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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

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11 CRISTIAN AMAYA-QUINTEROS,  
12 Petitioner,  
13 v.  
14 CORECIVIC, INC., ET AL.  
15 Respondents.

CASE NO. 1:25-CV-01672-AC  
RESPONDENTS' MOTION FOR  
RECONSIDERATION OR CLARIFICATION

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17  
18 **I. INTRODUCTION**

19 This matter is an ongoing habeas action related to Petitioner's detention in Immigration and  
20 Customs Enforcement (ICE) custody. On December 19, 2025, the Court issued a preliminary injunction  
21 in this case, ordering Petitioner freed immediately. ECF 27. In addition, the Court ordered that  
22 "Respondents' request for reconsideration of the court's December 8, 2025, order (ECF No. 22 at 2 n.2)  
23 is DENIED. The order, however, is modified to reflect the intent of the court. Respondents are ordered  
24 to obtain a complete copy of petitioner's A-file *and to provide petitioner's counsel a copy upon receipt.*  
25 Respondents do not need to file and/or lodge the complete A-file with the court at this time." ECF 27 at  
26 21 (emphasis added). Respondents now respectfully request the court reconsider only this portion of its  
27 ruling because ordering Respondents to provide the entire A-file to Petitioner's counsel amounts to an  
28 improper discovery order for this habeas proceeding, exposes potentially sensitive information and files

1 to exposure without full review, and and undercuts the Freedom on Information Act (FOIA) as the  
2 default legal to obtaining such documents. In the alternative, Respondents request the court clarify this  
3 portion of its order and direct Petitioner’s counsel to obtain a copy of Petitioner’s A-File through the  
4 FOIA process if Petitioner continues to desire a full copy of his A-file.

5 Respondents assert that the Court can resolve this motion on the briefs without need for a  
6 hearing. However, Respondents are agreeable to a hearing if desired by the Court.

7 **II. PROCEDURAL HISTORY**

8 On November 24, 2025, Petitioner was detained following a scheduled credible fear interview.  
9 *See* ECF 27 at 2. Five days later, Petitioner filed a petition for writ of habeas corpus and motion for  
10 temporary restraining order (TRO). *Id.* at 3. Based on the ongoing nature of Petitioner’s immigration  
11 case, the court denied the TRO as moot and directed Petitioner to file an amended petition and motion  
12 for preliminary injunction (PI). *Id.* at 4. In this order, the court also ordered Respondents to file a copy  
13 of Petitioner’s A-file with the court. *Id.* at 4 n.3. Petitioner filed his amended petition and motion and  
14 Respondents filed an Answer/Response. *Id.* at 4. In the Answer/Response, Respondents requested the  
15 court reconsider the portion of the prior order which required filing the entire A-File on the record, given  
16 the voluminous and sensitive nature of A-files. ECF 22 at 2 n.1. The court held a hearing on the  
17 amended motion December 17, 2025. ECF 27 at 4. On December 19, 2025, this Court granted  
18 Petitioner’s motion for PI, and ordered Petitioner released immediately subject to the same conditions as  
19 had applied prior to his November 24, 2025 detention. *Id.* at 21–22. In the same order, the court denied  
20 Respondents’ request for reconsideration as to the A-file, but clarified that “Respondents will not be  
21 required to file (and/or lodge) the complete A-file with the court at this time. Instead, respondents will  
22 be required to provide a copy of petitioner’s A-file, upon receipt, to petitioner’s counsel.” *Id.* at 9.

23 **III. ARGUMENT**

24 The Court’s order directing Respondents to provide the entire A-file to Petitioner’s counsel in the  
25 context of this habeas corpus proceeding raises two significant concerns. First, this portion of the order  
26 does not appear grounded in law, as there is no mechanism in the INA or APA that permits a court to  
27 compel the production of an A-file to opposing counsel, and discovery in the habeas context is far more  
28 limited than the criminal or civil contexts. Second, this portion of the order circumvents the statutory

1 and regulatory framework established by the FOIA to balance access to records and protect sensitive  
2 information, and could lead to the exposure of sensitive information ordinarily protected by FOIA  
3 exemptions.

4 **A. The Court Exceeded its Discovery Authority in Habeas by Ordering Respondents**  
5 **Produce Petitioner's A-File to Petitioner's Counsel**

6 Here, the court's order exceeds the court's discovery authority in habeas proceedings. At its  
7 core, the portion of the court's order requiring Respondents obtain and provide Petitioner's entire A-file  
8 to Petitioner's counsel amounts to a discovery order which Petitioner has not demonstrated he is entitled  
9 to. Because Respondents have provided documents sufficient to resolve the habeas petition, Petitioner  
10 does not have good cause to request, and the court does not have good cause to order, the full production  
11 of Petitioner's entire A-File.

12 "A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as  
13 a matter of ordinary course." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997) (internal quotation marks  
14 omitted). "[C]ourts should not allow [habeas petitioners] to use federal discovery for fishing  
15 expeditions to investigate mere speculation." *Calderon v. U.S. Dist. Ct. for the N. Dist. of California*, 98  
16 F.3d 1102, 1106 (9th Cir. 1996). To obtain discovery, A habeas petitioner "must demonstrate  
17 entitlement to an evidentiary hearing under the federal habeas statute." *Earp v. Davis*, 881 F.3d 1135,  
18 1142 (9th Cir. 2018). A hearing is required where "(1) the petitioner has alleged facts that, if proven,  
19 would entitle him to habeas relief, and (2) he did not receive a full and fair opportunity to develop those  
20 facts." *Id.* (internal quotation omitted). In considering whether allegations are sufficient to order further  
21 discovery, "bald assertions and conclusory allegations" are not sufficient to impose the burden of  
22 responding in discovery. *Id.*

23 Here, Respondents have provided and produced documents sufficient to develop the facts at the  
24 core of Petitioner's petition. Respondents have provided documents responsive to the context of  
25 Petitioner's release relevant to statutory detention and what process is due. ECF 27 at 9 ("The court  
26 agrees with respondents that the current record is sufficient for resolution of petitioner's motion."). On  
27 the record before the court, the Court has found that petitioner has demonstrated a likelihood of success  
28 on the merits. Therefore, respondents have provided the Court and Petitioner with the documents

1 developing facts that “would entitle [Petitioner] to habeas relief” and there is no good cause to require  
2 production of the entire file.

3 Petitioner’s additional alleged reasons to require the entire A-file amount to “bald assertions and  
4 conclusory allegations” that do rise to sufficient allegations requiring discovery under *Earp*. Petitioner  
5 suggests there are “very irregular procedures being used in his apprehension” that, without any further  
6 detail or proof, necessitates the release of Petitioner’s entire A-file. ECF 25 at 4. This is nothing more  
7 than a bald assertion. There is nothing beyond Petitioner’s conclusory speculation that any irregular  
8 procedure occurred here. The records provided show that Petitioner was scheduled for his credible fear  
9 interview on November 24, 2025, that the interviewing agent found no credible fear and ICE detained  
10 Petitioner pursuant to 8 U.S.C. § 1225(b)(1), then Petitioner requested and received immigration judge  
11 review of the credible fear determination, the immigration judge vacated the asylum officer’s credible  
12 fear finding and transferred Petitioner out of expedited removal to full proceedings, and ICE continued  
13 petitioner’s detention under 8 U.S.C. § 1225(b)(2) until his release was ordered by this Court.

14 Ordinarily, the court is to “presume that public officials have ‘properly discharged their official duties’”  
15 unless the presumption is “soundly rebutted” when Petitioner presents “specific allegations” supporting  
16 wrongdoing. *Bracy*, 520 U.S. at 909 (quoting *United States v. Armstrong*, 517 U.S. 456, 464 (1996)).  
17 Though Petitioner has indicated his disagreement with Respondents’ reading of the controlling statutes,  
18 8 U.S.C. §§ 1225 and 1226, and the court has preliminarily agreed with Petitioner, there is no sort of  
19 specific allegation that rebuts the presumption of officials properly discharging their duties. The bald  
20 assertion by Petitioner, particularly in light of the Court’s ruling that he is likely to succeed on the merits  
21 given the current record, does not rise to good cause required for the entire file to be ordered produced  
22 as discovery in this habeas case.

23 Nor has Petitioner been denied a full and fair opportunity to develop the facts of his claim. In  
24 fact, as discussed below, Petitioner may obtain his entire file through the FOIA process, minus properly  
25 exempted material. Thus, in addition to the documents supplied to by Respondents to develop the facts  
26 related to Petitioner’s specific alleged facts, Petitioner may pursue the statutorily prescribed route to  
27 obtain his file, if he believes additional documentation is necessary to proceed with his habeas claim.<sup>1</sup>

28 <sup>1</sup> Since Petitioner agreed with Respondents that further substantive briefing is unnecessary to  
adjudicate the merits of this case (ECF 30), Respondents are unclear what additional factual

1 In the absence of a specific rule concerning the release of A-files, FOIA regulations prescribe the  
2 general rule of access. *Dent v. Holder*, 627 F.3d 365, 374 (9th Cir. 2010). While the *Dent* court noted a  
3 constitutional concern with functionally withholding an A-file from petitioner where a statutory right to  
4 the file exists, that is not the case here. *Id.* No other statute entitles Petitioner to his entire A-file in this  
5 proceeding,<sup>2</sup> and Respondents do not insist on proceeding in the absence of the A-file. In fact,  
6 Respondents, having separately moved for a stay of these proceedings on other grounds (ECF 32), have  
7 no objection to staying proceedings pending a FOIA request from Petitioner if he continues to believe  
8 his A-file is essential to the litigation of this habeas claim.

9 Because Petitioner has not alleged specific facts requiring production of the entire A-file in order  
10 to entitle him to habeas relief and Petitioner has not been denied the full and fair opportunity to develop  
11 the facts of his claim through the appropriate FOIA process, the Court was not authorized to order  
12 discovery of Petitioner's entire A-file. Therefore, the court should reconsider its order that Respondents  
13 must provide the entire A-file to Petitioner's counsel.

14 **B. The Appropriate Mechanism for Petitioner to Obtain a Copy of his A-File is**  
15 **Through a FOIA Request**

16 If Petitioner requires his A-file for any reason, including if he believes it is essential to the  
17 current proceeding, his proper remedy is to file a FOIA request for the files. In the absence of specific  
18 rules, FOIA provides a general rule controlling the release of agency documents, including A-files.  
19 *Dent*, 627 F.3d at 374. Department of Justice Regulations promulgated under FOIA provide the process  
20 for individuals to access A-file records. *See generally* Privacy Act of 1974; System of Records, 66 Fed.  
21 Reg. 46812-02. FOIA also provides a balance between transparency and various exemptions to protect  
22 sensitive materials. *See* 5 U.S.C. § 552(b) (detailing the exemptions under the statute). These  
23 exemptions protect sensitive information from inadvertent disclosure, and provide a review process if a  
24 requestor believes files have improperly been withheld. 5 U.S.C. § 552(a)(6)(A).

25 \_\_\_\_\_  
26 development Petitioner may be seeking, or how such development could affect the habeas action in the  
absence of additional merits briefing.

27 <sup>2</sup> Respondents are unaware of any provision of the Immigration and Nationality Act (INA) or the  
Administrative Procedure Act (APA) or other controlling statute requiring that an alien petitioning for  
28 habeas related to immigration detention is entitled to their entire A-file. *Contra Dent* 627 F.3d at 374  
(construing 8 U.S.C. § 1229a(c)(2)(B) stating that an alien "shall have access" to their A-File during  
removal proceedings as a specific rule superseding the general rules related to FOIA).

1 Here, United States Citizenship and Immigration Services (USCIS) is the entity in charge of  
2 managing A-files, including Petitioner's. *See* U.S. Citizenship and Immigration Services, "Request  
3 Records through the Freedom of Information Act or Privacy Act," [https://www.uscis.gov/records/  
4 request-records-through-the-freedom-of-information-act-or-privacy-act](https://www.uscis.gov/records/request-records-through-the-freedom-of-information-act-or-privacy-act) (describing the process of filing  
5 a FOIA request for A-files and other documents). Petitioner's record request must properly go through  
6 USCIS for the properly exempted material to be filtered and properly redacted.

7 Contrary to Petitioner's assertions, an A-file contains information that is nonpublic and must be  
8 properly excised, even when the requestor is the alien subject of the file. Petitioner claims "the sensitive  
9 records the Government seeks to keep confidential relate only to Petitioner and it is nonsensical to  
10 withhold Petitioner's records from himself to protect his own confidentiality." ECF 25 at 4. However,  
11 Petitioner's A-file, in fact, contains the personally identifying information of approximately twelve other  
12 individuals not related to Petitioner's habeas claim. Second Supplemental Declaration of Deportation  
13 Officer Patrick J. Cruz at ¶ 9. Petitioner's file also includes documents related to a law enforcement  
14 investigation which are considered sensitive. *Id.* In order to turn over such files, included in Petitioner's  
15 A-file, coordination and processing with other agencies will be necessary. *Id.* The proper method for  
16 such coordination, sorted of exempted materials, redaction, and sharing of government information is  
17 the established procedure set out in FOIA and its implementing regulations.

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**IV. CONCLUSION**

Respondents have provided, and continue to provide, documents relevant to the adjudication of this habeas proceeding. However, no good cause supports discovery of Petitioner's entire A-file. The proper method for Petitioner to obtain his A-file is a FOIA request, which appropriately balances the interests of disclosure and privilege. Therefore, Respondents respectfully request the court reconsider the portion of its prior order directing Respondents to provide the complete A-file to Petitioner's counsel. Alternatively, Respondents request the court clarify its prior order and direct Petitioner's counsel to the FOIA process if Petitioner desires a complete copy of his A-file.

Dated: January 9, 2026

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