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9
10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 DAVID TEJEDA HERNANDEZ,

Case No.: 26-cv-03391-BAS-MSB

13
14 Petitioner,

RETURN TO PETITION FOR A
WRIT OF HABEAS CORPUS

15 v.

16 WARDEN, OTAY MESA DETENTION
17 CENTER,

18 Respondents.
19

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: July 2, 2026

Respectfully submitted,

4 ADAM GORDON
5 United States Attorney

6 s/ Jacob T. Metzger
7 JACOB T. METZGER
8 Special Assistant U.S. Attorney
9 Attorney for Respondents
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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).