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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
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12 FRANCISCO ZAFRA SALINAS,

13 Petitioner,

14 v.

15 PATRICK DIVVER, *et al.*,

16 Respondents.
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Case No.: 26-cv-03770-JAO-JLB

RESPONSE TO PETITION

21 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has
22 carefully reviewed this petition and determined that the legal issues presented concern the
23 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of
24 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
25 the right to appeal, the government respectfully submits this abbreviated response to
26 preserve the legal issues, to conserve judicial and party resources, and to expedite the
Court's consideration of this matter.

27 It is the government's position that Petitioner is subject to mandatory detention under
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1 § 1225(b)(2). Notably, Petitioner has a significant criminal history and has been charged
2 with various crimes of domestic violence against his child and spouse. *See* Exhibit 1 (Form
3 I-213). However, the government acknowledges that Petitioner appears to be a member of
4 the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, 813 F. Supp. 3d
5 1084 (C.D. Cal. 2025). The Ninth Circuit has stayed application of the Order beyond the
6 Central District of California. However, Respondents acknowledge the prior orders from
7 this District directing bond hearings pursuant to 8 U.S.C. § 1226(a) in similar cases.
8 Respondents therefore do not oppose an order from this Court directing a bond hearing be
9 held pursuant to 8 U.S.C. § 1226(a).¹

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11 DATED: July 6, 2026

Respectfully submitted,

12 ADAM GORDON
13 United States Attorney

14 s/ Jacob T. Metzger
15 JACOB T. METZGER
16 Special Assistant U.S. Attorney
17 Attorney for Respondents
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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
25 order provide the government 14 days from issuance to hold such bond hearing. The Ninth
26 Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the burden is on the
27 detainee to demonstrate by a preponderance of the evidence that he is not a flight risk or
28 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).