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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 JUAN EMILIO RUIZ DE JESUS,

12
13 Petitioner,

14 v.

15 CHRISTOPHER J. LAROSE, et al.,

16 Respondents.
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Case No.: 25-CV-3700-AGS-BLM

RESPONSE TO PETITION

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19 Petitioner entered without inspection around 1998. On July 8, 2025, the Department
20 of Homeland Security (“DHS”) instituted a notice titled “Interim Guidance Regarding
21 Detention Authority for Applicants for Admission” (the “Notice”) requiring, in general,
22 that anyone arrested in the United States and charged with being inadmissible to be
23 considered an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A), subject to
24 mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and not subject to detention under 8
25 U.S.C. § 1226(a).

26 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d
27 ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the Notice
28 unlawful under the Administrative Procedures Act but did not issue a final judgment. On

1 December 18, 2025, however, the *Bautista* court entered final judgement. *Bautista*, ECF
2 No. 94. Accordingly, Respondents acknowledge that Petitioner is detained under 8 U.S.C.
3 § 1226(a) and is entitled to an order from this Court directing a bond hearing be held
4 pursuant to 8 U.S.C. § 1226(a).

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

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8 DATED: December 30, 2025

ADAM GORDON
United States Attorney

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10 *s/Juliet M. Keene*
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Assistant United States Attorney