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

11 NAYALEE FEDORAH ST. CLOUD,

12 Petitioner,

13 v.

14 WARDEN OF IMPERIAL REGIONAL F;  
15 et al.,

16 Respondents.  
17

Case No.: 26-cv-02062-JES-MMP

**RESPONSE TO PETITION**

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19 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to  
20 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281  
21 (2018). Petitioner is a native and citizen of Haiti. *See Exhibit 1 (Notice to Appear)*. On  
22 February 4, 2023, she was admitted to the United States under the Haitian Humanitarian  
23 Parole Program on February 4, 2023, until February 2, 2025. *See id.* However, despite no  
24 prior authorization to depart the U.S., Petitioner departed to Canada. *See Exhibit 2 (I-213)*.  
25 On July 26, 2025, Petitioner attempted to return to the U.S. by applying for admission at  
26 the Highgate Springs, Vermont Port of Entry. *See Exhibit 1; see also Exhibit 2*. Because  
27 Petitioner departed the U.S., any parole that was granted to her was automatically revoked.  
28 8 C.F.R. § 212.5(e)(1)(i) (“Parole shall be automatically terminated without written notice

1 upon the departure from the United States of the alien”). Significantly, Petitioner is not a  
2 member of the Bond Eligible Class certified in *Maldonado Bautista* as she was detained at  
3 the time of her arrival. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,  
4 --- F. Supp. 3d ---, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)(“All noncitizens in the  
5 United States without lawful status who... were not or will not be apprehended upon  
6 arrival” are *Maldonado Bautista* class members). In addition, Petitioner does not have an  
7 approved Temporary Protected Status application. *See* Exhibit 2.

8 Nevertheless, the government acknowledges that courts in this District have  
9 repeatedly inferred a constitutional right against prolonged mandatory detention. Taking  
10 into consideration those prior rulings, the government concedes that this Court should order  
11 that Petitioner receive a bond hearing, where the government would bear the burden of  
12 proof of establishing, by clear and convincing evidence, that Petitioner poses a danger to  
13 the community or a risk of flight. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025  
14 WL 3154520 (S.D. Cal. Nov. 12, 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025  
15 WL 2770633 (S.D. Cal. Sept. 26, 2025).

16  
17 DATED: May 4, 2026

ADAM GORDON  
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18  
19 *s/Antonio Estrada*  
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