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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ULISES VALDIOSERA GODINEZZ, Petitioner, VS. MARKWAYNE MULLIN, Secretary, United States Department of Homeland Security, *et al* Respondents.	Case No. 26-cv-04090-GPC-SBC **PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

I

INTRODUCTION

Respondents' Return confirms that this case presents a narrow but important question of statutory interpretation concerning the recently enacted Laken Riley Act. Significantly, Respondents no longer defend Petitioner's detention under the statutory authority challenged in the Petition. Instead, they rely exclusively upon the mandatory-detention provisions of 8 U.S.C. § 1226(c)(1)(E), asserting that Petitioner's arrest for violating California Penal Code § 496(a) automatically subjects him to mandatory detention without an individualized bond hearing.

The Government's new position cannot be reconciled with the text of the statute Congress enacted. Congress did not authorize mandatory detention for every offense involving stolen property. Rather, Congress identified a limited and carefully enumerated list of predicate offenses, including burglary, theft, larceny, shoplifting, assault of a law enforcement officer, and offenses resulting in death or serious bodily injury. More importantly, Congress expressly instructed that each of those offenses "shall have the meanings given such terms in the jurisdiction in which the acts occurred." 8 U.S.C. § 1226(c)(2). By incorporating the substantive criminal law of the relevant jurisdiction, Congress rejected a generic federal definition and directed courts to apply the law of the State where the alleged offense occurred. That statutory directive is dispositive here.

Petitioner was arrested in California for an alleged violation of California Penal Code § 496(a). Under California law, receiving stolen property is not theft. It is a separate statutory offense, containing different elements, addressing different conduct, and serving a different legislative purpose. California courts have consistently recognized that theft and receiving stolen property are distinct crimes, and California generally prohibits conviction for both offenses based upon the same property because they are mutually exclusive. Congress expressly instructed courts to apply those California definitions. Respondents' Return never acknowledges this statutory command, never analyzes California law, and never attempts to demonstrate that California defines Penal Code § 496(a) as "theft," "larceny," or any other offense enumerated in § 1226(c)(1)(E).

Instead, Respondents ask this Court to enlarge the statute beyond its text by treating every offense involving stolen property as a qualifying offense. That interpretation disregards Congress's deliberate choice of language, renders § 1226(c)(2) largely superfluous, and expands mandatory civil detention beyond the limits Congress imposed. Courts are not at liberty to rewrite statutes in the name of effectuating perceived legislative purpose. Where Congress has spoken with precision, both the Executive and the Judiciary are bound by the language Congress enacted.

The question before the Court is therefore not whether Congress could have included receiving stolen property among the offenses triggering mandatory detention. It plainly could have. The question is whether Congress actually did so. The text, structure, and incorporated California law demonstrate that it did not. Because Respondents have failed to establish that Petitioner's alleged offense falls within the narrow class of offenses enumerated by Congress, Petitioner's continued detention under § 1226(c)(1)(E) is unauthorized as a matter of law. The Petition should therefore be granted, and Respondents should be ordered to provide Petitioner with an individualized bond hearing under 8 U.S.C. § 1226(a).

II

RESPONDENTS ABANDONED THE DETENTION THEORY CHALLENGED IN THE PETITION AND NOW RELY EXCLUSIVELY UPON THE LAKEN RILEY ACT

The Petition challenged Respondents' assertion that Petitioner's detention was governed by 8 U.S.C. § 1225(b), the mandatory detention provision applicable to certain applicants for admission. Respondents' Return no longer attempts to defend that position. Instead, Respondents assert for the first time that Petitioner's detention is mandatory under the recently enacted Laken Riley Act, codified in relevant part at 8 U.S.C. § 1226(c)(1)(E), because Petitioner was arrested for an alleged violation of California Penal Code § 496(a).

That shift is significant. The statutory provisions govern different categories of noncitizens, arise from different statutory frameworks, and impose different jurisdictional and substantive requirements. By abandoning reliance upon § 1225(b), Respondents necessarily concede that Petitioner's continued detention cannot be justified under the statutory authority challenged in the Petition. The sole question remaining before this Court is therefore whether Respondents have demonstrated that Petitioner falls within the narrow class of individuals whom Congress subjected to mandatory detention under the Laken Riley Act. Respondents have not met that burden.

The Return assumes, without analysis, that an arrest for violating California Penal Code § 496(a) constitutes an arrest "for burglary, theft, larceny, [or] shoplifting" within the meaning of 8 U.S.C. § 1226(c)(1)(E). The Return contains no examination of the statutory text, no discussion of Congress's express definitional directive contained in § 1226(c)(2), and no analysis of California law governing the elements of Penal Code § 496(a). Instead, Respondents proceed directly from the existence of a California arrest to the conclusion that mandatory detention necessarily follows.

That assumption cannot substitute for statutory analysis. Mandatory detention under § 1226(c) is not triggered merely because an offense relates to stolen property. Congress identified specific predicate offenses and further directed

that those offenses "have the meanings given such terms in the jurisdiction in which the acts occurred." 8 U.S.C. § 1226(c)(2). Accordingly, Respondents bear the burden of demonstrating not only that Petitioner was arrested under California law, but that the California offense itself falls within one of the specific categories Congress enumerated.

The Return makes no such showing. It never contends that California defines Penal Code § 496(a) as theft. It never compares the statutory elements of § 496(a) with California's theft statutes. Nor does it explain why Congress's express incorporation of state-law definitions should be disregarded. Instead, Respondents effectively ask the Court to equate any offense involving stolen property with theft for purposes of mandatory detention. That interpretation finds no support in the statutory language enacted by Congress.

Because Respondents have abandoned the detention theory originally advanced and now rely exclusively upon a different statutory provision, the legality of Petitioner's continued detention turns upon a single issue of statutory interpretation: whether California Penal Code § 496(a) constitutes one of the offenses enumerated in 8 U.S.C. § 1226(c)(1)(E), as those offenses are defined by California law pursuant to § 1226(c)(2). As demonstrated below, the answer is no.

III

RESPONDENTS BEAR THE BURDEN OF ESTABLISHING THAT PETITIONER FALLS WITHIN THE NARROW CLASS OF NONCITIZENS SUBJECT TO MANDATORY DETENTION

The Immigration and Nationality Act establishes discretionary detention under 8 U.S.C. § 1226(a) as the general rule for noncitizens detained during the pendency of removal proceedings. Mandatory detention under § 1226(c), by contrast, constitutes a carefully circumscribed exception applicable only to those individuals who satisfy the precise statutory criteria enacted by Congress. Because mandatory detention deprives a noncitizen of any opportunity to obtain an individualized bond determination, Respondents bear the burden of demonstrating that Petitioner falls squarely within the statute's limited scope.

The Supreme Court has consistently described § 1226(c) as a narrow exception to the ordinary framework governing immigration detention. In *Demore v. Kim*, 538 U.S. 510 (2003), the Court upheld mandatory detention only as applied to "a limited category of deportable criminal aliens" specifically identified by Congress. *Id.* at 517–18. Likewise, in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the Court explained that mandatory detention exists only for those noncitizens who fall within the categories expressly described by the statute. Neither decision authorizes courts or the Executive Branch to enlarge those categories beyond the language enacted by Congress.

IV

CONGRESS DELIBERATELY LIMITED MANDATORY DETENTION TO SPECIFIC ENUMERATED OFFENSES AND EXPRESSLY INCORPORATED THE CRIMINAL LAW OF THE JURISDICTION WHERE THE CONDUCT OCCURRED

The question before the Court is one of statutory interpretation. Specifically, the Court must determine whether Congress authorized mandatory detention for an individual arrested under California Penal Code § 496(a). That inquiry begins, as it must, with the statutory text.

Section 1226(c)(1)(E), as amended by the Laken Riley Act, identifies a discrete and carefully defined class of offenses that trigger mandatory detention. Rather than adopting a broad category encompassing all property crimes or all offenses involving stolen property, Congress enumerated specific offenses: burglary, theft, larceny, shoplifting, assault of a law enforcement officer, and offenses resulting in death or serious bodily injury. Congress could easily have employed broader language had it intended to subject every theft-related offense to mandatory detention. It did not. That deliberate choice is controlling.

The Supreme Court has repeatedly instructed that courts must presume Congress "says in a statute what it means and means in a statute what it says there." *Connecticut National Bank v. Germain*, 503 U.S. 249, 253-54 (1992). Likewise, where Congress includes particular language while omitting other

language, courts presume the omission was intentional. *Russello v. United States*, 464 U.S. 16, 23 (1983). Those principles carry particular force here because Congress enacted a statute authorizing mandatory civil detention—a significant deprivation of liberty that applies only under carefully prescribed circumstances.

The statutory language reflects a deliberate legislative judgment. Congress did not authorize mandatory detention for offenses "relating to theft," "involving stolen property," or "arising from stolen property." Nor did Congress employ broader terms such as "property crimes," "dishonesty offenses," or similar catchall language. Instead, Congress identified a finite list of predicate offenses and confined mandatory detention to those offenses alone.

Congress's statutory analysis, however, did not end with identifying the qualifying offenses. Congress also expressly instructed courts how those offenses are to be defined.

Unlike many provisions of the Immigration and Nationality Act, Congress declined to adopt uniform federal definitions for the enumerated offenses. Instead, it expressly provided that the terms "burglary," "theft," "larceny," "shoplifting," "assault of a law enforcement officer," and "serious bodily injury" "have the meanings given such terms in the jurisdiction in which the acts occurred." 8 U.S.C. § 1226(c)(2). That language is unequivocal.

By enacting § 1226(c)(2), Congress rejected a generic federal definition and instead incorporated the substantive criminal law of the jurisdiction where the alleged conduct occurred. Criminal offenses bearing the same title frequently differ among the several States, and Congress recognized that reality by directing courts to apply the definitions supplied by the jurisdiction in which the conduct occurred. The Court must therefore give effect to Congress's chosen methodology rather than substitute one of its own.

That statutory directive is significant because it gives independent meaning to every part of the statute. Courts have long recognized that they must "give effect, if possible, to every clause and word of a statute." *Duncan v. Walker*, 533 U.S. 167, 174 (2001). Likewise, statutes should be construed so that "no clause, sentence, or word shall be superfluous, void, or insignificant." *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001). If courts were free to characterize any offense involving stolen property as "theft" according to a generalized federal understanding, Congress's express command to apply the definitions supplied by the relevant jurisdiction would become meaningless. Courts are not at liberty to adopt a construction that nullifies operative statutory language.

The legislative history reinforces that conclusion. As reflected in Petitioner's research memorandum, Congress repeatedly revised the list of qualifying offenses during consideration of the Laken Riley Act while simultaneously retaining the

jurisdiction-specific definition provision now codified in § 1226(c)(2). Congress therefore chose precision over breadth. Although it expanded the list of qualifying offenses during the legislative process, it never added receiving stolen property, possession of stolen property, or other theft-related offenses to the statute. That omission is presumed intentional under settled principles of statutory interpretation.

Respondents' interpretation cannot be reconciled with this statutory framework. The Return identifies Petitioner's arrest under California Penal Code § 496(a) and immediately concludes that mandatory detention applies. It never analyzes § 1226(c)(2). It never examines how California defines theft. It never considers whether California itself defines receiving stolen property as theft. Instead, Respondents simply assume that because Petitioner's alleged offense involves stolen property, it necessarily falls within the federal statute.

But Congress did not authorize courts to determine whether an offense is merely "theft-like" or factually related to theft. Nor did Congress direct courts to apply a generalized federal conception of theft untethered from state law. Rather, Congress instructed courts to determine whether the offense constitutes one of the enumerated crimes as defined by the jurisdiction where the conduct occurred.

Because Petitioner's alleged offense arose in California, California law supplies the governing definitions. The dispositive inquiry therefore is not whether

California Penal Code § 496(a) resembles theft in some abstract sense. The question is whether California itself defines receiving stolen property as "theft," "larceny," "shoplifting," or another offense specifically enumerated in § 1226(c)(1)(E).

As the following section demonstrates, California has long recognized that theft and receiving stolen property are separate statutory offenses, requiring different elements of proof, addressing different criminal conduct, and serving different legislative purposes. Congress expressly instructed courts to apply those California definitions. Once that statutory directive is honored, Respondents' theory necessarily fails

V

CALIFORNIA LAW RECOGNIZES RECEIVING STOLEN PROPERTY AS A SEPARATE AND DISTINCT OFFENSE FROM THEFT

Congress expressly directed that the offenses enumerated in 8 U.S.C. § 1226(c)(1)(E) "have the meanings given such terms in the jurisdiction in which the acts occurred." 8 U.S.C. § 1226(c)(2). Accordingly, the dispositive inquiry is not whether California Penal Code § 496(a) bears some conceptual relationship to theft. Rather, the Court must determine whether California law itself defines receiving stolen property as "theft."

California law answers that question unequivocally: it does not.

For well over a century, California has maintained a deliberate statutory distinction between theft and receiving stolen property. The Legislature has consistently treated the offenses as addressing different criminal conduct committed by different actors at different stages of the criminal enterprise. Theft punishes the unlawful taking of property from its owner. Receiving stolen property, by contrast, punishes the knowing receipt, concealment, withholding, sale, or disposition of property that has already been stolen. Cal. Penal Code § 496(a). The gravamen of the offense is therefore not the original taking, but the subsequent trafficking or possession of property after the theft has been completed. That distinction is reflected throughout California's Penal Code.

The offense of theft is defined principally in Penal Code section 484 and punished through the related theft statutes, including section 487. Receiving stolen property, however, is codified separately in Penal Code section 496(a), contains materially different statutory elements, and addresses conduct that is temporally and legally distinct from the completed theft. California's pattern jury instructions likewise recognize this distinction. CALCRIM No. 1800 requires proof that the defendant unlawfully took another's property with the requisite intent to permanently deprive the owner of possession. CALCRIM No. 1750, by contrast, requires proof that the defendant knowingly received, concealed, withheld, sold, or

aided in concealing property that had already been stolen. The instructions require proof of different elements because California law defines different crimes.

The California Supreme Court has repeatedly confirmed that statutory distinction. In *People v. Jaramillo*, 16 Cal. 3d 752 (1976), the Court reaffirmed the longstanding common-law rule that a defendant generally may not be convicted both of stealing property and of receiving that same property. The Court explained that the receiving statute was intended to punish a different class of offenders than the theft statutes and recognized that theft and receiving stolen property are separate crimes with distinct statutory purposes. *Id.* at 757-760.

The Legislature later amended Penal Code section 496 to permit multiple convictions in certain limited circumstances. See Stats. 1992, ch. 1146, § 1. Significantly, however, that amendment did not merge the two offenses or redefine receiving stolen property as theft. Rather, it altered only the circumstances under which multiple convictions could be sustained. The California Supreme Court has continued to recognize that theft and receiving stolen property remain distinct statutory offenses requiring proof of different elements.

In *People v. Allen*, 21 Cal. 4th 846 (1999), the Court examined the 1992 amendment and explained that, although the Legislature modified the rule governing multiple convictions, it did not eliminate the fundamental distinction between the crimes themselves. The Court recognized that receiving stolen

property continues to criminalize conduct occurring after the completed theft and remains analytically distinct from the unlawful taking of property. *Id.* at 857-863.

The Court reaffirmed those principles in *People v. Garza*, 35 Cal. 4th 866 (2005). There, the California Supreme Court again emphasized that theft and receiving stolen property address different criminal acts. Although both offenses involve stolen property, the Court explained that receiving stolen property punishes conduct occurring after the theft has been completed and therefore requires a separate statutory analysis. *Id.* at 871-876. The Court's reasoning reflects California's consistent understanding that section 496(a) is not simply another theft statute; it is an independent offense serving a different legislative purpose.

California appellate courts have likewise continued to recognize that distinction. The offense defined in section 496(a) is directed toward those who knowingly facilitate the movement, concealment, or disposition of stolen property after the theft has occurred, thereby discouraging the secondary market for stolen goods. The theft statutes, by contrast, punish the initial unlawful deprivation of property. Although the offenses may arise from related facts, California law has never treated them as legally interchangeable.

That distinction is controlling because Congress made it controlling. Congress did not ask federal courts to determine whether an offense resembles theft or shares common factual characteristics with theft. Congress instead

instructed courts to apply "the meanings given such terms in the jurisdiction in which the acts occurred." 8 U.S.C. § 1226(c)(2). By doing so, Congress incorporated California's substantive criminal law into the operation of the federal detention statute. California's definitions therefore supply the rule of decision in this case.

Respondents' Return never engages that inquiry. It identifies Petitioner's arrest under Penal Code section 496(a) and simply assumes that mandatory detention follows because the offense involves stolen property. But Congress did not authorize detention based upon offenses that merely relate to stolen property. Congress incorporated California's legal definitions, and California has consistently recognized that receiving stolen property is not theft.

Accepting Respondents' interpretation would effectively rewrite both federal and California law. It would collapse two distinct California offenses into a single federal category, notwithstanding California's separate statutory provisions, separate elements, separate jury instructions, and decades of California Supreme Court precedent recognizing their distinct legal character. Such a construction would also nullify Congress's express directive in § 1226(c)(2), replacing the jurisdiction-specific definitions Congress adopted with a generalized federal standard that Congress deliberately declined to enact.

Thus, because California law defines Penal Code section 496(a) as a separate and distinct offense from theft, Respondents cannot establish that Petitioner's alleged offense falls within the narrow class of crimes enumerated in § 1226(c)(1)(E). Petitioner's detention therefore cannot be sustained under the mandatory-detention provisions of the Laken Riley Act.

VI
RESPONDENTS' INTERPRETATION CANNOT BE RECONCILED WITH SETTLED PRINCIPLES OF STATUTORY CONSTRUCTION

The Government's interpretation is inconsistent not only with the text of the Laken Riley Act and California law, but also with the well-established principles governing the interpretation of federal statutes. Each applicable canon of construction confirms that Congress did not authorize mandatory detention based upon Petitioner's alleged violation of California Penal Code § 496(a).

The Supreme Court has repeatedly instructed that statutory interpretation begins with the language Congress enacted. "*When the words of a statute are unambiguous, then, this first canon is also the last: judicial inquiry is complete.*" *Connecticut National Bank v. Germain*, 503 U.S. 249, 254 (1992). Courts are not free to disregard the statutory text in favor of perceived legislative objectives or broader policy concerns.

That principle is particularly important where, as here, Congress enacted a statute authorizing mandatory civil detention. Because mandatory detention

constitutes a substantial deprivation of liberty, the Court must apply the statute as written rather than as the Executive believes it should have been written.

First, Respondents' interpretation violates the canon of *expressio unius est exclusio alterius*. Congress specifically enumerated burglary, theft, larceny, shoplifting, assault of a law enforcement officer, and offenses resulting in death or serious bodily injury. It did not include receiving stolen property.

The Supreme Court has long recognized that where Congress expressly includes certain items while omitting others, courts presume that the omission was intentional. *Russello v. United States*, 464 U.S. 16, 23 (1983). Had Congress intended to include receiving stolen property, possession of stolen property, or other theft-related offenses, it knew precisely how to do so. Indeed, Congress amended the bill during the legislative process to expand the list of qualifying offenses, demonstrating that it considered which crimes should trigger mandatory detention. Yet despite those revisions, Congress never added California Penal Code § 496(a) or analogous receiving stolen property offenses.

Second, Respondents' interpretation violates the rule against surplusage. Courts must "give effect, if possible, to every clause and word of a statute." *Duncan v. Walker*, 533 U.S. 167, 174 (2001). Likewise, statutes should be construed so that "no clause, sentence, or word shall be superfluous, void, or insignificant." *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001).

Congress expressly provided that the enumerated offenses "have the meanings given such terms in the jurisdiction in which the acts occurred." 8 U.S.C. § 1226(c)(2). Respondents' interpretation effectively reads that provision out of the statute. If courts may simply characterize any offense involving stolen property as "theft," regardless of how the relevant State defines the offense, Congress's jurisdiction-specific definition becomes meaningless. Courts are obligated to avoid constructions that nullify operative statutory language.

Third, Respondents' interpretation disregards Congress's deliberate use of established legal terminology. When Congress employs words or phrases with settled legal meanings, courts presume that Congress intended those accepted meanings. *Morissette v. United States*, 342 U.S. 246, 263 (1952). Here, Congress selected well-established criminal offenses and then expressly instructed courts where to find their meaning. Rather than honoring that directive, Respondents ask the Court to replace Congress's chosen definitions with a generalized federal concept of theft untethered from the statutory text.

Fourth, Respondents' interpretation is inconsistent with the principle that statutory terms must be construed consistently throughout the statute. As the Supreme Court explained in *Clark v. Martinez*, 543 U.S. 371, 378 (2005), identical statutory language must ordinarily carry the same meaning wherever it appears. Section 1226(c)(2) supplies the definitions governing § 1226(c)(1)(E). Those

definitions cannot be ignored in one subsection while applied in another. The statute must be read as an integrated whole.

Finally, Respondents' construction would effectively amend the statute by judicial interpretation. The Supreme Court has repeatedly rejected efforts to rewrite statutes under the guise of interpretation. "It is beyond our province to rescue Congress from its drafting errors, and to provide for what we might think...is the preferred result." *Lamie v. United States Trustee*, 540 U.S. 526, 542 (2004). Likewise, courts "are not at liberty to rewrite the statute passed by Congress and signed by the President." *Dodd v. United States*, 545 U.S. 353, 359 (2005).

That principle has particular force here. Congress unquestionably possessed the authority to include receiving stolen property among the offenses triggering mandatory detention. It simply did not do so. Nor is there any textual basis for expanding the term "theft" to encompass offenses that California itself treats as separate crimes, especially after Congress expressly directed courts to apply California's definitions.

Respondents' interpretation therefore requires the Court to perform precisely what the Supreme Court has forbidden: enlarge the scope of a federal statute beyond the language Congress enacted. Every traditional canon of statutory interpretation points to the same conclusion. Congress limited mandatory detention to specifically enumerated offenses, incorporated the criminal law of the

jurisdiction where the conduct occurred, and omitted receiving stolen property from the list of qualifying offenses. The Court should give effect to those deliberate legislative choices rather than replace them with a broader policy judgment not reflected in the statutory text.

VII

CONCLUSION

This case presents a straightforward question of statutory interpretation. Respondents seek to subject Petitioner to mandatory detention under the Laken Riley Act based upon an alleged violation of California Penal Code § 496(a). Congress, however, did not authorize mandatory detention for every offense involving stolen property. Instead, it identified a limited list of qualifying offenses and expressly directed that those offenses "have the meanings given such terms in the jurisdiction in which the acts occurred." 8 U.S.C. § 1226(c)(2).

California law controls that inquiry because Congress made it controlling.

For decades, California has consistently recognized that theft and receiving stolen property are separate statutory offenses addressing different criminal conduct, requiring different elements of proof, and serving different legislative purposes. California has never defined Penal Code § 496(a) as theft. Congress expressly incorporated those California definitions into the operation of § 1226(c). Respondents nevertheless ask this Court to disregard both California law and

Congress's express directive by treating every offense involving stolen property as though it were theft. The statute does not permit that result.

Neither the text of the Laken Riley Act, its structure, its legislative history, nor the settled principles of statutory construction support Respondents' expansive interpretation. To the contrary, each confirms that Congress deliberately limited mandatory detention to specifically enumerated offenses and chose to define those offenses according to the law of the jurisdiction where the conduct occurred. Respondents have failed to demonstrate that Petitioner's alleged violation of California Penal Code § 496(a) falls within any offense enumerated in § 1226(c)(1)(E). They therefore have not established that Petitioner's detention is authorized under the mandatory-detention provisions of the Immigration and Nationality Act.

Because this case may be resolved on ordinary principles of statutory interpretation, the Court need not reach the serious constitutional questions that would arise from expanding mandatory civil detention beyond the limits Congress expressly enacted. The Court should instead give effect to the statute as written and decline Respondents' invitation to enlarge the scope of § 1226(c)(1)(E) through judicial construction.

For the foregoing reasons, Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas Corpus, declare that Petitioner's detention is

not authorized under 8 U.S.C. § 1226(c)(1)(E), and order Respondents to provide Petitioner with an individualized custody determination under 8 U.S.C. § 1226(a) before an Immigration Judge within a time certain, or such other relief as the Court deems just and proper.

Dated this 24th day of July, 2026.

Respectfully submitted,

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