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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JAIME EDGARDO GALDAMEZ  
12 ORTEGA,

13 Petitioner,

14 v.  
15

16 WARDEN, *et al.*,

17 Respondents.  
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Case No.: 26-CV-0131-JO-MMP

**RESPONSE TO PETITION**

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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).<sup>1</sup>

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.

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17 DATED: January 21, 2026

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19 s/ Michael D. Wallace  
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28 <sup>1</sup>Petitioner has a master calendar hearing scheduled for January 22, 2026.