

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

JUAN MANUEL LOPEZ-CAMPOS,

Petitioner,

v.

KEVIN RAYCRAFT, in his official capacity as Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, in her official capacity as U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 2:25-cv-12486

Hon. Brandy R. McMillion

Mag. Elizabeth A. Stafford

PETITIONER'S NOTICE OF SUPPLEMENTAL AUTHORITY

Petitioner submits this notice of supplemental authority to bring to the Court's attention a new decision from the U.S. District Court for the Central District of California granting relief to nine habeas petitioners in yet another highly analogous case: *Ruben Benitez et al. v. Noem et al.*, 5:25-cv-2190-RGK (C.D. Cal. Aug. 26, 2025) (attached as Exhibit A). Adding this case to the ones already cited in

Petitioner's briefing, *see* Reply Br. at fn. 1, PageID.112 (listing decisions), at least ten federal district courts have now granted similarly-situated habeas petitioners the same relief as that requested in Mr. Lopez-Campos's Petition, and have also rejected the government's prudential exhaustion arguments in doing so. No case that Petitioner is aware of has denied relief or required exhaustion to date.

Respectfully submitted,

/s Ramis J. Wadood

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Dated: August 27, 2025

Exhibit A

Order, *Ruben Benitez et al. v. Noem et al.*,
5:25-cv-2190-RGK
(C.D. Cal. Aug. 26, 2025)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 5:25-cv-02190-RGK-AS Date August 26, 2025

Title *Ruben Benitez et al. v. Kristi Noem et al.*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Petitioners:

Attorneys Present for Respondents:

Not Present

Not Present

Proceedings: **(IN CHAMBERS) Order Re: Petitioners' *Ex Parte* Application for
Temporary Restraining Order [5]**

I. INTRODUCTION

On August 21, 2025, Ruben Benitez, Eliezer Bernal Mendiola, Veliz Armando Bravo Chilel, Marco Eliseo Chamorro Arango, Alpiria Martinez Chavez, Angela Favian Angel, Hans Hernandez Perez, Mario Romero de la Cruz, and Jose Valero Lagunas (collectively, "Petitioners") filed a Petition for Writ of Habeas Corpus against U.S. Secretary of Homeland Security Kristi Noem, U.S. Attorney General Pam Bondi, Acting Director of Immigration and Customs Enforcement ("ICE") Todd Lyons, Acting Director of the Los Angeles Field Office of ICE Ernesto Santacruz, Jr., Warden of the Adelanto ICE Processing Center Fereti Semaia, ICE, and the Department of Homeland Security ("DHS") (collectively, "Respondents"). (ECF No. 1.) Petitioners, noncitizens who have been charged as inadmissible for being present in the United States without having been admitted, are in ICE custody pending removal proceedings. They seek a writ of habeas corpus requiring that they be released from custody unless Respondents provide them with a bond hearing pursuant to 8 U.S.C. § 1226(a).

Presently before the Court is Petitioners' *Ex Parte* Application for Temporary Restraining Order ("TRO") and Order to Show Cause. (ECF No. 5.) Respondents have opposed the Application. (ECF No. 9.) For the following reasons, the Court GRANTS the Application.

II. FACTUAL BACKGROUND

Petitioners allege the following:

ICE has charged Petitioners with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for being present in the United States without being admitted or paroled. They are currently in ICE custody pending removal proceedings. Prior to their arrests, Petitioners were residing in the United States without being formally admitted.

After being detained, Petitioners requested bond hearings before an immigration judge. However, in each instance, the immigration judge denied bond, indicating that the immigration court lacked jurisdiction to conduct a bond hearing.

UNITED STATES DISTRICT COURT
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CIVIL MINUTES - GENERAL

Case No. 5:25-cv-02190-RGK-AS Date August 26, 2025

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The immigration judges' decisions were based on a new DHS policy issued on July 8, 2025. The policy instructs all ICE employees to consider noncitizens charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i)—the inadmissibility ground for individuals like Petitioners who were present in the United States without being admitted or paroled—as “applicant[s] for admission,” under 8 U.S.C. § 1225(a)(1), who are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). (Apl., Ex. BB, ECF No. 5-2.) The new policy represents a dramatic shift; for decades, noncitizens like Petitioners who were inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for being present in the United States without being admitted were considered detained pursuant to 8 U.S.C. § 1226(a), which allows for a bond hearing before an immigration judge, assuming the noncitizen’s criminal history does not render them ineligible for such a hearing.

III. JUDICIAL STANDARD

While a preliminary injunction is intended to preserve the status quo pending a judgment on the merits, a TRO is intended to preserve the status quo only until a preliminary injunction hearing can be held. *Hoehst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 422 (4th Cir. 1999) (citing *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty.*, 415 U.S. 423, 439 (1974)).

Despite this difference, the standard for a TRO is “substantially identical” to the standard for a preliminary injunction. *See Stuhlberg Int’l Sales Co., Inc. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). To obtain a TRO, the moving party must show: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to the moving party in the absence of preliminary relief; (3) that the balance of equities tips in favor of the moving party; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (the “*Winter* test”). In the Ninth Circuit, courts also apply a sliding scale test, in which the elements of the *Winter* test are balanced “so that a stronger showing of one element may offset a weaker showing of another.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). The moving party bears the burden of persuasion. *Hill v. McDonough*, 547 U.S. 573, 584 (2006).

If the court issues a TRO, it must also issue an order to show cause why a preliminary injunction should not issue. C.D. Cal. L.R. 65-1.

IV. DISCUSSION

Petitioners allege their continued detention violates their statutory right to a bond hearing under 8 U.S.C. § 1226(a), the Administrative Procedures Act, and their Fifth Amendment rights to due process. Accordingly, Petitioners seek a TRO requiring Respondents to release them from custody or provide them with an individualized bond hearing before an immigration judge within seven days. Petitioners also seek to enjoin Respondents from relocating them outside of the Central District of California pending final resolution of this litigation. Respondents argue the Court lacks jurisdiction over the matter. In the alternative, Respondents argue Petitioners have not met the requirements for a TRO.

UNITED STATES DISTRICT COURT
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The Court begins by considering whether it has jurisdiction over the matter, then proceeds to consider whether Petitioners have satisfied the *Winter* test.

A. **Jurisdiction**

Respondents argue that 8 U.S.C. §§ 1252(b)(9) and (g) deprive the Court of jurisdiction over Petitioners' claims. The Court addresses each subsection in turn.

1. 8 U.S.C. § 1252(b)(9)

Section 1252(b)(9) provides:

Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final order under this section. Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of Title 28 or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.

8 U.S.C. § 1252(b)(9) (emphasis added).

Respondents argue that the legality of their decision to detain Petitioners is a question of law which arises from actions they are taking to remove Petitioners from the United States and is thus not reviewable absent a final removal order. The Court disagrees. The Supreme Court has held that Section 1252(b)(9) does not present a jurisdictional bar in a case involving a noncitizen's challenge to his continued detention without a bond hearing pending his removal from the United States. *Jennings v. Rodriguez*, 583 U.S. 281, 291–95 (2018). Where, as here, Petitioners “are not asking for review of an order of removal; they are not challenging the decision to detain them in the first place or to seek removal; and they are not even challenging any part of the process by which their removability will be determined . . . § 1252(b)(9) does not present a jurisdictional bar.” *Id.* at 294–95.

2. 8 U.S.C. § 1252(g)

Section 1252(g) provides:

Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, *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.*