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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

WALTER YEFREY BEITA CAMPOS Petitioner, v. SIXTO MARRERO[1], et al., Respondents.	Case No.: 3:26-cv-04065-GPC-AHG **RESPONSE TO PETITION**

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. ECF No. 1. The Petition asserts that Petitioner, after having entered the United States in 2023, was detained in June 2026. ECF 1, ¶¶ 1-3. The Petition further asserts that Petitioner is pursuing an application for asylum and has been compliant with all requirements and hearings. ECF, ¶¶ 36, 43. Petitioner seeks release from detention or a bond hearing under legal theories

[1] Jeremy Casey is the current Facility Administrator for the Imperial Regional Detention Facility.

including that his detention is subject to the discretionary detention provisions of 8 U.S.C. § 1226(a), violation of substantive and procedural Due Process under the Fifth Amendment to the United States Constitution, and violation of the Administrative Procedure Act (APA). ECF 1, Page ID 9-11.

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 this Court, and Courts in this District, have repeatedly reached the opposite conclusion under the same and/or similar facts. *See, e.g.*, *Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp.3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina v. LaRose*, 812 F. Supp.3d 1073 (S.D. Cal. 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.

Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

The government acknowledges that this Court's prior decisions will control the result here if the Court adheres to its prior decisions, as the facts are not materially distinguishable for purposes of the Court's decision,[2] and on that basis the government does not oppose the petition and defers to the Court on the appropriate relief.[3]

DATED: July 21, 2026

Respectfully submitted

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s/Roger G. Wright
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[2] If the Court decides to resolve the petition on statutory application grounds, the Court should decline to address the Petition's claims sounding in violation of substantive and procedural due process, and violation of the APA. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.").

[3] Should the Court decide to issue 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. Respondents also respectfully note that 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).