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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOHN CALITO VRAMBLIN,

Petitioner,

v.

CHRISTOPHER J. LAROSE,

Respondents.

Case No.: 26-cv-04777-JO-GC

RESPONSE TO PETITION

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. 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 --- (9th Cir. July 30, 2026). As 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). The government also acknowledges that Petitioner was previously released from immigration custody on parole issued under 8 U.S.C. § 1182(d)(5). Respondents currently have insufficient information regarding termination of that parole, pursuant to 8 C.F.R. § 212.5(e)(2), to provide to the Court.[1] Accordingly, the government does not oppose the petition and defers to the Court on the appropriate relief.[2]

Regarding the Court's August 21, 2026 Order directing Respondents to "identify and address any individualized concerns regarding Petitioner's danger to the community or flight risk". *See* ECF No. 3. Respondents provide that on August 10, 2026, Petitioner was arrested under California Penal § 243(e)(1) – Domestic Battery. Exhibit 1 (I213). Respondents further provide that Petitioner had temporary protected status (TPS) at one point, but his TPS has expired. *Id.*

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[1] Petitioner also challenges his detention citing violations of the Administrative Procedure Act, and Due Process. Should the Court grant the petition, it should decline to address these additional arguments. *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.").

[2] 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).

DATED: August 28, 2026

ADAM GORDON
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s/ Antonio Estrada
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