

1 CRAIG H. MISSAKIAN (CABN 125202)
United States Attorney
2 PAMELA T. JOHANN (CABN 145558)
Chief, Civil Division
3 ROMAN A. SWOOPES (CABN 274167)
Assistant United States Attorney
4 60 South Market Street, Suite 1200
San Jose, California 95113
5 Telephone: (408) 535-5084
FAX: (408) 535-5081
6 Roman.Swoopes@usdoj.gov

7 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 ODTMAN ALFONSO CARDENAS
12 CASTELLANOS et al.,

13 Petitioners,

14 v.

15 SERGIO ALBARRAN, Field Office Director of
the San Francisco Immigration and Customs
16 Enforcement Office et al.,

17 Respondents.

) Case No. 5:25-cv-07962-NW

)
) **RESPONDENTS' SUPPLEMENTAL BRIEF IN**
) **OPPOSITION TO PRELIMINARY**
) **INJUNCTION**

) Judge: Hon. Noël Wise

Respondents Sergio Albarran, Todd M. Lyons, Kristi Noem, and Pamela Bondi respectfully submit this supplemental brief in response to the questions the Court raised at the hearing on September 29, 2025.

I. Whether Respondents Request a Bond for a Preliminary Injunction

If the Court decides to grant preliminary injunctive relief, it should order a bond pursuant to Fed. R. Civ. P. 65(c), which states, in relevant part: “The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” In this case, the bond amount should be based on the cost to the government of having to rearrest and reprocess each individual and re-transport them to a detention facility, as well as any cost associated with the initial release of the five Petitioners.

II. Cost of Immigration Detention

On July 4, 2025, H.R. 1, Public Law No. 119-21 became law, which appropriated \$45 billion “for single adult alien detention capacity and family residential center capacity.” See 139 Stat. 358 § 90003 (2025). While the cost of immigration detention for each individual will vary based on factors such as the particular facility and length of detention, U.S. Immigration and Customs Enforcement has previously publicly estimated that the cost of immigration detention is \$152 per person per day. Respondents further submit that the cost of congressionally mandated detention is not a relevant consideration here because Congress has already made the policy determination that detention is mandatory. Rather, in balancing hardships and the public interest, the court should consider the public’s interest in the enforcement of enacted laws, not the merits of the underlying law sought to be enforced. See *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1140 (9th Cir. 2009).

III. Status of Petitioners as of Friday October 3, 2026

All Petitioners in this case were previously released pursuant to the Court’s Temporary Restraining Order.

Odtman Alfonso Cardenas Castellanos has a case pending before the San Francisco Immigration Court. Mr. Cardenas Castellanos filed a motion to change venue on September 30, 2025. It remains pending. The same day, the government filed the most recent I-830, Notice to EOIR: Alien Address,

1 informing the court that Mr. Cardenas Castellanos was released from ICE custody and providing his
2 current address. He did not file a response to the government's motion to dismiss his Immigration Court
3 proceedings, and they remain pending. His next hearing is scheduled for October 9, 2025.

4 *Ermides Garzon Meneses* has a case pending before the San Francisco Immigration Court. On
5 October 1, 2025, the government filed the most recent I-830, Notice to EOIR: Alien Address and a
6 motion to change venue from the Adelanto Immigration Court (detained) to the San Francisco
7 Immigration Court (non-detained). Venue was changed to San Francisco on October 3, 2025. Mr.
8 Garzon Meneses did not file a response to the government's motion to dismiss his Immigration Court
9 proceedings, and they remain pending. His next hearing is scheduled for December 17, 2026.

10 *Alizda Nallive Lara Del Rio* has a case pending before the San Francisco Immigration Court. On
11 October 1, 2025, the government filed the most recent I-830, Notice to EOIR: Alien Address, informing
12 the court that Ms. Lara Del Rio was released from ICE custody and providing her current address. She
13 did not file a response to the government's motion to dismiss her Immigration Court proceedings, and
14 they remain pending. Her next hearing is scheduled for October 9, 2025.

15 *Herlinda Patino Gonzalez* has a case pending before the San Francisco Immigration Court. On
16 September 30, 2025, the government filed the most recent I-830, Notice to EOIR: Alien Address,
17 informing the court that Ms. Patino Gonzalez was released from ICE custody and providing her current
18 address. She retained counsel but did not file a response to the government's motion to dismiss her
19 Immigration Court proceedings, and they remain pending. Her next hearing is scheduled for October 9,
20 2025.

21 *Yolima Trujillo Mejia* has a case pending before the San Francisco Immigration Court. On
22 September 30, 2025, the government filed the most recent I-830, Notice to EOIR: Alien Address,
23 informing the court that Ms. Trujillo Mejia was released from ICE custody and providing her current
24 address. She retained counsel but did not file a response to the government's motion to dismiss her
25 Immigration Court proceedings, and they remain pending. Her next hearing is scheduled for October 9,
26 2025.

27 //

28 //

1 DATED: October 6, 2025

Respectfully submitted,

2 CRAIG H. MISSAKIAN
3 United States Attorney

4 /s/ Roman A. Swoopes
5 ROMAN A. SWOOPES
6 Assistant United States Attorney
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28