

1 ADAM GORDON  
United States Attorney  
2 TOM MERRITT  
Assistant U.S. Attorney  
3 Washington State Bar No. 27723  
Office of the U.S. Attorney  
4 880 Front Street, Room 6293  
San Diego, CA 92101-8893  
5 Telephone: (619) 546-7632  
Facsimile: (619) 546-7751  
6 Email: thomas.merritt@usdoj.gov

7 Attorneys for Respondents

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10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA

12 ROY DEDET LOPEZ-ZAVALA,  
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14 Petitioner,

15 v.

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17 PATRICK DIVVER, Field Office Director  
of ICE Enforcement and Removal  
18 Operations, San Diego Field Office, *et al.*

19 Respondents.  
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Case No.: 26-cv-02880-JO-JAC

**RETURN TO PETITION FOR A  
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 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 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this  
10 District, have repeatedly reached the opposite conclusion under the same and/or similar  
11 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D.  
12 Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL  
13 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL  
14 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025);  
15 *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct.  
16 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D.  
17 Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D.  
18 Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal.  
19 Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal.  
20 Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19,  
21 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.  
22 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931  
23 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.  
24 Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.  
25 Cal. Nov. 13, 2025).

26 The government acknowledges that this Court's prior decisions will control the result  
27 here if the Court adheres to its prior decisions, as the facts are not materially distinguishable  
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1 for purposes of the Court's decision, and on that basis the government does not oppose the  
2 petition and defers to the Court on the appropriate relief.<sup>1</sup>

3 DATED: May 14, 2026

ADAM GORDON  
United States Attorney

5 s/ Tom Merritt  
6 TOM MERRITT  
Assistant United States Attorney  
Attorney for Respondents

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<sup>1</sup> To the extent the Court issues an order directing a bond hearing under 1226(a), considering heavy caseloads and staffing levels, Respondents respectfully request that such order provide the government 14 days from issuance to hold such bond hearing.