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

11 FRANCISCO HERNANDEZ SIMON,
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13 Petitioners,

14 v.

15 PATRICK DIVVER, *et al.*,

16 Respondents.
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Case No.: 3:26-cv-00013-JES-BJW

RETURN TO PETITION

1 Petitioner appears to be a member of the Bond Eligible Class certified in *Maldonado*
2 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ----, 2025 WL 3288403
3 (C.D. Cal. Nov. 25, 2025). The *Bautista* court has entered final judgement as to the Bond
4 Eligible Class. *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that
5 Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court
6 directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).

7 To the extent the Court issues an order directing a bond hearing under 8 U.S.C.
8 § 1226(a), considering heavy caseloads and staffing levels, Respondents respectfully
9 request that such order provide the Government 14 days from issuance to hold such a bond
10 hearing.

11 DATED: January 6, 2026.

ADAM GORDON
United States Attorney

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13 *s/ Robbin Lee*
Robbin O. Lee
Assistant United States Attorney
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