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7 Attorneys for Respondents

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

10 FIDEL LUCAS-JACINTO,

11 Petitioner,

12 v.

13 CHRISTOPHER J. LAROSE, Senior
Warden, Otay Mesa Detention Center, *et al.*,

14 Respondents.
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Case No.: 26-cv-00111-RSH-BLM

RESPONSE TO PETITION

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

22 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp.
23 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the
24 Notice unlawful under the Administrative Procedures Act but did not issue a final
25 judgment. On December 18, 2025, however, the *Bautista* court entered final judgement.
26 *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that Petitioner is
27 detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing
28

1 a bond hearing be held pursuant to 8 U.S.C. § 1226(a).¹

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

5 DATED: January 20, 2026

Respectfully submitted,

6 ADAM GORDON
7 United States Attorney

8 *s/ Mary Cile Glover-Rogers*
9 MARY CILE GLOVER-ROGERS
10 Assistant United States Attorney
11 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.