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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JONATHAN ALEJANDRO CHUQUI MAYANCELA, Petitioner, v. SIXTO MARRERO[1]; et al., Respondents.	Case No.: 3:26-CV-04310-RSH-DDL **RESPONSE TO PETITION**

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. ECF No. 1. The petition asserts that Petitioner entered the United States in 2021, was apprehended, released from custody, and again detained. ECF 1, ¶¶ 16-17, 22. On July 30, 2026, the Ninth Circuit held and clarified that unadmitted aliens present in the interior of the United States are subject to 8 U.S.C. § 1226 and not subject to 8 U.S.C. § 1225. *Rodriguez Vazquez v. Bostock*, No. 25-6842, --- F.4th ---, 2026 WL 2196424 (9th Cir. July 30, 2026). As

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

Petitioner is an unadmitted alien present in the interior of the United States, the government acknowledges that Petitioner is subject to detention under 8 U.S.C. § 1226(a). Accordingly,[2] the government does not oppose the petition and defers to the Court on the appropriate relief.[3]

DATED: August 3, 2026

Respectfully submitted,

ADAM GORDON
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s/Roger G. Wright
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[2] Petitioner asserts a due process claim. ECF 1, Page ID 5. Should the Court grant the petition on statutory or regulatory application grounds, it should decline to address this additional argument. *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] 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. 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).