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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DISTRICT**

YOSTIN SLEIKER GUTIERREZ-  
CONTRERAS,

Petitioner,

v.

WARDEN, DESERT VIEW ANNEX,  
ANDRE QUINOES, ICE FIELD  
OFFICE DIRECTOR; TODD M.  
LYONS, ACTING DIRECTOR OF  
ICE; KRISTI NOEM, SECRETARY  
OF HOMELAND SECURITY; PAM  
BONDI, ATTORNEY GENERAL;  
DONALD J. TRUMP, PRESIDENT  
OF THE UNITED STATES, in their  
official capacities.

Respondent(s).

Case No.5:25-cv-00965-KES

**PETITIONER'S OPPOSITION  
TO RESPONDENT'S REQUEST  
TO SEAL.**

**Hearing Date: May 9, 2025  
Hearing Time: 1:00 p.m.**

1       Petitioner Yostin Sleiker Gutierrez-Contreras, through counsel of  
2 record Deputy Federal Public Defenders Chad Pennington and David  
3 Menninger, files this opposition, contesting Respondents' request to seal  
4 paragraph 11 of the Lara Declaration. See ECF No. 16.2, ¶ 11. Paragraph 11  
5 of the Lara Declaration outlines Respondents' Alien Enemies Act ("AEA")  
6 notice and expulsion time-frames. Consequently, paragraph 11 of the Lara  
7 Declaration is pertinent to the very core the Mr. Gutierrez-Contreras' request  
8 for a preliminary injunction and attending habeas relief.

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10                                   Respectfully submitted,

11                                   CUAUHTEMOC ORTEGA  
12                                   Federal Public Defender

13       DATED: May 6, 2025

/s/ Chad Pennington

14                                   Chad Pennington  
15                                   Deputy Federal Public Defender  
16                                   Attorneys for YOSTIN SLEIKER  
17                                   GUTIERREZ-CONTRERAS  
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## INTRODUCTION

The Court should reject the government's attempt to seal information that has already been unsealed in at least two other cases. The information at issue concerns the (extraordinary limited) period of time the government is affording individuals to file habeas petitions before they are summarily removed under the Alien Enemies Act. Lara Decl. ¶ 11. Two courts considering similar issues have already unsealed the same information. See *e.g., J.G.G. et al., v. Trump, et al.*, 1:25-cv-766, ECF No. 108, Ex. B (D.D.C. 2025) (district court unsealed the Cisneros Declaration stating that “[g]enerally, the alien is provided at least 12 hours after receiving the AEA notice, including the ability to make a telephone call, before he or she is placed on a plane for removal. In general, if after 12 hours, the alien has not expressed any intent to file a habeas petition, removal can proceed. Otherwise, if the alien expresses an intent to file a habeas petition, ICE will allow 24 hours after the alien makes this selection, to file a habeas petition before proceeding with removal.”); *J.A.V., et al., v. Trump, et al.*, 1:25-cv-72 ECF No. 49 (S.D. Tex. 2025) (district court unsealed the Cisneros Declaration describing similar AEA notice provisions and describing the proposed AEA notice as affording “no less than 12 hours, including the ability to make a telephone call, to indicate or express an intent to file a habeas petition. . . . If the alien does express an intent to file a habeas petition, the alien is given a reasonable amount of time, and no less than 24 hours, to actually file that petition.”).

Because this information is already in the public domain and has been widely reported on,<sup>1</sup> no additional harm to “operational safety” could

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<sup>1</sup> See, *e.g., Valerie Gomez, Venezuelans Subject to Removal Under Wartime Act Have 12 Hours to Decide on Contesting, Docs Show* (Associated

1 conceivably be caused by this Court permitting its public filing.

2 **ARGUMENT**

3 Respondents request to seal does not comport with the established right  
4 of public access. For one thing, “[i]t is axiomatic that the Court cannot justify  
5 sealing information that is ‘already publicly available.’” *In re Bofl Holding,*  
6 *Inc. Sec. Litig.*, 2021 WL 5579222, at \*3 (S.D. Cal. Nov. 30, 2021) (quoting  
7 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1184 (9th Cir. 2006)).  
8 The three sentences the government seeks to seal are essentially identical to  
9 statements in declarations that other courts have already unsealed. *See*  
10 *J.G.G.*, 1:25-cv-766, ECF No. 108 (D.D.C.); *J.A.V.*, 1:25-cv-72 ECF No. 49  
11 (S.D. Tex. 2025). Respondents offer no explanation for why the Court should  
12 seal information that was made public more than a week ago. The motion  
13 should be denied for that reason alone. *Bofl Holding*, 2021 WL 5579222, at  
14 \*3.

15 But even beyond that, the public enjoys both a strong common law right  
16 of access to judicial documents, *see Nixon v. Warner Communications*, 435  
17 U.S. 589, 597 (1978), and a First Amendment right to view court proceedings  
18 and documents. *See Press-Enterprise Co. v. Superior Ct.* 464 U.S. 501, 509  
19 (1984). “The interest necessary to support [public] access has been found . . .  
20 in the citizen’s desire to keep a watchful eye on the workings of public  
21 agencies.” *Nixon*, 435 U.S. at 597-598. “This presumption of openness in

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23 Press, Apr. 24, 2025), [https://apnews.com/article/immigration-aea-trump-](https://apnews.com/article/immigration-aea-trump-deportations-be16313f9bfd75dce23a5fb9e9af03dd)  
24 *Giving Migrants ‘No Less Than 12 Hours’ to Indicate They Intend to Contest*  
25 *AEA Removal* (ABC News Apr. 24, 2025), [https://abcnews.go.com/US/doj-](https://abcnews.go.com/US/doj-giving-migrants-12-hours-intend-contest-aea/story?id=121142296)  
26 *Margolis, et al., Detained Migrants Given as Few as 12 Hours to Contest*  
27 *Deportation Under Alien Enemies Act, ICE Document Says* (Fox News Apr.  
28 24, 2025), [https://www.foxnews.com/politics/detained-migrants-given-12-](https://www.foxnews.com/politics/detained-migrants-given-12-hours-contest-deportation-under-alien-enemies-act-ice-document)  
[hours-contest-deportation-under-alien-enemies-act-ice-document.](https://www.foxnews.com/politics/detained-migrants-given-12-hours-contest-deportation-under-alien-enemies-act-ice-document)

1 judicial proceedings enhances both the basic fairness of the proceeding and  
2 the appearance of fairness so essential to public confidence in the system and  
3 forms an indispensable predicate to free expression about the workings of  
4 government.” *Civil Beat Law Center for Public Interest, Inc. v. Maile, et al.*,  
5 117 F.4th 1200, 1207 (9th Cir. 2024) (internal citations omitted). And,  
6 “absent a showing that there is a substantial interest in retaining the private  
7 nature of a judicial record, once documents have been filed in judicial  
8 proceedings, a presumption arises that the public has the right to know the  
9 information they contain.” *Id.* (internal citations omitted). “[W]here the First  
10 Amendment right of access attaches, and the State attempts to deny that  
11 right of access, it must be shown that the denial is necessitated by a  
12 compelling governmental interest[] and is narrowly tailored to serve that  
13 interest.” *Id.* at 1205.

14 The information Respondents seek to maintain under seal is at the core  
15 of this case and others challenging the government’s failure to provide  
16 sufficient notice before summarily removing individuals under the AEA.  
17 Respondents that have invoked plenary authority under AEA, and the public  
18 has an overwhelming interest in scrutinizing the lawfulness of that claimed  
19 authority. Unsealing is consistent with the public’s right to keep a vigilant  
20 eye over the workings of the federal agencies and national government.

21 Last, the document does not reveal confidential investigative methods,  
22 thought processes, or jeopardize an ongoing or future investigation. Rather,  
23 it simply describes the vanishingly short notice period the government claims  
24 are enough to comply with the Supreme Court’s command that individuals  
25 targeted for removal under the AEA “must receive notice . . . within a  
26 reasonable time and in such manner as will allow them to actually seek  
27 habeas relief in the proper venue before such removal occurs.” *Trump v.*  
28 *J.G.G.* See 145 S. Ct. 1003, 1006 (2025). Because of the factors weighing in



1 favor of the disclosure and the government's lack of justification for keeping  
2 it under seal, Mr. Guterrez-Contreras respectfully move to unseal the Lara  
3 Declaration as soon as possible so it can be discussed at the public hearing  
4 on May 9, 2025.

5 **CONCLUSION**

6 Petitioner objects to Respondents sealing designation and asks that  
7 the Court maintain the Lara Declaration unsealed.

8  
9 Respectfully submitted,

10 CUAUHTEMOC ORTEGA  
11 Federal Public Defender

12 DATED: May 6, 2025.

/s/ Chad Pennington

13 Chad Pennington  
14 Deputy Federal Public Defender  
15 Attorney for Yostin Guterrez-Contreras

16 **CERTIFICATE OF COMPLANCE**

17  
18 I, Chad Pennington, counsel of record for Yostin Sleiker Gutierrez-  
19 Contreras, certify that this brief complies with the word limit of L.R. 11-  
20 6.1.

21  
22 DATED: May 6, 2025

By /s/ Chad Pennington  
23 Chad Pennington  
24 Deputy Federal Public Defender