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

11 EMRE DADAK,

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13 Petitioners,

14 v.

15 CHRISTOPHER J. LAROSE, et. al,

16 Respondents.
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Case No.: 26-CV-121-DMS-SBC

RESPONSE TO PETITION

1 On July 8, 2025, the Department of Homeland Security (“DHS”) instituted a notice
2 titled “Interim Guidance Regarding Detention Authority for Applicants for Admission”
3 (the “Notice”) requiring, in general, that anyone arrested in the United States and charged
4 with being inadmissible to be considered an “applicant for admission” under 8 U.S.C.
5 § 1225(b)(2)(A), subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and not
6 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. 3d
8 ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the Notice
9 unlawful under the Administrative Procedures Act but did not issue a final judgment. On
10 December 18, 2025, however, the *Bautista* court entered final judgement. *Bautista*, ECF
11 No. 94. Accordingly, Respondents acknowledge that Petitioner is detained under 8 U.S.C.
12 § 1226(a) and is entitled to an order from this Court directing a bond hearing be held
13 pursuant to 8 U.S.C. § 1226(a).¹

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

16 Given the Government’s acknowledgement that Petitioner is entitled to a bond
17 hearing, Petitioner’s claims regarding his conditions of confinement and the potential 4th
18 Amendment violations surrounding his arrest are moot. Should the Court desire argument
19 on those issues the Government requests the opportunity to address them in supplemental
20 briefing.

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

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

3 DATED: January 16, 2026

ADAM GORDON
United States Attorney

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5 *s/Laura C. Sambataro*
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6 Assistant United States Attorney
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