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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RODRIGO GREGORIO-RODRIGUEZ, Petitioner, v. TODD BLANCHE; *et al.*, Respondents.	Case No.: 26-cv-03314-DMS-DEB **RESPONSE TO PETITION**

Respondents, by and through counsel, hereby respond to the Petition for Writ of Habeas Corpus. When Petitioner was re-detained on May 14, 2026, he was not in removal proceedings and had been previously released from immigration custody under unspecified parole. Undersigned counsel is unable to ascertain sufficient facts at this time regarding Petitioner's previous conditions of parole. At the time Petitioner was brought into custody, it was done so under a reinstated order of removal, and Petitioner is now detained under 8 U.S.C. § 1231(a). *See* Exhibit 1. Respondents acknowledge that this Court has repeatedly found that a prior release and re-detention usually requires notice and an opportunity to respond. It is the government's position that Petitioner is properly detained under 8 U.S.C.

§ 1231(a). However, the government acknowledges that this Court, and Courts in this District, have repeatedly ordered release under the same and/or similar facts. Accordingly, if the Court adheres to its prior decisions, as the facts are not materially distinguishable for purposes of the Court's decision, then the government acknowledges that Petitioner is entitled to be released from custody pursuant to § 1231(a). *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.13(h)(1); *Ba v. Lyons*, No. 25-cv-2871-CAB-BJW, 2026 WL 218936, at *1 (S.D. Cal. Jan. 27, 2026) ("The habeas statute does not empower courts to manage ICE supervision programs.") (citing 28 U.S.C. § 2241(c)(3)); *Khachikian v. Casey*, No. 25-cv-3737-GPC-JLB, ECF No. 13 (S.D. Cal. Jan. 13, 2026) ("Ultimately, ICE has discretion to impose conditions on release.").

DATED: June 25, 2026

ADAM GORDON
United States Attorney

s/ Camille Savedra
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