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

11 ALMALI SAMET,

12 Petitioner,

13 v.

14 PATRICK DIVVER, et al.,

15 Respondents.

Case No.: 26-cv-00360-RBM-MMP

**RETURN TO PETITION**

17 Petitioner has filed a habeas petition solely to “to seek enforcement of [his] rights  
18 as [a] member[] of the Bond [Eligible] Class certified in *Maldonado Bautista v.*  
19 *Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).” ECF No. 1 at 1. Specifically,  
20 the petition contains a single cause of action alleging Petitioner is entitled to an  
21 individualized bond hearing because he is a member of the “Bond Eligible Class”  
22 defined in *Bautista. Id.* at 2. However, Petitioner is not a member of the Bond Eligible  
23 Class and the Court should dismiss his habeas petition as legally infirm.

24 On November 25, 2025, the *Baustista* court certified a nationwide class of  
25 detained noncitizens, which the *Baustista* court described as the “Bond Eligible Class.”  
26 *Bautista*, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). To be a member of the Bond  
27 Eligible Class, a person must (1) have entered the United States without inspection, (2)  
28 not have been apprehended upon arrival, and (3) not be detained under 8 U.S.C. §

1 1126(c), 8 U.S.C. § 1125(b)(1) or 8 U.S.C. § 1231 at the time the Department of  
2 Homeland Security made its initial custody determination. *Id.* at \*9.

3 On December 30, 2025, Immigration officers encountered Petitioner and  
4 questioned him regarding his citizenship. *See* Exhibit 1 at 3 (I-213). Petitioner stated he  
5 was a native and citizen of Republic of Turkiye and admitted to entering the United  
6 States on October 16, 2024, by illegally crossing the international border near San  
7 Diego, California. *Id.* Petitioner’s immigration history confirms this entry without  
8 inspection; however, it also reflects that Petitioner was apprehended by United States  
9 Border Patrol upon illegally entering the United States on October 16, 2024. *Id.*  
10 Petitioner then filed an application for asylum and for withholding of removal on  
11 November 28, 2024, which has since been dismissed. *See* Exhibit 3 (I-589  
12 Termination). He was subsequently released from immigration custody and then re-  
13 detained on December 30, 2025.

14 Given these facts, Petitioner is not a member of the Bond Eligible Class because  
15 he was apprehended upon entry without inspection. Accordingly, Petitioner’s habeas  
16 petition is legally infirm and should be denied. *See Rodriguez v. Jeffreys, et al.*, No.  
17 8:25CV714, 2025 WL 3754411, \*16 (D. Neb. Dec. 29, 2025) (rejecting *Bautista* as  
18 basis for relief and denying habeas petition because, among other things, “there is ‘a  
19 bright-line rule’ applicable in [these] circumstances”) (citations omitted).

20  
21 DATED: January 27, 2026

Respectfully submitted,

22 ADAM GORDON  
23 United States Attorney

24 *s/Hunter V. Norton*  
25 HUNTER V. NORTON  
26 Assistant United States Attorney  
27 Attorneys for Respondents  
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