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7 Attorneys for Respondents

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

10 LUIS EDUARDO ALVARADO-FUENTES Case No.: 25-cv-03810-CAB-MMP

11 Petitioner,

**RETURN TO PETITION**

12 v.

13 PATRICK DIVVER, Field Office Director  
of Enforcement and Removal Operations,  
14 San Diego Field Office, Immigration and  
Customs Enforcement, *et al.*,

15 Respondents.  
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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).

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.<sup>1</sup>

17 DATED: December 31, 2025

Respectfully submitted,

18 ADAM GORDON  
19 United States Attorney

20 s/ Mary Cile Glover-Rogers  
21 MARY CILE GLOVER-ROGERS  
22 Assistant United States Attorney  
23 Attorneys for Respondents

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27 <sup>1</sup> 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.