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8 **UNITED STATES DISTRICT COURT**
9
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 MANUEL ADRIAN SOTO-URBINA,

12 Petitioner,

13 v.

14 PATRICK DIVVER, et al.,

15 Respondents.
16
17

Case No.: 3:26-cv-03838-JES-DEB

RESPONSE TO PETITION

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19 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. ECF No. 1. The
20 government has carefully reviewed this petition and determined that the legal issues
21 presented concern the statutory authority for U.S. Immigration and Customs Enforcement's
22 (ICE) detention of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving
23 all rights, including the right to appeal, the government respectfully submits this
24 abbreviated response to preserve the legal issues, to conserve judicial and party resources,
25 and to expedite the Court's consideration of this matter.

26 It is the government's position that Petitioner is subject to mandatory detention under
27 § 1225(b)(2). However, the government acknowledges that based upon the allegations in
28 the petition (ECF No. 1, ¶ 14) Petitioner appears to be a member of the Bond Eligible Class

1 certified in *Maldonado Bautista v. Santacruz*, 813 F. Supp. 3d 1084 (C.D. Cal. 2025). *See*
 2 *Id.* at 1127 (describing bond eligible class to include noncitizens who enter without
 3 inspection, not apprehended on arrival, and not subject to detention under 8 U.S.C. §§
 4 1225(b)(1), 1226(C), or 1231 at the time of initial custody determination). The United
 5 States Court of Appeals for the Ninth Circuit has stayed application of the *Maldonado*
 6 *Bautista* class certification except in the Central District of California. *See Maldonado*
 7 *Bautista v. U.S. Department of Homeland Security*, No. 26-1044, Order, Docket Entry #17,
 8 (9th Cir. Mar. 31, 2026) (granting stay pending appeal of district court's December 18,
 9 2025, class certification order insofar as it extends beyond Central District of California).

10 However, Respondents acknowledge the prior orders from this District directing
 11 bond hearings pursuant to 8 U.S.C. § 1226(a) in similar cases. *See, e.g., Juan v. LaRose*,
 12 No. 26-cv-2099-JES-BJW, 2026 WL 1018635, *2 (S.D. Cal. April 15, 2026) (noting stay
 13 outside of Central District of California but finding *Maldonado Bautista* to be compelling
 14 persuasive authority). Respondents therefore do not oppose an order from this Court
 15 directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).¹

16 EVIDENTIARY HEARING NOT REQUESTED

17 In accordance with the directive set forth in the Court's Order entered July 10, 2026,
 18 (ECF No. 3), Respondents respectfully advise the Court that an evidentiary hearing is not
 19 requested.

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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).

1 DATED: July 14, 2026

2 Respectfully submitted,

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4 United States Attorney

5 s/ Roger G. Wright
6 ROGER G. WRIGHT
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8 Attorneys for Respondents
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