

1 KEKER, VAN NEST & PETERS LLP
2 KATIE LYNN JOYCE, #308263
3 kjoyce@keker.com
4 DANIKA L. KRITTER, #356499
5 dkritter@keker.com
6 RAISA M. CRAMER, #342390
7 rcramer@keker.com
8 633 Battery Street
9 San Francisco, CA 94111-1809
10 Telephone: 415 391 5400
11 Facsimile: 415 397 7188

12 LAKIN & WILLE LLP
13 JUDAH LAKIN, #307740
14 judah@lakinwille.com
15 AMALIA WILLE, #293342
16 amalia@lakinwille.com
17 1939 Harrison Street, Suite 420
18 Oakland, CA 94612
19 Telephone: 510 379 9216
20 Facsimile: 510 397 9219

21 Attorneys for Petitioner Robert George Hogarth

22 UNITED STATES DISTRICT COURT
23 CENTRAL DISTRICT OF CALIFORNIA

24 ROBERT GEORGE HOGARTH,

25 Petitioner,

v.

26 ERNESTO M. SANTACRUZ JR.,
27 Acting Field Office Director of the Los
28 Angeles Immigration and Customs
Enforcement Office; TODD M.
LYONS, Acting Director of United
States Immigration and Customs
Enforcement; KRISTI L. NOEM,
Secretary of the United States
Department of Homeland Security,
PAMELA J. BONDI, Attorney General
of the United States, acting in their
official capacities,

29 Respondents.

Case No. 2:25-cv-09472-SPG-MAR

**REPLY IN SUPPORT OF
PETITIONER'S APPLICATION
FOR TEMPORARY
RESTRAINING ORDER**

Date Filed: October 3, 2025

1 Mr. Hogarth’s request for a TRO should be granted. Instead of responding
2 on the merits, the government focuses its opposition entirely on a procedural
3 argument that is meritless, arguing that *ex parte* proceedings are an improper
4 vehicle for Mr. Hogarth’s requested relief. *See Dkt. No. 10.* This argument fails
5 for multiple reasons.

6 **First**, in this district, *ex parte* applications seeking the same or similar relief,
7 have been granted. *See, e.g., Sun v. Santacruz Jr. et al., 2025 WL 2730235*, at *1
8 (C.D. Cal. Aug. 26, 2025). The government does not even acknowledge this
9 authority, which is on-point, and underscores the proper nature of Mr. Hogarth’s
10 request.

11 **Second**, the government’s focus is misplaced because the Court already
12 declined to treat Mr. Hogarth’s application as an *ex parte* request, instead providing
13 the government a chance to respond both in writing, via an opposition, and orally,
14 at a now vacated hearing. *See Dkt. No. 9.* The government refused to do so. It
15 makes no sense to now complain that *ex parte* proceedings are improper. *See*
16 *Hinestroza v. Kaiser, 2025 WL 2606983*, at *2 (N.D. Cal. Sept. 9, 2025) (“The
17 TRO application was styled as an ex parte request, but the government had notice
18 and filed an opposition. Consequently, the same legal standard as a motion for a
19 preliminary injunction applies.”) (citation and internal quotation omitted).
20 Moreover, pursuant to the Local Rules, under which the Clerk of the Court and the
21 U.S. Attorney’s Office “agree[d] to” certain procedures to “facilitate and assure
22 timely service of process and to provide adequate time to answer habeas corpus
23 petitions,” the U.S. Attorney’s Office was *automatically* added to receive electronic
24 notice of all case filings and activity when Mr. Hogarth filed his habeas petition.
25 L.R. App. C.

26 **Third**, the government argues that it should be excused from responding
27 because it has been “inundated with an unprecedented volume of immigration TRO
28 applications.” *Dkt. No. 10 at 3.* But this is a problem of the government’s own

1 making. The government’s lawless approach to raiding, arresting, and detaining
2 immigrants at an unprecedented, alarming scale, has unsurprisingly resulted in an
3 uptick in TRO applications. *See, e.g., Sun, 2025 WL 2730235*, at *2 (citing recent
4 cases demonstrating that individuals in similar circumstances to Mr. Hogarth “have
5 been detained at immigration check-in appointments absent notice and a hearing”);
6 *Hinestroza, 2025 WL 2606983*, at *2 (finding that an application for a TRO to
7 enjoin the government from unlawfully detaining noncitizens was “part of a
8 tsunami of similar cases in this District” and that courts have “uniformly rejected”
9 the government’s arguments in opposition).

10 **Fourth**, the government’s accusations of delay are not well-taken. Keker,
11 Van Nest & Peters (“KVP”) and Lakin & Wille did not represent Mr. Hogarth in
12 any earlier bond proceedings. Until recently, KVP and Lakin & Wille represented
13 Mr. Hogarth solely in his Ninth Circuit appeal regarding the denial of CAT
14 relief. Once retained to represent Mr. Hogarth in the instant proceedings, KVP and
15 Lakin & Wille worked tirelessly to file expeditiously by preparing a habeas
16 petition, complaint, and supporting declarations—all in advance of ICE’s scheduled
17 check-in to Mr. Hogarth’s home on October 9. KVP and Lakin & Wille did this,
18 and are currently doing his Ninth Circuit petition for review, *pro bono*.

19 **Finally**, the government fails to acknowledge that the requested relief merely
20 seeks to maintain the status quo pending resolution of Mr. Hogarth’s petition and
21 poses no harm whatsoever to the government. There is no reason Mr. Hogarth
22 should be detained. As explained in the application, he has complied with *every*
23 *condition* of his release, for years. *Dkt. No. 2 at 6*. He has a meritorious claim for
24 CAT relief as the Ninth Circuit has already found, and his case remains pending at
25 the Ninth Circuit. *Id. at 11*. He—and his U.S. citizen family members—face grave
26 harm if he gets detained. *Id. at 23*. The government’s refusal to engage with these
27 basic facts is alarming and should be noted by the Court.

28

1 Respectfully Submitted,

2 Dated: October 7, 2025

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4 KEKER, VAN NEST & PETERS
5 LLP

6 By

7 :

8 */s/ Katie Lynn Joyce*

9 Katie Lynn Joyce
10 Danika L. Kritter
11 Raisa M. Cramer

12 Attorneys for Petitioner Robert
13 George Hogarth

14 Dated: October 7, 2025

15 LAKIN & WILLE LLP

16 By

17 :

18 */s/ Judah Lakin*

19 Judah Lakin
20 Amalia Wille

21 Attorneys for Petitioner Robert
22 George Hogarth