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

11 MOHAMAT ABAKAR MAHAMAT,
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13 Petitioners,

14 v.

15 CHRISTOPHER J. LaROSE, et al,
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17 Respondents.
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Case No.: 3:26-cv-00060-TWR-DDL

RESPONSE TO PETITION

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

10 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ----
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).¹

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.

19 DATED: January 13, 2026

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26 ¹ To the extent the Court issues an order directing a bond hearing under 8 U.S.C. § 1226(a),
27 considering the heavy caseloads and staffing levels, Respondents respectfully request that
28 such order provide the Government 14 days from issuance to hold such a bond hearing.