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Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LUIS PALACIO ACOSTA,

Petitioner,

v.

WARDEN, CALIFORNIA CITY DETENTION FACILITY,

Respondents.

No. 1:26-CV-05340-RLP

OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

This case is in the category of immigration habeas cases for which the Court has typically ordered a bond hearing to determine Petitioner's suitability for release from detention pending a final order of removal. Petitioner is in pre-order detention and has criminal history. Exs. 1, 2.

Should the Court find that the detention authority is 8 U.S.C. § 1226, Respondents do not offer any opposition at this time to the Court ordering a bond hearing. Respondents would request a 14-day period in which to set the ordered bond hearing.

Respondents preserve their position is that Petitioner is subject to the mandatory pre-order detention statute, 8 U.S.C. § 1225(b). Petitioner entered the United States illegally is thus an "applicant for admission" who is subject to mandatory detention. *Joaquin Herrera Avila v. Bondi*, No. 25-3741 (8th Cir. March 25, 2026); *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at *1 (5th

Cir. Feb. 6, 2026); *see also Cortes Alonzo v. Noem*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D. Cal. Nov. 17, 2025). Petitioner does not possess a right to freedom from immigration detention in any form other than the form provided by Congress. *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953), *reaffirmed in DHS v. Thuraissigiam*, 591 U.S. 103, 139 (2020).

Respondents request to submit on this pleading without additional documentation beyond the attachments provided and request that the Court rule on the Petition in its entirety.

Dated: July 17, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

By: */s/ Sean Davis*
SEAN DAVIS
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Attorneys for Respondents