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8 UNITED STATES DISTRICT COURT
9
10 SOUTHERN DISTRICT OF CALIFORNIA

11 EDUARDO MEJIA-TEXTA, et al,

12 Petitioner,

13 v.
14

15 CHRISTOPHER LAROSE, et al,

16 Respondents.
17

Case No.: 26-cv-03646-RBM-JLB

18 **RESPONSE TO PETITION**

19 Petitioners' habeas petition asserts claims under the Fourth Amendment.
20 Petitioners' fail to explain why release is the remedy for such alleged violations. *United*
21 *States v. Crews*, 445 U.S. 463, 474 (1980) (noting, in the criminal context, that Fourth
22 Amendment's "exclusionary principle" "delimits what proof the Government may offer
23 against the accused at trial, closing the courtroom door to evidence secured by official
24 lawlessness," but an individual "is not himself a suppressible 'fruit'"); *Cruz v. Barr*, 926
25 F.3d 1128, 1146 (9th Cir. 2019) (releasing petitioner on Fourth Amendment grounds
26 because fruits of the regulatory violation were the only evidence of petitioner's alienage).
27 Moreover, Fourth Amendment claims related to alienage "belong in front of an
28 Immigration Judge, not a federal district court." *See Marvan v. Slaughter*, No. CV 25-49-

1 H-DLC, 2025 WL 1940043, at *3 (D. Mont. July 15, 2025) (denying habeas petition
 2 challenging detention based on Fourth Amendment violations for lack of subject matter
 3 jurisdiction). Petitioner cannot simply “bypass the immigration courts and proceed
 4 directly to district court. Instead, [she] must exhaust the administrative process before
 5 [her] can access the federal courts.” *Id.* at *4 (quoting *J.E.F.M.*, 837 F.3d at 1029). To
 6 the extent Petitioner desires to bring such claims, this Court does not have jurisdiction.
 7 Under 8 U.S.C. § 1252(b)(9), “[j]udicial review of all questions of law and fact . . . arising
 8 from any action taken or proceeding brought to remove an alien from the United States
 9 under this subchapter shall be available only in judicial review of a final order under this
 10 section.”

11 However, Petitioners’ appear to be members of the Bond Eligible Class certified in
 12 *Maldonado Bautista v. Santacruz*, 813 F. Supp. 3d 1084 (C.D. Cal. 2025). The Ninth
 13 Circuit has stayed application of the Order beyond the Central District of California.
 14 However, Respondents acknowledge the prior orders from this District directing bond
 15 hearings pursuant to 8 U.S.C. § 1226(a) in similar cases.¹ Respondents therefore do not
 16 oppose an order from this Court directing a bond hearing be held pursuant to 8 U.S.C.
 17 § 1226(a).²

18 DATED: June 26, 2026

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