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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' FIRST AMENDED
MOTION TO RECONSIDER
EMERGENCY *EX PARTE*
APPLICATION**

Honorable John W. Holcomb
United States District Judge

1 The Court should deny Petitioner's First Amended Motion to Reconsider
2 Emergency *Ex Parte* Application. See ECF 43. In the Ninth Circuit, a motion to
3 reconsider is an "extraordinary remedy, to be used sparingly in the interests of finality and
4 conservation of judicial resources." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877,
5 890 (9th Cir. 2000). Reconsideration should be denied "absent highly unusual
6 circumstances, unless the district court is presented with newly discovered evidence,
7 committed clear error, or if there is an intervening change in controlling law." *Marlyn*
8 *Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009).
9 And this district's local rules require:

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

17 Local Rule 7-18. The motion cannot "in any manner repeat any oral or written argument
18 made in support of or in opposition to the original motion." *Id.* The moving party bears
19 the burden of proving reconsideration is proper. See *389 Orange St. Partners v. Arnold*,
20 179 F.3d 656, 665 (9th Cir. 1999). "Unhappiness with the outcome is not included within
21 the rule; unless the moving party shows that one of the state grounds for reconsideration
22 exists, the Court will not grant a reconsideration." *Gish v. Newsom*, No. 5:20-cv-00755-
23 JGB (KKx), 2020 WL 6054912, at *2 (C.D. Cal. Oct. 9, 2020).

24 Petitioner's motion to reconsider fails to meet this high standard. Counsel for
25 petitioner allegedly "learned that a settlement offer of \$1,000 was relayed to Petitioner
26 when Petitioner's wife relayed this information to Attorney Joshua Goldstein." ECF 43
27 at 11. Petitioner does not elaborate who relayed the "settlement offer," what the details
28 were, when it was relayed, where it was relayed, or how it was relayed. See ECF 43-1,

¶5. The “settlement offer” was apparently communicated to Petitioner, who told his wife, who told Attorney Goldstein, who told Petitioner’s Counsel, who filed a declaration with the Court. *See* ECF 43 at 11, ECF 43-1, ¶ 5. That’s multiple layers of hearsay. *See id.*

Although currently unclear, the “settlement offer” might relate to Proclamation 10,935: Establishing Project Homecoming. *See* 90 Fed. Reg. 20357 (May 9, 2025). The Proclamation provides for “financial incentives in the form of an ‘exit bonus’ for each illegal alien who voluntarily and permanently departs from the United States.” *Id.* at 20358. Relevant agencies must “conduct a nationwide communications campaign to notify illegal aliens of the availability of cost-free travel to other countries; the exit bonus; and the sweeping consequences for those who choose to remain illegally present.” *Id.* The U.S. Customs and Border Protection¹ (CBP) has created a mobile application, CBP Home, to support the proclamation. *See* Dep’t of Homeland Sec., *DHS/CBP/PIA-084 CBP Home*, available at <https://www.dhs.gov/publication/dhscbppia-084-cbp-home> (last accessed July 1, 2025). After the user opens the app and selects the preferred language, “the next screen then displays that the U.S. Government will cover travel costs and a \$1,000 exit bonus.” DHS, *Privacy Impact Assessment for the CBP Home*, DHS Ref. No. *DHS/CBP/PIA-084* (June 25, 2025), available at <https://www.dhs.gov/sites/default/files/2025-06/privacy-pia-dhscbp084-cbphome-june2025.pdf> (last accessed July 1, 2025).

Habeas relief is “limited to attacks upon the legality or duration of confinement.” *Pinson v. Carvajal*, 69 F. 4th 1059, 1065 (9th Cir. 2023) (quoting *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)). None of Plaintiff’s new allegations undercut the legality of the government’s detention here. *See id.* Not only that, the “opportunities for legitimate *ex parte* applications are extremely limited.” *Lum v. Mercedes-Benz USA, LLC*, 2012 WL 13012454, at *1 (C.D. Cal. Jan. 5, 2012) (quoting *In re Intermagnetics Am., Inc.*, 101 B.R. 191, 193 (C.D. Cal. 1989)). Petitioner’s amended motion to reconsider fails

¹ CBP is not a party to this lawsuit.

1 to articulate why ex parte relief is appropriate here. *See Mission Power Eng'g Co. v.*
2 *Cont'l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995) (“filing an ex parte motion . . . is
3 the equivalent of standing in a crowded theater and shouting, ‘Fire!’”) *Id.* The
4 government respectfully asks that the Court deny the motion.

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6 DATED this 1st day of July, 2025.

7 Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned counsel of record for the Federal Defendant certifies that this brief contains 736 words which complies with the word limit of Local Rule 11-6.1.

/s/ Michael D. Ross

MICHAEL D. ROSS

Trial Attorney

U.S. Department of Justice