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

9 OLIVER NOEL GOMEZ SOLIS,

10 Petitioner,

11 v.

12 WARDEN OF THE MESA VERDE
13 DETENTION FACILITY ET AL.,

14 Respondents.

CASE NO. 1:26-CV-05218-RLP

RESPONSE TO PETITION

15
16 INTRODUCTION

17 This Court should deny Oliver Noel Gomez Solis (Gomez Solis)'s habeas petition.
18 Gomez Solis is subject to mandatory detention under 8 U.S.C. § 1226(c)(1)(A) because he is
19 inadmissible under INA § 1182(a)(2)(B) based on at least two convictions with an aggre-
20 gate sentence to confinement of five years or more. Exh. B at 11. Because § 1226(c) applies,
21 he is not eligible for a bond hearing, subject only to the witness-protection exception in
22 § 1226(c)(2). At most he may seek a *Joseph* hearing to contest whether he is properly in-
23 cluded in a § 1226(c) category. *Matter of Joseph*, 22 I. & N. Dec. 799 (BIA 1999).

24 FACTUAL BACKGROUND

25 Gomez Solis, a citizen of Guatemala, entered the United States without inspection
26 in 2012. Exh. A at 2. After entry he accrued five DUI convictions. Exh. B at 11, 15. On Au-
27 gust 26, 2025, he was convicted of two felony DUIs and received a five-year prison
28 sentence. *Id.* at 11.

RESPONSE TO PETITION

1 After completing his sentence, Immigration and Customs Enforcement (ICE) de-
2 tained him on February 12, 2026. Exh. A at 2. While detained, he appeared at multiple
3 hearings but did not file his application for relief until June 15, 2026. Exh. C at 1.

4 ARGUMENT

5 **A. Gomez Solis is subject to mandatory detention under 8 U.S.C.** 6 **§ 1226(c).**

7 Section 1226(c)(1)(A) applies to noncitizens inadmissible under § 1182(a)(2); § 1182
8 (a)(2)(B) makes a person inadmissible if he has two or more convictions with aggregate
9 sentences to confinement of five years or more. Gomez Solis meets those terms. Exh. B
10 at 11, 15.

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

13 **B. Gomez Solis's detention is constitutional.**

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

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

1 ICE detains Gomez Solis during his removal proceedings to ensure his appearance
2 and to protect the public. His five DUI convictions support DHS's public-safety assess-
3 ment, and his repeated crimes show an unwillingness to obey the law. Exh. B at 11, 15.
4 Under these circumstances, his detention is authorized by statute and constitutional.

5 **CONCLUSION**

6 Because Gomez Solis is inadmissible under § 1182(a)(2)(B) based on two or more
7 convictions with aggregate sentences of more than 5 years, he falls within § 1226(c)(1)(A)'s
8 mandatory-custody framework. His approximately five months in DHS custody is not un-
9 constitutionally prolonged, particularly where he delayed filing an application until
10 June 15, 2026. The Court should deny all relief.

11 Dated: July 10, 2026

ERIC GRANT
United States Attorney

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14 By: /s/ Jonathan Williams
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Special Assistant United States Attorney
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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:

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