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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ABDL MATINE SAMARI

Petitioner,

v.

CASEY JEREMY, Warden, Imperial
Regional Adult Detention Facility, Calexico,
California in his official capacity,
GREGORY J. ARCHAMBEAULT, et al.

Respondents.

Case No.: 26-cv-0701-AGS-MSB

**RETURN TO PETITION FOR
HABEAS CORPUS**

Petitioner has filed a habeas petition relying heavily on *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).” ECF No. 1, generally. On November 25, 2025, the *Baustista* court certified a nationwide class of detained noncitizens, which the *Baustista* court described as the “Bond Eligible Class.” *Bautista*, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). To be a member of the Bond Eligible Class, a person must (1) have entered the United States without inspection, (2) not have been apprehended upon arrival, and (3) not be detained under 8 U.S.C. § 1126(c), 8 U.S.C. § 1125(b)(1) or 8 U.S.C. § 1231 at the time the Department of Homeland Security made its initial custody determination. *Id.* at *9.

Here, Petitioner entered the United States without inspection on or about December 1, 2023, at or near San Ysidro, California. Petitioner was encountered and detained immediately following entry. *See* ECF No. 1 at ¶ 2. DHS detained Petitioner

1 under 8 U.S.C. § 1225(b)(2). Petitioner is not a member of the Bond Eligible Class.

2 On July 8, 2025, the Department of Homeland Security (“DHS”) instituted a
3 notice titled “Interim Guidance Regarding Detention Authority for Applicants for
4 Admission” (the “Notice”) requiring, in general, that anyone arrested in the United
5 States and charged with being inadmissible to be considered an “applicant for
6 admission” under 8 U.S.C. § 1225(b)(2)(A), subject to mandatory detention under 8
7 U.S.C. § 1225(b)(2)(A) and not subject to detention under 8 U.S.C. § 1226(a). In
8 *Bautista*, the district court declared the Notice unlawful under the Administrative
9 Procedure Act. On December 18, 2025, the *Bautista* court entered final judgement.
10 *Bautista*, ECF No. 94. Accordingly, Respondents acknowledge that Petitioner is
11 detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing
12 a bond hearing be held pursuant to 8 U.S.C. § 1226(a).¹

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

16 DATED: February 10, 2026

Respectfully submitted,

18 ADAM GORDON
19 United States Attorney

20 s/ Juliet M. Keene
21 JULIET M. KEENE
22 Assistant United States Attorney
23 Attorney for Respondents
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28 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
considering heavy caseloads and staffing levels, Respondents respectfully request that
such order provide the government 14 days from issuance to hold such bond hearing.