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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 ALBERTO PERDOMO RIVERA,

15 Petitioner,

16 v.

17 MARKWAYNE MULLIN, et al,

18 Respondents.
19

No. 5:26-cv-04197-KES

**FEDERAL RESPONDENTS'
RESPONSE TO PETITIONER'S
PETITION FOR WRIT OF HABEAS
CORPUS**

Honorable Karen E. Scott
United States Magistrate Judge

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27 ¹ Admitted to practice under Local Rule 83-2.1.4.1. *See* Order, In Re Application
28 of Kimberly I. Jefferson for Admission Pursuant to Local Rule 83-2.1.4.1, C.D. Cal. No.
CM 26-00056-DMG (May 7, 2026).

1 Respondents submit this response to the Court's July 28, 2006, order requiring a
2 response to the Petition for Writ of Habeas Corpus.

3 The Petitioner appears to be entitled to request and receive an initial bond hearing
4 pursuant to *Rodriguez Vazquez v. Bostock*, --- F.4th ---, 2026 WL 2196424 (9th Cir.
5 2026) (finding "that aliens present without admission who are apprehended in the
6 interior of the United States are subject to the detention regime of § 1226, not §
7 1225(b)(2)(A)."). Under that statutory detention authority, "A § 1226(a) detainee will be
8 released on bond if he demonstrates by a preponderance of the evidence that he is not a
9 flight risk or a danger to the community." *Id.*, at *5 (citing *Rodriguez Diaz v. Garland*,
10 53 F.4th 1189, 1197 (9th Cir. 2022). The exception is where mandatory detention under
11 § 1226(c) applies instead. *Id.*

12 Here, Petitioner is properly detained pending such potential bond proceedings
13 because this is the Petitioner's first detention; they were not previously released from
14 immigration detention or paroled. While Petitioner also seeks immediate release, to the
15 extent Petitioner would be entitled to any remedy via the Petition, at most it would be
16 ordering a bond hearing to be held before an Immigration Judge under § 1226(a).

17 Moreover, to the extent the instant Petitioner has not yet requested such a bond
18 hearing from the Immigration Court, the Petitioner has not yet properly exhausted their
19 available administrative remedies, and their Petition is defective on that basis. Requiring
20 the Petitioner to first pursue this administrative remedy in Immigration Court is not
21 futile, because the Ninth Circuit's issuance of the *Rodriguez Vazquez v. Bostock* decision
22 on July 30, 2026, has now resolved this legal issue within the Ninth Circuit, including in
23 its Immigration Courts.² Furthermore, Petitioner can also seek a *Rodriguez* bond hearing
24 in the Immigration Court after 180 days of total detention time.

25 Accordingly, because the Petitioner has an adequate remedy for their complaint of
26 unjustified detention, the Petition should be denied, and judgment should be entered for
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28 ² Absent further appellate proceedings addressing this legal issue.

1 the Respondents.

2 However, to the extent a bond hearing is nonetheless affirmatively ordered here, it
3 should be consistent with what Courts in this District have generally ordered in similar
4 cases prior to the *Bostock* ruling, which is to require an 8 U.S.C. § 1226(a) hearing to be
5 provided in seven days. Should the Court enter relief in that regard, judgment may be
6 entered immediately, and consistent with the “expeditious resolution” of § 2241
7 Immigration Petitions required by the General Order, no more filings or proceedings will
8 then be necessary in this matter.

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10 Dated: August 4, 2026 Respectfully submitted,

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