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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION
14

15 JOAQUIN E. VILLALTA SALAZAR,

16 Petitioner-Plaintiff,

17 v.

18 Timothy ROBBINS, Acting Field
Office Director of Los Angeles Office
19 of Detention and Removal, U.S.
Immigrations and Customs
20 Enforcement; U.S. Department of
Homeland Security;

21 Todd M. LYONS, Acting Director,
22 Immigration and Customs Enforcement,
U.S. Department of Homeland Security;

23 Kristi NOEM, in her Official Capacity,
24 Secretary, U.S. Department of
Homeland Security; and

25 Pam BONDI, in her Official Capacity,
26 Attorney General of the United States;

27 Respondents-Defendants.
28

No. 2:25-cv-05473-VBF-MAR

**OPPOSITION TO PETITIONER-
PLAINTIFF'S "MOTION FOR LEAVE
TO FILE AMENDED HABEAS" [DKT.
18]**

Honorable Valerie Baker Fairbank
United States District Judge

OPPOSITION TO “MOTION FOR LEAVE”

I. INTRODUCTION

On July 18, 2025, Petitioner-Plaintiff Joaquin E. Villalta-Salazar filed a document entitled a “Motion for Leave to File Amended on Habeas on July 21, 2025” [Dkt. 18]. Although not framed as such, this was an improper *ex parte* application, not a noticed motion, since it asks for relief to be ordered the next business day. Petitioner-Plaintiff filed the “motion” without any conference of counsel, nor advance notice to counsel. Petitioner-Plaintiff’s filing makes no effort to comply with the procedures and standards that the Local Rules require for noticed motions (such as the Local Rule 7-3 conference), nor to comply with the procedures and standards that the Local Rules require for *ex parte* applications.

There is no “crisis” justifying the *ex parte* request. Moreover, Petitioner’s “Motion” seeks relief that has already been sought, via joint stipulation, which the Court did not grant. It should be denied.

II. ARGUMENT

A. Plaintiff Fails to Meet the Standard for an *Ex Parte* Application

“Ex parte applications are “nearly always improper,” and “the opportunities for legitimate [ones] are extremely limited.” *Blackwell v. City of Los Angeles*, No. 219CV09977FLAMAR, 2022 WL 17345910, at *2 (C.D. Cal. July 26, 2022) (citing *In re Intermagnetics Am., Inc.*, 101 B.R. 191, 192, 193 (C.D. Cal. 1989)). A party seeking *ex parte* relief must demonstrate: (1) the moving party is without fault in creating the crisis that requires *ex parte* relief or the crisis occurred as a result of excusable neglect; and (2) the moving party’s cause will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures. *See Mission Power Engineering Co. v. Continental Casualty Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).

First, Petitioner has not demonstrated that he is without fault in creating the “crisis” or that the crisis occurred as a result of excusable neglect. In fact, there is no

1 crisis identified at all in his “motion.” There is no upcoming court date or deadline.

2 There is no significance to the July 21, 2025 date.

3 Nor has Petitioner’s Motion demonstrated that Petitioner will be irreparably
4 prejudiced if the underlying motion is heard according to regular noticed motion
5 procedures. With the Court’s order granting the request for a temporary restraining order
6 [Dkt. 12], Petitioner has been released from detention, and Respondents are ordered to
7 refrain from re-arresting him.

8 Further, the request sought here—to file an amended habeas petition—was already
9 asked of the Court via a joint stipulation on July 3, 2025 at Dkt. 13, on which the Court
10 did not rule. Per the Court’s lack of ruling before July 9, 2025, the original deadline for
11 Respondents to file a supplemental brief in response to the Court’s TRO order,
12 Respondents filed their brief and Petitioner filed his Reply and an unpermitted “Sur-
13 Reply,” to which Respondents have filed their objection. Asking *again*, this time
14 unilaterally, to file an amended habeas petition ignores the fact that the Court has already
15 received and decided not to grant the joint stipulation, as well as the fact that
16 Respondents have already filed their opposition.

17 **B. Petitioner Has Violated the Court’s Local Rules**

18 Local Rule 7-3 requires a conference of counsel prior to filing of motions. The
19 purpose of the Rule is to reach a resolution that may eliminate the necessity for a
20 hearing. As Petitioner’s Motion acknowledges, no such conference took place. Nor did
21 any sort of notice as required for *ex parte* applications under Local Rule 7-19.1. Instead,
22 Petitioner’s counsel e-mailed Respondents’ counsel at 7:38 a.m. Pacific, asking for a
23 position on the request at issue, and went ahead and filed the motion at 8:19 a.m., less
24 than an hour later before Respondents’ counsel had an opportunity to respond. Such
25 violations of the Local Rules are reason enough why the request should be denied.

26 **C. Ex Parte Relief Will Prejudice Respondents**

27 The *ex parte* relief requested will prejudice Respondents, who did not receive
28 proper notice and who did not get an opportunity to discuss a reasonable briefing

1 schedule. As discussed previously, counsel filed a joint stipulation asking for the Court
2 to give Petitioner leave to file an amended habeas petition. In it, the parties agreed to a
3 briefing schedule giving Respondents four weeks to respond to any amended petition.
4 See Dkt. 13. If the Court were to grant this improper, un-noticed, duplicative *ex parte*
5 application—which it should not—Respondents request that the Court sets a briefing
6 schedule that is consistent with the parties’ joint stipulation at Dkt. 13, giving
7 Respondents sufficient time to respond.

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9 Dated: July 18, 2025

Respectfully submitted,

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Certificate of Compliance under L.R. 11-6.2

Counsel of record for Federal Defendants-Respondents certifies that this brief
complies with the word limit of L.R. 11-6.1.