

1 ADAM GORDON
United States Attorney
2 MICHAEL D. WALLACE
Assistant United States Attorney
3 Maryland Bar No. 9912160256
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: 619-546-8714
Email: Michael.Wallace4@usdoj.gov

6 Attorneys for Respondents
7
8

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 NAYADE MACEO AGUILERA,

13 Petitioner,

14 v.

15 CITY OF HOLTVILLE, CA, et al.,

16 Respondents.
17
18
19
20
21
22
23
24
25
26
27
28

Case No.: 26-CV-0532-LL-MSB

RETURN 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. Supp. 3d
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).

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

16
17 DATED: February 5, 2026

Respectfully Submitted,

18 ADAM GORDON
19 United States Attorney

20 s/ Michael D. Wallace
21 MICHAEL D. WALLACE
22 Assistant United States Attorney
23
24
25
26
27
28