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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
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12 EDWIN ALIRIO GARCIA PACHECO,

13 Petitioner,

14 v.
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16 CHRISTOPHER LAROSE, et al.,

17 Respondents.
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Case No.: 26-cv-107 BJC DDL

**RESPONDENTS' RETURN TO
HABEAS PETITION**

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 be considered an “applicant for admission”
5 under 8 U.S.C. § 1225(b)(2)(A), subject to mandatory detention under 8 U.S.C. §
6 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 initially declined to enter
10 a final judgment. On December 18, 2025, however, the *Bautista* court entered final
11 judgment. *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that
12 Petitioner is currently detained under 8 U.S.C. § 1226(a) and is entitled to an order from
13 this Court directing 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.

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18 DATED: January 20, 2026

Respectfully submitted,

19 ADAM GORDON
20 United States Attorney

21 *s/ Michael Garabed*
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23 Assistant United States Attorney
24 Attorneys for Respondents
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