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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' SUPPLEMENTAL 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 § U.S.C. § 1226(a). The Court's order further required Respondents to show cause as to why a preliminary injunction should not issue.

On October 21, 2025, the Respondents filed a response [Dkt. 9] explaining that the Petitioners were each scheduled for bond hearings with the Immigration Court from October 21-23, 2025, and that the Respondents would provide the Court with an update after those bond hearings have concluded.

Those scheduled § 1226(a) bond hearings have now concluded. Attached as Exhibit A hereto are copies of the bond hearing orders for six of the seven Petitioners, as well as the notice of hearing for the seventh. As shown therein, release on bond was granted for three Petitioners [REDACTED] release on bond was denied for two Petitioners [REDACTED] based on their respective criminal history and flight risk, and the requested bond hearing was withdrawn by the sixth Petitioner [REDACTED]. The hearing for the seventh and last Petitioner [REDACTED] was completed on October 21, 2025 pursuant to the notice of hearing included in Exhibit A, and bond was denied, but a copy of the order has not yet been obtained.

Providing the Petitioners with the § 1226(a) bond hearings 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*

1 *Noem et al.*, 5:25-cv-002304-CAS-BFM, Dkt. no. 15 (September 17, 2025 minute order
2 by Hon. Judge Snyder, denying preliminary injunction and issuing OSC re dismissal for
3 mootness given the petitioners' receipt of immigration bond hearings); and Dkt. no. 16
4 (notice of voluntary dismissal).

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

11 Finally, as new legal authority bearing on this issue, the Respondents submit the
12 October 24, 2025 decision by the Hon. Judge Slaughter dismissing a immigration
13 detention case as speculative and lacking sufficient standing in *J.P. v. Ernesto Santacruz*
14 *Jr., et al.*, 8:25-cv-01640-FWS-JC, Dkt. no. 31 (Order Dismissing Case for Lack of
15 Subject Matter Jurisdiction). A copy of that order is attached as Exhibit B hereto.

16 Accordingly, the OSC re: preliminary injunction should be discharged, and the
17 Petitioners should either voluntarily dismiss their Petition or else be required to respond
18 to an OSC re: Dismissal.

19 Respectfully submitted,

20 Dated: October 27, 2025

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LOCAL RULE 11-6.2 CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for the Federal Respondents certifies that this brief contains 544 words, which complies with the word limit of L.R. 11-6.1.

Dated: October 27, 2025

/s/ Daniel A. Beck

DANIEL A. BECK