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10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 YULISSA KARLEYLY CALLEJAS-
13 GARCIA,

14 Petitioner,

15 v.

16 CHRISTOPHER J. LAROSE, *et. al.*,

17 Respondents.
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Case No.: 26-CV-0336-JES-MMP

RESPONSE TO PETITION

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

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

9 Given that the Government is not contesting that Petitioner is entitled to a bond
10 hearing, the Government will not address Petitioner’s Fourth Amendment claim, except
11 to note that release is not a remedy for such alleged violation. *United States v. Crews*, 445
12 U.S. 463, 474 (1980) (noting, in the criminal context, that Fourth Amendment’s
13 “exclusionary principle” “delimits what proof the Government may offer against the
14 accused at trial, closing the courtroom door to evidence secured by official lawlessness,”
15 but an individual “is not himself a suppressible ‘fruit’”); *Cruz v. Barr*, 926 F.3d 1128,
16 1146 (9th Cir. 2019) (releasing petitioner on Fourth Amendment grounds because fruits
17 of the regulatory violation were the only evidence of petitioner’s alienage).

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26 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
27 considering heavy caseloads and staffing levels, Respondents respectfully request that such
28 order provide the government 14 days from issuance to hold such bond hearing.

1 Also, Fourth Amendment claims related to alienage “belong in front of an Immigration
2 Judge, not a federal district court.” *See Marvan v. Slaughter*, No. CV 25-49-H-DLC, 2025
3 WL 1940043, at *3 (D. Mont. July 15, 2025) (denying habeas petition challenging
4 detention based on Fourth Amendment violations for lack of subject matter jurisdiction).

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7 DATED: January 22, 2026

ADAM GORDON
United States Attorney

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9 *s/ Stephen H. Wong*
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