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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

AMENDED 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

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12 By: /s/ Anthony Andrews
13 ANTHONY ANDREWS
14 Assistant United States Attorney
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