 sentences to confinement of five years or more. Laurel meets those terms. Exh. A at 3;
12 Exh. B at 14.

13 DHS custody is mandatory under § 1226(c). So, it properly detained him in accord
14 with the statute.

15 B. Laurel’s detention is constitutional.

16 Detention under the INA is authorized during removal proceedings and, by statute,
17 does not include a periodic-bond-hearing requirement. *Jennings v. Rodriguez*,
18 583 U.S. 281, 300–05 (2018). Mandatory custody under Section 1226(c) is constitutionally
19 permissible during removal proceedings. *Demore v. Kim*, 538 U.S. 510, 531 (2003). Deten-
20 tion is constitutionally permissible while it serves the Immigration and Nationality Act
21 (INA)’s purposes—ensuring appearance and protecting the public. *Id.* at 527.

22 Detention remains constitutional so long as it serves its immigration purposes—en-
23 suring appearance and protecting the public. *Kim*, 538 U.S. at 527. The government’s
24 interests in ensuring appearance and protecting the community are “of the highest order”
25 and can strengthen as removal becomes imminent. *Rodriguez Diaz v. Garland*, 53 F.4th
26 1189, 1208 (9th Cir. 2022). Indeed the “longer the challenges to an IJ’s order of removal
27 take, the more resources the government devotes to securing an alien’s ultimate removal”
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1 and, correspondingly, “[t]he risk of a detainee absconding also inevitably escalates as the
2 time for removal becomes more imminent.” *Id.*

3 ICE detains Laurel during his removal proceedings to ensure his appearance and to
4 protect the public. His criminal history—including child-abuse convictions with possible
5 great bodily injury or death—supports DHS’s public-safety assessment, and his repeated
6 offenses inform the flight-risk evaluation. Exh. B at 4–14. Under these circumstances, his
7 one-month detention is authorized by statute and the Constitution.

8 **CONCLUSION**

9 Because Laurel is inadmissible under § 1182(a)(2)(B) based on two or more convic-
10 tions with aggregate sentences of more than 5 years, he falls within § 1226(c)(1)(A)’s
11 mandatory-custody framework. His approximately one month in DHS custody is not un-
12 constitutionally prolonged, particularly where he has not filed an application. The Court
13 should deny all relief.

14 Dated: July 10, 2026

ERIC GRANT
United States Attorney

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17 By: /s/ Jonathan Williams
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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 10, 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:

Oliver Noel Laurel


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/s/ Jonathan Williams

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