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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 ZUHIR ZIN EDDIN,
15 Petitioner,
16 v.
17 KRISTI NOEM, et al.,
18 Respondents.
19

No. 2:25-cv-04817-JFW-DTB

**RESPONDENTS' OPPOSITION TO
PETITIONER'S MOTION FOR
RELEASE ON BAIL**

UNDER SUBMISSION

Honorable David T. Bristow
United States Magistrate Judge

MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

A. Petitioner's motion should be stricken for failure to comply with the Local Rules.

Petitioner's motion can be denied for the simple fact that Petitioner's counsel failed to comply with Local Rule 7-3. Local Rule 7-3 requires that counsel for the parties meet and confer seven days prior to the filing of a motion and that the motion include a certification to that effect. C.D. Cal. L.R. 7-3. Petitioner's motion does not contain a certification under Local Rule 7-3, nor could it, because Petitioner's counsel never informed Respondents that this motion was coming. Undersigned counsel first became aware of this motion when the incorrectly filed—and now stricken version—was filed on July 23, 2023. Petitioner's counsel made no effort to meet and confer, discuss the issues in the motion, or determine if a potential resolution was possible. Courts have discretion to strike or deny a motion for failing to comply with Local Rule 7-3. *See, e.g., Marantz Bros., LLC v. Tate & Lyle Ingredients Americas LLC*, No. CV 20-317 PSG (AFMx), 2022 WL 17185977, at *2 (C.D. Cal. Sept. 19, 2022); *Follmer v. Mutaguchi*, No. 5:19-CV-01824 FLA (SHKx), 2021 WL 4816866, at *4 (C.D. Cal. May 7, 2021) (recognizing such discretion but ultimately denying motion on its merits and issuing an order to show cause for sanctions for failing to comply with L.R. 7-3). Because Petitioner failed to comply with the Local Rules, this motion should be denied.

B. Petitioner's Motion is effectively moot because it seeks the same relief as his habeas petition on a concurrent timeline.

Petitioner's motion should also be denied because it is duplicative of his habeas petition, which is poised to be decided on the same timeline. Respondents' answer to the petition is due concurrently with this opposition. Pursuant to the Court's order, the case shall be deemed submitted the day after Petitioner files his reply. ECF No. 4 at 3. Thus, Petitioner's underlying motion could be submitted as early as next week if Petitioner files his reply early, and the Court can proceed to a resolution of the case.

1 By filing this motion, petitioner and the Court will have to divide their attentions
2 between briefing and deciding this motion and the underlying petition. The parties and
3 the Court need not engage in such duplicative efforts. Accordingly, the Court should
4 deny this motion as moot and proceed to resolving the underlying petition.

5 **C. Petitioner has failed to show extraordinary circumstances**

6 Even if considered on the merits, Petitioner has failed to show extraordinary
7 circumstances justifying bail. “Bail pending a decision in a habeas case is reserved for
8 extraordinary cases involving special circumstances or a high probability of success.”
9 *Land v. Deeds*, 878 F.2d 318, 318 (9th Cir. 1989); *see Aronson v. May*, 85 S. Ct. 3, 5
10 (1964) (requiring “some circumstance making this application [for bail pending a habeas
11 petition] exceptional and deserving of special treatment in the interests of justice”);
12 *Mapp v. Reno*, 241 F.3d 221, 226 (2d Cir. 2001) (“[The] standard for bail pending
13 habeas litigation is a difficult one to meet: The petitioner must demonstrate that the
14 habeas petition raise[s] substantial claims and that extraordinary circumstances exist[]
15 that make the grant of bail necessary to make the habeas remedy effective.”).

16 Petitioner primarily points to his medical condition and the conditions inside
17 Adelanto as the justifying extraordinary circumstances for this motion. Mot. at 14–19.
18 But his circumstances do not meet the exceedingly high standard for bail. First,
19 Petitioner’s actual medical records submitted with his petition reflect that his shoulder
20 pain is preexisting and that additional medical efforts beyond pain management have
21 been taken. *See* Petition Ex. J at 82, ECF No.6-1 at 54 (pain ongoing for two years); *id.*
22 Ex. K at 90, ECF No. 6-1 at 62 (MRI ordered for shoulder). Second, the general
23 conditions at Adelanto do not justify immediate release. Petitioner’s argument justifying
24 bail is not so much about the circumstances in his case, but about the circumstances
25 affecting a broad range of detainees with prior medical conditions housed at Adelanto.
26 The Court should not accept this categorical argument.

1 **II. CONCLUSION**

2 For the foregoing reasons, Petitioner's motion should be denied.

3 Dated: August 15, 2025

Respectfully submitted,

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9 /s/Ryan C. Chapman

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L.R. 11-6.1 Certification

The undersigned counsel of record for the Respondents certifies that this brief contains 694 words, which complies with the word limit of L.R. 11-6.1.

Dated: August 15, 2025

/s/ Ryan C. Chapman

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