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                    UNITED STATES DISTRICT COURT
9
                  SOUTHERN DISTRICT OF CALIFORNIA
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    DAVID OROZCO MENDOZA,   Case No. 25-cv-03663-AGS-BLM
12

13   Petitioner,   **RESPONSE TO PETITION**

14   v.

15
    CHRISTOPHER LAROSE, Senior
16 Warden, Otay Mesa Detention Center, et
17 al.

18   Respondents.

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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

4   charged with being inadmissible to be considered an "applicant for admission" under 8

5   U.S.C. § 1225(b)(2)(A), subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A)

6   and not 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.

8   3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the

9   Notice unlawful under the Administrative Procedures Act but did not issue a final

10   judgment. On December 18, 2025, however, the *Bautista* court entered final judgement.

11   *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that Petitioner is

12   detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing

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

14   Respondents reserve the right to supplement this response in the event of a stay

15   of enforcement of the *Bautista* final judgment, appellate relief, or a change in DHS

16   policy.

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18   Dated: December 22, 2025   Respectfully submitted,

19   ADAM GORDON
                                                 United States Attorney
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21   s/ Matthew Riley
                                                 MATTHEW RILEY
22   Assistant United States Attorney

23   Attorneys for Respondents

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