

ERIC GRANT
United States Attorney
ANTHONY ANDREWS
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, California 93721
Telephone: (559) 497-4000

Attorneys for Respondents

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN NAVARRO GOMEZ,

Petitioner,

v.

MINGA WOFFORD et al

Respondents.

CASE NO. 1:26-cv-05299-VC

ANSWER AND OPPOSITION TO HABEAS
PETITION; OPPOSITION TO MOTION FOR
TEMPORARY RESTRAINING ORDER AND ALL
RELIEF

Petitioner is detained under 1225(b)(2)(A). Petitioner has been voluntarily returned by Border Patrol three times in 2021. *See* Exhibits 1-2.

Respondents do not request a hearing and do not intend to file additional affirmative briefing. Respondents do not oppose the Court ruling on the underlying habeas petition without further briefing. Respondents do not oppose converting the temporary restraining order to a preliminary injunction but nevertheless oppose injunctive relief.

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

1 An "alien who 'arrives in the United States,' or 'is present' in this country but 'has not been
2 admitted,' is treated as 'an applicant for admission.'" *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)
3 (quoting 8 U.S.C. § 1225(a)(1)). As an applicant for admission, petitioner is subject to mandatory
4 detention and thus ineligible for a bond hearing. Petitioner does not possess a right to freedom from
5 immigration detention in any form other than the form provided by Congress. *Shaughnessy v. United*
6 *States ex rel. Mezei*, 345 U.S. 206, 212 (1953), *reaffirmed in DHS v. Thuraissigiam*, 591 U.S. 103, 139
7 (2020). The Court should deny the petition for writ of habeas corpus, motion for temporary restraining
8 order, and petitioner's detention is mandated by statute.

9 Dated: July 14, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

10
11
12 By: /s/ Anthony Andrews
13 ANTHONY ANDREWS
14 Assistant United States Attorney
15
16
17
18
19
20
21
22
23
24
25
26
27
28