

1 ADAM GORDON
United States Attorney
2 CAMILLE SAVEDRA
Assistant U.S. Attorney
3 California State Bar No. 336490
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-5084
Email: camille.savedra@usdoj.gov
6

7 Attorneys for Respondents
8
9

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 JOHN ADRIAN ALLAICO
13 LLIGUICOTA,

14 Petitioner,

15 v.

16 Warden of Imperial Regional Detention
17 Facility. *et al.*,

18 Respondents.
19
20
21

Case No.: 26-cv-04131-JO-MMP

RESPONSE TO PETITION

22 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has
23 carefully reviewed this petition and determined that the legal issues presented concern the
24 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of
25 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
26 the right to appeal, the government respectfully submits this abbreviated response to
27
28

1 preserve the legal issues, to conserve judicial and party resources, and to expedite the
2 Court's consideration of this matter.

3 Respondents first address the Court's July 20, 2026 minute order directing the
4 government "to identify and address any individualized concerns regarding Petitioner's
5 danger to the community or flight risk, including the factual basis for any such concerns."
6 ECF No. 2. With regards to whether Petitioner is a potential flight risk, Respondents
7 contend Petitioner was initially detained for illegally entering the United States without
8 inspection by an immigration officer in December 2023. *See* ECF No. 1 at 3; Exhibit 1
9 (Form I-213). At the time he was detained, Petitioner had no valid documents permitting
10 him to enter the United States. *See* Exhibit 1. Petitioner was nonetheless released from
11 immigration custody by "Order of Recognizance" pending his immigration proceedings.
12 *See id.* Next, Respondents cannot provide any information concerning whether Petitioner is
13 a danger to the community because, to Respondents' knowledge, Petitioner does not have
14 criminal history.

15 As for the Respondents' response to the petition, Respondents concede Petitioner was
16 previously released from immigration custody on conditional parole issued under 8 U.S.C.
17 § 1226(a). *See* Exhibit 1. It is the Respondents' position that Petitioner is subject to
18 mandatory detention under § 1225(b)(2). However, Respondents acknowledge that this
19 Court, and Courts in this District, have repeatedly reached the opposite conclusion under
20 the same and/or similar facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB,
21 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-
22 JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-
23 LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d
24 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL
25 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB,
26 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-
27 TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-

1 VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-
 2 JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET,
 3 ECF No. 9 (S.D. Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-
 4 DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-
 5 2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-
 6 cv-3111-AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-
 7 BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

8 As such, Respondents acknowledge that this Court's prior decisions will control the
 9 result here if the Court adheres to its prior decisions, as the facts are not materially
 10 distinguishable for purposes of the Court's decision,¹ and on that basis the government does
 11 not oppose the petition and defers to the Court on the appropriate relief.²

12 DATED: July 27, 2026

ADAM GORDON
 United States Attorney

14 s/ Camille Savedra
 CAMILLE SAVEDRA
 Assistant United States Attorney

19 ¹ Petitioner also challenges his detention citing violations of the Administrative Procedure
 20 Act and Due Process. ECF No. 1 at 20. Should the Court grant the petition, it should decline
 21 to address these additional arguments. *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("As a
 22 general rule courts and agencies are not required to make findings on issues the decision of
 which is unnecessary to the results they reach.").

23 ² To the extent the Court issues an order directing a bond hearing under 1226(a), considering
 24 heavy caseloads and staffing levels, Respondents respectfully request that such order
 25 provide the government 14 days from issuance to hold such bond hearing. Respondents also
 26 respectfully note that the Ninth Circuit has confirmed that at a bond hearing under 8 U.S.C.
 27 § 1226(a), the burden is on the detainee to demonstrate by a preponderance of the evidence
 28 that he is not a flight risk or danger to the community. *See Rodriguez Diaz v. Garland*, 53
 F.4th 1189, 1197 (9th Cir. 2022); *see also Dos Santos v. Becerra*, No. 26-cv-01423-GPC-
 VET, 2026 WL 800201 (S.D. Cal. Mar. 23, 2026).