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

11 JORGE MORALES-VICHI,  
12  
13 Petitioner,

14 v.

15 KRISTI NOEM, et al.,  
16 Respondents.  
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Case No.: 25-cv-3754-GPC-KSC

**RESPONSE TO PETITION**

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1 Petitioner entered without inspection around 2007 and has previously been  
2 voluntarily removed from the United States. On December 4, 2025, he was detained and  
3 charged as an “alien present in the United States without being admitted or paroled . . .”  
4 *See* Ex. 1, NTA. On July 8, 2025, the Department of Homeland Security (“DHS”) instituted  
5 a notice titled “Interim Guidance Regarding Detention Authority for Applicants for  
6 Admission” (the “Notice”) requiring, in general, that anyone arrested in the United States  
7 and charged with being inadmissible to be considered an “applicant for admission” under  
8 8 U.S.C. § 1225(b)(2)(A), subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A)  
9 and not subject to detention under 8 U.S.C. § 1226(a).

10 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d  
11 ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the Notice  
12 unlawful under the Administrative Procedures Act but did not issue a final judgment. On  
13 December 18, 2025, however, the *Bautista* court entered final judgement. *Bautista*, ECF  
14 No. 94. Accordingly, Respondents acknowledge that Petitioner is detained under 8 U.S.C.  
15 § 1226(a) and is entitled to an order from this Court directing a bond hearing be held  
16 pursuant to 8 U.S.C. § 1226(a).

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

20 DATED: December 29, 2025

ADAM GORDON  
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21 *s/Juliet M. Keene*  
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