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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ABEL IRIARTES PEREZ, Petitioner, v. WARDEN, Respondent.	CASE NO. 1:26-CV-05224-KES-SAB **RESPONSE TO PETITION**

INTRODUCTION

Even if the Court concludes Immigration and Customs Enforcement (ICE) did not fully comply with 8 C.F.R. § 241.13(i), the remedy should be limited to restoring the last lawful custodial status: release on the same order of supervision that governed before February 19, 2026. Petitioner Abel Iriartes Perez was re-detained on May 31, 2026, while boarding a plane under the authority of a warrant for removal. Exh. A; Exh. B. If the Court grants release, it should not issue a broad injunction. *See Phan v. Becerra*, No. 2:25-cv-01757-DC-JDP, (E.D. Cal. July 16, 2025).

BACKGROUND

Perez is a Cuban citizen with a 2005 final order of removal. Exh. A at 3; Exh. B. He was released under orders of supervision when he could not be removed. Exh. A at 3. ICE re-detained him on February 19, 2026, after a local arrest. *Id.* ICE issued written notice revoking release; the record does not reflect a prompt informal interview. Exh. C at 8–9.

ARGUMENT

A. The remedy for any regulatory violation should be limited to restoring the status quo.

Revocation-procedure cases in this District return petitioners to their last lawful non-detained status, ordering immediate release under the same supervision conditions and declining to craft additional removal restrictions. *See Phan v. Becerra*, No. 2:25-cv-01757-DC-JDP, 2025 WL 1993735, at *6 (E.D. Cal. July 16, 2025). This tailored remedy aligns with 8 C.F.R. § 241.13(i), which safeguards process and points to release where procedures were not followed. 8 C.F.R. § 241.13(i).

CONCLUSION

If the Court finds noncompliance with § 241.13(i), it should order release on the same terms that governed before February 19, 2026, and deny broader injunctions that go beyond release.

Dated: July 29, 2026

ERIC GRANT
United States Attorney

By: /s/ JONATHAN WILLIAMS
JONATHAN WILLIAMS
Special Assistant United States Attorney

PROOF OF SERVICE

I certify that I am an employee in the Office of the United States Attorney for the Eastern District of California and a person of such age and discretion to be competent to serve papers; that on July 29, 2026, I prepared these documents for mailing and sent them to a member of the U.S. Attorney support staff to place in the United States Mail at Sacramento, California, to deliver to the addressee, at the place and address stated below, which is the last known address.

Addressee:

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