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

10 VIKAS KUMAR,

11 Petitioner,

12 v.

13 CHRISTOPHER J. LAROSE, *et al.*,

14 Respondents.

Case No.: 3:25-cv-03796-JLS-DDL

**RESPONDENTS' RESPONSE TO
PETITIONER'S HABEAS PETITION**

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

7 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp.
8 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the
9 Notice unlawful under the Administrative Procedures Act but did not issue a final
10 judgment. On December 18, 2025, however, the *Bautista* court entered final judgement.
11 *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that Petitioner is
12 detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing
13 a bond hearing be held pursuant to 8 U.S.C. § 1226(a).¹

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

17 DATED: January 2, 2026

18 Respectfully submitted,

19 ADAM GORDON
20 United States Attorney

21 s/ Alyssa Sanderson
22 ALYSSA SANDERSON
23 Assistant United States Attorney
24 Attorney for Respondents
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27 ¹ 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.