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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

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12 Wilber Salmeron Vaqui,

Case No.: 26-CV-0704-LL-MMP

13 Petitioner,

RESPONSE TO PETITION

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v.

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16 JEREMY CASEY, Administrator of
Imperial Detention Center, *et al.*,

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Respondents.

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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” (the
3 “Notice”) requiring, in general, that anyone arrested in the United States and charged with
4 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 Procedure 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 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 DATED: February 10, 2026

ADAM GORDON
United States Attorney

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18 s/ Tom Merritt
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Assistant United States Attorney

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