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10 Attorneys for Respondents

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

14 RODOLFO DANIEL GOMEZ GOMEZ,

15 Petitioner,

16 v.

17 JEREMY CASEY, Facility Administrator,  
18 Imperial Regional Detention facility, et al.,

19 Respondents.

Case No.: 25CV3674 AGS AHG

**RESPONDENTS' RESPONSE TO  
MOTION FOR INJUNCTIVE  
RELIEF**

21 When the instant case was assigned, Respondents' counsel and the agency were  
22 provided the Petition and advised of the Petition response date of January 2, 2026.  
23 Today, upon counsel's review of the Order to Show Cause and all electronic filings  
24 in this case, counsel noted the TRO motion and learned the Court had set an additional  
25 due date of December 26, 2025 for the government's TRO response. Counsel  
26 apologizes for the brief filing delay caused by that oversight.  
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1 On July 8, 2025, the Department of Homeland Security (“DHS”) instituted a  
2 notice titled “Interim Guidance Regarding Detention Authority for Applicants for  
3 Admission” (the “Notice”) requiring, in general, that anyone arrested in the United  
4 States and charged with being inadmissible be considered an “applicant for  
5 admission” under 8 U.S.C. § 1225(b)(2)(A), subject to mandatory detention under 8  
6 U.S.C. § 27 1225(b)(2)(A) 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.  
8 Supp. 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared  
9 the 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  
11 judgment. *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that if  
12 Petitioner is covered by the *Bautista* judgment declaring the Notice unlawful,  
13 Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to an order from this  
14 Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).

15 Due to federal government holidays and the mistaken belief the response was  
16 due January 2, 2026, counsel has not received agency records regarding Petitioner.  
17 Counsel expects to obtain agency documents early next week that should enable the  
18 undersigned to confirm Petitioner’s entitlement to an order directing the agency to  
19 hold a bond hearing. Upon receipt of this information, counsel will expeditiously file  
20 an additional TRO response clarifying Petitioner’s status under *Bautista*. Moreover,  
21 if Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a), the Government  
22 will waive both a Petition response and oral argument so this matter can be resolved  
23 expeditiously, through a court order directing a bond hearing.

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

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DATED: December 27, 2025

Respectfully submitted,  
ADAM GORDON  
United States Attorney

*s/ Cindy Cipriani*  
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