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10
11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 MUHAMMET FATIH PERCIN

14 Petitioner,

15 v.

16 ERNESTO SANTACRUZ JR, et al.

17 Respondents.
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No. 5:25-cv-03587-SSS-BFM

**RESPONDENTS' ANSWER TO
PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §
2241**

Honorable Brianna Fuller Mircheff
United States Magistrate Judge

1 Petitioner, a detainee in immigration custody since November 2025, filed a Petition
2 for Writ of Habeas Corpus (“Petition”) [Dkt. No. 1], asking the Court to issue “a writ of
3 habeas corpus ordering his immediate release from ICE custody or, at a minimum,
4 requiring Respondents to provide him with a prompt, constitutionally adequate
5 individualized custody hearing before a neutral decisionmaker under 8 U.S.C. § 1226(a),
6 at which the government bears the burden of justifying any further detention by clear and
7 convincing evidence¹.” Petition at 5, Docket No. 1. Petitioner, on the basis of his
8 allegations, appears to be a member of the Bond Eligible Class certified in *Bautista v.*
9 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025),
10 *reconsideration granted in part*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713982 (C.D.
11 Cal. Dec. 18, 2025), and *amended and superseded on reconsideration*, No. 5:25-CV-
12 01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), *judgment entered sub*
13 *nom. Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal.
14 Dec. 18, 2025), *appeal docketed sub nom. Bautista v. Dep’t of Homeland Sec.*, No. 25-
15 7958 (9th Cir. Dec. 19, 2025). *Id.* at 2, Docket No. 1.

16 If this Court is inclined to grant relief, at most it should be limited to requiring a §
17 1226(a) bond hearing to be provided within 10 days.²

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24 ¹ Petitioner’s suggestion that Respondents bear a clear and convincing evidence
25 burden at a § 1226(a) bond hearing is contrary to controlling law. Under long standing
26 Board of Immigration Appeals (“BIA”) precedent, the noncitizen bears the burden of
27 demonstrating that he is neither a danger to the community nor a flight risk. *Matter of*
Guerra, 24 I&N Dec. 37, 40 (BIA 2006). Accordingly, Petitioner’s request to impose a
heightened evidentiary burden on Respondents finds no support in the statute or binding
precedent.

28 ² Respondents acknowledge that it is typical to order such bond hearings within a
7-day window, but given the backlog of cases at the EOIR, Respondents respectfully
request the Court to provide a few extra days to provide such hearings.

Respectfully submitted,

Dated: January 20, 2026

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CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Respondents, certifies that the memorandum of points and authorities contains 559 words, which complies with the word limit of Local Rule 11-6.1.

Dated: January 20, 2026

/s/ Alfredo J. Bonilla

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