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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JUAN GABRIEL LOPEZ MENDEZ, Petitioner, v. TODD BLANCHE, Acting Attorney General of the United States; *et al.*, Respondents.	Case No.: 3:26-cv-04023-AGS-MMP **RETURN TO PETITION FOR WRIT FO HABEAS CORPUS**

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. 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.

Petitioner, a 47-year-old citizen and national of Mexico, first unlawfully entered the United States in 1997 and was apprehended and deported to Mexico. *See* Exhibit 1 (Form

I-213) at 2. Immigration officials next encountered Petitioner living in Escondido, California in 2005 after Petitioner had unlawfully entered the United States a second time. *Id.* At that time, Petitioner was allowed to voluntarily return to Mexico. *Id.* After unlawfully entering the United States for a third time later in 2005, and living in the United States for 20 years without encountering immigration officials, Petitioner was recently taken into immigration custody on June 19, 2026, for removal from the United States. *Id.*

It is the government's position that Petitioner is subject to mandatory detention under § 1225(b)(2). However, the government acknowledges that 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). The Ninth Circuit has stayed application of the Order beyond the 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. 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]

DATED: July 22, 2026

Respectfully submitted,

ADAM GORDON
United States Attorney

s/ Hunter V. Norton
HUNTER V. NORTON
Assistant United States Attorney

[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).