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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MARIA LUCIA GUADALUPE
12 PIMENTEL,

13 Petitioner,

14 v.

15 MARWAYNE MULLIN et al.,

16 Respondents.
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Case No.: 26-cv-4717-DMS-AHG

RESPONSE TO PETITION

1 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Dkt. 9. The sole
2 argument in support of the Petition is that Petitioner should be immediately released
3 because she was arrested without an administrative warrant. *See generally id.* Respondents
4 respectfully oppose. Petitioner was issued an administrative warrant on January 27, 2026.
5 *See Exhibit A.*¹ Petitioner relies on cases like *Quezada-Estrada v. Lyons*, 26-cv-1599-
6 NYW, 2026 WL 1361880, at *4–6 (D. Colo. Cal. May 15, 2026), in which a court ordered
7 release from immigration detention when an administrative warrant and notice to appear at
8 a removal hearing “were served on Petitioner . . . nearly a month after his arrest.” *See* Dkt.
9 9 at 8. But this case, in which Petitioner was detained under the authority of a warrant
10 issued the same day, is simply unlike the cases where allegedly warrantless arrests justify
11 release. Therefore, the Court should not order Petitioner’s immediate release.

12 On July 30, 2026, the Ninth Circuit held and clarified that unadmitted aliens present
13 in the interior of the United States are subject to 8 U.S.C. § 1226 and not subject to 8 U.S.C.
14 § 1225. *Rodriguez Vazquez v. Bostock*, No. 25-6842, --- F.4th ---, 2026 WL 2196424 (9th
15 Cir. July 30, 2026). As Petitioner is an unadmitted alien present in the interior of the United
16 States,² Petitioner is subject to detention under 8 U.S.C. § 1226(a). This Court previously
17 granted Petitioner’s earlier habeas corpus Petition, ordering that she receive a bond hearing.
18 *See Maria Lucia Guadalupe Pimentel v. Jeremy Casey et al.*, 26-cv-2921-DMS-AHG, Dkt.
19 6 (S.D. Cal. July 10, 2026). As the Court has already been informed, Petitioner declined to
20 go forward with her bond hearing, seeking to retain counsel. *Id.* Dkt. 8. However, should
21 Petitioner wish to schedule another bond hearing, Respondents will schedule it at her

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23 ¹ All attached exhibits are true and correct copies from ICE records Respondents further
24 note that 8 U.S.C. § 1357(a)(2) authorizes warrantless arrests and 8 C.F.R. § 287.3(d)
25 provides the government 48 hours to issue a warrant if it determines that the noncitizen
will remain in custody. *See Garcia-Juarez v. Blanche*, No. 26-cv-3007-LL-DEB, ECF No.
18 (S.D. Cal. June 30, 2026).

26 ² Petitioner also appears to be a member of the Bond Eligible Class certified in *Maldonado*
27 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL
28 3288403 (C.D. Cal. Nov. 25, 2025).

1 request. *Id.* Petitioner now asserts a bond hearing is an insufficient remedy. *See* Dkt. 9 at
2 10. Thus, it does not appear she wants or needs the Court to order another bond hearing.
3 However, Respondents do not oppose an order from this Court directing a bond hearing be
4 held pursuant to 8 U.S.C. § 1226(a) if the Court determines to award such relief.³

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6 DATED: September 3, 2026

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8 s/ Ian Pike
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23 ³ To the extent the Court issues an order directing a bond hearing under 1226(a),
24 considering heavy caseloads and staffing levels, Respondents respectfully request that such
25 order provide the government 14 days from issuance to hold such bond hearing. The Ninth
26 Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the burden is on the
27 detainee to demonstrate by a preponderance of the evidence that he is not a flight risk or
28 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).