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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

LUCAS ERNESTO GARCIA JUAREZ, Petitioner, v. CHRISTOPHER J. LAROSE, et al., Respondents.	Case No.: 3:26-cv-03991-LEK-MMP **RESPONSE TO PETITION**

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. ECF No. 1. The government has carefully reviewed this petition and determined that the legal issues presented concern the statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including the right to appeal, the government respectfully submits this abbreviated response to preserve the legal issues, to conserve judicial and party resources, and to expedite the Court's consideration of this matter.

It is the government's position that Petitioner is subject to mandatory detention under § 1225(b)(2). However, the government acknowledges that based upon the allegations in the petition (ECF No. 1, ¶ 29) Petitioner appears to be a member of the Bond Eligible Class

certified in *Maldonado Bautista v. Santacruz*, 813 F. Supp. 3d 1084 (C.D. Cal. 2025). *See Id.* at 1127 (describing bond eligible class to include noncitizens who enter without inspection, not apprehended on arrival, and not subject to detention under 8 U.S.C. §§ 1225(b)(1), 1226(C), or 1231 at the time of initial custody determination). The United States Court of Appeals for the Ninth Circuit has stayed application of the *Maldonado Bautista* class certification except in the Central District of California. *See Maldonado Bautista v. U.S. Department of Homeland Security*, No. 26-1044, Order, Docket Entry #17, (9th Cir. Mar. 31, 2026) (granting stay pending appeal of district court's December 18, 2025, class certification order insofar as it extends beyond Central District of California).

However, Respondents acknowledge the prior orders from this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in similar cases. *See, e.g., Juan v. LaRose*, No. 26-cv-2099-JES-BJW. 2026 WL 1018635, *2 (S.D. Cal. April 15, 2026) (noting stay outside of Central District of California but finding *Maldonado Bautista* to be compelling persuasive authority). Respondents therefore do not oppose an order from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).[1]

In addition to asserting a claim that Petitioner's detention is subject to § 1226(a), the petition seeks to assert claims sounding in violation of the Fourth Amendment, the Due Process Clause of the Fifth Amendment, and the Administrative Procedure Act (APA). ECF 1, Page ID 19-21. Should the Court grant the petition on grounds of statutory application that Petitioner's detention is subject to § 1226(a), it should decline to address these additional arguments. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("As a general

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[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. The Ninth Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the burden is on the detainee to demonstrate by a preponderance of the evidence that he is not a flight risk or danger to the community. *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th Cir. 2022); *see also Dos Santos v. Becerra*, No. 26-cv-01423-GPC-VET, 2026 WL 800201 (S.D. Cal. Mar. 23, 2026).

rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.").

Further to the extent Petitioner asserts a claim sounding in unreasonable seizure[2] under the Fourth Amendment (ECF 1, Page ID 20-21), the Petition fails to plausibly assert why release is the remedy for such an alleged violation even if such claim could be established. *See United States v. Crews*, 445 U.S. 463, 474 (1980) (noting, in the criminal context, that Fourth Amendment's "exclusionary principle" "delimits what proof the Government may offer against the accused at trial, closing the courtroom door to evidence secured by official lawlessness," but an individual "is not himself a suppressible 'fruit'"). *See also Cruz v. Barr*, 926 F.3d 1128, 1146 (9th Cir. 2019) (dismissing removal proceedings on Fourth Amendment grounds without prejudice where court found only evidence of alienage was subject to suppression); *Obando Padilla v. Larose*, 3:26-cv-01459-RBM-JLB, 2026 WL 1002047, *4 (S.D. Cal. April 13, 2026) (rejecting release as remedy for alleged Fourth Amendment violation).

Moreover, Fourth Amendment claims related to alienage "belong in front of an Immigration Judge, not a federal district court." *See Marvan v. Slaughter*, No. CV 25-49-H-DLC, 2025 WL 1940043, at *3 (D. Mont. July 15, 2025) (denying habeas petition challenging detention based on Fourth Amendment violations for lack of subject matter jurisdiction). Petitioner cannot simply "'bypass the immigration courts and proceed directly to district court. Instead, [he] must exhaust the administrative process before [he] can access the federal courts.'" Id. at *4 (*quoting J.E.F.M. v. Lynch*, 837 F.3d 1026, 1029 (9th Cir. 2016)).

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[2] Petitioner was served with an administrative warrant (I-200) on April 8, 2026. See Exhibit 1 (redacted). 8 U.S.C. § 1357(a)(2) authorizes arrests without a warrant. Further, 8 C.F.R. § 287.3(d) provides the government 48 hours to issue a warrant if it determines that a noncitizen will remain in custody. Petitioner was thus served with an administrative warrant within 48 hours of his April 8, 2026, arrest in compliance with this regulatory process.

Finally, under 8 U.S.C. § 1252(b)(9) "[j]udicial review of all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final order under this section." Further, judicial review of a final order is available only through "a petition for review filed with an appropriate court of appeals." 8 U.S.C. § 1252(a)(5). A habeas action in this judicial forum is therefore not the proper forum to litigate Petitioner's constitutional challenge to his arrest.

In sum, Respondents do not oppose the grant of a bond hearing under § 1226(a). Respondents, however, respectfully oppose the Petition to the extent it seeks immediate release, and further to the extent it seeks relief on constitutional and APA grounds.

DATED: July 20, 2026

Respectfully submitted,

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s/ Roger G. Wright
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