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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ERIK ZEPEDA ANDRES,  
11 Petitioner,  
12 v.  
13 KRISTI NOEM, Secretary, U.S. Department  
of Homeland Security, *et al*,  
14 Respondents.  
15

Case No.: 25-cv-03677-LL-MSB

**RESPONDENTS' RETURN TO  
HABEAS PETITION**

16 Petitioner appears to be a member of the Bond Eligible Class certified in  
17 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---,  
18 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The *Bautista* court has entered final  
19 judgement as to the Bond Eligible Class. *Bautista*, ECF No. 94. Accordingly,  
20 Respondents acknowledge that Petitioner is detained under 8 U.S.C. § 1226(a) and are  
21 entitled to an order from this Court directing a bond hearing be held pursuant to 8  
22 U.S.C. § 1226(a).<sup>1</sup>

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

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27 <sup>1</sup> To the extent the Court issues an order directing a bond hearing under 1226(a),  
28 considering current and forthcoming federal holidays, heavy caseloads, and staffing  
levels, Respondents respectfully request that such order provide the government 14 days  
from issuance to hold such bond hearing.

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DATED: December 30, 2025

Respectfully submitted,

ADAM GORDON  
United States Attorney

*s/ Lisa M. Hemann*  
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