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

11 PRINCE KUMAR,
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13 Petitioner,
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15 v.
16 CHRISTOPHER LaROSE, et al,
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18 Respondents.
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Case No.: 3:26-cv-00490-RBM-SBC

RESPONSE TO PETITION

1 On July 8, 2025, the Department of Homeland Security (“DHS”) instituted a notice
2 titled “Interim Guidance Regarding Detention Authority for Applicants for Admission”
3 (the “Notice”) requiring, in general, that anyone arrested in the United States and charged
4 with being inadmissible to be considered an “applicant for admission” under 8 U.S.C.
5 § 1225(b)(2)(A), subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and not
6 subject to detention under 8 U.S.C. § 1226(a).

7 In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ---
8 , 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared the Notice
9 unlawful under the Administrative Procedures Act but did not issue a final judgment. On
10 December 18, 2025, however, the *Bautista* court entered final judgement. *Bautista*, ECF
11 No. 94. Accordingly, Respondents acknowledge that Petitioner is detained under 8 U.S.C.
12 § 1226(a) and is entitled to an order from this Court directing a bond hearing be held
13 pursuant to 8 U.S.C. § 1226(a).¹

14 Here, a bond hearing, versus immediate release, is the appropriate remedy. Petitioner
15 is a native of India. *See* ECF No. 1-2, at 1. He entered the United States without inspection
16 on or about March 12, 2023, during which time he was apprehended by U.S. Customs and
17 Border Patrol. *Id.* On March 16, 2023, he was issued an Order of Release on his own
18 recognizance, which stated, among other things, that “any violation of these conditions
19 may result in you being taken into ICE custody and you being criminally prosecuted.” ECF
20 No. 1-2, at 4. Since that time, Petitioner has violated conditions to his Alternatives to
21 Detention, including missing check-ins and being outside a designated geographic area
22 without notifying Immigration officials. *See* Exhibit 1. Because Petitioner “violated
23 conditions of his ATD program[,]” ICE detained him on August 11, 2025. *See* Exhibit 2.
24 As such, a bond hearing before an Immigration Judge should be held to determine whether

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26 ¹ To the extent the Court issues an order directing a bond hearing under 8 U.S.C. § 1226(a),
27 considering the heavy caseloads and staffing levels, Respondents respectfully request that
28 such order provide the Government 14 days from issuance to hold such a bond hearing.

1 Petitioner poses a danger to the community or is a flight risk.

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

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5 DATED: February 4, 2026

ADAM GORDON
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6 *s/Robbin O. Lee*
7 Robbin O. Lee
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