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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN RICARDO OROZCO GUTIERREZ,

Petitioner,

v.

CHRISTOPHER CHESTNUT, ET AL.,

Respondents.

CASE NO. 1:25-CV-1920-DAD-EFB

**RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS; OPPOSITION TO
PRELIMINARY INJUNCTION; OPPOSITION
TO TEMPORARY RESTRAINING ORDER**

Petitioner is a citizen and national of Mexico who entered the United States illegally. Respondents¹ assert that Petitioner is thus an “applicant for admission” who is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2)(A). *See generally Cortes Alonzo v. Noem et al.*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D. Cal. Nov. 17, 2025); *but see Ortiz Donis v. Chestnut*, No. 1:25-CV-01228-JLT-SAB, 2025 WL 2879514, at *6–*11 (E.D. Cal. Oct. 9, 2025) (holding § 1225(b)(2)(A) inapplicable to aliens living in United States for years).

In a Minute Order, this Court directed Respondents to address whether the facts or law of this case substantively differentiated it from this Court’s decision in *Franco v. Meyer*, No. 1:25-cv-01620-DAD-CKD, 2025 WL 3280782 (E.D. Cal. Nov. 25, 2025). Respondents acknowledge that, with regards

¹ Respondents move to strike and to dismiss all unlawfully named officials under § 2241. A petitioner seeking habeas corpus relief is limited to name only the officer having custody of him as the respondent to the petition. 28 U.S.C. § 2242; *Rumsfeld v. Padilla*, 542 U.S. 426, 430 (2004); *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024) (holding, that the warden of the private detention facility at which a non-citizen alien was held was the proper § 2241 respondent).

1 to the re-detention issue covered by the cited ruling, the two cases are not substantially differentiable.
2 Respondents also note that Petitioner appears to be a member of the class which was certified by the
3 Central District's recent entry of partial final judgement in *Bautista, et al. v. Noem*, No. 5:25-CV-01873-
4 SSS-BFM, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025) (holding that class members "are not
5 subject to mandatory detention under § 1225(b)(2), and are entitled to consideration for release on bond
6 by immigration officers...."). Because the legal issues in this petition are well known to the Court,
7 Respondents do not request a hearing.

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9 Dated: January 2, 2026

ERIC GRANT
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11 By: /s/ CHARLES CAMPBELL
12 CHARLES CAMPBELL
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