

1 ADAM GORDON
United States Attorney
2 Glen F. Dorgan
Assistant U.S. Attorney
3 State Bar No. 160502
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-
Facsimile: (619) 546-7751
6 Email: glen.dorgan@usdoj.gov

7 Attorneys for Respondents

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

10 SILVIA PEREZ PENA,

11 Petitioner,

12 v.

13 KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security, in her
14 official capacity; PAM BONDI, Attorney
General of the United States, in her
15 official capacity; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; TODD
16 LYONS, Acting Director of U.S.
Immigration and Customs Enforcement, in
17 his official capacity; PATRICK DIVVER,
ICE Field Officer Director for San Diego
18 County, in his official capacity; Warden of
Otay Mesa Detention Center,

19 Respondents.
20

Case No.: 26-cv-00142-DMS-AHG

**RESPONDENTS' RETURN TO
HABEAS PETITION**

21
22
23
24
25
26
27
28

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

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

11 DATED: January 16, 2026

Respectfully submitted,

12 ADAM GORDON
13 United States Attorney

14 *s/Glen F. Dorgan*
15 GLEN F. DORGAN
16 Assistant United States Attorney
17 Attorneys for Respondents
18
19
20
21
22
23
24
25
26

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.