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

11 Rogelia HERNANDEZ CRUZ,
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13 Petitioners,

14 v.

15 Patrick DIVVER, et al.,
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17 Respondents.
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Case No.: 26-cv-0081-AGS-DEB

RESPONSE TO PETITION

1 In response to the Court’s order of January 8, 2026 (ECF No. 2), Respondents
2 respectfully submit that Petitioner appears to be a member of the Bond Eligible Class
3 certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp.
4 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The *Bautista* court has entered final
5 judgement as to the Bond Eligible Class. *Bautista*, ECF No. 94. Accordingly, Respondents
6 acknowledge that Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to an order
7 from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).¹

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

10 DATED: January 12, 2026

Respectfully submitted,

11 ADAM GORDON
United States Attorney

12 *s/ Betsey Boutelle*
13 BETSEY BOUTELLE
Assistant United States Attorney

14 Attorneys 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 heavy caseloads and staffing levels, Respondents respectfully request that such
order provide the government 14 days from issuance to hold such bond hearing.