

ERIC GRANT
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ESAU TINOCO DIAZ,

Petitioner,

v.

CENTRAL VALLEY ANNEX,

Respondent.

CASE NO. 1:26-CV-05331-DC-CSK

**OPPOSITION TO PETITION FOR
WRIT OF HABEAS CORPUS AND
MOTION FOR PRELIMINARY
INJUNCTION**

On July 13, 2026, this Court ordered Respondent to submit an opposition or non-opposition to the motion for preliminary injunction by July 15, 2026, at noon. Dkt. 6. Undersigned counsel was assigned the case after the Court issued its order and the undersigned inadvertently missed this deadline when reconciling assignments that day and apologizes for the inconvenience of a delayed response. Undersigned counsel understands the need for timeliness in these matters and submits the following brief, in full.

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 because there is no such liberty
8 interest, and petitioner’s detention is mandated by statute.

9 In response to this Court’s July 13, 2026, Order, requiring Respondent to substantively address
10 whether any provision of law or fact in this case would distinguish it from those identified in the Court’s
11 Order (Dkt. 6), Respondent notes that there does not appear to be any substantive factual or legal issues
12 in this case that materially distinguish it from the cases identified in the Order.

13 Respondents do not oppose the Court converting the motion for temporary restraining order into
14 one for a preliminary injunction. Respondents do not oppose, and in fact, respectfully request that the
15 Court resolve the underlying habeas petition on the current briefing and without a hearing.

16 Since Petitioner was not previously on supervision, if the Court orders Petitioner to be released,
17 the Court should not enjoin ICE from imposing reasonable conditions of supervision as is common
18 when an alien is encountered or released by immigration authorities for the first time.

19 Respectfully submitted,

20 Dated: July 16, 2026

ERIC GRANT
United States Attorney

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22 By: /s/ Elisa M. Rodriguez
ELISA M. RODRIGUEZ
23 Assistant United States Attorney
Attorneys for Respondent
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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 16, 2026, a copy of the OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR PRELIMINARY INJUNCTION 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 Fresno, California.

Addressee: **Esau Tinoco Diaz**



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/s/ Elisa M. Rodriguez
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