

1 ERIC GRANT
United States Attorney
2 SHELLEY D. WEGER
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
5 Attorneys for Respondents
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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 GUILLERMO HELADIO GUERRERO FELIX,

No. 1:26-CV-05236-NW

12 Petitioner,

**OPPOSITION TO MOTION FOR TRO AND
PETITION FOR WRIT OF HABEAS CORPUS**

13 v.

14 WARDEN, GOLDEN STATE ANNEX,

15 Respondents.
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17 Petitioner entered the United States illegally. Petitioner is thus an “applicant for admission” who
18 is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2). *Joaquin Herrera Avila v. Bondi*,
19 No. 25-3741 (8th Cir. March 25, 2026); *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330,
20 at *1 (5th Cir. Feb. 6, 2026); *see also Cortes Alonzo v. Noem*, 1:25-cv-01519-WBS-SCR at Dkt. 14
21 (E.D. Cal. Nov. 17, 2025).

22 An “alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been
23 admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)
24 (quoting 8 U.S.C. § 1225(a)(1)). As an applicant for admission, petitioner is subject to mandatory
25 detention and thus ineligible for a bond hearing. Petitioner does not possess a right to freedom from
26 immigration detention in any form other than the form provided by Congress. *Shaughnessy v. United*
27 *States ex rel. Mezei*, 345 U.S. 206, 212 (1953), *reaffirmed in DHS v. Thuraissigiam*, 591 U.S. 103, 139
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(2020). The Court should deny the petition for writ of habeas corpus because there is no such liberty interest, and petitioner's detention is mandated by statute.

Petitioner was previously required to depart the United States on three occasions. Ex. 1 (I-213). Thus, Petitioner cannot plausibly claim that he was given an implicit promise that he could remain in the U.S. unlawfully and without detention. He re-entered without detection and thus, was not released or placed on supervision. If the Court grants release DHS should be permitted to impose reasonable conditions of supervision as they have discretion to do when they encounter and "release" an alien an alien for the first time. Because Petitioner entered without detection and was recently encountered by immigration authorities for the first time since he re-entered, and further because Petitioner is now in removal proceedings, Ex. 2, supervision is appropriate.

Dated: July 9, 2026

Respectfully submitted,

ERIC GRANT

United States Attorney

By: /s/ Shelley D. Weger
SHELLEY D. WEGER
Assistant United States Attorney

Attorneys for Respondents

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers. She also certifies that on July 9, 2026, a copy of the OPPOSITION was served by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Sacramento, California.

Addressee: **Guillermo Heladio Guerrero Felix**


**GOLDEN STATE ANNEX
611 Frontage Road
McFarland, CA 93250-1075**

/s/ Shelley D. Weger
SHELLEY D. WEGER