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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ALEJANDRO GARCIA PEREZ,
11 Petitioner,

12 v.

13 U.S. IMMIGRATION AND CUSTOMS
14 ENFORCEMENT, *et al.*,
15 Respondents.

Case No.: 3:25-cv-03584-BAS-JLB
**RESPONDENTS' RESPONSE TO
PETITIONER'S HABEAS PETITION**

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

7 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp.
8 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the
9 Notice unlawful under the Administrative Procedures Act but did not issue a final
10 judgment. On December 18, 2025, however, the *Bautista* court entered final judgement.
11 *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that Petitioner is
12 detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing
13 a bond hearing be held pursuant to 8 U.S.C. § 1226(a).

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

17
18 DATED: December 22, 2025

Respectfully submitted,

ADAM GORDON
United States Attorney

s/ Alyssa Sanderson
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