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

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11 RONNY JOSE GARCIA ZABALETA,

Case No.: 26-cv-0166 BJC AHG

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Petitioner,

**RESPONSE TO PETITION**

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v.

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WARDEN, Otay Mesa Detention Center, et  
al.,

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Respondents.

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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 Procedures 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).<sup>1</sup>

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: January 29, 2026

Respectfully submitted,

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20 ADAM GORDON  
United States Attorney

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22 *s/ Allie E. Malone*  
ALLIE E. MALONE  
23 Assistant United States Attorney  
24 Attorneys for Respondents

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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.