

1 ADAM GORDON
United States Attorney
2 JACOB T. METZGER
Special Assistant U.S. Attorney
3 Ohio State Bar No. 104783
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8693
Mobile: (619) 885-2119
6 Facsimile: (619) 546-7751
Email: jacob.metzger@usdoj.gov

7 Attorneys for Respondents
8
9

10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 JUAN NICHOLAS PONCIANO,
13

14 Petitioner,

15 v.

16 WARDEN, CHRISTOPHER LAROSE,
17

18 Respondents.
19
20
21
22
23
24
25
26
27
28

Case No.: 26-cv-02922-TWR-MSB

**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
12 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025
13 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025
14 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.
15 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D.
16 Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
17 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB,
18 ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF
19 No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF
20 No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9
21 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025
22 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-
23 DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-
24 AGS-DDL, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-
25 DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 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

1 distinguishable for purposes of the Court's decision, and on that basis the government does
2 not oppose the petition nor an order from this Court directing that Petitioner receive an
3 individualized bond hearing under 8 U.S.C. Sec. 1226(a).¹

4 DATED: May 18, 2026

Respectfully submitted,

5
6 ADAM GORDON
United States Attorney

7
8 s/ Jacob T. Metzger
9 JACOB T. METZGER
Special Assistant U.S. Attorney
10 Attorney for Respondents

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ 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.