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13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 EASTERN DIVISION

16 DARWIN ANTONIO AREVALO
17 MILLAN, on his own and on behalf of
18 others similarly situated,

19 Petitioner-Plaintiff,

20 v.

21 DONALD J. TRUMP, in his official
22 capacity as President of the United
23 States, *et al.*,

24 Respondents-Defendants.

No. 5:25-cv-01207-JWH-PD

**RESPONDENTS-DEFENDANTS'
OPPOSITION TO PETITIONER-
PLAINTIFFS' MOTION TO
RECONSIDER EMERGENCY *EX*
PARTE APPLICATION**

Honorable John W. Holcomb
United States District Judge

1 The Court should deny Petitioner's Motion to Reconsider. See ECF 40. In the
2 Ninth Circuit, a motion to reconsider is an "extraordinary remedy, to be used sparingly in
3 the interests of finality and conservation of judicial resources." *Kona Enters., Inc. v.*
4 *Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Reconsideration should be denied
5 "absent highly unusual circumstances, unless the district court is presented with newly
6 discovered evidence, committed clear error, or if there is an intervening change in
7 controlling law." *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d
8 873, 880 (9th Cir. 2009). And this district's local rules require:

- 9 (a) a material difference in fact or law from that presented to the Court that, in the
10 exercise of reasonable diligence, could not have been known to the party moving
11 for reconsideration at the time the Order was entered, or
12 (b) the emergence of new material facts or a change of law occurring after the Order
13 was entered, or
14 (c) a manifest showing of a failure to consider material facts presented to the Court
15 before the Order was entered.

16 Local Rule 7-18. The motion cannot "in any manner repeat any oral or written argument
17 made in support of or in opposition to the original motion." *Id.* The moving party bears
18 the burden of proving reconsideration is proper. See *389 Orange St. Partners v. Arnold*,
19 179 F.3d 656, 665 (9th Cir. 1999).

20 Petitioner's motion to reconsider fails to meet this high standard. The new facts
21 alleged are not material to the underlying legal issue. See ECF 41, Ex. A, ¶ 9.
22 "Unhappiness with the outcome is not included within the rule; unless the moving party
23 shows that one of the state grounds for reconsideration exists, the Court will not grant a
24 reconsideration." *Gish v. Newsom*, No. 5:20-cv-00755-JGB (KKx), 2020 WL 6054912,
25 at *2 (C.D. Cal. Oct. 9, 2020). Because Petitioner fails to establish one of the necessary
26 grounds for reconsideration, the Court should deny this motion.

27
28 DATED this 26th day of June, 2025.

Respectfully submitted,

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/s/ Michael D. Ross
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CERTIFICATE OF COMPLIANCE

The undersigned counsel of record for the Federal Defendant certifies that this
brief contains 329 words which complies with the word limit of Local Rule 11-6.1.

/s/ Michael D. Ross

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