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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JUNIOR JACQUENET SAINTIL Petitioner, v. CHRISTOPHER LAROSE, Warden. Otay Mesa Detention Center, *et al.*. Respondents.	Case No.: 26-cv-04635-CAB-GC **RESPONSE TO PETITION**

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). 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 was previously released from immigration custody on parole issued under 8 U.S.C. § 1182(d)(5). Respondents have insufficient information regarding termination of that parole, pursuant to 8 C.F.R. § 212.5(e)(2), to provide to the Court. It is the government's position that Petitioner is subject to mandatory detention under § 1225(b)(2). Further, *Rodriguez Vazquez v. Bostock*, No. 25-6842, --- F.4th ---, 2026 WL 2196424 (9th Cir. July 30, 2026), is inapplicable to Petitioner. *See id.* at *7 ("Unlike with detention under § 1226, detention under both § 1225(b)(1) and (2) is mandatory and affords no opportunity for release on bond.").[1]

However, the government acknowledges that this Court's prior decisions will control the result here if the Court adheres to its prior decisions. *See, e.g.*, *Noori v. LaRose*, 807 F. Supp. 3d 1146 (S.D. Cal. 2025); *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*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB,

[1] Parole under § 1182(d)(5)(A) is "temporar[y] under such conditions as [DHS] may prescribe." Further, parole under § 1182(d)(5)(A) "shall not be regarded as an admission." If such parole expires or is terminated "when the purposes of such parole shall ... have been served," § 1182(d)(5)(A) provides that the alien shall be returned to "the custody from which he was paroled," and the detention authority would accordingly revert to the applicable § 1225(b) provision. 8 U.S.C. § 1182(d)(5)(A) ("[T]he alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States."); *see Matter of Q. Li*, 29 I. & N. Dec. 66, 69–70 (BIA 2025) (holding that an alien who is released from detention pursuant to a grant of parole under § 1182(d)(5)(A), and whose grant of parole is subsequently terminated, is returned to custody under § 1225(b) pending the completion of removal proceedings) (citing 8 C.F.R. § 212.5(e)(2)(i) (2025)).

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).

Accordingly,[2] the government does not oppose the petition and defers to the Court on the appropriate relief.[3]

DATED: August 19, 2026

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[2]Should the Court grant the petition, it need not address due process arguments. *See Nw. Austin Mun. Util. Dist. No. One v. Holder*, 557 U.S. 193, 205 (2009) ("normally the Court will not decide a constitutional question if there is some other ground upon which to dispose of the case" (quotation and citation omitted)).

[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.