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9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE DISTRICT OF ARIZONA**

11 Jonathan Abdiel Sandoval Andrade,
 12
 13 Petitioner,
 14 v.
 15 Kristi Noem, *et al.*,
 16 Respondents.

No. CV-25-04755-PHX-MTL (MTM)

**RESPONSE TO ORDER TO SHOW
 CAUSE**

17 Respondents by and through undersigned counsel, hereby respond to the Court's
 18 Order to Show Cause (Doc. 5) and hence to the Petition for Writ of Habeas Corpus (Doc. 1).

19 Petitioner appears to be a member of the Bond Eligible Class certified in *Bautista v.*
 20 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, -- F.R.D. --, 2025 WL 3288403, at *9 (C.D. Cal.
 21 Nov. 25, 2025). On December 18, 2025, the *Bautista* court entered final judgment as to the
 22 Bond Eligible Class. *See Bautista*, ECF No. 94. A notice of appeal was then filed by the
 23 *Bautista* respondents on December 18, 2025. *See Bautista*, ECF No. 95.

24 Accordingly, Respondents acknowledge that Petitioner's claim in this action as to his
 25 entitlement to a bond hearing appears to be subject to the *Bautista* judgment and to any
 26 applicable appellate proceedings relating to it. To the extent Petitioner seeks an order
 27 requiring such a bond hearing here, it should be consistent with what courts in this district
 28 have generally ordered in similar cases, which is to require such a hearing be held within

1 seven days. However, because the Immigration Court will be closed on January 1,
2 Respondents respectfully request that the Court, if it orders a hearing, extend the deadline
3 to conduct the hearing to account for the upcoming closure of the Immigration Court.

4 However, Respondents maintain that Petitioner is an “applicant for admission”
5 who is “seeking admission” to the United States. Respondents argue that all such
6 people must be detained for removal proceedings under 8 U.S.C. 1225(b)(2)(A) in
7 most circumstances. *See* 8 U.S.C. § 1225(a)(3) (“All aliens . . . who are applicants for
8 admission or otherwise seeking admission or readmission to or transit through the
9 United States *shall be inspected* by immigration officers.”) (emphasis added); 8
10 U.S.C. § 1225(a)(1) (“An alien present in the United States who has not been admitted
11 or who arrives in the United States . . . shall be deemed for purposes of this chapter
12 an applicant for admission.”); 8 U.S.C. § 1225(b)(2)(A) (“[I]n the case of an alien
13 who is an applicant for admission, if the examining immigration officer determines
14 that an alien seeking admission is not clearly and beyond a doubt entitled to be
15 admitted, the alien shall be detained”).

16 Respectfully submitted this 30th day of December, 2025.

17 TIMOTHY COURCHINE
18 United States Attorney
19 District of Arizona

20 *s/ Brooks Chupp* _____
21 BROOKS CHUPP
22 Assistant United States Attorney
23 *Attorneys for Respondents*
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