

1 ADAM GORDON
United States Attorney
2 DOUGLAS D. NELSON
Assistant U.S. Attorney
3 California Bar No. 177643
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8909
Facsimile: (619) 546-7751
6 Email: Douglas.Nelson@usdoj.gov

7 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 MARCELA PEREZ HERNANDEZ,

11 Petitioner,

12 v.

13
14 PATRICK DIVVER, in his official capacity
as Field Office Director of the Immigration
15 and Customs Enforcement, Enforcement
and Removal Operations San Diego Field
16 Office, *et al.*,

17 Respondents.

Case No.: 26cv03600 JES MSB

18 **RESPONSE TO PETITION**

19 Choose a building block.

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

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

28 ² The Ninth Circuit has confirmed that at a bond hearing under 8 U.S.C. § 1226(a), the

1 DATED: June 24, 2026

Respectfully submitted,

2 ADAM GORDON
3 United States Attorney

4 s/ Douglas D. Nelson
5 DOUGLAS D. NELSON
6 Assistant United States Attorney
7 Attorneys for Respondents
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25 _____
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).