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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RICARDO AGUILAR GARCIA,

Petitioner,

V.

POLLY KAISER, et al.,

Respondents.

Case No. 3:25-cv-05070-JSC

**RESPONSE TO MOTION TO RELATE
(DKT. 14)**

1 Respondents respectfully submit this Response to the Administrative Motion to Consider
2 Whether Case Should Be Related (Dkt. 14) (the “Motion”). In the Motion, the petitioner in *Aroldo*
3 *Rodriguez Diaz v. Kaiser, et al.*, 3:25-cv-05071-TLT, moves pursuant to Local Rule 3-12(b) to relate his
4 case to this one. The Court should deny the Motion.

5 First, the Motion fails to comply with the Local Rules. Local Rule 3-12 requires the movant to
6 comply with Local Rule 7-11 when filing an administrative motion. *See* Local Rule 3-21(b). Local
7 Rule 7-11 requires the motion to be accompanied “by either a stipulation under Civil L.R. 7-12 or by a
8 declaration that explains why a stipulation could not be obtained.” *See* Local Rule 7-11(a). Counsel for
9 Petitioner Rodriguez Diaz provided no notice of the Motion before it was filed, and did not seek a
10 stipulation or provide the necessary declaration. Petitioner Rodriguez Diaz was aware that Local Rule
11 7-11 applied to the Motion because he cited it. *See* Dkt. 14 at 2 (“Pursuant to Civil Local Rule[] . . .
12 7-11”). The Motion should be denied for this reason alone.

13 Second, should the Court reach the merits of the motion, the two cases do not meet the standard
14 to be related. Under Local Rule 3-12(a), cases may be related where “(1) The actions concern
15 substantially the same parties, property, transaction, or event; and (2) It appears likely that there will be
16 an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted
17 before different Judges.” *See* Local Rule 3-12(a). Here, while the respondents in the cases are the same,
18 the similarities end there. Each habeas petition asks for a fact-intensive analysis of two different
19 petitioners’ due process interest in a pre-arrest detention hearing under *Mathews v. Eldridge*, 424 U.S.
20 319 (1976). *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1207 (9th Cir. 2022) (“*Mathews* is not a
21 bright line test, but is flexible depending on the circumstance.”) (quotation and citation omitted).

22 The petitioners’ circumstances have little in common. Petitioner Aguilar Garcia previously
23 received a predetermination hearing (a bond hearing), but the Immigration Judge declined to order
24 release on bond. ICE, however, made the decision to release Petitioner on July 3, 2019, on an
25 administrative bond as part of the Intensive Supervision Appearance Program as an alternative to
26 detention. Two Petitions for Review before the Ninth Circuit followed, which were consolidated and
27 denied on May 8, 2025, clearing the way for Petitioner’s removal. On May 23, 2025, the Ninth Circuit
28

1 granted Petitioner's motion to stay issuance of the mandate for ninety days, after which the order of
2 removal will become final. At that point, Petitioner's detention will be governed by 8 U.S.C. § 1231.

3 On the other hand, the petitioner in *Rodriguez Diaz* was twice denied bond by an IJ on the
4 ground that he had lied about his gang membership and was a danger to the community, and was only
5 released after a another court in this District granted a prior habeas petition and ordered a further bond
6 hearing at which the government had the burden of proof by clear and convincing evidence. The Ninth
7 Circuit subsequently reversed that habeas writ, holding that the hearing processes established by
8 regulation were constitutionally adequate; that Mr. Rodriguez Diaz was not entitled to an additional
9 bond hearing; and that the District Court erred by placing the burden on the government and heightening
10 the standard. *See Rodriguez Diaz*, 53 F.4th at 1203-14. Mr. Rodriguez Diaz remains in removal
11 proceedings, with his next master calendar hearing set for August of 2026. His detention is therefore
12 governed by 8 U.S.C. § 1226.

13 The cases therefore are not sufficiently similar to be related. Moreover, Petitioner's logic for
14 relating these cases would apply to virtually all immigration habeas cases in this District seeking any
15 kind of pre-detention review. There is no good reason for a single court to become the *de facto*
16 immigration habeas judge for the District. Unsurprisingly, courts in this District therefore routinely
17 decline to relate immigration habeas cases involving different petitioners. *See, e.g., Marez Gallegos v.*
18 *Garland*, No. 3:23-CV-02732-TLT, ECF No. 22 (N.D. Cal. Oct. 12, 2023).

19 For the reasons set forth above, the Motion should be denied.

20 Respectfully submitted,

21 DATED: July 1, 2025

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26 *Attorneys for Respondents*