

1 ADAM GORDON  
 2 United States Attorney  
 3 Hunter V. Norton  
 4 Assistant U.S. Attorney  
 5 Washington D.C. Bar No. 1780736  
 6 Office of the U.S. Attorney  
 7 880 Front Street, Room 6293  
 8 San Diego, CA 92101-8893  
 9 Telephone: (619) 546-8592  
 10 Facsimile: (619) 546-7751  
 11 Email: Hunter.Norton2@usdoj.gov  
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 13 Attorneys for Respondents

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

11 MELVIN ROJAS DUBON,  
 12  
 13 Petitioners,  
 14  
 15 v.  
 16 CHARLES WALL, et al.,  
 17  
 18 Respondents.

Case No.: 26-cv-00117-CAB-BLM  
**RESPONSE TO PETITION**

19  
 20 At the outset, the Court should deny Petitioner’s habeas petition because he has  
 21 failed to name as a respondent the warden of the facility where he is detained. See 28 U.S.C.  
 22 § 2243 (“The writ, or order to show cause shall be directed to the person having custody of  
 23 the person detained.”). Petitioner’s habeas claims challenge his current physical  
 24 confinement. “[C]ore habeas petitioners challenging their present physical confinement  
 25 [must] name their immediate custodian, the warden of the facility where they are detained,  
 26 as the respondent to their petition.” *Doe v. Garland*, 109 F. 4th 1188, 1197 (9th Cir. 2024)  
 27 (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)). “[T]he Court cannot exercise  
 28 jurisdiction over [Petitioner’s] Petition so long as he fails to name as respondent the warden

1 of the detention facility where he is being detained.” *Mukhamadiev v. U.S. Dep’t of*  
2 *Homeland Security*, No. 25-cv-1017-DMS-MSB, 2025 WL 1208913, at \*3 (S.D. Cal. Apr.  
3 25, 2025). Because Petitioner has failed to name as a respondent Jeremy Casey, Warden of  
4 the Imperial Regional Detention Facility and Petitioner’s immediate custodian, the petition  
5 should be dismissed for lack of jurisdiction. *See* ECF No. 1; Exhibit 1.

6 Should the Court find that it has jurisdiction in this case, Petitioner appears to be a  
7 member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-  
8 CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025).  
9 The *Bautista* court has entered final judgement as to the Bond Eligible Class. *Bautista*,  
10 ECF No. 94. Accordingly, Respondents acknowledge that Petitioner is detained under 8  
11 U.S.C. § 1226(a) and is entitled to an order from this Court directing a bond hearing be  
12 held pursuant to 8 U.S.C. § 1226(a).<sup>1</sup>

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

15  
16 DATED: January 16, 2026

ADAM GORDON  
United States Attorney

s/Hunter V. Norton  
HUNTER V. NORTON  
Assistant United States Attorney

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27 <sup>1</sup> 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.