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

11
12 NIKOLAI ZUBRIK,

13 Petitioner,

14 v.

15
16 CHRISTOPHER J. LAROSE, et al.,

17 Respondents.
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Case No. 26-cv-00320-TWR-BJW

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

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21 On July 8, 2025, the Department of Homeland Security (“DHS”) instituted a
22 notice titled “Interim Guidance Regarding Detention Authority for Applicants for
23 Admission” (the “Notice”) requiring, in general, that anyone arrested in the United
24 States and charged with being inadmissible to be considered an “applicant for
25 admission” under 8 U.S.C. § 1225(b)(2)(A), subject to mandatory detention under
26 8 U.S.C. § 1225(b)(2)(A) and not subject to detention under 8 U.S.C. § 1226(a).

27 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.
28 Supp. 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court
declared the Notice unlawful under the Administrative Procedures Act but did not

1 issue a final judgment. On December 18, 2025, however, the *Bautista* court entered
2 final judgement. *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge
3 that Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to an order from
4 this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).¹
5 Respondents reserve the right to supplement this response in the event of a stay of
6 enforcement of the *Bautista* final judgment, appellate relief, or a change in DHS
7 policy.

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9 Dated: January 26, 2026

Respectfully submitted,

10 ADAM GORDON
11 United States Attorney

12 *s/Hunter V. Norton*
13 HUNTER V. NORTON
14 Assistant United States Attorney
15 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.