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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 FERNANDO MEZA-VARGAS,
12

13 Petitioner,

14 v.

15 MARKWAYNE MULLIN, et al.,
16

17 Respondents.
18

Case No.: 26-cv-2145-JES-AHG

**RESPONSE TO AMENDED
PETITION**

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20 Petitioner entered the United States on or about January 15, 1998, through the
21 Calexico Port of Entry. Exhibit (Ex.) 1 (I-213). He obtained a B-2 Visa, a visa for foreign
22 travelers, which had since expired. *Id.* Border Patrol Agents detained Petitioner as a visa
23 overstay on January 22, 2026. *Id.* As a visa overstay, Petitioner is detained pursuant to 8
24 U.S.C. 1226(a). Respondents agree that, per the statute, Petitioner is entitled to a bond
25 hearing upon his request. Respondents, therefore, provided a bond hearing to Petitioner
26 on February 11, 2026, at which an immigration judge denied bond finding that the
27 Petitioner failed to meet his burden to show that he is not a flight risk or danger to the
28 community. Ex. 2 (IJ Bond order). On February 20, 2026, Petitioner renewed his request

1 for a bond hearing. Ex. 3 (IJ Order 2). The immigration judge denied Petitioner's request
2 for a failure to demonstrate a material change in circumstances since the first bond
3 hearing per 8 C.F.R. § 1002.19(e). Petitioner may request another bond reconsideration
4 and allege a material change in circumstances without the requirement of an order from
5 this Court. As Respondents have complied with their statutory due process requirements
6 and have provided Petitioner with his requested claim for relief, this Court should dismiss
7 this petition.¹

8 DATED: May 20, 2026

ADAM GORDON
United States Attorney

10 s/ Michael D. Wallace
11 MICHAEL D. WALLACE
Assistant United States Attorney
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26 _____
27 ¹ Respondents' counsel apologizes to the Court for filing this one day late. Counsel has a continuing
28 family medical emergency which has required his presence at the hospital on and off since Sunday
resulting in this deadline being missed.