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7 Attorneys for Respondent

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

10 ZHIBIN XIE,

11 Petitioner,

12 v.

13 CHRISTOPHER J. LAROSE, Senior
Warden, Otay Mesa Detention Center, San
14 Diego, California, et al.,

15 Respondent.

Case No.: 25-cv-03649-RBM-MSB

**RESPONDENTS' RETURN TO
PETITION FOR HABEAS
CORPUS**

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

23 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp.
24 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the
25 Notice unlawful under the Administrative Procedures Act but did not issue a final
26 judgment. On December 18, 2025, however, the *Bautista* court entered final judgement.
27 *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that Petitioner is
28 detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing

1 a bond hearing be held pursuant to 8 U.S.C. § 1226(a).

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

5 DATED: December 22, 2025

Respectfully submitted,

6 ADAM GORDON
7 United States Attorney

8 *s/Cindy M. Cipriani*
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10 Assistant United States Attorney
11 Attorneys for Respondents
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