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Attorneys for Respondents

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ELVIN DAVID GONZALES-DIAZ,

Petitioner,

v.

IMPERIAL REGIONAL DETENTION
FACILITY, et al.,

Respondents.

Case No.: 3:26-cv-02876-DMS-VET

RESPONSE TO PETITION

Petitioner filed the present habeas petition to challenge his immigration detention which allegedly began on January 7, 2026. He asks the Court to order Respondents to provide him a bond hearing within seven days.

At the outset, Petitioner's habeas petition should be dismissed because he fails to name the warden of the facility where he is detained as a respondent. Habeas petitioners challenging their present physical confinement must "name their immediate custodian, the warden of the facility where they are detained, as the respondent to their petition." *Doe v. Garland*, 109 F. 4th 1188, 1197 (9th Cir. 2024) (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)). When a habeas petitioner fails to do so, the Court lacks jurisdiction over the petition. *Mukhamadiev v. U.S. Dep't of Homeland Security*, No. 25-cv-1017-DMS-MSB, 2025 WL 1208913, at *3 (S.D. Cal. Apr. 25, 2025). Here, Petitioner failed to name the warden of the facility where he is detained as a respondent, and he instead named the facility itself and other improper parties who are not alleged

1 to have immediate physical custody of him. As such, the Court lacks jurisdiction to
2 grant habeas relief and the Petition should be dismissed accordingly.

3 Should the Court exercise jurisdiction of this habeas petition, Respondents
4 submit that Petitioner appears to be a member of the Bond Eligible Class certified in
5 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---,
6 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The Ninth Circuit later stayed application
7 of the Order beyond the Central District of California. However, Respondents
8 acknowledges the prior orders from this District directing bond hearings pursuant to 8
9 U.S.C. § 1226(a) in similar cases.¹ Respondents therefore do not oppose an order from
10 this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).

11 DATED: May 14, 2026

Respectfully submitted,

12 ADAM GORDON
13 United States Attorney

14 s/ Allie E. Malone
15 ALLIE E. MALONE
16 Assistant United States Attorney
17 Attorneys for Respondents
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27 ¹ To the extent the Court issues an order directing a bond hearing under 1226(a),
28 considering heavy caseloads and staffing levels, Respondents respectfully request that
such order provide the government 14 days from issuance to hold such bond hearing.