

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

DOMINGO SANTIAGO-MARCAS,

Petitioner,

v.

WARDEN, MESA VERDE DETENTION
CENTER

Respondent.

CASE NO. 1:26-cv-05283-EJD

ANSWER AND OPPOSITION TO PETITION FOR
WRIT OF HABEAS CORPUS; OPPOSITION TO
MOTION FOR TEMPORARY RESTRAINING
ORDER; RESPONSE TO ORDER TO SHOW
CAUSE

Petitioner is detained under 1225(b)(2)(A). He was originally apprehended and then released by Border Patrol in 2022, and re-detained by Border Patrol in May 2026 during their regular patrol duties for DHS to initiate removal proceedings, which are ongoing. *See* Exhibits 1-2.

The instant matter is not substantially different than the other cases cited by the Court in its minute order (ECF 5) but respondents oppose all relief for the reasons stated below. 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.

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

1 (E.D. Cal. Nov. 17, 2025).

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

10 Dated: July 14, 2026

Respectfully submitted,

11 ERIC GRANT
12 United States Attorney

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

15 **CERTIFICATE OF SERVICE BY MAIL**

16 The undersigned hereby certifies that I am an employee in the Office of the United States
17 Attorney for the Eastern District of California and is a person of such age and discretion to be competent
18 to serve papers; that on July 14, 2026, I served a copy of Respondents’ Answer and Opposition to
19 Petition for Writ of Habeas Corpus; Opposition to Motion for Temporary Restraining Order; Response
20 to Order to Show Cause by forwarding this document to a legal assistant of the same office who
21 subsequently placed said copy in a postpaid envelope addressed to the person hereinafter named, at the
22 place and address stated below which is the last known address, and by depositing said envelope and its
23 contents in the United States Mail at Fresno, California.
24

25 /s/ Anthony Andrews
26 ANTHONY ANDREWS
Assistant United States Attorney

Domingo Santiago-Marcas

Addressee: 
Mesa Verde Detention Center
425 Golden State Ave
Bakersfield, CA 93301