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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 ROSAIDI CARMELINA VASQUEZ
12 BATEN,

13 Petitioner,

14 v.

15 WARDEN, *Otay Mesa Detention Facility*
16 et al.,

17 Respondents.
18
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Case No.: 26-cv-3386-BAS-GC

RETURN TO PETITION

20 Petitioner appears to be a member of the Bond Eligible Class certified in *Maldonado*
21 *Bautista v. Santacruz*, 813 F. Supp. 3d 1084 (C.D. Cal. 2025). The Ninth Circuit has stayed
22 application of the Order beyond the Central District of California. However, Respondents
23 acknowledge the prior orders from this District directing bond hearings pursuant to 8
24 U.S.C. § 1226(a) in similar cases.¹ Respondents therefore do not oppose an order from this
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27 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
28 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 Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).²

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3 DATED: June 11, 2026

ADAM GORDON
United States Attorney

4 s/ Ian Pike

5 Ian Pike
6 Assistant United States Attorney
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25 ² The Ninth Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the
26 burden is on the detainee to demonstrate by a preponderance of the evidence that he is
27 not a flight risk or danger to the community. *See Rodriguez Diaz v. Garland*, 53 F.4th
28 1189, 1197 (9th Cir. 2022); *see also Dos Santos v. Becerra*, No. 26-cv-01423-GPC-VET,
2026 WL 800201 (S.D. Cal. Mar. 23, 2026).