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7 Attorneys for Respondents

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

10 GENARO CRUZ ARREOLA,

11 Petitioner,

12 v.

13 DANIEL A BRIGHTMAN, Field Office
Director of ICE Enforcement and Removal
14 Operations, et.al.,

15 Respondents.

Case No.: 26-cv-0491 AGS (BLM)

RESPONSE TO PETITION

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17 Petitioner appears to be a member of the Bond Eligible Class certified in
18 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, -- F. Supp. 3d --,
19 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The *Bautista* court has entered final
20 judgement as to the Bond Eligible Class. *Bautista*, ECF No. 94. Accordingly,
21 Respondents acknowledge that Petitioner is detained under 8 U.S.C. § 1226(a) and
22 are entitled to an order from this Court directing a bond hearing be held pursuant to 8
23 U.S.C. § 1226(a).

24 While Petitioner prays for immediate release, *see* Petition, p.12, ECF No. 1,
25 that remedy is inappropriate here. As the Ninth Circuit noted in *Diaz v. Garland*, 53
26 F.4th 1189, 1196 (9th Cir. 2022) (citing 8 C.F.R. § 236.1(c)(8)), a noncitizen may be
27 released only if he can demonstrate his release would not pose a danger to property
28 or persons, and that he is likely to appear for future proceedings. *Id.* (citing 8 C.F.R.

1 § 236.1(c)(8)). Accordingly, an Immigration Judge should be afforded a full
2 opportunity to determine whether Petitioner is “a threat to national security, a danger
3 to the community at large, likely to abscond, or otherwise a poor bail risk.” *Diaz*, 53
4 F.4th at 1197 (citing *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (B.I.A. 2006)).

5 DATED: January 29, 2026

Respectfully submitted,

6 ADAM GORDON
7 United States Attorney

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10 Assistant United States Attorney
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