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7 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 Alvino Reyes Hernandez,

11 Petitioner,

12 v.

13 Christopher J. Larose, *Senior Warden, Otay
Mesa Detention Center, et al.,*

14 Respondents,
15

Case No.: 3:26-cv-02193-LL-DDL

RESPONSE TO PETITION

16 Petitioner appears to be a member of the Bond Eligible Class certified in
17 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---,
18 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The Ninth Circuit later stayed application
19 of the Order beyond the Central District of California. However, Respondents
20 acknowledges the prior orders from this District directing bond hearings pursuant to 8
21 U.S.C. § 1226(a) in similar cases.¹ Respondents therefore do not oppose an order from
22 this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).

23 To the extent Petitioner asserts claims under the Fourth Amendment, he fails to explain
24 why release is the remedy for such alleged violations. *United States v. Crews*, 445 U.S.
25 463, 474 (1980) (noting, in the criminal context, that Fourth Amendment's
26 "exclusionary principle" "delimits what proof the Government may offer against the

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28 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
considering heavy caseloads and staffing levels, Respondents respectfully request that
such order provide the government 14 days from issuance to hold such bond hearing.

1 accused at trial, closing the courtroom door to evidence secured by official
2 lawlessness,” but an individual “is not himself a suppressible ‘fruit’”); *Cruz v. Barr*,
3 926 F.3d 1128, 1146 (9th Cir. 2019) (releasing petitioner on Fourth Amendment
4 grounds because fruits of the regulatory violation were the only evidence of petitioner’s
5 alienage).

6 Moreover, Fourth Amendment claims related to alienage “belong in front of an
7 Immigration Judge, not a federal district court.” See *Marvan v. Slaughter*, No. CV 25-
8 49-H-DLC, 2025 WL 1940043, at *3 (D. Mont. July 15, 2025) (denying habeas petition
9 challenging detention based on Fourth Amendment violations for lack of subject matter
10 jurisdiction). Petitioner cannot simply “bypass the immigration courts and proceed
11 directly to district court. Instead, [he] must exhaust the administrative process before
12 [he] can access the federal courts.” *Id.* at *4 (quoting *J.E.F.M.*, 837 F.3d at 1029). To
13 the extent Petitioner desires to bring such claims, this district court does not have
14 jurisdiction. Under 8 U.S.C. § 1252(b)(9), “[j]udicial review of all questions of law and
15 fact . . . arising from any action taken or proceeding brought to remove an alien from
16 the United States under this subchapter shall be available only in judicial review of a
17 final order under this section.” Further, judicial review of a final order is available only
18 through “a petition for review filed with an appropriate court of appeals.” 8 U.S.C.
19 § 1252(a)(5).

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22 DATED: April 14, 2026

Respectfully submitted,

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26 s/ Laura C. Sambataro
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27 Assistant United States Attorney
28 Attorney for Respondents