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

11 M.R.,

12
13 Petitioner,

14 v.

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

17 Respondents.
18
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Case No.: 25CV3710 JLS BLM

**RESPONDENTS' RESPONSE TO
PETITION FOR HABEAS CORPUS**

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21 On July 8, 2025, the Department of Homeland Security (“DHS”) instituted a notice
22 titled “Interim Guidance Regarding Detention Authority for Applicants for Admission”
23 (the “Notice”) requiring, in general, that anyone arrested in the United States and charged
24 with being inadmissible to be considered an “applicant for admission” under 8 U.S.C.
25 § 1225(b)(2)(A), subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and not
26 subject to detention under 8 U.S.C. § 1226(a).

27 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d
28 ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the Notice

1 unlawful under the Administrative Procedures Act but did not issue a final judgment. On
2 December 18, 2025, however, the *Bautista* court entered final judgement. *Bautista*, ECF
3 No. 94. Based on available records, Respondents acknowledge that Petitioner appears to
4 be detained under 8 U.S.C. § 1226(a) and is thus entitled to an order from this Court
5 directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).

6 Petitioner further a court order requiring her immediate release, without a hearing or
7 bond posting requirement. (Petition at 4; ECF No. 1.) Respondents oppose this request.
8 Issues and conditions associated with Petitioner’s release from immigration-related
9 detention are part and parcel of the adjudication of removal proceedings. This falls squarely
10 within the province of the Immigration Judge. *See generally* 8 U.S.C. § 1252(g), depriving
11 federal district courts of “jurisdiction to review the commencement and *adjudication of*
12 *removal proceedings*” (emphasis added). Accordingly, the only appropriate remedy here is
13 an order directing that a bond hearing pursuant to 8 U.S.C. § 1226(a) be convened within
14 a reasonable time.¹

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

17 DATED: December 16, 2025

ADAM GORDON
United States Attorney

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19 *s/Cindy M. Cipriani*
Cindy M. Cipriani
Assistant United States Attorney
Attorney for Respondents
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26 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
27 considering current and forthcoming federal holidays, heavy caseloads, and staffing
28 levels, Respondents respectfully request that such order provide the government 14 days
from issuance to hold such bond hearing.