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

11 JERRY OSAZEE OSARETIN,
12

13 Petitioners,

14 v.

15 WARDEN, OTAY MESA DETENTION
16 CENTER,

17 Respondent.
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Case No.: 25-cv-3612-JES-MSB

RESPONSE TO PETITION

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1 On July 8, 2025, the Department of Homeland Security (“DHS”) instituted a notice
2 titled “Interim Guidance Regarding Detention Authority for Applicants for Admission”
3 (the “Notice”) requiring, in general, that anyone arrested in the United States and charged
4 with being inadmissible to be considered an “applicant for admission” under 8 U.S.C.
5 § 1225(b)(2)(A), subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and not
6 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. 3d
8 ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the Notice
9 unlawful under the Administrative Procedures Act but did not issue a final judgment. On
10 December 18, 2025, however, the *Bautista* court entered final judgement. *Bautista*, No.
11 5:25-CV-01873-SSS-BFM, ECF No. 94 (filed concurrently herewith as Exhibit 1).
12 Accordingly, Respondents acknowledge that Petitioner is detained under 8 U.S.C.
13 § 1226(a) and is entitled to an order from this Court directing a bond hearing be held
14 pursuant to 8 U.S.C. § 1226(a).

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

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18 DATED: December 22, 2025

ADAM GORDON
United States Attorney

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20 s/ Kelly A. Reis
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