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11 UNITED STATES DISTRICT COURT  
 12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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 15 PEDRO GARCIA DUARTE,  
 16 Petitioner,  
 17 v.  
 18 WARDEN OF ADELANTO  
 DETENTION FACILITY, *et al.*,  
 19 Respondents.  
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No. 5:25-cv-03319-SPG-KES  
**FEDERAL RESPONDENTS' ANSWER  
 TO HABEAS PETITION**  
 Hon. Sherilyn Peace Garnett  
 United States District Judge

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**RESPONDENTS' ANSWER TO HABEAS PETITION**

**I. INTRODUCTION**

For the same reasons and evidence presented in Respondents' Opposition to Motion for Temporary Restraining Order and Immediate Release (Dkt. 7), which are reiterated below, the Petition should be denied. Petitioner seeks federal habeas relief compelling the Executive Office for Immigration Review ("EOIR") to conduct a bond hearing under 8 U.S.C. § 1226(a) or for the United States ("U.S.") Department of Homeland Security ("DHS") to release him.

With respect to Petitioner's request for a bond hearing under Section 1226(a), on December 18, 2025, Judge Sykes entered final judgment in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM. Respondents acknowledge that Petitioner's claim in this action as to his entitlement to a bond hearing appears to be subject to the *Bautista* judgment.

With respect to Petitioner's claims concern the adequacy of medical care, the Court has no habeas jurisdiction to hear those claims. Third, notwithstanding the lack of habeas jurisdiction over claims of inadequate medical care or conditions of confinement, Petitioner is receiving adequate medical care as evidenced by the 257 pages of medical records showing daily medical encounters attached hereto as Exhibit A.

**II. ARGUMENT**

**A. Petitioner's Request for a Bond Hearing**

Petitioner appears to be a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). On December 18, 2025, the *Bautista* court entered final judgment as to the Bond Eligible Class. *See Bautista*, ECF No. 94. A notice of appeal was then filed by the *Bautista* defendants on December 18, 2025, ECF No. 95.

Accordingly, Respondents acknowledge that Petitioner's claims in this action as to his entitlement to a bond hearing appears to be subject to the *Bautista* judgment and to any applicable appellate proceedings relating to it. To the extent Petitioner seeks an

1 order requiring such a bond hearing here, it should be consistent with what Courts in this  
2 District have generally ordered in similar cases, which is to require such a hearing be  
3 held within seven (7) days.

4 **B. To the Extent the Petition Asserts Claims Based on Allegedly**  
5 **Inadequate Medical Care, Those Claims Do Not Sound in Habeas.**

6 Petitioner makes claims regarding allegedly inadequate medical care while he has  
7 been in detention. However, such claims do not sound in habeas. *See Pinson v. Carvajal*,  
8 69 F.4th 1059, 1069, 1073 (9th Cir. 2023) (claim “based on the deliberate failure to  
9 deliver adequate medical care .... neither goes to the fact of [Petitioner’s] confinement  
10 nor would require immediate release if successful [and] is outside the core of habeas.”).  
11 Thus, to the extent Petitioner’s claims are based on his receipt of allegedly inadequate  
12 medical care, those claims are not properly raised in the Petition and must be dismissed.

13 **C. Petitioner is in Fact Receiving Adequate Medical Care**

14 Notwithstanding that Petitioner cannot bring a habeas claim regarding allegedly  
15 inadequate medical care or conditions of confinement, Respondents are providing  
16 Petitioner with adequate medical care. Respondents attach 257 pages of medical records  
17 showing that Petitioner is provided with daily medication, has his vital signs recorded  
18 and monitored each day, and that medical providers (including outside medical  
19 providers) are caring for and monitoring Petitioner’s colostomy appliance.

20 **III. CONCLUSION**

21 Petitioner’s habeas petition should be denied. Should the Court nonetheless grant  
22 it, however, the relief should be limited to what other Judges in this District have  
23 generally issued in similar cases, consistent with this Court’s ruling in *Bautista*:  
24 Requiring release unless a Section 1226(a) bond hearing is provided within seven (7)  
25 days.

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Dated: December 20, 2025

Respectfully submitted,

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\* The undersigned, counsel of record for the Federal Respondents certifies that this brief contains 591 words, which complies with the word limit of L.R. 11-6.1.