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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

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12 PEDRO MARTINEZ CORTES,

Case No.: 26-cv-00404-RSH-MSB

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Petitioner,

**RESPONSE TO PETITION**

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v.

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16 KRISTI NOEM, in her official capacity as  
Secretary of Homeland Security, *et al.*,

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Respondents.

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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).<sup>1</sup>

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 DATED: February 5, 2026

Respectfully submitted,

10 ADAM GORDON  
11 United States Attorney

12 *s/ Tom Merritt*  
13 TOM MERRITT  
14 Assistant United States Attorney  
15 Attorney 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.