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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CRISTIAN AMAYA-QUINTEROS, Petitioner, v. CORECIVIC, INC., et al., [1] Respondents.	CASE NO. 1:25-CV-01672-WBS-AC RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HEABEAS CORPUS AND OPPOSITION TO EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

On November 29, 2025, Petitioner Cristian Amaya-Quinteros filed a writ of habeas corpus (ECF-1) and an emergency motion for temporary restraining order (TRO) and preliminary injunction (ECF-2). The government hereby submits its opposition to the habeas petition and the motion for TRO. The Court should dismiss the habeas petition and deny the motion for TRO. Petitioner is detained pursuant to his ongoing expedited removal proceedings under 8 U.S.C. § 1225(b)(1). Petitioner's claims alleging violations of statute and due process fail on the merits. Petitioner's invocation of 8 U.S.C. § 1231(a)(1)(C) fails because petitioner is detained pursuant to 8 U.S.C. § 1225(b)(1) and is not subject to a final order of removal such that 8 U.S.C. § 1231 would apply. Petitioner's due process argument

[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 Facility in California City, California.

fails because Petitioner has been provided the process required by statute, and further process is not required for aliens in expedited removal proceedings. Finally, Petitioner's claim that the government violated 8 U.S.C. § 1255(h)(2) fails because Petitioner's Special Immigrant Juvenile (SIJ) status and deferred action were revoked on December 2, 2025, meaning 8 U.S.C. § 1255(h) is not applicable to Petitioner.

I. FACTUAL BACKGROUND

Petitioner is a native and citizen of El Salvador. ECF 1 at 4. He entered the United States without inspection, admission or parole on November 11, 2021.[2] *See* Declaration of Patrick J. Cruz ("Cruz Decl.") at ¶ 6. DHS encountered Petitioner near the border and initiated expedited removal proceedings. *Id.* at ¶ 6. During the pendency of those proceedings, Petitioner claimed a fear of harm if returned to El Salvador on January 26, 2022. *Id.* at ¶ 7. Shortly thereafter, Petitioner was released from custody pending his credible fear interview. *Id.* at ¶ 8. Contrary to Petitioner's assertions, he never had a credible fear interview prior to 2025. *Id.* at ¶ 10.

During his period of release pending his credible fear interview, Petitioner filed for and received Special Immigrant Juvenile (SIJ) status. *Id.* at ¶ 9. Petitioner also received deferred action when he received SIJ status. ECF 1 at 7. SIJ status does not vest until a visa becomes available, and no visa was or is available for Petitioner. Cruz Decl. at ¶ 9. On November 24, 2025, U.S. Citizenship and Immigration Services (USCIS) conducted a credible fear interview and made a negative finding. *Id.* at ¶ 10. Petitioner requested an immigration court review the negative determination, and was re-detained pending the resolution of his credible fear or removal process. *Id.*; ECF 1 at 7. On December 2, 2025, an immigration court noticed a hearing to review Petitioner's negative credible fear finding, and USCIS terminated Petitioner's deferred action related to his SIJ status. Cruz Decl. at ¶ 12–13. On December 3, 2025, an immigration judge vacated the negative determination of credible fear. *Id.* at ¶ 14. Petitioner remains detained under 8 U.S.C. § 1225 pending the resolution of his credible fear and asylum process. *Id.* at ¶ 15.

[2] Petitioner's birthdate which was provided in Petitioner's documents was in 2001. ECF 1 at 17. Therefore, Petitioner was approximately twenty years old when he first entered the United States and is approximately twenty-four now.

II. LEGAL BACKGROUND

Petitioner's Motion for TRO cites to several statutory provisions but applies them to the wrong situations. The applicable statutory provisions are addressed below:

A. Applicants for Admission

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 (2020) (explaining that "an alien who tries to enter the country illegally is treated as an 'applicant for admission'" under 8 U.S.C. § 1225(a)(1)); *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) ("an alien who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' 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").

B. Detention under 8 U.S.C. § 1225

Under Section 1225, applicants for admission may be removed from the United States by, *inter alia*, expedited removal under 8 U.S.C. § 1225(b)(1) or removal proceedings before an Immigration Judge under 8 U.S.C. § 1229a. These noncitizens "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.").

1. Section 1225(b)(1)

Several categories of aliens fall within Section 1225(b)(1), including aliens "arriving in the United States." An arriving alien can be placed into expedited removal by an immigration officer without further hearing or review under the plain terms of Section 1225(b)(1). Further, aliens who are paroled into the country at a port of entry or amidst a border crossing are still considered "arriving aliens" following their parole. *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139-140 (2020).

2. Section 1225(b)(2)

Section 1225(b)(2) is "broader" and "serves as a catchall provision." *Jennings*, 583 U.S. at 287. Under § 1225(b)(2), a noncitizen "who is an applicant for admission" is subject to mandatory detention pending full removal proceedings "if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A) (requiring that such noncitizens "be detained for a proceeding under section 1229a of this title"); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025)("[F]or aliens arriving in and seeking admission into the United States who are placed directly in full removal proceedings, 8 U.S.C. § 1225(b)(2)(A) mandates detention 'until removal proceedings have concluded.'") (citing *Jennings*, 583 U.S. at 299).

C. Final Removal Orders Under 8 U.S.C. § 1231

Once an order of removal becomes final, 8 U.S.C. § 1231 controls the proceedings related to removal under that order. In general, an alien must be removed within 90 days of an order of removal becoming administratively final. 8 U.S.C. § 1231(a)(1). During that 90-day period, detention is mandatory. 8 U.S.C. § 1231(a)(2). If the alien is not removed within 90 days, aliens are generally released subject to conditions, but may also be detained further, depending on their situations. *See* 8 U.S.C. §§ 1231(a)(3), 1231(a)(6); 8 C.F.R. §§ 241.13(i), 241.4(l).

D. Special Immigrant Juvenile Status under 8 U.S.C. § 1255

Certain aliens who have received SIJ status as described in 8 U.S.C. § 1101(a)(27)(J) are eligible to apply for adjustments of status as laid out in 8 U.S.C. § 1255(a), 1255(h). When SIJ aliens apply for adjustments of status, they are deemed as paroled into the United States. 8 U.S.C. § 1255(h)(1). Additionally, when an SIJ alien applies for an adjustment of status, they cannot be considered inadmissible for lack of valid entry documents under 8 U.S.C. § 1182(a)(7)(A). 8 U.S.C. § 1255(h)(2). However, SIJ status does not itself confer any legal status or admission into the United States before an adjustment of status application. *Murillo-Chavez v. Bondi*, 128 F.4th 1076, 1086 (9th Cir. 2025). Further, while USCIS previously granted deferred action to SIJ aliens as a matter of discretion, that policy was rescinded, and USCIS may terminate prior grants of deferred action on a case-by-case basis. USCIS Policy Manual, vol. 6., pt. J, ch. 5, § G, https://www.uscis.gov/policy-manual/volume-6-part-j-chapter-4.

III. ARGUMENT

Petitioner has been constitutionally detained as a non-citizen with no legal status seeking admission into the United States. Petitioner is subject to mandatory detention due to his expedited removal proceedings, which Petitioner concedes he is subject to. While Petitioner did receive SIJ status and deferred action in the past, that deferred action was terminated, and Petitioner is no longer a minor. Under these circumstances, neither statute nor the Due Process Clause require Petitioner's release from custody or a prohibition on his removal from the United States. The Court should therefore dismiss the Petition. Likewise, because Petitioner cannot succeed on the merits, the Court should deny petitioner's motion for TRO and preliminary injunction. *Winter v. NRDC, Inc.*, 555 U.S. 7, 22 (2008) (citing *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (per curiam)) ("A [petitioner] 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.") (emphasis added).

A. Petitioner is Subject to Mandatory Detention under 8 U.S.C. § 1225 and 8 U.S.C. § 1231 does not apply to Petitioner.

Petitioner is a noncitizen subject to removal, as he entered the country unlawfully on November 11, 2021, without valid documents and at which time he had not been admitted or paroled after inspection by an immigration officer. As a noncitizen subject to the mandatory detention framework of Section 1225(b), Petitioner is not entitled to custody redetermination hearings by immigration judges or hearings before detention or re-detention. *Jennings*, 583 U.S. at 297 ("neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings"); *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. at 107 (finding that an alien apprehended near the border "has no entitlement to procedural rights other than those afforded by statute"). Further, as the Supreme Court described in *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 582 (2022) that, unlike federal agencies, "[r]eviewing courts are generally not free to impose [additional procedural rights] if the agencies have not chosen to grant them."

Just as Petitioner is not entitled to a custody redetermination by statute, his release is not otherwise authorized by statute. *Jennings*, 583 U.S. at 297 ("[R]ead most naturally, §§ 1225(b)(1) and

(b)(2) mandate detention for applicants for admission until certain proceedings have concluded."); *see also Matter of Q. Li*, 29 I & N. Dec. at 69 ("[A]n applicant for admission who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section 235(b) of the INA, 8 U.S.C. § 1225(b), and is ineligible for any subsequent release on bond under section 236(a) of the INA, 8 U.S.C. § 1226(a)."). Petitioner admits that he has been placed in expedited removal proceedings following his apprehension near the border. ECF 1 at 1–2. Aliens in expedited removal proceedings are mandatorily detained under 8 U.S.C. § 1225(b)(1)(B)(iii)(IV) pending the outcome of the credible fear process.

The fact that Petitioner was conditionally released based on a medical concern stemming from his tobacco use (ECF 1 at 35) should not change the analysis. Petitioner's conditional release reflected practical challenges posed by COVID-19, and do not reflect a reclassification of Petitioner's immigration status nor the creation of a new right. It was within DHS's discretion to detain or parole him at that time. It was also clearly within DHS's discretion to revoke such parole at a future date. *See* 8 U.S.C. § 1226(b); 8 C.F.R. § 1236.1(c)(9). Therefore, Petitioner's release in January 2022 does not alter the mandatory detention scheme of expedited removal to which Petitioner is subject.

Petitioner argues that he is "detained well beyond the 90-day removal period under 8 U.S.C. § 1231(a)(1)(A)" and should therefore be released pursuant to conditions. ECF 1 at 12–13. Petitioner's reliance on the 90-day period and analysis in 8 U.S.C. § 1231 is misplaced. That section applies only to aliens subject to a final order of removal. Petitioner's removal order is not yet final. Petitioner is in ongoing removal proceedings, having claimed credible fear of return to El Salvador and challenged the determination that he does not have a credible fear. Cruz Decl. at ¶¶ 7–14. Petitioner had a hearing before an immigration judge on December 3, 2025 to review the credible fear determination in his case, and the immigration judge vacated the negative finding. *Id.* at ¶ 14. As proceedings are ongoing, no order of removal could be final at this point. Because Petitioner is not subject to a final removal order, he is validly in mandatory detention under 8 U.S.C. § 1225(b) pending the outcome of his expedited removal process. 8 U.S.C. § 1231 is not relevant to this case. Petitioner is properly detained under the controlling statute in this case.

B. Petitioner's Due Process Claims Lack Merit

Petitioner also argues that his continued detention violates due process.[3] However, Petitioner cites no authority to support his argument of a due process violation. *See* ECF 1 at 13. Petitioner's detention is consistent with statute and with the requirements of due process. Petitioner is currently detained under 8 U.S.C. § 1225(b)(1) while his removal proceedings are pending. This is not a case where detention is indefinite. Rather, detention under § 1225(b)(1), like detention under § 1226(c), "has a definite termination point: the conclusion of removal proceedings." *Jennings v. Rodriguez*, 583 U.S. 281, 304 (2018) (internal quotation marks and citation omitted).

The Supreme Court has long held that "the Government may constitutionally detain deportable aliens during the limited period necessary for their removal proceedings." *Demore v. Kim*, 538 U.S. 510, 526 (2003) (describing this conclusion as the Court's "longstanding view"). In *Demore*, the Court upheld the constitutionality of a similar mandatory detention provision—8 U.S.C. § 1226(c), which mandates the detention during removal proceedings of aliens who have been convicted of an aggravated felony. *Id.* at 513. In reaching this holding, the Court explained that "[i]n the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens." *Id.* at 521. The Court noted that, for over a century, it has "recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process" because "deportation proceedings 'would be vain if those accused could not be held in custody pending the inquiry into their true character.'" *Id.* at 523 (quoting *Wong Wing v. United States*, 163 U.S 228, 235 (1896)).

Based on this established principle, the Court in *Demore* reaffirmed that immigration detention can be constitutional even in the absence of any showing that an individual detainee posed a flight risk or a danger to the community. *See id.* at 523-27 (discussing *Carlson v. Landon*, 342 U.S. 524 (1952), and concluding that detention was constitutional "even without any finding of flight risk" or "individualized finding of likely future dangerousness" (quotation marks omitted)). In short, in *Demore* "the Supreme Court recognized [that] there is little question that the civil detention of aliens during

[3] Petitioner raises this argument only in his petition for writ of habeas corpus (ECF 1 at 13), and does not mention or raise the argument in his motion for TRO (ECF 2).

removal proceedings can serve a legitimate government purpose, which is 'preventing deportable … aliens from fleeing prior to or during their removal proceedings, thus increasing the chance that, if ordered removed, the aliens will be successfully removed.'" *Prieto-Romero v. Clark*, 534 F.3d 1053, 1065 (9th Cir. 2008) (quoting *Demore*, 538 U.S. at 528).

Based on the reasoning of *Demore*, mandatory detention under 8 U.S.C. § 1225(b)(1) is facially constitutional for the same reasons as is mandatory detention under § 1226(c). Therefore, Petitioner's detention is consistent with the requirements of due process.

C. The Government is not in Violation of 8 U.S.C. § 1255(h) Because SIJ Status Does not Impart new Rights to Petitioner and Petitioner's Deferred Action was Revoked on December 2, 2025

Petitioner also argues that his deferred action and Special Immigrant Juvenile status precludes his continued detention because Petitioner "can be paroled for adjustment of status because he is no longer inadmissible under (6)(C) or (7)(A)" of 8 U.S.C. § 1182(a) based on the language of 8 U.S.C. § 1255. ECF 1 at 13–14. Petitioner also relies on his grant of deferred action in 2023 to argue that his removal is not imminent, and expedited removal no longer applies. ECF 1 at 14. This argument fails because Petitioner is no longer a juvenile, and his deferred action was terminated on December 2, 2025. Cruz Decl. at ¶ 13. USCIS possesses the authority to terminate previously granted deferred action related to SIJ status on a case-by-case basis. USCIS Policy Manual, vol. 6., pt. J, ch. 5, § G, https://www.uscis.gov/policy-manual/volume-6-part-j-chapter-4. With deferred action terminated for Petitioner, he is in no different a situation than any other applicant for admission in expedited removal proceedings.

SIJ status, absent deferred action, does not preclude expedited removal or Petitioner's detention under 8 U.S.C. § 1225(b)(1). By the plain text of 8 U.S.C. § 1255(h), the provision provides that the alien is deemed paroled into the United States and that 8 U.S.C. § 1182(a)(7)(A) is not a ground for inadmissibility. However, § 1255(h) only applies to Petitioner to remove these barriers when "applying *this section* to a special immigrant described in section 1101(a)(27)(J) of this title." This means Special Immigrant Juvenile status applies only when a Special Immigrant Juvenile applies for an adjustment of status, which the alien must affirmatively apply for when a visa is available. 8 U.S.C. § 1255(a).

Petitioner has not yet applied for adjustment of status because a visa is not available, so his lack of valid documents still renders him inadmissible under 8 U.S.C. § 1182(a)(7)(A). Until he applies for adjustment of status, he remains inadmissible and removable under § 1225(b)(1). Petitioner's SIJ status does not confer admission or alter the immigration laws Petitioner is subject to unless and until he applies for and receives an adjustment of status, at which point he would be considered "admitted" to the United States. *Murillo-Chavez*, 128 F.4th at 1085–86. Therefore, Petitioner is subject to expedited removal notwithstanding his status as SIJ status unless and until he actually applies for and receives an adjustment of status.

D. <u>In the Alternative, Petitioner Also Fails to Meet His Heavy Burden to Qualify for a TRO</u>

The government's position is that Petitioner fails to carry the merits, and thus his habeas petition should be dismissed and his motion for TRO denied. However, even if the court were to conclude Petitioner demonstrated likelihood of success on the merits, a TRO would still not be appropriate because Petitioner fails to carry his burden as to the other prongs of the preliminary injunction and TRO analysis. "The standard for a [temporary restraining order] is the same as for a preliminary injunction." *Rovio Entm't Ltd. v. Royal Plush Toys, Inc.*, 907 F. Supp. 2d 1086, 1092 (N.D. Cal. 2012) (citing *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)). Injunctive relief is "an extraordinary remedy that may only be awarded upon a clear showing that the [petitioner] is entitled to such relief." *Winter v. NRDC, Inc.*, 555 U.S. 7, 22 (2008) (citing *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (per curiam)). "A [petitioner] 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." *Id.*, *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). These same elements apply to Petitioner's TRO. *Cal. Indep. Sys. Operator Corp. v. Reliant Energy Servs., Inc.*, 181 F. Supp. 2d 1111, 1126 (E.D. Cal. 2001). The last two factors "merge when the Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 435 (2009).

"[I]f a [petitioner] can only show that there are 'serious questions going to the merits'—then a preliminary injunction may still issue if the 'balance of hardships tips sharply in the [petitioner's] favor,'

and the other two *Winter* factors are satisfied." *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014) (quoting *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013); *see also Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017).

Importantly, a temporary restraining order "is an extraordinary and drastic remedy, [and] one that should not be granted unless the movant, by a clear showing, carriers the burden of persuasion." *Mazurek*, 520 U.S. at 972. Indeed, the moving party bears the burden of meeting all prongs of the *Winter* test. *DISH Network Corp. v. FCC*, 653 F.3d 771, 776 (9th Cvir. 2011) ("To warrant a preliminary injunction [or TRO], [the petitioner] must demonstrate that it meets all four of the elements of the preliminary injunction test established in *Winter*[.]").

1. Petitioner has not met his Burden to Show Likely Irreparable Harm.

Petitioner's contention that he would be irreparable harmed by removal because he would lose the opportunity to file for adjustment of status is both speculative and overstated. ECF 2-1 at 6. 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). Petitioner's statements about potential harm at an unknown future date, presuming Petitioner does apply for an adjustment of status, are still subject to the plenary authority of "the political department of the government."

Petitioner argues in support of his argument for irreparable harm that a removal would subject Petitioner to a decision by the Attorney General in their "unreviewable discretion to grant or deny [Petitioner] parole to complete the adjustment of status process." ECF 2-1 at 6. However, Petitioner's position is not meaningfully harmed by removal, as any adjustment of status is made by "the Attorney General, in his discretion and under such regulations as he may prescribe."[4] 8 U.S.C. § 1255(a). This

[4] Petitioner argues that he has "prima facie eligibility for adjustment of status based on his approved Special Immigrant Juvenile status application." ECF 2-1 at 6. However, simply SIJ status does not establish prima facie eligibility for adjustment of status. *See Cordoba Rivas v. Bondi*, 2025 WL 1201419, at *1 (9th Cir. Apr. 25, 2025) (unpublished) ("To obtain remand, an applicant is required to establish prima facie eligibility for adjustment of status . . . which requires an "immediately available"

decision regarding adjustment of status is also unreviewable by the courts. 8 U.S.C. § 1252(a)(2)(B)(i) ("no court shall have jurisdiction to review . . . any judgment regarding the granting of relief under section 1182(h), 1182(i), 1229b, 1229c, or *1255* of this title . . . .") (emphasis added). Whether Petitioner is removed or remains, Petitioner's ability to complete the adjustment of status process will be properly subject to the plenary power of the executive and Congress to determine "whether an alien should be admitted." *Thuraissigiam*, 591 U.S. at 139. Therefore, Petitioner's argument that he will suffer irreparable harm due to his detention and pending removal is overstated, as he will not be subject to any unreviewable discretionary decision he was not already subject to.

2. The Balance of Equities and Public Interest Do Not Favor Petitioner.[5]

"It is well settled that the public interest in enforcement of the United States' immigration laws is significant." *See, e.g.*, *United States v. Martinez-Fuerte*, 428 U.S. 543, 556–58 (1976); *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) ("The Supreme Court has recognized that the public interest in enforcement of the immigration laws is significant." (collecting cases)); *see also Nken v. Holder*, 556 U.S. 418, 435 (2009) ("There is always a public interest in prompt execution of removal orders[.]").

Contrary to Petitioner's assertions, and as described above, Petitioner's SIJ status does not confer additional rights or benefits to him until he applies for an adjustment of status, and Petitioner's deferred action has been terminated. While Petitioner cites to PL 110-457, Petitioner has not established that he was the victim of human trafficking. To the extent information is available, Petitioner affirmed in a sworn statement that he swam across the Rio Grande and came to America to work, not because he was smuggled or trafficked into the country. ECF 1 at 18–19, 21–23. Therefore, the court should treat the public interest similarly to other aliens placed in expedited removal proceedings.

The addition of a judicially created process not contemplated by authorizing statute or regulation and not required by the due process rights of aliens in Petitioner's position, represents a significant burden on the public interest of enforcement of immigration laws. Such additional administrative

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visa . . . Although USCIS has approved A.E.'s Form I-360 application, the visa for which he has applied is not yet available.").

[5] When the government is a party, the third and fourth preliminary injunction factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014).

burdens would significantly reduce the government's capacity to effectuate final removal orders, which courts have held to be a weighty interest. *See Rodriguez Diaz v. Garland,* 53 F.4th 1189, 1208 (9th Cir. 2022). This public interest in carrying out the system Congress created and effectuating final removal orders outweighs Petitioner's private interest here.

IV. CONCLUSION

For the foregoing reasons, the government respectfully requests that the Court dismiss the Petition for Writ of Habeas Corpus and deny Petitioner's motion for a Temporary Restraining Order.

Dated: December 3, 2025

ERIC GRANT
United States Attorney

By: /s/ J. DOUGLAS HARMAN
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