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8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 EMILIANO AQUINO MARTINEZ,

12 Petitioner,

13 v.

14 MARKWAYNE MULLIN et al.,

15 Respondents.
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Case No.: 26-cv-3675-TWR-DEB

RETURN TO PETITION

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

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8 DATED: June 29, 2026

ADAM GORDON
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10 s/ Ian Pike
Ian Pike
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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),
26 the burden is on the detainee to demonstrate by a preponderance of the evidence that he
27 is 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).