

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GABRIEL H. DELGADO VILLEGAS,

Petitioner,

v.

No. 2:25-cv-06143

PAMELA BONDI,
ATTORNEY GENERAL OF THE
UNITED STATES OF AMERICA ET AL.,

Respondents.

RESPONSE TO PETITIONER'S SECOND STATUS REPORT

As directed by the Court in its Order of December 3, 2025 (ECF No. 9), on December 10, 2025, petitioner was provided with a bond hearing in accordance with 8 U.S.C. § 1226(a), and the opportunity to appeal that decision. Petitioner's appeal—if timely made by January 9, 2026—will be heard by the Board of Immigration Appeals (BIA) in accordance with the applicable regulatory framework and consistent with this Court's Order. *See, e.g.*, 8 CFR § 1003.3.

In his second Status Report (ECF No. 14), Petitioner renews his request that the Court short-circuit this established appellate process that the Court, in its December 3, 2025 Order, directed that the parties follow. With the Board of Immigration Appeals yet to consider any appeal that Petitioner might pursue, Petitioner's request for additional relief remains premature for the reasons set forth in Respondents' previous submission on this issue. *See* ECF No. 12.

The additional materials that Petitioner submits in support of his renewed request do not alter this analysis.

First, as confirmed in the transcript of the proceedings, Petitioner, through counsel, was provided a full and fair opportunity to present evidence to the immigration court. During the hearing, the Immigration Judge indicated that she considered the evidence and outlined her decision on why she found Petitioner to be a flight risk. *See* Petitioner's Second Status Report, ECF No. 14, at Ex. 1. In his 25 years in the United States, Petitioner has not attempted to legalize his status. He submitted no evidence of continuous employment or continued residence, and submitted no tax returns to document reported income. Petitioner's spouse is here illegally—a mitigating factor to any influence of the presence of Petitioner's children in the country. The Immigration Judge's review of Petitioner's cancellation application showed no evidence of exceptional or extremely unusual hardship, which is a requisite for 42B cancellation relief to be granted.

Second, the anecdotes that Petitioner submits from counsel to other petitioners in matters in other courts and before other immigration judges should bear no evidentiary weight here. And contrary to these selective statements, of the recent influx of habeas petitions brought in the Eastern District of Pennsylvania in which the Court has ordered a bond hearing, bond has been granted in six cases and denied in four; two bond hearings have yet to occur. Petitioner's suggestion that bond hearings are uniformly fundamentally unfair is not born out by experience in this district.

Lastly, the December 18, 2025, decision by the U.S. District Court for the Central District of California in *Maldonado Bautista, et al. v. Santacruz Jr., et al.*, No. 25-cv-01873, Doc. No. 94 (Petitioner's Ex. 7), should likewise have no bearing here. The United States has noticed an appeal in that case and believes (1) the district court lacked jurisdiction to issue injunctive relief outside the district, (2) it would be inappropriate to give preclusive effect to a declaratory judgment that is on appeal, and (3) the circumstances here – including that this case arises in the habeas context – makes it a poor vehicle for invoking issue preclusion.

That Petitioner is dissatisfied with the outcome of the bond hearing he requested does not make it unconstitutional, and the Board of Immigration Appeals is the proper tribunal to consider the merits of his appeal. For these reasons, respondents respectfully submit that no further action by the Court is required at this time.

Respectfully submitted,

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Counsel for Respondents

Dated: January 6, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this date, I filed the foregoing Response to Petitioner's Second Status Report via the Court's Case Management/Electronic Case Filing System, thereby making it available for viewing and download by all parties to the case.

/s/ Lauren DeBruicker
Lauren DeBruicker
Assistant United States Attorney

Dated: January 6, 2026