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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARIANELA LEON ESPINOZA, et al., Petitioners, v. POLLY KAISER, et al., Respondents.	CASE NO. 1:25-CV-01101-JLT-SKO MOTION TO SEVER JOINT HABEAS PETITION AND MOTION FOR TRO AND DISMISS CASE AS TO CERTAIN PETITIONERS

On August 29, 2025, the six petitioners jointly filed a petition for habeas corpus relief and a motion for a temporary restraining order (ECF 2, 3). Respondents hereby move, pursuant to Fed. R. Civ. P. 21, to sever the parties, and require each petitioner, other than the first-named petitioner, to independently file a petition.

Under Rule 20(a), in order to assert joinder, a petitioner must show a right to relief arising out of the same transaction or occurrence, or series of transactions or occurrences" and "some common questions of law or fact.' *Coughlin v. Rogers*, 130 F.3d 1348, 1350 (9th Cir. 1997). If the test for permissive joinder is not satisfied, a court may ever the misjoined parties. *Id.* The court can generally dismiss all but the first named plaintiff without prejudice against the other defendants subsequent filing of new, separate lawsuits. *Id.*

While generally the joinder of claims, parties, and remedies is encouraged to further judicial economy and fairness, it is generally improper for multiple prisoners or detainees to file a joint habeas petition in which they seek relief from different convictions, sentences, or other forms of detention. *See*

Rubinstein v. United States, 2024 WL 37931 at *1 (E.D.Mich. Jan 3, 2024) (unpub. op.) (compiling cases). *See also Pinson v. Blackensee*, 834 Fed. Appx. 427, 428 (9th Cir. 2021) (unpub. op.) (finding that district court did not abuse discretion in dismissing joint Section 2241 petition based on improper joinder). A number of district courts have also denied joint habeas petitions and issued orders to petitioners to file separate petitions for habeas corpus relief. *See Hague v. Reherman*, 2020 WL 10355775, at *1 (S.D.W.Va. 2020), *Omurwa v. USICE*, 2019 WL 4418269, at *1 (N.D. Tex. 2019); *Buriev v. Warden, Geo, Broward Transitional Ctr.,*, No. 25-CV-60459, 2025 WL 1906626, at *1 (S.D. Fla. Mar. 18, 2025) (denying joinder for habeas petition, but acknowledging that some courts have allowed it).

Here, Petitioners fail to demonstrate that their requests for relief are based on the same series of transactions, as required under Rule 20(a). Petitioners do not assert that they meet the standard for joinder, simply stating that "filing individual petitions for each person subject to ICE's unconstitutional practice has become unmanageable." (ECF 2 at 2). In fact, Petitioners' habeas petition implicitly acknowledges that each petitioner was arrested under different circumstances; some at a scheduled check-in appointment, others after an immigration hearing, and one arrested at her home. (ECF 2 at 3-4). The Petitioners, as alleged in their joint habeas petition, are in varying stages of removal and immigration proceedings. (*Id.*) Each Petitioner was arrested at a separate location, on a separate day. (*Id.*) Petitioners are citizens of different countries, with separate asylum claims, and separate dates of entry into the United States. (*Id.*) The background of each Petitioner's case is unique and independent. Petitioners have failed to demonstrate that any right to relief arises out of the same transaction or occurrence, or that there are common questions of fact.

The primary similarity alleged by Petitioners is that Immigration and Customs Enforcement ("ICE") has a "new practice of seeking unnoticed dismissal of immigration proceedings and immediately arresting [individuals undergoing removal proceedings] under the auspices of purported mandatory detention and expedited removal authority." (ECF 2 at 1).

However, determination of mandatory detention and expedited removal authority necessarily requires looking at each individual detainee on case-by-case basis. This Court has itself acknowledged that revocation of parole conditions must occur on a case-by-case basis. *See Salazar v. Kaiser*, No.

1:25-cv-01017-JLT-SAB, 2025 WL 2456232 at *5 (E.D. Cal. Aug. 26, 2025). Where revocation of parole has occurred, and an individual is detained pending removal, the Court should similarly look at each habeas petition on a case-by-case basis.

As the Ninth Circuit has acknowledged, the mere fact that all joined petitioner/plaintiffs' claims "arise under the same general law does not necessarily establish a common question of law or fact." *Coughlin*, 130 F.3d at 1351. Here, as in *Coughlin*, the Court must give individualized attention to each claim, thereby demonstrating that joinder, in this circumstance, is not warranted.

For the foregoing reasons, Respondents move to sever the defendants. This Court may do so by dismissing the petition as to each petitioner other than Leon Espinoza, without prejudice to the dismissed petitioners refiling independent habeas claims.

Dated: September 2, 2025

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By: /s/ JESSICA DELANEY
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