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

11 AMIT AMIT,

12 Petitioner,

13 v.

14 JEREMY CASEY, Warden of the Imperial
Regional Detention Center, *et al.*,

15 Respondents.

16 Respondents.

Case No.: 25-cv-03855-JLS-BLM

**RESPONDENTS' RETURN TO
HABEAS PETITION**

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

25 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp.
26 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the
27 Notice unlawful under the Administrative Procedures Act but did not issue a final
28 judgment. On December 18, 2025, however, the *Bautista* court entered final judgement.

1 *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that Petitioner is
2 detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing
3 a bond hearing be held pursuant to 8 U.S.C. § 1226(a).¹

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

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8 DATED: January 6, 2026

Respectfully submitted,

9
10 ADAM GORDON
United States Attorney

11
12 *s/ Tom Merritt*
13 TOM MERRITT
Assistant United States Attorney

14 Attorneys for Respondents
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28 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
considering heavy caseloads and staffing levels, Respondents respectfully request that
such order provide the government 14 days from issuance to hold such bond hearing.