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7 Attorneys for Respondents

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

10
11 ABDURRAHMAN GEZEN,

12
13 Petitioner,

14 v.

15 CHRISTOPHER J. LAROSE, Senior
16 Warden, Otay Mesa Detention Center, *et*
17 *al.*,

18 Respondents.
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Case No.: 26-cv-00273-DMS-AHG

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

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

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

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18 Dated: February 10, 2026

Respectfully submitted,

19
20 ADAM GORDON
United States Attorney

21 s/ Tom Merritt
22 TOM MERRITT
23 Assistant United States Attorney
Attorneys for Respondents

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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.