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7 Counsel for Petitioner

8 **UNITED STATES DISTRICT COURT**

9 **FOR THE DISTRICT OF EASTERN CALIFORNIA**

10 GUSTAVO QUIROZ,

11 Petitioner,

12 vs.

13 KRISTI NOEM et al.

14 Respondents

Case No.:

1:25-CV-00765-KES-SAB-HC

NOTICE OF WITHDRAWAL OF
MOTION FOR TEMPORARY
RESTRAINING ORDER WITHOUT
PREJUDICE

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27 NOTICE OF WITHDRAWAL OF MOTION FOR TEMPORARY RESTRAINING ORDER
28 WITHOUT PREJUDICE

**NOTICE OF WITHDRAWAL OF MOTION FOR TEMPORARY
RESTRAINING ORDER WITHOUT PREJUDICE**

1. PLEASE TAKE NOTICE that Petitioner, by and through undersigned counsel, hereby withdraws the Motion for Temporary Restraining Order filed on June 24, 2025, without prejudice and with discretion to refile if needed.

BASIS FOR WITHDRAWAL

2. This withdrawal is made with consideration of Petitioner's stay of removal currently in effect at the United States Court of Appeals for the Ninth Circuit in QUIROZ V. BONDI, Case No. 25-3912. This was issued on the same day that this case was filed given Petitioner's exigent circumstances and immediate risk of removal at that time.

3. Given that Petitioner's removal will not be effectuated during the time that the appellate court maintains its own stay of removal, the circumstances that originally gave rise to the request for emergency relief have been temporarily addressed through the stay of removal. Counsel for Petitioner notes that the present stay issued for Petitioner before the Ninth Circuit is temporary in nature.

4. Additionally, the moving party takes the government at their word and in good faith accepts their representation in their opposition brief that they have no intent to move petitioner from this jurisdiction while the appellate proceedings are pending. Specifically, the government represented in their opposition brief filed on July 16, 2025, that **"Quiroz has remained at Golden State Annex since May 7, 2025, and there is no intent to transfer him to another facility."** ECF 10 at 13 n.11. The government further confirmed this position through the Declaration of

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WITHOUT PREJUDICE

1 Deportation Officer Armando Meneses Jr., stating: **"As of the drafting of this**
2 **declaration, there is no intent to transfer Petitioner to another facility."** ECF
3 10-1 ¶ 12.

4 5. The moving party believes it is appropriate to withdraw this motion
5 currently to avoid unnecessary judicial resources while the stay remains in effect
6 and in reliance on the government's express statements regarding petitioner's
7 continued detention at his current facility.

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9 **RESERVATION OF RIGHTS**

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11 6. This withdrawal is made without prejudice to Petitioner's right to seek
12 similar or related relief in the future, including but not limited to:

- 13 1. The right to refile a motion for temporary restraining order if the
14 stay of removal is lifted, modified, expires, if the government's
15 stated position regarding petitioner's location changes, or if other
16 circumstances change that would warrant emergency relief;
17 2. The right to seek preliminary injunctive relief;
18 3. The right to seek any other appropriate equitable relief as
19 circumstances may warrant; and
20 4. All other rights and remedies available at law or in equity.

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22 **PROCEDURAL COMPLIANCE**

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24 7. This Notice of Withdrawal is filed pursuant to Local Rule 230(e) of
25 the United States District Court for the Eastern District of California, which
26 provides that "within the time for filing and serving a reply, the moving party may

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28 WITHOUT PREJUDICE

1 file and serve a notice of withdrawal of the motion. Upon the filing of a timely
2 withdrawal, the motion will be taken off-calendar."

3 8. This Court Served on the parties an Order to Respond, Order Setting
4 Briefing Schedule, Order to Electronically File Transcripts and Other Necessary
5 Documents, Order Directing Clerk of Court to Serve Documents, ECF 4 (June 24,
6 2025). Pursuant to this Court's Order, any reply to respondent's opposition was due
7 within fourteen (14) days after the opposition was filed in CM/ECF. ECF 4 at 1-2.
8 Respondent filed their opposition on July 16, 2025. ECF 10. This notice is filed
9 within fourteen (14) days of the filing and review of the Government's Opposition
10 to the request for Temporary Restraining order.

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12 Respectfully submitted,

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14 Dated: July 29, 2025

/s/Emily L. Robinson Esq.
Counsel for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Notice of Withdrawal was served upon all parties or their counsel of record on July 30, 2025 by the following method(s):

☐ By electronic service through the Court's CM/ECF system to all registered participants

Respectfully submitted,

Dated: July 30, 2025

/s/Emily L. Robinson Esq.
Counsel for Petitioner

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