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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 JOSE RAMIREZ SALGADO,

12 Petitioner,

13 v.
14

15 CHRISTOPHER J. LAROSE, Warden,
Otay Mesa Detention Center, *et al.*,

16 Respondents.
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Case No.: **26-cv-03526-TWR-JLB**

RESPONSE TO PETITION

18 On or about September 12, 2003, the Petitioner, a native and citizen of Mexico,
19 entered the United States at or near Tecate, California without inspection.
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21 On April 18, 2023, the Petitioner pled guilty to California Vehicle Code 23152(a),
22 misdemeanor driving under the influence of alcohol, and sentenced to probation.

23 On December 5, 2025, Customs and Border Patrol ("CBP") placed the Petitioner in
24 removal proceedings by filing a Notice to Appear.

25 During the pendency of the Petitioner's removal proceedings, he never sought bond
26 from the Immigration Judge.

27 On May 12, 2026, the Immigration Judge denied all of the Petitioner's applications
28 for relief and ordered him removed to Mexico.

1 On May 22, 2026, the Petitioner filed his appeal with the Board of Immigration
2 Appeals. It is still pending.

3 Petitioner appears to be a member of the Bond Eligible Class certified in *Maldonado*
4 *Bautista v. Santacruz*, 813 F. Supp. 3d 1084 (C.D. Cal. 2025). The Ninth Circuit has stayed
5 application of the Order beyond the Central District of California. However, Respondents
6 acknowledge the prior orders from this District directing bond hearings pursuant to 8
7 U.S.C. § 1226(a) in similar cases.¹ Respondents therefore do not oppose an order from this
8 Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).²

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10 DATED: June 23, 2026

ADAM GORDON
United States Attorney

11 s/ Michael D. Wallace
12 MICHAEL D. WALLACE
13 Assistant United States Attorney
14 Attorney for Respondents
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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
order provide the government 14 days from issuance to hold such bond hearing.

25 ² The Ninth Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the
26 burden is on the detainee to demonstrate by a preponderance of the evidence that he is
27 not a flight risk or danger to the community. *See Rodriguez Diaz v. Garland*, 53 F.4th
28 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).