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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 JASON C. JIMENEZ MOLINA,

13 Petitioner,

14 v.

15 SERGIO ALBARRAN, Field Office Director of
16 U.S. Immigration & Customs Enforcement,

17 Respondent,

Case No. 3:25-cv-8427-TLT

**RESPONSE TO PETITIONER'S
CLARIFICATION**

Respondent submits this brief response to Petitioner's Clarification Re Ex Parte Application for Temporary Restraining Order and Order to Show Cause, Dkt. No. 13, to provide a full record to the Court.

Petitioner filed a Motion for Preliminary Injunction late in the evening on October 20, 2025. Dkt. No. 7. Although Petitioner moved only for a preliminary injunction and did not seek a temporary restraining order, the Court treated Petitioner's motion for a preliminary injunction as an "Ex Parte Motion for Temporary Restraining Order" and issued an order granting a temporary restraining order on October 20, 2025, Dkt. No. 9, followed by a written order on October 21, 2025, Dkt. No. 10. This morning, the Court issued an order directing Petitioner to clarify the requested relief sought immediately. Dkt. No. 12. In response to the Court's order, Petitioner submitted "clarification that their filing dated October 20, 2025 was intended as an application for temporary restraining order and order to show cause regarding a preliminary injunction." Dkt. No. 13.

This response differs from what Petitioner's counsel represented to Respondent's counsel prior to and after Petitioner's filing.

Petitioner filed his habeas petition on October 2, and sent an electronic copy to the U.S. Attorney's Office on Saturday, October 4. Dkt. No. 1. Undersigned counsel reached out to Petitioner's counsel on Monday, October 6, to discuss scheduling, and was advised to coordinate with Petitioner's lead counsel when she returned from out of the country. *See* Lo Decl. ¶ 3 & Ex. A. Undersigned counsel spoke with Petitioner's counsel on Friday, October 17, at which time Petitioner's counsel advised that Petitioner did not intend to file a motion for a temporary restraining order but would be filing for a preliminary injunction. *See* Lo Decl. ¶ 4. The parties conferred on a briefing schedule whereby Petitioner would file his motion for a preliminary injunction on October 20 and Respondent would file his response on October 27. *See* Lo Decl. ¶ 5. After filing his motion for a preliminary injunction, Petitioner's counsel informed undersigned counsel by email that "I just filed the motion for preliminary injunction. Since it was filed so late in the evening, I'll agree to your response by October 28th (with our response by October 30th)." *See* Lo Decl. ¶ 6 & Ex. A. Petitioner's counsel made no mention of a motion for a temporary restraining order.

DATED: October 22, 2025
RESPONSE TO PETITIONER'S CLARIFICATION
NO. 3:25-CV-8427-TLT

Respectfully submitted,

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CRAIG H. MISSAKIAN
United States Attorney

/s/ Michelle Lo
MICHELLE LO
Assistant United States Attorney
Counsel for Respondent

DECLARATION OF MICHELLE LO

I, Michelle Lo, declare and state as follows:

1. I am an Assistant United States Attorney with the United States Attorney's Office for the Northern District of California. I have personal knowledge of the matters set forth below, except those matters that are based on information and belief, which I believe to be true, and could and would testify competently to them if called to do so.

2. Petitioner filed his habeas petition on October 2, and sent an electronic copy to the U.S. Attorney's Office on Saturday, October 4. Dkt. No. 1.

3. On Monday, October 6, I reached out to Petitioner's counsel Richard Coshnear to discuss scheduling so that Respondent could understand what Petitioner intended to file and ensure that Respondent had an opportunity to respond to any filings. Mr. Coshnear advised that I should coordinate with Petitioner's lead counsel, Nicole Gorney, when she returned from out of the country.

4. I spoke with Ms. Gorney on Friday, October 17, at which time Ms. Gorney stated that she did not intend to file a motion for a temporary restraining order but would be filing a motion for a preliminary injunction.

5. We conferred on a briefing schedule for Petitioner's motion for a preliminary injunction and agreed that Petitioner would file his motion on October 20 and Respondent would file his response on October 27, seven days later.

6. At 9:34 p.m. on October 20, Petitioner filed a Motion for a Preliminary Injunction. Dkt. No. 7. At 9:41 p.m., Ms. Gorney sent me an email stating: "I just filed the motion for preliminary injunction. Since it was filed so late in the evening, I'll agree to your response by October 28th (with our response by October 30th)." Ms. Gorney's email made no mention of a motion for a temporary restraining order. Attached hereto as Exhibit A is a true and correct copy of my correspondence with Petitioner's counsel.

7. Had Petitioner stated that Petitioner planned to move for a temporary restraining order, Respondent would have sought an opportunity to respond.

8. Prior to this filing, I reached out to Ms. Gorney and asked her to correct the record, but

1 did not hear back.

2 I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

3 Executed on October 22, 2025

4 /s/ Michelle Lo
Michelle Lo