ERIC GRANT
United States Attorney
DAVID E. THIESS
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900
David.thiess@usdoj.gov

Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

OLIVERIO CORTES ALONZO, Petitioner, v. CHRISTOPHER CHESTNUT, Warden of California City Detention Center; DAVID MARIN, Director of Los Angeles Field Office, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; and PAM BONDI, Attorney General of the United States,[1] Respondents.	CASE NO. 1:25-CV-01670-TLN-JDP OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER

The Court should deny Petitioner's Motion for Temporary Restraining Order (TRO) because Petitioner is detained pursuant to a mandatory detention statute, 8 U.S.C. § 1225(b). Petitioner was paroled pending adjudication of her credible fear application, but Petitioner was arrested for theft and her parole was properly revoked under 8 U.S.C. § 1182(d)(5). Thus, there is clear authority for Petitioner's detention. The detention provisions described at Section 1226(a) do not apply to Petitioner. There is no regulatory, statutory, or constitutional requirement that Petitioner be afforded a bond hearing

[1] Respondent moves to strike and to dismiss all unlawfully named officials under § 2241. A petitioner seeking habeas corpus relief is limited to name only the officer having custody of him as the respondent to the petition. 28 U.S.C. § 2242; *Rumsfeld v. Padilla*, 542 U.S. 426, 430 (2004); *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024) (holding, that the warden of the private detention facility at which a non-citizen alien was held was the proper § 2241 respondent). Here, Petitioner's custodian is the facility administrator at the California City Detention Center in California City, California.

before being re-detained in these circumstances. Petitioner's TRO Motion seeking her immediate release, premised on the purported failure to provide a hearing before re-detaining her, or in the alternative seeking a bond hearing before a neutral adjudicator at which the government bears the burden of proof as to various elements, is without justification and should be denied.

I. BACKGROUND

Petitioner is a native and citizen of Columbia. On March 12, 2023, a Border Patrol Agent encountered Petitioner in the El Paso, TX, Border Patrol Sector and arrested her after determining that she was an alien without lawful documents and who had illegally entered the United States. *See* Ex. 1, Declaration of Deportation Officer Ana Juarez (Juarez Decl.), ¶ 5. Petitioner states that she crossed the border into the United States on that same date. *See* ECF 1, ¶ 19. As she was apprehended immediately after crossing the border, Petitioner is an "applicant for admission" under 8 U.S.C. § 1225(a) and an "arriving alien" under 8 U.S.C. § 1225(b). Petitioner was provided a credible fear interview and the immigration officer found that credible fear was present. Juarez Decl., ¶¶ 7-8; ECF 1, ¶ 1. As such, Petitioner was subject to mandatory detention under 8 U.S.C. § 1225(b)(1)(B)(ii).

Petitioner was paroled on April 18, 2023 on a temporary basis, under the authority at Section U.S.C. § 1182(d)(5) relating to humanitarian reasons or significant public benefit. Juarez Decl., ¶ 9. This parole was expressly conditioned on compliance all state, local, and federal laws, as well as not committing any crimes. Juarez Decl., ¶ 11; Ex. 2, Order on Release of Recognizance, at pp. 1, 3. On December 9, 2024, Petitioner was arrested for theft. Juarez Decl., ¶ 11. In accordance with the conditions of parole, Petitioner was re-detained, on October 3, 2025. *Id.*

Petitioner was provided a bond hearing before an Immigration Judge, who denied Petitioner's release and determined that Petitioner was ineligible for bond. ECF 1-3.

II. LEGAL BACKGROUND

A. The Standard for Temporary Restraining Orders

Temporary restraining orders are governed by the same standard applicable to preliminary injunctions.[2] *See Cal. Indep. Sys. Operator Corp. v. Reliant Energy Servs., Inc.*, 181 F. Supp. 2d 1111,

[2] In response to the Court's Minute Order (ECF 5), while the legal standards for a TRO and preliminary injunction (PI) are the same, Respondents oppose converting Petitioner's Motion for a TRO into a Motion for a PI, given the inherent limitations for the Respondents in responding to a TRO

1126 (E.D. Cal. 2001). Preliminary injunctions are "never awarded as of right." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). A party seeking a preliminary injunction faces a "difficult task" in showing that they are entitled to such an "extraordinary remedy." *Earth Island Inst. v. Carlton*, 626 F.3d 462, 469 (9th Cir. 2010) (internal quotation omitted).

"A plaintiff seeking a preliminary injunction must show that: (1) he is likely to succeed on the merits, (2) he is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in his favor, and (4) an injunction is in the public interest." *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (internal quotation omitted). Alternatively, a plaintiff can show "serious questions going to the merits and the balance of hardships tips sharply towards [plaintiffs], as long as the second and third ... factors are satisfied." *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017).

The purpose of a preliminary injunction "is to preserve the status quo and the rights of the parties until a final judgment issues in the cause." *U.S. Philips Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th Cir. 2010). A preliminary injunction may not be used to obtain "a preliminary adjudication on the merits," but only to preserve the status quo pending final judgment. *Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984).

B. Detention of "Applicants for Admission" Under 8 U.S.C. § 1225(b)

The Immigration and Nationality Act ("INA") defines an "applicant for admission" as an "alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival . . .)." 8 U.S.C. § 1225(a)(1); *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140 ("an alien who tries to enter the country illegally is treated as an 'applicant for admission'") (citing 8 U.S.C. § 1225(a)(1)); *Matter of Lemus*, 25 I & N Dec. 734, 743 (BIA 2012) ("Congress has defined the concept of an 'applicant for admission' in an unconventional sense, to include not just those who are expressly seeking permission to enter, but also those who are present in this country without having formally requested or received such permission[.]"). However long they have been in this country, an alien who is present in the United States but has not been

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Motion. Respondents do not believe a TRO is appropriate in this case but request the separate opportunity to respond to a Motion for PI, if a TRO is granted.

admitted "is treated as 'an applicant for admission.'" *Jennings*, 583 U.S. at 287; *Alonzo v. Noem,* No. 1:25-cv-01519, at *7-*11 (E.D. Cal. Nov. 17, 2025) (finding an alien living in the United States for 26 years to be an "applicant for admission"). But in this case, Petitioner was not present in this country at all before initially being detained.

All applicants for admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)," both of which are subject to mandatory detention. *Jennings*, 583 U.S. at 287 ("[R]ead most naturally, §§ 1225(b)(1) and (b)(2) mandate detention for applicants for admission until certain proceedings have concluded.").

Under Section 1225(b)(1)(B)(ii), an applicant for admission for whom an immigration officer determines to have a credible fear of persecution "shall be detained for further consideration of the application for asylum." As to mandatory detention, 8 C.F.R. § 1003.19(h)(2)(i)(B) provides that an Immigration Judge may not redetermine the conditions of custody imposed by the Department of Homeland Security (DHS) on "[a]rriving aliens in removal proceedings, including aliens paroled after arrival pursuant to section 212(d)(5) of the [INA]".

Petitioner's status is provided for and consistent with the statute. "As with any question of statutory interpretation, [the] analysis begins with the plain language of the statute." *Jimenez v. Quarterman*, 555 U.S. 113, 118 (2009) (citing *Lamie v. U.S. Tr.*, 540 U.S. 526, 534 (2004)). The INA defines an "applicant for admission" as an "alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival …) …." 8 U.S.C. § 1225(a)(1). The Supreme Court has explained that 8 U.S.C. § 1225(b)(1) is "quite clear" and "unequivocally mandate[s]" detention. *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018). Indeed, *Jennings* highlighted the express requirement of the statute and pointed to the well-known doctrine that "the word 'shall' usually connotes a requirement." *Id.* at 303 (quoting *Kingdomware Technologies, Inc. v. United States*, 579 U.S. 162, 171 (2016)). To that end, "[r]ead most naturally, § 1225(b)(1) … thus mandate[s] detention of applicants for admission until certain proceedings have concluded," which is when "immigration officers have finished 'consider[ing]' the asylum application." 583 U.S. at 283, 287.

The award of temporary parole, as Petitioner was afforded, does not change the alien's status or the underlying statutory directives. *Jennings*, 583 U.S. at 287 ("[A]pplicants for admission may be

temporarily released on parole for urgent humanitarian reasons or significant public benefit."). "Such parole, however, 'shall not be regarded as an admission of the alien.'" *Id.* at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)).

In *Demore v. Kim,* 538 U.S. 510 (2003), the Supreme Court rejected a facial challenge to mandatory civil detention pending removal proceedings. Like the petitioner in *Demore,* Petitioner's detention is mandatory. As in *Demore,* both constitutionally and as a matter of statute, Petitioner's continued mandatory civil detention is warranted.

Aliens referred for removal proceedings under 8 U.S.C. § 1229a after establishing a credible fear of persecution are not owed a bond hearing before an Immigration Judge. 8 U.S.C. § 1225(b)(1)(B)(ii); 8 U.S.C. § 1225(b)(1)(iii)(IV) ("Any alien subject to the procedures under this clause shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed."). Nonetheless, Petitioner was provided a bond hearing, and bond was denied.

C. Detention and Revocation of Parole Under 8 U.S.C. § 1226(a)

A different statutory detention authority, 8 U.S.C. § 1226, applies to aliens who have been lawfully admitted into the United States but are deportable and subject to removal proceedings. Section 1226(a) provides for the arrest and detention of these aliens "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Under § 1226(a), DHS may, in its discretion, detain an alien during his removal proceedings, release him on bond, or release him on conditional parole.[3] By regulation, immigration officers can release an alien if he demonstrates that he "would not pose a danger to property or persons" and "is likely to appear for any future proceeding." 8 C.F.R. § 236.1(c)(8). An alien can also request a custody redetermination (*i.e.*, a bond hearing) by an IJ at any time before a final order of removal is issued. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), 1003.19. After an initial bond redetermination, an alien's request for a subsequent bond redetermination "shall be considered only upon a showing that the alien's circumstances have changed materially since the prior bond redetermination." 8 C.F.R. § 1003.19(e). At a custody redetermination,

[3] Being "conditionally paroled under the authority of § 1226(a)" is distinct from being "paroled into the United States under the authority of § 1182(d)(5)(A)." *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1116 (9th Cir. 2007) (holding that because release on "conditional parole" under § 1226(a) is not a parole, the alien was not eligible for adjustment of status under § 1255(a)).

the IJ may continue detention or release the alien on bond or conditional parole. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d)(1). IJs have broad discretion in deciding whether to release an alien on bond. *In re Guerra*, 24 I. & N. Dec. 37, 39–40 (BIA 2006) (listing nine factors for IJs to consider).

Until recently, the Government interpreted § 1226(a) to be an available detention authority for aliens present without being admitted or paroled placed directly in full removal proceedings under § 1229a. *See, e.g., Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1116 (9th Cir. 2007). In view of legal developments, the Government has determined that this interpretation was incorrect, and that § 1225 is the sole applicable immigration detention authority for *all* applicants for admission. *See Jennings*, 583 U.S. at 297 ("Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.").

II. PETITIONER IS SUBJECT TO MANDATORY DETENTION UNDER 8 U.S.C. § 1225(b).

Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii), which provides that petitioner "shall" be detained. Because Petitioner is currently detained under this authority, she is therefore ineligible for release under 8 U.S.C. § 1226(a). Detention under this statute is mandatory, and the only mechanism for release is parole, which is permitted under 8 U.S.C. § 1182(d)(5) as an exercise of the discretion of DHS. Petitioner seeks to circumvent the detention statute under which she is rightfully detained to secure a custody redetermination hearing that she is not entitled to, applying legal requirements not found in the law. Petitioner argues that, contrary to the plain language of Section 1225(b)(1)(B)(ii), the authority for her re-detention is better understood to arise under Section 1226(a), a detention statute that allows for release on bond or conditional parole. That argument fails to square with the fact that she falls neatly and precisely within the statutory definition of aliens subject to detention pursuant to 8 U.S.C. § 1225(b)(1)(B)(ii).

While this Court has applied Section 1226(a) to individuals living in the community in some cases, this Court recently found that the mandatory detention provisions of Section 1225(b) apply to individuals who have not been admitted into the country, as "applicants for admission," even when time has passed since they entered the country. *Alonzo v. Noem,* No. 1:25-cv-01519, at *7-11 (E.D. Cal. Nov. 17, 2025). In *Alonzo,* this Court found an alien living in the United States for 26 years, who had not

been apprehended at the time of entry, who had not been inspected by an immigration officer at that time, and who had not pursued asylum or any other avenues for legal status, to be an "applicant for admission" subject to mandatory detention under Section 1225(b). This Court looked to the plain language of the statute and the Supreme Court's holding in *Jennings*, and reasoned that an individual entering the country unlawfully should not be able to "evade the designation of 'applicant for admission' merely because he has already entered the United States," as doing so would "elide[] the fact he was never lawfully admitted, regardless of what steps he actually took to acquire that status." *Alonzo* at 7-8. That reasoning is especially persuasive here, where Petitioner was apprehended at the border, was provided a credible fear assessment, was discretionarily paroled into the country while her asylum application was pending, and ran afoul of the conditions of that parole.

Several other courts around the country have reached a similar conclusion. *See, e.g., Pena v. Hyde*, No. 25-11983, 2025 WL 2108913 (D. Mass. July 28, 2025); *Chavez v. Noem*, No. 25-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Vargas Lopez v. Trump*, No. 25-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Barrios Sandoval v. Acuna*, No. 25-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Silva Oliveira v. Patterson*, No. 25-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde v. Noem*, No. 25-00168, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Garibay-Robledo v. Noem*, 1:25-cv-00177 (N.D. Tex. 2025); *Montoya Cabanas v. Bondi*, 4:25-cv-04830, 2025 WL 3171331 (S.D. Tx. Nov. 13, 2025); *Altamiro Ramos v. Lyons*, 2:25-cv-09785-SVW (C.D. Cal. Nov. 14, 2025).

III. PETITIONER DOES NOT ESTABLISH A DUE PROCESS RIGHT SUFFICIENT TO JUSTIFY A TRO.

A. Petitioner overstates the liberty interest she argues has been harmed.

Petitioner's contention that she maintains a protected liberty interest in his release status is based on authority that does not apply to parole in the context of immigration proceedings and misreads the INA's detention statutes. Petitioner cites *Morrissey v. Brewer* as support for her liberty interest, ECF 3 at ¶ 36, but that case is readily distinguishable in that it did not involve immigration. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Temporary release from DHS custody after unlawfully crossing the United States border does not compare to parole imposed by a court, as post-incarceration supervision, following a citizen's conviction of a crime. Parole in that context is a judicially imposed term, during

which a parolee's liberty interests are curtailed to a lesser extent than full incarceration, allowing the parolee to live in the community while still under a sentence of judicial punishment. In contrast, here, Petitioner was paroled shortly after being apprehended at the border. Juarez Decl., ¶ 9.

More on point, in *Thuraissigiam* the Supreme Court identified a "century-old rule regarding the due process rights of an alien seeking initial entry" that "rests on fundamental propositions: the power to admit or exclude aliens is a sovereign prerogative, the Constitution gives the political department of the government plenary authority to decide which aliens to admit; and a concomitant of that power is to set the procedures to be followed in determining whether an alien should be admitted." 591 U.S. at 139 (citations omitted and cleaned up).

Thus, noncitizens subject to removal cannot assert a protected property or liberty interest in additional procedures not provided by the statute, 8 U.S.C. § 1225. *See Pazcoguin v. Radcliffe*, 292 F.3d 1209, 1218 (9th Cir. 2002). Instead, those noncitizens – including Petitioner – have "only those rights regarding admission that Congress has provided by statute." *Thuraissigiam*, 591 U.S. at 140. Petitioners are entitled only to the protections set forth by statute, and "the Due Process Clause provides nothing more." *Thuraissigiam*, 591 U.S. at 140.

This Court recognized these fundamental principles in *Alonzo*, finding that the Petitioner failed to establish that he was likely to succeed on the merits of his procedural due process claim. *Alonzo*, 1:25-cv-015190-WBS-SCR, at *11 (citing *Thuaissigiam* and *Barrera-Echavarria v. Rison*, 44 F.3d 1441, 1450 (9th Cir. 1995)). In a thorough analysis, this Court also recently recognized these principles in *Doe v. Andrews*, 1:25-cv-003333-JLT-HBK (HC), at *7-*13 (Findings and Recommendations). In *Doe,* this Court concluded that it "is inclined to agree with district courts finding that pursuant to *Thuraissigiam* and preceding Supreme Court precedent, Petitioner's rights as an arriving alien apprehended shortly after his unlawful entry into this country and now held under mandatory detention pursuant to § 1225(b)(1)(B)(ii) is limited to those rights authorized by statute). *Doe,* at *12. No further due process analysis is necessary.

B. The *Mathews* Factors Do Not Mandate a Remedy.

The Supreme Court has not used the multi-factor "balancing test" of *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), in addressing due process claims raised by noncitizens held in civil immigration

detention, despite multiple opportunities to do so since *Mathews* was decided in 1976. *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) ("[T]he Supreme Court when confronted with constitutional challenges to immigration detention has not resolved them through express application of *Mathews*.") (citations omitted); *id.* at 1214 ("In resolving familiar immigration-detention challenges, the Supreme Court has not relied on the *Mathews* framework.") (Bumatay, J., concurring). Nor has the Ninth Circuit embraced the *Mathews* test. While leaving open the question of whether the *Mathews* test applies to a constitutional challenge to immigration detention, *see Rodriguez Diaz*, 53 F.4th at 1207, the Ninth Circuit has emphasized that "*Mathews* remains a flexible test that can and must account for the heightened governmental interest in the immigration detention context." *Id.* at 1206.

In *Mathews*, the Supreme Court explained that "[p]rocedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." 424 U.S. at 332. Yet noncitizens subject to removal, like Petitioner, who were not admitted or paroled into the country, lack any liberty interest in avoiding removal or to certain additional procedures. As to such noncitizens, "[w]hatever the procedure authorized by Congress . . . is due process." *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950); *accord Thuraissigiam*, 591 U.S. at 138–139 ("This rule would be meaningless if it became inoperative as soon as an arriving alien set foot on U.S. soil."); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) ("[A]n alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative"); *Knauff*, 338 U.S. at 542 ("At the outset we wish to point out that an alien who seeks admission to this country may not do so under any claim of right.").

Respondent acknowledges that this Court has held, on multiple occasions, that immigration detention, the economic burdens imposed as a result of detention, and the potential inability to pursue a petition for review may all constitute irreparable harm under the *Mathews* factors. However, that is a harm that "is essentially inherent in detention," and therefore "the Court cannot weigh this strongly in favor of" Petitioner. *Lopez Reyes v. Bonnar*, No 18-cv-07429-SK, 2018 WL 7474861 at *10 (N.D. Cal. Dec. 24, 2018). Further, any alleged harm from the fact of detention alone is insufficient because "detention during deportation proceedings [is] a constitutionally valid aspect of the deportation process."

Demore v. Kim, 538 U.S. 510, 523 (2003); *see also Reno v. Flores*, 507 U.S. 292, 306 (1993); *Carlson v. Landon*, 342 U.S. 524, 538 (1952).

As to the second and third Mathews factors, when the government is a party, the balance of equities and public interest merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). Where a moving party only raises "serious questions going to the merits," the balance of hardships must "tip sharply" in his favor. *All. for Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134–35 (9th Cir. 2011) (quoting *The Lands Council v. McNair*, 537 F.3d 981, 987 (9th Cir. 2008)).

Here, the government has a compelling interest in the steady enforcement of its immigration laws. *See, e.g.*, *Demore*, 538 U.S. at 523; *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1140 (9th Cir. 2009) (holding that the court "should give due weight to the serious consideration of the public interest" in enacted laws); *see also Ubiquity Press Inc. v. Baran*, No 8:20-cv-01809-JLS-DFM, 2020 WL 8172983, at *4 (C.D. Cal. Dec. 20, 2020) (explaining that "the public interest in the United States' enforcement of its immigration laws is high"); *United States v. Arango*, CV 09-178 TUC DCB, 2015 WL 11120855, at 2 (D. Ariz. Jan. 7, 2015) (finding that "the Government's interest in enforcing immigration laws is enormous"). Indeed, the government "suffers a form of irreparable injury" "[a]ny time [it] is enjoined by a court from effectuating statutes enacted by representatives of its people." *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers) (citation omitted).

Petitioner's claimed harm cannot outweigh this public interest in the application of the law, particularly since courts "should pay particular regard for the public consequences in employing the extraordinary remedy of injunction." *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312 (1982) (citation omitted). Recognizing the availability of a preliminary injunction under these circumstances would permit any noncitizen subject to removal to obtain additional review, circumventing the comprehensive statutory scheme that Congress enacted. That statutory scheme – and judicial authority upholding it – likewise favors the government. While it is "always in the public interest to protect constitutional rights," if, as here, a petitioner has not shown a likelihood of success on the merits of her claim, that public interest does not outweigh the competing public interest in enforcement of existing laws. *See Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005). The public and governmental

interest in applying the established procedures for noncitizens subject to removal, including their lawful, mandatory detention, is significant. *See* 8 U.S.C. § 1225(b); *Jennings*, 583 U.S. at 297.

The purpose of a preliminary injunction "is to preserve the status quo and the rights of the parties until a final judgment issues in the cause." *U.S. Philips Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th Cir. 2010). A preliminary injunction may not be used to obtain "a preliminary adjudication on the merits," but only to preserve the status quo pending final judgment. *Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984). Thus, the United States asks that this Court not mandate additional proceedings or evidentiary requirements beyond those present in statute and regulation.

IV. STATEMENT REGARDING HEARING

In response to the Court's Minute Order (ECF 5), Respondents do not request a hearing on Petitioner's Motion for TRO.

V. CONCLUSION

For the foregoing reasons, the Court should deny the Motion for TRO.

Dated: December 3, 2025

ERIC GRANT
United States Attorney

By: /s/ DAVID E. THIESS
DAVID E. THIESS
Assistant United States Attorney