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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 DARIEN RODRIGUEZ FERNANDEZ,

12 Petitioner,

13 v.

14 KRISTI NOEM, *et al.*,

15 Respondents.
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Case No.: 3:25-cv-03399-DMS-KSC

**RESPONDENTS' SUPPLEMENTAL
RESPONSE TO PETITIONER'S
HABEAS PETITION**

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1 In light of the final judgment entered in *Maldonado Bautista v. Santacruz*, No.
2 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20,
3 2025), Respondents provide this supplemental brief.

4 On July 8, 2025, the Department of Homeland Security (“DHS”) instituted a
5 notice titled “Interim Guidance Regarding Detention Authority for Applicants for
6 Admission” (the “Notice”) requiring, in general, that anyone arrested in the United
7 States and charged with being inadmissible to be considered an “applicant for
8 admission” under 8 U.S.C. § 1225(b)(2)(A), subject to mandatory detention under 8
9 U.S.C. § 1225(b)(2)(A) and not subject to detention under 8 U.S.C. § 1226(a).

10 In *Bautista*, the district court declared the Notice unlawful under the
11 Administrative Procedures Act but did not issue a final judgment. On December 18,
12 2025, however, the *Bautista* court entered final judgement. *Bautista*, ECF No. 94.
13 Accordingly, Respondents acknowledge that Petitioner is detained under 8 U.S.C.
14 § 1226(a) and is entitled to an order from this Court directing a bond hearing be held
15 pursuant to 8 U.S.C. § 1226(a).

16 Respondents reserve the right to supplement this response in the event of a stay
17 of enforcement of the *Bautista* final judgment, appellate relief, or a change in DHS
18 policy.

19 DATED: December 22, 2025

Respectfully submitted,

ADAM GORDON
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