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

11 Javier Lopez Penaloza,
 12
 13 Petitioner,
 14 v.
 15 Kristi Noem, et al.,
 16 Respondents.

No. 2:25-cv-04777-PHX-DWL (MTM)

**RESPONSE TO PETITION FOR
 WRIT OF HABEAS CORPUS**

17 Respondents by and through undersigned counsel, hereby respond to the Petition for
 18 Writ of Habeas Corpus (Doc. 1) as directed by the Order to Show Cause (Doc. 4).

19 Insofar as the Petition challenges Respondents' detention of Petitioner pursuant to 8
 20 U.S.C. § 1225(b)(2)(A), Respondents advise the Court that Petitioner appears to be a
 21 member of the Bond Eligible Class certified in *Bautista v. Santacruz*, No. 5:25-CV-01873-
 22 SSS-BFM, -- F.R.D. --, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). On December
 23 18, 2025, the *Bautista* court entered partial final judgment as to the Bond Eligible Class.
 24 *Bautista*, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). Respondents have appealed. *See*
 25 *Bautista v. United States Dep't of Homeland Sec.*, No. 25-7958 (9th Cir.).

26 Accordingly, Respondents acknowledge that Petitioner's claim in this action as to
 27 ICE's detention authority and Petitioner's entitlement to a bond hearing appears to be
 28 subject to the *Bautista* partial final judgment and to any applicable appellate proceedings

1 relating to it. To the extent the Petition seeks an order requiring Respondents to either
2 immediately release Petitioner or hold a bond hearing, the order should be consistent with
3 what courts in this district have generally ordered in similar cases, which is to require a bond
4 hearing be held within seven (7) days, accounting for any federal holidays.

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

6 TIMOTHY COURCHINE
7 United States Attorney
8 District of Arizona

9 s/ Katherine R. Branch
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