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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 SELVIN JAHIR CASERES MORAN,
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Petitioner,
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v.
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17 WARDEN, *Imperial Regional Detention*
Facility,
18

Respondents.
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Case No.: 26-cv- 03580-RBM-MSB

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

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24 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has
25 carefully reviewed this petition and determined that the legal issues presented concern the
26 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of
27 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
28 the right to appeal, the government respectfully submits this abbreviated response to

1 preserve the legal issues, to conserve judicial and party resources, and to expedite the
2 Court's consideration of this matter.

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

21 Respondent's note that in Petitioner's habeas petition he contends he is entitled to
22 a bond hearing based on his rights as a member of the Bond Eligible Class certified in
23 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)." ECF No.
24 1 at 5. Specifically, the petition contains a cause of action alleging Petitioner is entitled
25 to an individualized bond hearing because he is a member of the "Bond Eligible Class"
26 defined in *Bautista*. *Id.* Petitioner is not a member of the Bond Eligible Class, however,
27 rendering this contention legally infirm.

1 On November 25, 2025, the *Baustista* court certified a nationwide class of detained
 2 noncitizens, which the *Baustista* court described as the “Bond Eligible Class.” *Bautista*,
 3 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). To be a member of the Bond Eligible
 4 Class, a person must (1) have entered the United States without inspection, (2) not have
 5 been apprehended upon arrival, and (3) not be detained under 8 U.S.C. § 1126(c), 8
 6 U.S.C. § 1125(b)(1) or 8 U.S.C. § 1231 at the time the Department of Homeland Security
 7 made its initial custody determination. *Id.* at *9.

8 Here, Petitioner entered the United States at or near Hidalgo, Texas, on or about
 9 May 30, 2021. *See* Exhibit 1. He was apprehended almost immediately, issued a Notice
 10 to Appear (NTA), and placed into § 1229a removal proceedings. *Id.* He was subsequently
 11 released from immigration custody and then re-detained on May 4, 2026 and issued a
 12 subsequent NTA. *See* ECF No. 1 at 10. At this time, Petitioner is mandatorily detained
 13 under 8 U.S.C. § 1225(b)(2).

14 Nevertheless, the government acknowledges that this Court’s prior decisions will
 15 control the result here if the Court adheres to its prior decisions, as the facts are not
 16 materially distinguishable for purposes of the Court’s decision, and on that basis the
 17 government does not oppose the petition and defers to the Court on the appropriate relief.¹

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 19 DATED: June 24, 2026

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 United States Attorney

21 *s/Danielle L. Brown*
 22 DANIELLE L. BROWN
 23 Special Assistant United States Attorney
 24 Attorney for Respondents

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