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10 Attorneys for Respondents

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

13 YOSTIN SLEIKER GUTIERREZ-  
14 CONTRERAS,

15 Petitioner,

16 v.

17 WARDEN, DESERT VIEW ANNEX,  
18 *et al.*,

19 Respondents.  
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No. 5:25-cv-00965-SSS-KES

**RESPONDENTS' APPLICATION TO  
FILE DECLARATION UNDER SEAL**

Hearing Date: May 9, 2025  
Hearing Time: 1:00 p.m.  
Ctrm: Riverside Courthouse,  
Ctrm. 2

Honorable Sunshine S. Sykes  
United States District Judge

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE THAT Respondents, by and through undersigned counsel of record, request leave pursuant to Local Rule 79-5.2.2(a) to file portions of the Declaration of Jackson Lara in support of Respondents' Briefing in Opposition to a Preliminary Injunction because disclosure would endanger law enforcement personnel and thwart law enforcement efforts. Petitioner opposes.

Dated: April 24, 2025

Respectfully submitted,

BILAL A. ESSAYLI

United States Attorney

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*/s/ Christina Marquez*

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Respondents only request sealing the time periods expressed in paragraph 11. Exposing that limited information to the public would risk compromising the effectiveness and safety of lawful removal operations, and that risk outweighs the public's right of access to this narrow operational information.

**II. ARGUMENT**

The Ninth Circuit recognizes a strong common law presumption in favor of public access to court records. *See Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). But “the right to inspect and copy judicial records is not absolute. Every court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes.” *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978). Sealing information is permitted when there is a compelling governmental interest and the seal is narrowly tailored to protect that interest. *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606–07 (1982). Courts have found compelling governmental interests in sealing information where disclosure may endanger or undermine law enforcement's activities. *See Music Group Macao Com. Offshore Ltd. v. Foote*, 2015 WL 3993147, at \*3 (N.D. Cal. June 30, 2015).

Here, Respondents seek an extremely narrow seal to prevent a public disclosure of operational details, a disclosure that could endanger law-enforcement personnel and thwart lawful removals of alien enemies who do not contest their designation. The specific information Respondents seek to seal are the time periods expressed in paragraph 11 of the declaration. With public knowledge of those details, alien enemies who do not intend to contest their designations would know when their removals would be scheduled to occur based on when they receive the notice provided. Using that knowledge, those alien enemies would be better able to coordinate resistance to those removals, which could include physical attacks on law-enforcement and removal-

1 operations personnel. This concern for operational safety—in removing designated Tren  
2 de Aragua members who do not contest their designation—justifies the narrowly tailored  
3 seal that Respondents seek to maintain. *See Globe Newspaper Co.*, 457 U.S. at 606–07;

4 **III. CONCLUSION**

5 Based on the foregoing, Respondent’s application to seal should be granted.

6  
7 Dated: April 24, 2025

Respectfully submitted,

8 BILAL A. ESSAYLI  
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9 DAVID M. HARRIS  
Assistant United States Attorney  
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