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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 JOSEPH ALEXANDER
11 MANZANARES-ZELEDON,

12 Petitioner,

13 v.

14 PATRICK DIVVER, *Field Office*
15 *Director of Enforcement and Removal*
16 *Operations, San Diego Field Office,*
Immigration and Customs Enforcement,
et al.,

17 Respondents.

Case No.: 26-cv-01310-JO-VET

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

1 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has
2 carefully reviewed this petition and determined that the legal issues presented concern
3 the statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention
4 of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a), and whether Petitioner is
5 entitled to a bond hearing. While reserving all rights, including the right to appeal, the
6 government respectfully submits this abbreviated response to preserve the legal issues, to
7 conserve judicial and party resources, and to expedite the Court's consideration of this
8 matter.¹

9 The Ninth Circuit has recently stayed application of the District Court's order
10 outside of the Central District of California in *Maldonado Bautista v. Santacruz*, No.
11 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3713987 (C.D. Cal. Dec. 18,
12 2025) *See* Exhibit 5. Accordingly, it is the government's position that Petitioner is subject
13 to mandatory detention under § 1225(b), because Petitioner was present in the United
14 States without being admitted or paroled. *See Matter of Yajure Hurtado*, 29 I. & N. Dec.
15 216, 228 (BIA 2025); *see also See, e.g., Buenrostro-Mendez v. Bondi*, No. 25-20496,
16 2026 WL 323330 (5th Cir. 2026); *Valencia v. Chestnut*, --- F. Supp. 3d ---, 2025 WL
17 3205133 (E.D. Cal. Nov. 17, 2025); *Alonzo v. Noem*, --- F. Supp. 3d ----, 2025 WL
18 3208284 (E.D. Cal. Nov. 17, 2025); *Cabanas v. Bondi*, No. 4:25-cv-04830, 2025 WL
19 3171331 (S.D. Tex. Nov. 13, 2025); *Altamirano Ramos v. Lyons*, --- F. Supp. 3d ---, 2025
20 WL 3199872 (C.D. Cal. Nov. 12, 2025); *Mejia Olalde v. Noem*, No. 1:25-cv-00168-JMD,
21 2025 WL 313942 (E.D. Mo. Nov. 10, 2025); *Silva Oliveira v. Patterson*, No. 6:25-cv-
22 01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Barrios Sandoval v. Acuna*, No.
23 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Cirrus Rojas v. Olson*, No.
24 25-cv-1437-bhl, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025); *Vargas Lopez v. Trump*,
25 --- F. Supp. 3d ----, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, --- F.

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28 ¹ To the extent the Court prefers a more formal response, the government respectfully
requests an opportunity to submit within a reasonable timeframe.

1 Supp. 3d ----, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Pena v. Hyde*, No. 25-11983-
 2 NMG, 2025 WL 2108913 (D. Mass. July 28, 2025).

3 However, the government acknowledges that Courts in this District have
 4 repeatedly reached the opposite conclusion. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-
 5 2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v.*
 6 *LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025);
 7 *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025);
 8 *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, No.
 9 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v.*
 10 *LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025);
 11 *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13,
 12 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12,
 13 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13,
 14 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225);
 15 *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.
 16 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931
 17 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7
 18 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998
 19 (S.D. Cal. Nov. 13, 2025).

20 On the legal issue of which statute governs Petitioner's detention here—whether it
 21 is 8 U.S.C. § 1226(a) or 8 U.S.C. § 1225(b)—the government acknowledges that this
 22 District's prior decisions would control the result here if the Court adheres to its prior
 23 decision, as the facts are not materially distinguishable for purposes of the Court's
 24 decision on the legal issue of which statutory provision authorizes Petitioner's detention.

25 Thus, while the government does not consent to issuance of the writ and reserves
 26 all rights, including the right to appeal, and to conserve judicial and party resources
 27 while expediting the Court's consideration of this case, the government hereby relies
 28 upon, and incorporates by reference, the legal arguments it presented in those cases

1 previously adjudicated by the Court,² and submits fully herein.³

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3 DATED: March 16, 2026

4 Respectfully submitted,

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6 ADAM GORDON
7 United States Attorney

8 s/ Hunter V. Norton
9 HUNTER V. NORTON
10 Assistant United States Attorney
11 Attorney for Respondents
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17 ² Specifically, the government incorporates by reference all arguments raised in its prior
18 oppositional brief. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, ECF No.
19 15 (S.D. Cal. Nov. 5, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, ECF
20 No. 7 (S.D. Cal. Oct. 21, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, ECF No. 6
21 (S.D. Cal. Oct. 9, 2025); *Garcia v. Noem*, No. 25-cv-2180-DMS-MMP, ECF No. 5 (S.D.
22 Cal. Aug. 27, 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), ECF No. 5
23 (S.D. Cal. Oct. 15, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, ECF No.
24 4 (S.D. Cal. Nov. 20, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF
25 No. 4 (S.D. Cal. Nov. 12, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
No. 5 (S.D. Cal. Nov. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
No. 8 (S.D. Cal. Nov. 7, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 6
(S.D. Cal. Nov. 7, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, ECF
No. 11 (S.D. Cal. Nov. 14, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL,
ECF No. 3 (S.D. Cal. Nov. 8, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF
No. 4 (S.D. Cal. Nov. 20, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, ECF No. 4
(S.D. Cal. Nov. 6, 2025).

26 ³ Petitioner also challenges his detention citing violations of due process. Should the
27 Court grant the petition, it should decline to address these additional arguments. *INS v.*
28 *Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not
required to make findings on issues the decision of which is unnecessary to the results
they reach.”). However, should the court decide to address the due process claims, they
should be rejected. Here, Petitioner was only re-detained after being released because he
was arrested by local authorities for fleeing a motor vehicle accident. *See* Exhibit 1 at 3.