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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
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12 RICARDO PERALTA MONTES,

13 Petitioner,

14 v.

15 JEREMY CASEY, in his official capacity
16 as Warden of Imperial Regional Detention
Facility, et al.,

17 Respondents.
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Case No. 26-cv-02200-JLS-SBC

RESPONSE TO PETITION

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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 the
3 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of
4 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
5 the right to appeal, the government respectfully submits this abbreviated response to
6 preserve the legal issues, to conserve judicial and party resources, and to expedite the
7 Court's consideration of this matter.

8 It is the government's position that Petitioner is subject to mandatory detention under
9 8 U.S.C. § 1225(b)(2). However, the government acknowledges that this Court, and Courts
10 in this District, have repeatedly reached the opposite conclusion under the same and/or
11 similar facts. *See, e.g., Nayyer v. LaRose*, No. 25-cv-03111-AGS-DDL, ECF No. 7 (S.D.
12 Cal. Dec. 12, 2025); *Cardoso v. LaRose*, No. 25-cv-03043-BJC-VET, ECF No. 7 (S.D.
13 Cal. Dec. 12, 2025); *Lagarda-Vega v. Noem*, No. 3:25-cv-02970-GPC-DDL, 2025 WL
14 3558931 (S.D. Cal. Dec. 11, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB,
15 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *A.S. v. LaRose*, No. 25-cv-02876-RBM-
16 VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 3:25-cv-2824-
17 CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Torres v. Bondi*, No. 25-cv-
18 02457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Vasquez-Diaz v. LaRose*,
19 No. 25-cv-03038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Maceda-Garcia v.*
20 *Noem*, No. 25-cv-02968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *Amaya v. Noem*,
21 No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025); *Beltran v. Noem*,
22 No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Martinez Lopez v.*
23 *LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025);
24 *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct.
25 24, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025).

26 The government acknowledges that this Court's prior decisions will control the
27 result here if the Court adheres to its prior decisions, as the facts are not materially
28 distinguishable for purposes of the Court's decision, and on that basis the government does

1 not oppose the petition and defers to the Court on the appropriate relief.¹

2 Dated: April 14, 2026

Respectfully submitted,

3 ADAM GORDON
4 United States Attorney

5 s/ Matthew Riley
6 MATTHEW RILEY
7 Assistant United States Attorney
8 Attorney for Respondents
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27 ¹ To the extent the Court issues an order directing a bond hearing under 8 U.S.C. § 1226(a),
28 considering heavy caseloads and staffing levels, Respondents respectfully request that such
order provide the government 14 days from issuance to hold such bond hearing.