

1 ADAM GORDON
United States Attorney
2 STEPHEN H. WONG
Assistant United States Attorney
3 California Bar No. 212485
4 Office of the U.S. Attorney
880 Front Street, Room 6293
5 San Diego, CA 92101-8893
Telephone: (619) 546-9464
6 Email: stephen.wong@usdoj.gov
7 Attorneys for Respondents
8
9

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

12 ARTAK NAZARYAN,,
13
14 Petitioners,
15
16 v.
17 CHRISTOPHER LAROSE, et. al.,
18
19 Respondents.
20
21
22
23
24
25
26
27
28

Case No.: 25-CV-3628-JLS
RESPONSE TO PETITION

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 On November 29, 2025, Petitioner was detained pursuant to the Notice.

8 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d
9 ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the Notice
10 unlawful under the Administrative Procedures Act but did not issue a final judgment. On
11 December 18, 2025, however, the *Bautista* court entered final judgement. *Bautista*, ECF
12 No. 94. 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).¹

15 Because the Government concedes that Petitioner is entitled to a bond hearing
16 Petitioner’s Fourth Amendment claim, and any other constitutional claims, are moot.²

17 //

18
19 _____
20 ¹ The Government acknowledges that Petitioner was previously granted parole (on
21 December 31, 2015), and that that such parole was valid (that is, the parole had not been
22 revoked or expired) at the time Petitioner was detained on November 29, 2025, but at this
23 time the Government cannot concede that Petitioner is entitled to release without a bond
24 hearing.

25 ² Nor would this Court have jurisdiction over such a claim. Fourth Amendment
26 claims related to alienage “belong in front of an Immigration Judge, not a federal district
27 court.” *See Marvan v. Slaughter*, No. CV 25-49-H-DLC, 2025 WL 1940043, at *3 (D.
28 Mont. July 15, 2025) (denying habeas petition challenging detention based on Fourth
Amendment violations for lack of subject matter jurisdiction). Petitioner cannot “bypass
the immigration courts and proceed directly to district court. Instead, [he] must exhaust
the administrative process before [he] can access the federal courts.” *Id.* at *4 (quoting
J.E.F.M., 837 F.3d at 1029).

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

3
4 DATED: December 19, 2025

ADAM GORDON
United States Attorney

5
6 s/ Stephen H. Wong
Stephen H. Wong
Assistant United States Attorney
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28