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

10
11 ANDERSON GONZALEZ OGANDO,

Case No.: 26-cv-00289-TWR-MMP

12
13 Petitioner,

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

14
15 v.

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17 CHRISTOPHER J. LAROSE, Warden
18 of Otay Mesa Regional Detention
Center, *et al.*,

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20 Respondents.
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24 On July 8, 2025,¹ the Department of Homeland Security (“DHS”) instituted a

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26 ¹ Respondents respectfully assert that Yascily Gonzalez Ogando lacks standing to bring
27 this Petition for a Writ of Habeas Corpus as a “next friend” on behalf of her brother,
28 Anderson Gonzalez Ogando. *See Miller Leon v. U.S. DHS*, No. 26-cv-200-BAS-MMP,
2026 WL 112049 (S.D. Cal. Jan. 14, 2026); *Florez Perez v. Bondi*, No. 25-cv-3820-
AGS-MSB, 2025 WL 3769995 (S.D. Cal. Dec. 31, 2025).

1 notice titled “Interim Guidance Regarding Detention Authority for Applicants for
2 Admission” (the “Notice”) requiring, in general, that anyone arrested in the United
3 States and charged with being inadmissible to be considered an “applicant for
4 admission” under 8 U.S.C. § 1225(b)(2)(A), subject to mandatory detention under 8
5 U.S.C. § 1225(b)(2)(A) and not subject to detention under 8 U.S.C. § 1226(a).

6 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp.
7 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the
8 Notice unlawful under the Administrative Procedures Act but did not issue a final
9 judgment. On December 18, 2025, however, the *Bautista* court entered final judgement.
10 *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that Petitioner is
11 detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing
12 a bond hearing be held pursuant to 8 U.S.C. § 1226(a).²

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

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18 Dated: January 26, 2026

Respectfully submitted,

19 ADAM GORDON
20 United States Attorney

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

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27 ² 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.