

1 BILAL A. ESSAYLI
Acting United States Attorney
2 DAVID M. HARRIS
Assistant United States Attorney
3 Chief, Civil Division
DANIEL A. BECK (Cal. Bar No. 204496)
4 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
5 Federal Building, Suite 7516
300 North Los Angeles Street
6 Los Angeles, California 90012
Telephone: (213) 894-2574
7 E-mail: Daniel.Beck@usdoj.gov

8 Attorneys for Federal Respondents

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10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 FRANCISCO COC TUT, et al.,

13 Petitioners,

14 v.

15 KRISTI NOEM, Secretary, Department
16 of Homeland Security, et al.,

17 Respondents.

No. 5:25-cv-02701-DOC-AGR

**FEDERAL RESPONDENTS'
RESPONSE TO ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

Honorable David O. Carter
United States District Judge

RESPONDENTS' OPPOSITION TO OSC RE: PRELIMINARY INJUNCTION

On October 16, 2025, the Court issued an order [Dkt. 8] providing that the Respondents are enjoined from continuing to detain the Petitioners unless they are provided bond hearings before an immigration judge within seven days pursuant to 8 U.S.C. § 1226(a). The Court's order further required Respondents to show cause as to why a preliminary injunction should not issue. Respondents hereby show such cause.

Undersigned counsel understands that the Petitioners have each been scheduled for bond hearings with the Immigration Court from October 21-23, 2025. Respondents will provide the Court with an update after those bond hearings have concluded.

Providing the Petitioners with the 1226(a) bond hearings, or otherwise releasing them from detention, moots the requested preliminary injunction and this habeas petition more generally. *See, e.g.*, the parallel case filed by Petitioners' counsel as *Javier Gonzales et al. v. Kristi Noem et al.*, 5:25-cv-02054-ODW-BFM, Dkt. no. 16 (August 25, 2025 minute order by Hon. Judge Wright, denying as moot the petitioners' pending request for a preliminary injunction given their receipt pursuant to a TRO of 1226(a) bond hearings and issuing the petitioners an order to show cause re: dismissal); Dkt. no. 17 (notice of voluntary dismissal); and Dkt. no. 18 (order dismissing petition). *See also* *Moises Salomon Zaragoza Mosqueda v. Kristi Noem et al.*, 5:25-cv-002304-CAS-BFM, Dkt. no. 15 (September 17, 2025 minute order by Hon. Judge Snyder, denying preliminary injunction and issuing OSC re dismissal for mootness given the petitioners' receipt of immigration bond hearings); and Dkt. no. 16 (notice of voluntary dismissal).

While Respondents continue to oppose the issuance of a preliminary injunction pursuant to the legal positions stated in the Respondents' brief in opposition to the Petitioners' *ex parte* application for a temporary restraining order, and the Respondents maintain that those positions warrant denying a preliminary injunction on the merits, the issue is mooted in any event by the TRO's issuance and the subsequent provision of the bond hearings for the Petitioners.

1 Accordingly, following the bond hearings, the Respondents anticipate promptly
2 updating the Court just as they have done in other similar cases. The OSC re:
3 preliminary injunction should then be discharged, and the Petitioners should either
4 voluntarily dismiss their Petition or else be required to respond to an OSC re: Dismissal.
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6 Respectfully submitted,

7 Dated: October 21, 2025

BILAL A. ESSAYLI
Acting United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
DANIEL A. BECK
Assistant United States Attorney
Chief, Complex and Defensive Litigation Section

12 /s/ Daniel A. Beck

13 DANIEL A. BECK
Assistant United States Attorney

14 Attorneys for Federal Respondents

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16 **LOCAL RULE 11-6.2 CERTIFICATE OF COMPLIANCE**

17 The undersigned, counsel of record for the Federal Respondents certifies that this
18 brief contains 375 words, which complies with the word limit of L.R. 11-6.1.
19

20 Dated: October 21, 2025

/s/ Daniel A. Beck
DANIEL A. BECK