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10 Attorneys for Respondents

11 **UNITED STATES DISTRICT COURT**  
12  
13 **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' SUPPLEMENTAL  
RESPONSE TO TRO MOTION**

20  
21 Respondents' counsel, having now had the opportunity to review relevant  
22 agency records, confirms that Petitioner is detained due to the July 8, 2025  
23 Department of Homeland Security (DHS) notice titled "Interim Guidance Regarding  
24 Detention Authority for Applicants for Admission" (the "Notice") requiring, in  
25 general, that anyone arrested in the United States and charged with being inadmissible  
26 be considered an "applicant for admission" under 8 U.S.C. § 1225(b)(2)(A), subject  
27 to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and not subject to detention  
28

1 under 8 U.S.C. § 1226(a).

2 As set forth in Respondents' earlier submission, in *Maldonado Bautista v.*  
3 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861  
4 (C.D. Cal. Nov. 20, 2025), the district court declared the Notice unlawful under the  
5 Administrative Procedures Act. On December 18, 2025, the *Bautista* court entered  
6 final judgment. *Bautista*, ECF No. 94. Accordingly, because Petitioner is covered by  
7 the *Baustista* judgment declaring the Notice unlawful, absent a stay of that ruling,  
8 Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to an order from this  
9 Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).

10 Given Respondents' position herein, the government waives a further Petition  
11 response and oral argument, in the event the Court chooses to expeditiously resolve  
12 this matter by ordering a bond hearing. Considering forthcoming federal holidays,  
13 heavy caseloads, and staffing levels, Respondents respectfully request that such order  
14 provide the government 14 days from issuance to hold a bond hearing.

15 DATED: December 29, 2025

Respectfully submitted,  
ADAM GORDON  
United States Attorney

17 *s/ Cindy Cipriani*  
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