

1 ADAM GORDON
2 United States Attorney
3 DOUGLAS D. NELSON
4 Assistant U.S. Attorney
5 California Bar No. 177643
6 Office of the U.S. Attorney
7 880 Front Street, Room 6293
8 San Diego, CA 92101-8893
9 Telephone: (619) 546-8909
10 Facsimile: (619) 546-7751
11 Email: Douglas.Nelson@usdoj.gov

12 Attorneys for Respondents

13 **UNITED STATES DISTRICT COURT**
14
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 SANTOS BRAULIO ELENTERIO,

17 Petitioner,

18 v.

19 PATRICK DIVVER, Field Office Director
20 of Enforcement and Removal Operations,
21 San Diego Field Office, Immigration and
22 Customs Enforcement, et al.,

23 Respondents.

Case No.: 26cv03626 JAO JAC

RESPONSE TO PETITION

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

¹ To the extent the Court issues an order directing a bond hearing under 1226(a), considering heavy caseloads and staffing levels, Respondents respectfully request that such

1 Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).²

2
3 DATED: June 29, 2026

ADAM GORDON
United States Attorney

4 s/ Douglas D. Nelson

5 DOUGLAS D. NELSON
6 Assistant United States Attorney
7 Attorneys for Respondents
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

24 order provide the government 14 days from issuance to hold such bond hearing.

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).