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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JORGE ANTONIO GUTIERREZ
VALTIERRA,

Petitioner,

v.

CHRISTOPHER LAROSE, et al.,
Respondents.

Case No.: 26-cv-1343-BAS

RESPONSE TO PETITION

Judge: Hon. Cynthia Bashant

Petitioner appears to be a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The Ninth Circuit later stayed application of the Order beyond the Central District of California. However, Respondents acknowledges the prior orders from this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in similar cases.¹ Respondents therefore do not oppose an Order requiring such a hearing for

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.

1 Petitioner.

2 Petitioner argues that he should be allowed to bypass this process—with the Court
3 either ordering his immediate release or conducting the bond hearing itself—because
4 “attacks on IJ independence under the current administration have severely compromised
5 IJs’ neutrality.” ECF No. 6 at 11. But the “evidence” to support this argument merely
6 consists of (1) news articles relying largely on hearsay, (2) a smattering of inapposite
7 district court cases from other parts of the country, and (3) conclusory testimony from an
8 attorney declaration in a different habeas case stating that, inter alia, “I believe that many
9 immigration judges at Otay Mesa and the Department of Homeland Security (‘DHS’)
10 have implemented strategies to ensure that persons granted bond hearings via habeas
11 petitions will not have a fair opportunity to seek release.” *Elsayed v. Noem*, Case No. 26-
12 CV-368, Dec. 5-2 at ¶ 7 (S.D. Cal. Feb. 9, 2026). That attorney declaration cites no
13 specific case, bond order, or bond hearing transcript which forms the basis for his beliefs.
14 And despite Petitioner’s speculative assertions about Otay Mesa immigration judges
15 being “compromised,” he cites no habeas cases from this district in which the Court found
16 that an immigration judge had deliberately flouted this Court’s order to hold a *bona fide*
17 bond hearing or where DHS failed to comply with an IJ order granting bond following a
18 district court order. On the contrary, there are numerous habeas cases from this district
19 confirming that IJs have complied in good faith with this Court’s orders to conduct
20 individualized bond hearings, often on a very quick turnaround, and as recently as last
21 week. *See, e.g. Ramirez Ceja v. Divver*, No. 26-CV-254-DMS-DEB, ECF No. 6 (S.D.
22 Cal. Feb. 19, 2026) (Joint Status Report reflecting IJ granting bond at Otay Mesa
23 Immigration Court); *Prabhpreet v. LaRose*, No. 26-CV-393-JES-SBC, ECF No. 10 (S.D.
24 Cal Feb. 19, 2026) (same); *I.E. v. Casey*, No. 25-CV-3227-DMS-DDL, ECF No. 10 (S.D.
25 Cal. Dec. 16, 2025) (same for Imperial Regional Detention Facility); *Gautam v.*
26 *Correctional Corp. of Am.*, No. 25-cv-03600-JES-DEB, ECF No. 8 (S.D. Cal. Jan. 9,
27 2026) (Notice of Compliance); *Alemanji v. Mayorkas*, No. 25-cv-03499-JO-DDL, ECF

1 No. 13 (S.D. Cal. Dec. 23, 2025) (Notice Confirming Bond Hearing). Petitioner cites no
2 case supporting his assertion that DHS has applied for an automatic stay for the purpose
3 of frustrating these post-habeas bond orders.

4 Thus the Court should decline Petitioner's invitation to insert itself into the position
5 of the immigration judge and should order a bond hearing in immigration court, subject
6 to the appropriate standards as set forth in *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir.
7 2011).

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10 DATED: March 18, 2026

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s/Laura C. Sambataro
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