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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

YONNATAN SOTO GARCIA, Petitioner, v. TONYA ANDREWS, in official capacity, Facility Administrator of Golden State Annex, et al., Respondents.	CASE NO. 2:25-CV-1884 TLN OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER; OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION DATE: July 10, 2025 TIME: 2:00pm

This Court should deny the requested TRO and preliminary injunction because there is no authority that would permit—much less require—a court to hold a hearing on changed circumstances before immigration authorities may re-detain petitioner. Because there is no regulatory, statutory, or constitutional requirement that a hearing on changed circumstances precede petitioner's re-detention on changed circumstances, petitioner fails to meet his burden of establishing a basis for relief, and the request for a TRO and injunctive relief should be denied.

I. BACKGROUND

A. Soto Garcia is Convicted of an Aggravated Felony

Petitioner Yonnatan Soto Garcia is a native and citizen of Mexico, who is removable from the United States pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii) as an alien convicted of an aggravated felony based on his 2020 conviction for lewd and lascivious acts with a child under Cal. Penal Code § 664/288(A). ECF 9.

B. Soto Garcia is Ordered Removed and is Subject to Detention

Based on his criminal conviction, Soto Garcia was placed into removal proceedings. Declaration para. 7. Soto Garcia was ordered removed pursuant to a final order of removal on September 22, 2022. Declaration para. 7.

Soto Garcia's final order of removal rendered him subject to immigration detention pursuant to 8 U.S.C. § 1231(a)(2) for the 90-day "removal period."

Soto Garcia filed for a type of protection from removal called withholding-only proceedings, claiming a fear of return to Mexico and seeking withholding of removal and protection under the Convention Against Torture. ECF 9. Soto Garcia was denied relief from the immigration judge, but filed an appeal with the Board of Immigration Appeals, which is still pending. ECF 9.

That administrative appeal has the capacity to affect the country to which Soto Garcia is removed, but not the fact that he will be removed.

C. Soto Garcia's Detention

Soto Garcia was initially detained by immigration authorities on September 14, 2022. Declaration para. 7.

While in withholding-only proceedings, Soto Garcia pursued custody redetermination. Declaration para. 9. The immigration judge ordered Soto Garcia released on conditions on May 25, 2023. Declaration para. 9.

D. Soto Garcia's Re-Detention

In May 2024, Soto Garcia was arrested and charged in Stanislaus County with violations of Cal. Vehicle Code § 14601.2(a) (driving on a suspended license) and § 23247(e) (operating a vehicle not equipped with a functioning ignition interlock device). These state court charges remain pending.

On May 28, 2025, Soto Garcia was re-detained by immigration authorities. In addition to his arrest and new criminal charges, ICE determined that Soto Garcia had accumulated over 30 violations of his conditions of immigration release. Declaration para. 11.

Soto Garcia is presently detained at the Golden State Annex, in the Eastern District of California, under 8 U.S.C. § 1231(a)(6). Declaration para. 14.

II. SOTO GARCIA CANNOT SHOW HE HAS MET THE REQUIREMENTS FOR A TRO

A. Standard for TRO

Temporary restraining orders are governed by the same standard applicable to preliminary injunctions. *See Cal. Indep. Sys. Operator Corp. v. Reliant Energy Servs., Inc.*, 181 F. Supp. 2d 1111, 1126 (E.D. Cal. 2001). Preliminary injunctions are "never awarded as of right." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). "[P]laintiffs seeking a preliminary injunction face a difficult task in proving that they are entitled to this extraordinary remedy." *Earth Island Inst. v. Carlton*, 626 F.3d 462, 469 (9th Cir. 2010) (internal quotation omitted). Plaintiffs' burden is aptly described as "heavy." *Id.* A preliminary injunction requires "substantial proof" and a "'clear showing.'" *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (emphasis omitted). "A plaintiff seeking a preliminary injunction must show that: (1) she is likely to succeed on the merits, (2) she is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in her favor, and (4) an injunction is in the public interest." *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). Alternatively, a plaintiff can show "serious questions going to the merits and the balance of hardships tips sharply towards [plaintiff], as long as the second and third ... factors are satisfied." *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017).

As the purpose of preliminary injunctive relief is to preserve the status quo pending final adjudication on the merits, there is "heightened scrutiny" for mandatory preliminary injunctions, which is what Petitioner seeks. *Dahl v. HEM Pharms. Corp.* 7 F.3d 1399, 1403 (9th Cir. 1993). "A mandatory injunction orders a responsible party to take action, while [a] prohibitory injunction prohibits a party from taking action and preserves the status quo pending a determination of the action on the merits." *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1060-61 (9th Cir. 2014). Where "a party seeks mandatory preliminary relief that goes well beyond maintaining the status quo *pendente lite*, courts should be extremely cautious about issuing a preliminary injunction." *Martin v. International Olympic Committee*, 740 F.2d 670, 675 (9th Cir. 1984); *see also Committee of Cent. American Refugees v. Immigration and Naturalization Serv.*, 795 F.2d 1434, 1442 (9th Cir. 1986).

B. The Proposed TRO Seeks to Alter the Status Quo

Petitioner's proposed TRO in this case would require a "neutral decisionmaker"[1] to hold a hearing before he could be brought back into immigration custody. ECF No. 9 pg. 28. A different Judge of this Court recently encountered this same TRO request and found no authority to enjoin the government from re-detention. *Quoc Chi Hoac v. Becerra*, 2:25-cv-1740 DC (June 30, 2025).

The purpose of a preliminary injunction is to preserve the status quo between the parties pending a resolution of a case on the merits. *U.S. Philips Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th Cir 2010). To that end, "judgment on the merits in the guise of preliminary relief is a highly inappropriate result." *Senate of Cal. v. Mosbacher*, 968 F.2d 974, 978 (9th Cir. 1992).

In his TRO, Petitioner does not seek to maintain the status quo against irreparable injury pending a determination on the merits. Instead, he demands the same supervised release relief he seeks on the merits. *Compare* ECF 1 *with* ECF 9. Petitioner's TRO should be denied because through this emergency motion, he seeks the ultimate relief he demands in this case: a prohibition on his re-detention unless the court first holds a hearing that is not set forth in any statute or regulation. Presenting the claim to the Court in this way deprives the Court of complete and considered briefing on the merits of Petitioner's claim. Assuming Petitioner started drafting his motions when he was taken into custody on May 28, 2025, he had a month to get them prepared, finalized and filed. Petitioner then filed them on the cusp of a holiday weekend, with an initial TRO well in excess of the page limits in this district. Petitioner then twice re-filed the TRO to conform with the Court's order on page limits, with the government having to adapt to file responsive briefing in less than two business days.

The Ninth Circuit has rejected this approach stating, "judgment on the merits in the guise of preliminary relief is a highly inappropriate result." *Senate of Cal. v. Mosbacher*, 968 F.2d 974, 978 (9th Cir. 1992). This Court has likewise disallowed this approach. *See, e.g., Keo v. Warden of Mesa Verde Ice Processing Center*, 2024 WL 3970514 (E.D. Cal. Aug. 28, 2024) (denying the TRO of an in custody

[1] In the *Quac Chi Hoac* immigration TRO, recently decided by Judge Coggins, a different petitioner used the same terminology, "neutral decisionmaker," but clarified at oral argument that he meant that term to include district court judges, but not immigration judges. 2:25-cv-1740. Petitioner in this case appears to have used the same intentionally vague term, "neutral decisionmaker," but does not clarify which judge he believes must hold the hearing on changed circumstances, nor where that requirement for a pre-detention hearing originates.

detainee who sought the same relief as in the habeas petition finding "it is generally inappropriate for a federal court at the preliminary-injunction stage to give a final judgment on the merits."). Other districts agree. *See, e.g., Doe v. Bostock*, 2024 WL 2861675, *2 (W.D. Wash. June 6, 2024) (same). This Petitioner's TRO should be denied for the same reasons.

C. Soto Garcia is Unlikely to Succeed on the Merits

Furthermore, Soto Garcia has not established that he is likely to succeed on the merits of his request for a hearing before re-detention.

The basis of Soto Garcia's detention is 8 U.S.C. § 1231(a)(6). He has a final order of removal due to his aggravated felony conviction. Declaration para. 7.

He was released by an immigration judge on an order of supervision, but the Supreme Court has made clear that that order of release was not required: "there is no plausible construction of the text of § 1231(a)(6) that requires the Government to provide bond hearings before immigration judges after six months of detention, with the Government bearing the burden of proving by clear and convincing evidence that a detained noncitizen poses a flight risk or a danger to the community." *Johnson v. Arteaga-Martinez*, 593 U.S. 573, 581 (2022)).

Just as the Supreme Court found in *Arteaga-Martinez* that the immigration detention statute, 8 U.S.C. § 1231(a)(6), "does not address or even hint at the requirements imposed below" relating to bond hearings following the six-month mark of immigration detention, so too here, there is nothing in that same statute about a hearing requirement before immigration authorities can re-detain an alien who was previously on an order of supervision. 593 U.S. at 581 (internal quotation omitted).

Petitioner points to no authority that would require a hearing before he can be taken back into immigration detention on a lawful final order of removal. Because he has provided the Court with no such authority, he cannot demonstrate a likelihood of success on the merits.

D. Petitioner has not met his heavy burden to show he is likely to suffer irreparable harm without immediate injunctive relief.

Soto Garcia has not articulated an irreparable harm that can only be remedied with immediate injunctive relief. The fact that Soto Garcia has re-entered immigration detention is not an extraordinary part of the removal process, particularly where the noncitizen has a criminal history like Soto Garcia.

Immigration laws have long authorized immigration officials to charge aliens as removable from the country, to arrest aliens subject to removal, and to detain aliens for removal proceedings. *Demore v. Kim*, 538 U.S. 510, 523–26 (2003); *Abel v. United States*, 362 U.S. 217, 232–37 (1960) (discussing longstanding administrative arrest procedures in deportation cases). In the Immigration and Nationality Act, Congress enacted a multi-layered statutory scheme for the civil detention of aliens pending a decision on removal, during the administrative and judicial review of removal orders, and in preparation for removal. *See generally* 8 U.S.C. §§ 1225, 1226, 1231. "Detention during removal proceedings is a constitutionally valid aspect of the deportation process." *Velasco Lopez v. Decker*, 978 F.3d 842, 848 (2d Cir. 2020) (citing *Demore*, 538 U.S. at 523 n.7) ("prior to 1907 there was no provision permitting bail for any aliens during the pendency of their deportation proceedings"); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of [the] deportation procedure."). Indeed, removal proceedings "'would be in vain if those accused could not be held in custody pending the inquiry into their true character.'" *Demore*, 538 U.S. at 523 (quoting *Wong Wing v. United States*, 163 U.S. 228, 235 (1896)); *cf. Reno v. Flores*, 507 U.S. 292, 306 (1993) ("Congress eliminated any presumption of release pending deportation, committing that determination to the discretion of the Attorney General.").

Here, the detention statute, 8 U.S.C. § 1231(a)(6), broadly authorizes immigration detention. The fact that Soto Garcia is once again detained does not itself meet his burden of proving a likelihood of irreparable injury.

E. The balance of equities do not favor Petitioner.

Petitioner has a serious criminal history. This criminal history includes a crime against a child. In addition, the criminal history includes a recent arrest and an ongoing prosecution relating to two violations of the California vehicular code that pose a danger to the community.

As the Supreme Court and Ninth Circuit have repeatedly held, the government's interest in protecting the public and preventing deportable non-citizens from fleeing are strong and compelling. *See e.g., Rodriguez Diaz v. Garland,* 53 F.4th 1189, 1208 (9th Cir. 2022) (government's interests in "protecting the public from dangerous criminal aliens" and "increas[ing] the chance that, if ordered removed, the aliens will be successfully removed" are "interests of the highest order that only increase with the passage of time").

Although Soto Garcia entered the United States when he was young, and formed relationships in the community, those factors do not outweigh the government's interest in protecting the public, particularly in light of the fact that Soto Garcia did not appear to be successful on supervised release from immigration detention.

F. Issuance of an injunction compelling the release of Petitioner is not in the public interest.

The courts have recognized that "there is little question that the civil detention of [noncitizens] during removal proceedings can serve a legitimate government purpose, which is 'preventing deportable … [noncitizens] from fleeing prior to or during their removal proceedings, thus increasing the chance that, if ordered removed, the [noncitizens] will be successfully removed.'" *Prieto–Romero v. Clark*, 534 F.3d 1053, 1065 (9th Cir. 2008) (citing *Demore v. Kim*, 538 U.S. 510, 528 (2003)).

Soto Garcia's reliance on *Mathews v Eldridge,* 424 U.S. 319 (1976), is misplaced. Petitioner has not established a liberty interest in his release from custody by the immigration judge. His supervised liberty was, from onset, impermanent. His supervision was not set to expire as in the criminal context. His supervision was not for a limited duration in any respect. His supervision and hence any privacy interest, to the extent it exists in this context, was automatically to expire upon execution of his order of removal. Indeed, the supervision ending event, *i.e.,* removal, established the very impermanence of any expectation for continued supervised liberty in the United States.

As to the next factor, the risk of an erroneous deprivation of interest through the procedures used is minimal. *Mathews,* 424 U.S. at 335. In Soto Garcia's situation, Board of Immigration Appeals caselaw alludes to a requirement of changed circumstances before an alien can be re-detained under 8 U.S.C. § 1231(a): *Matter of Sugay*, 17 I.&N. 637 (BIA 1981) ("No change should be made by a District Director absent a change of circumstance"). Here, that change of circumstance is the arrest and prosecution of Soto Garcia for vehicular charges while he was on release from custody, as well as the 30 violations of the terms of his release. Declaration para. 11-13.

As to the remaining factor, as set forth above, the government's interest, "including the function involved and the fiscal and administrative burdens," *Mathews*, 424 U.S. at 335, is significant. As

previously discussed, the government has a strong interest in effecting removal. Petitioner is an aggravated felon non-citizen with a pending final order of removal now to be executed.

III. THE COURT SHOULD LIFT ITS ORDER PREVENTING SOTO GARCIA'S REMOVAL AND RELOCATION

This Court has imposed a temporary order enjoining Soto Garcia's removal and enjoining his being relocated to another judicial district. ECF 5. These orders should be vacated as soon as possible as they are beyond the scope of this Court's jurisdiction in immigration cases.

A. The Immigration and Nationality Act strips this Court of the authority to enjoin removal.

As to the injunction against Soto Garcia's removal, the Immigration and Nationality Act strips this Court of jurisdiction over the executive's decision to execute an order of removal: "no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or *execute removal orders* against any alien under this chapter." 8 U.S.C. § 1252(g) (emphasis added). This jurisdiction-stripping provision includes a prohibition on district courts exercising injuctive relief to forestall removal via habeas cases. *Id.; Rauda v. Jennings,* 55 F.4th 773 (9th Cir. 2022) (holding that the district court could not enjoin removal via a habeas petition).

The Court's temporary injunction in this case is under the All Writs Act, and cites *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966), which is not a immigration case and does not discuss the specific statutory scheme in the Immigration and Nationality Act that expressly bars district courts from enjoining removal. 8 U.S.C. § 1252(g). In the immigration context, the statute precludes judicial review of the decision to execute orders of removal. *Rauda*, 55 F.4th at 777 ("Matias seeks to enjoin the government from removing him—or in other words, enjoin 'action by the Attorney General to ... execute removal orders against [Matias].' . . . . Congress has explicitly precluded our review of this claim.").

The Court should vacate its order enjoining the government from executing the removal order in this case.

B. The Immigration and Nationality Act gives the executive branch discretion over detention placement decisions.

Similarly, this Court ordered that Soto Garcia not be moved from this judicial district. ECF 5. But, again, the Immigration and Nationality Act grants the discretion over the placement and housing of detained aliens to the executive branch. Specifically, 8 U.S.C. § 1231(g)(1) "gives both 'responsibility' and 'broad discretion' to the Secretary 'to choose the place of detention for deportable aliens.' " *Geo Group, Inc. v. Newsom*, 50 F.4th 745, 751 (9th Cir. 2022) (citing *Comm. Of Cent. Am. Refugees v. INS*, 795 F.2d 1434, 1440 (9th Cir. 1986), amended by 807 F.2d 769 (9th Cir. 1986)); *Y.G.H. v. Trump*, No. 1:25-CV-00435-KES-SKO, 2025 WL 1519250, at *9 (E.D. Cal. May 27, 2025). For this reason, the government asks that the Court also vacate that portion of its order enjoining immigration authorities from moving Soto Garcia to another facility outside the Eastern District of California.

IV. CONCLUSION

For the foregoing reasons, it is respectfully requested that the Court deny the TRO and vacate the orders enjoining Petitioner's removal and/or relocation to another immigration detention facility.

Dated: July 8, 2025

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