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 10 **IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

11 Oscar Castaneda Rodriguez,

No. CV-25-04845-PHX-SHD (ASB)

12  
 13 Petitioner,

**RESPONSE TO ORDER TO SHOW  
 CAUSE**

14 v.

15 Kristi Noem, *et al.*,

16 Respondents.

17 Respondents by and through undersigned counsel, hereby respond to the Court's  
 18 Order to Show Cause (Doc. 6) and hence to the Petition for Writ of Habeas Corpus (Doc. 1).

19 Petitioner appears to be a member of the Bond Eligible Class certified in *Bautista v.*  
 20 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, -- F.R.D. --, 2025 WL 3288403, at \*9 (C.D. Cal.  
 21 Nov. 25, 2025). On December 18, 2025, the *Bautista* court entered final judgment as to the  
 22 Bond Eligible Class. *See Bautista*, ECF No. 94. A notice of appeal was then filed by the  
 23 *Bautista* respondents on December 18, 2025. *See Bautista*, ECF No. 95.

24 Accordingly, Respondents acknowledge that Petitioner's claim in this action as to his  
 25 entitlement to a bond hearing appears to be subject to the *Bautista* judgment and to any  
 26 applicable appellate proceedings relating to it. To the extent Petitioner seeks an order  
 27 requiring such a bond hearing here, it should be consistent with what courts in this district  
 28 have generally ordered in similar cases, which is to require such a hearing be held within

1 seven days. However, because the Immigration Court will be closed on January 1,  
2 Respondents respectfully request that the Court, if it orders a hearing, extend the deadline  
3 to conduct the hearing to account for the upcoming closure of the Immigration Court.

4 However, Respondents maintain that Petitioner is an “applicant for admission”  
5 who is “seeking admission” to the United States. Respondents argue that all such  
6 people must be detained for removal proceedings under 8 U.S.C. 1225(b)(2)(A) in  
7 most circumstances. *See* 8 U.S.C. § 1225(a)(3) (“All aliens . . . who are applicants for  
8 admission or otherwise seeking admission or readmission to or transit through the  
9 United States *shall be inspected* by immigration officers.”) (emphasis added); 8  
10 U.S.C. § 1225(a)(1) (“An alien present in the United States who has not been admitted  
11 or who arrives in the United States . . . shall be deemed for purposes of this chapter  
12 an applicant for admission.”); 8 U.S.C. § 1225(b)(2)(A) (“[I]n the case of an alien  
13 who is an applicant for admission, if the examining immigration officer determines  
14 that an alien seeking admission is not clearly and beyond a doubt entitled to be  
15 admitted, the alien shall be detained”).

16 Respectfully submitted this 30th day of December, 2025.

17  
18 TIMOTHY COURCHAINED  
19 United States Attorney  
District of Arizona

20 *s/ Brooks Chupp*  
21 BROOKS CHUPP  
22 Assistant United States Attorney  
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