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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 JAIME DE JESUS PINEDA MENJIVAR,

11 Petitioner,

12 v.

13 WARDEN OF IMPERIAL REGIONAL  
DETENTION FACILITY; *et al.*,

14 Respondents.  
15

Case No.: 26-cv-03043-CAB-MSB

**RETURN TO PETITION FOR WRIT  
OF HABEAS CORPUS**

16  
17 Petitioner has filed a habeas petition claiming he is “entitled to a bond hearing  
18 because he falls within the *Maldonado-Bautista* Bond Eligible Class, *Bautista*, 2025  
19 WL 328961 at 11; *Bautista v. Santacruz* -- FRD --- 2025 WL 3288403 at 9 (C.D. Cal.  
20 Nov. 25, 2025).” ECF No. 1 at ¶ 5. Relatedly, the Petitioner claims he is being detained  
21 under the “wrong statutory authority” and was “unlawfully denied” a bond  
22 redetermination bond hearing because Respondents are “treating him as an arriving  
23 alien, detained under 8 U.S.C. § 1225(b)(2)” when Petitioner “is eligible” for a bond  
24 hearing. ECF No. 1 at 4. However, Petitioner is not a member of the Bond Eligible Class  
25 certified in *Bautista*, rendering his habeas petition legally infirm.

26 On November 25, 2025, the *Baustista* court certified a nationwide class of  
27 detained noncitizens, which the *Baustista* court described as the “Bond Eligible Class.”  
28 *Bautista*, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). To be a member of the Bond

1 Eligible Class, a person must (1) have entered the United States without inspection, (2)  
2 not have been apprehended upon arrival, and (3) not be detained under 8 U.S.C. §  
3 1126(c), 8 U.S.C. § 1125(b)(1) or 8 U.S.C. § 1231 at the time the Department of  
4 Homeland Security made its initial custody determination. *Id.* at \*9.

5 Here, Petitioner entered the United States or near the El Paso, Texas port of entry  
6 on or about April 10, 2018. *See* Exhibit 1 (Form I-213).<sup>1</sup> He was apprehended almost  
7 immediately, issued a Notice to Appear (NTA), and released pending § 1229a removal  
8 proceedings. *See id.*; ECF No. 1-2. Petitioner was re-detained on December 12, 2025.  
9 *See* Exhibit 2 (Form I-213 dated 12/12/2025); ECF No. 1 at 4. At the time of re-  
10 detention, Petitioner did not have any pending hearings with the Executive Office of  
11 Immigration Review (EOIR). *See* Exhibit 2. Currently, Petitioner is mandatorily  
12 detained under 8 U.S.C. § 1225(b)(2).

13 Given these facts, Petitioner is not a member of the Bond Eligible Class because  
14 he was apprehended upon arrival. Accordingly, Petitioner’s habeas petition is legally  
15 infirm and should be denied. *See Rodriguez v. Jeffreys, et al.*, No. 8:25CV714, 2025  
16 WL 3754411, \*16 (D. Neb. Dec. 29, 2025) (rejecting *Bautista* as basis for relief and  
17 denying habeas petition because, among other things, “there is ‘a bright-line rule’  
18 applicable in [these] circumstances”) (citations omitted).

19  
20 DATED: May 22, 2026

Respectfully submitted,

21 ADAM GORDON  
22 United States Attorney

23 *s/ Camille Savedra*  
24 CAMILLE SAVEDRA  
25 Assistant United States Attorney  
26 Attorneys for Respondents  
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28 <sup>1</sup> The attached exhibits are true copies, with redactions of private information, of documents obtained from Immigration and Customs Enforcement (ICE) counsel.