

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ADEILSON SANTANA DA CRUZ,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 25-6286
	:	
DAVID O'NEILL, in his official capacity as	:	
Acting Field Office Director, Enforcement	:	
and Removal Operations, Philadelphia	:	
Field Office, U.S. Immigration and Custom	:	
Enforcement <i>et al.</i> ,	:	
	:	
Respondents.	:	

RESPONSE IN OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER

On November 5, 2025, Immigration and Customs Enforcement (ICE) placed Petitioner Adeilson Santana Da Cruz (“Petitioner or Santana Da Cruz”) in removal proceedings and detained him pursuant to 8 U.S.C. § 1225(b)(2). Later that day, Santana Da Cruz filed a Petition for Writ of Habeas Corpus (“Petition”), ECF No. 1, which was received by the United States Attorney’s Office on or about November 10, 2025. Per a stipulation by the parties and an Order from this Court, the government filed its response to the Petition, with its merits analysis, on November 21, 2025. ECF Nos. 3-5.

Since the government’s filing of a response, judges in this District have rendered adverse rulings against the government in the following 18 matters: *Patel v. McShane*, No. 25-cv-5975 (E.D. Pa. Nov. 20, 2025) (Brody, J.); *Ndiaye v. Jamison, et al.*, No. 25-cv-6007, 2025 WL 3229307 (E.D. Pa. Nov. 19, 2025) (Sanchez, J.); *Demirel v. Fed. Det. Ctr. Philadelphia*, No. 25-cv-5488, 2025 WL 3218243 (E.D. Pa.

Nov. 18, 2025) (Diamond, J.); *Kashranov v. Jamison*, No. 25-cv-5555, 2025 WL 3188399, at *4-7 (E.D. Pa. Nov. 14, 2025) (Wolson, J.); *Cantu-Cortes v. O'Neill, et al.*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Centeno Ibarra v. Warden of the Federal Detention Center, et al.*, No. 25-cv-6312, 2025 WL 3294726 (E.D. Pa. Nov. 25, 2025) (Rufe, J.); *Espinal Rosa v. O'Neill, et al.*, No. 25-cv-6376 (E.D. Pa. Nov. 25, 2025) (Weilheimer, J.); *Buele Morocho v. Jamison, et al.*, No. 25-cv-5930 (E.D. Pa. Nov. 26, 2025) (Gallagher, J.); *Diallo v. O'Neill, et al.*, No. 25-cv-6358 (E.D. Pa. Nov. 26, 2025) (Savage, J.); *Wu v. Jamison, et al.*, No. 25-cv-6469 (E.D. Pa. Dec. 1, 2025) (Gallagher, J.); *Valdivia Martinez v. FDC, et al.*, No. 25-cv-6568 (E.D. Pa. Dec. 1, 2025) (Savage, J.); *Flores Obando v. Bondi, et al.*, No. 25-cv-6474, 2025 WL 3452047 (E.D. Pa. Dec. 1, 2025) (Brody, J.); *Soumare v. Jamison*, No. 25-cv-6490, 2025 WL 3461542 (E.D. Pa. Dec. 2, 2025) (J. Henry); *Yilmaz v. Warden, FDC*, No. 25-cv-6572, 2025 WL 3459484 (E.D. Pa. Dec. 2, 2025) (J. Rufe); *Nogueira-Mendes v. McShane*, No. 25-cv-5810, 2025 WL 3473364 (E.D. Pa. Dec. 3, 2025) (J. Slomsky); *Juarez Velazquez v. O'Neill, et al.*, No. 25-cv-6191, 2025 WL 3473363 (E.D. Pa. Dec. 3, 2025) (J. Henry); *Delgado Villegas v. Bondi, et al.*, No. 25-cv-6143 (E.D. Pa. Dec 4, 2025) (J. Diamond); *Perez Suspes v. Michael T. Rose, et al.*, No. 25-cv-6608 (E.D. Pa. Dec. 5, 2025) (J. Brody).

In Santana Da Cruz's Petition and the instant Motion for Temporary Restraining Order ("TRO"), he seeks immediate release or, in the alternative, a speedy bond hearing. The most significant factor in seeking a temporary restraining order (TRO) is the likelihood of success on the merits. The government's argument

is a straightforward statutory analysis in support of its position. The government presented its full merits analysis in its response to the Petition and relies on the same argument in response to the motion for TRO.¹

Should this Court reject the government's statutory interpretation and rule that Petitioner is likely to succeed on the merits and a TRO is appropriate, this Court can proceed to decide the merits of the Petition in the same ruling. Similarly, should this Court accept the government's statutory interpretation and rule that Petitioner is not likely to succeed on the merits of his claim, either because this Court lacks jurisdiction to review his detention, or because petitioner is subject to

¹ In his TRO, Petitioner relies upon the recent class certification and partial summary judgment rulings issued in *Maldonado Bautista, et al. v. Santacruz Jr., et al.*, No. 25-cv-01873, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Regardless of whether Petitioner is a member of the *Maldonado* class, that court's decision does not have preclusive effect in this matter. The *Maldonado* court did not enter a final judgment with respect to the class. Although the court stated it was extending "the same declaratory relief" to the class, a court cannot grant declaratory relief prior to the entry of a final judgment, *i.e.*, a declaratory judgment. See *Doran v. Salem Inn, Inc.*, 422 U.S. 922, 931 (1975) ("prior to final judgment there is no established declaratory remedy comparable to a preliminary injunction"). A pre-final judgment declaration is, by its nature, not a declaratory judgment "[b]ecause a preliminary declaration—unlike a final declaration—does not specifically bind anyone, it is more akin to an advisory opinion, which the Court is precluded from issuing by history and the implicit policies embodied in Article III." *Vazquez Perez v. Decker*, No. 18-CV-10683 (AJN), 2019 WL 4784950, at *10 (S.D.N.Y. Sept. 30, 2019). Absent an entry of final judgment with respect to the class, or a certification of partial final judgment under Rule 54(b), there is no declaratory judgment in *Maldonado*. The partial summary judgment ruling does not operate as a "judgment" because it is not an appealable order and "does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities." Fed. R. Civ. P. 54(a), (b). As such, there is currently no declaratory relief, let alone relief with preclusive effect on Petitioner's claims concerning the proper interpretation of 8 U.S.C. § 1225(b)(2)(A)'s mandatory detention provision.

mandatory detention under § 1225(b)(2), this Court should deny both the motion for a TRO and the Petition. Given that briefing is complete, and the relief sought in both the Petition and motion for TRO are the same, the matter can be resolved expeditiously, without a hearing, as previously stipulated to by the Parties.

Respectfully submitted,

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Dated: December 5, 2025

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I filed the foregoing Response in Opposition to Motion for Temporary Restraining Order via the Court's Case Management/Electronic Case Filing System, thereby making it available for viewing and download by all parties to the case.

s/ Stacey L. B. Smith
Stacey L. B. Smith
Assistant United States Attorney

Dated: December 5, 2025