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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11

12 J.E.H.G.,
13
14 v. Petitioner,
15 CHRISTOPHER CHESTNUT, ET AL.,¹
16 Respondents.
17

CASE NO. 1:25-CV-01673-JLT-SKO (HC)
**OPPOSITION TO MOTION FOR TEMPORARY
RESTRAINING ORDER**

18
19 I. INTRODUCTION

20 Petitioner is a native and citizen of Peru who is being detained under 8 U.S.C. § 1225(b)(1)
21 during the pendency of her removal proceedings. Petitioner previously entered the country and was
22 granted Parole with Reporting Requirements under 8 U.S.C. § 1182(d)(5) on December 14, 2022. The
23 parole expired on December 14, 2023 and was not renewed. Since Petitioner was paroled, she has
24 incurred check-in violations of the Intensive Supervision Alternative Program, Alternative to Detention
25 on sixteen (16) occasions. Although detention under section 1225(b)(1) is mandatory, Petitioner seeks

26 _____
27 ¹ The Court should dismiss all respondents other than the warden of the California City Detention
28 Facility because the only proper respondent to a habeas petition is the custodian having immediate
custody of the petitioner. *See* 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).

1 her immediate release under the Due Process Clause. Petitioner's contentions lack merit and this Court
2 should deny the motion for a temporary restraining order.²

3 **II. BACKGROUND**

4 Petitioner is a native and citizen of Peru, born [REDACTED] Petitioner, on or about
5 November 10, 2022, unlawfully entered the United States at a time or place other than is designated by
6 immigration officers of the United States.³ On that same day, U.S. Customs and Border Protection
7 ("CBP") Officers apprehended Petitioner. Declaration of Deportation Officer Patrick J. Cruz ("Cruz")
8 Dec. In Support, ¶ 7.

9 On December 8, 2022, Department of Homeland Security ("DHS") placed Petitioner into
10 removal proceedings with the issuance of a Notice to appear ("NTA") charging her as an alien present
11 without admission or parole and charging her with removability under sections 212(a)(6)(A)(i) and
12 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act ("INA"). Cruz Dec. ¶ 8.

13 On or about December 14, 2022, DHS released Petitioner from custody on an Interim Notice
14 Authorizing Parole, valid for one year beginning from the date of the Notice. Cruz Dec. ¶ 9. Petitioner
15 was paroled pursuant to section 212(d)(5)(A) of the INA. *Id.* DHS enrolled Petitioner in the Intensive
16 Supervision Alternative Program, Alternative to Detention (ISAP/ADT) as a condition of her release.
17 *Id.*

18 On July 8, 2023 and October 26, 2023, Petitioner incurred violations of the ISAP/ADT program,
19 because she missed a check-in on her tracking device. Cruz Dec. ¶¶ 10-11.

20 On November 23, 2023, Petitioner incurred a violation of the ISAP/ADT program, because she
21

22 ² Respondents request that Petitioner's motion for a temporary order be converted to a motion for a
23 preliminary injunction. Respondents do not request a hearing. *See* ECF No. 7.

24 ³ Respondents acknowledge the Court's order requiring production of petitioner's A-file, but
25 respectfully request reconsideration of that portion of the Court's order. A-files contain many
26 documents that are not relevant to the questions presented by this habeas petition, including applications
27 for immigration benefits and immigration court pleadings. Some of these documents may be sensitive,
28 including tax materials or asylum materials. Furthermore, alien files range in volume from modest to
quite large, and should be certified as complete by one of the immigration agencies before filing with the
Court as needed. Because this process requires additional time and resources, and because petitioner has
not requested the production of a complete copy of the A-file, respondents submit that this case can be
appropriately resolved on the basis of any declaration or accompanying documentation submitted by
respondents in conjunction with this pleading.

1 missed a check-in on her tracking device. Petitioner then checked-in later that same day, incurring a
2 violation of the ISAP/ADT program, because she checked in outside of the check-in zone. Cruz ¶ 12.

3 On December 21, 2023, April 11, 2024 and July 4, 2024, Petitioner incurred a violations of the
4 ISAP/ADT program, because she missed a check-in on her tracking device. Cruz Dec. ¶¶ 13-15.

5 On August 01, 2024, Petitioner incurred a violation of the ISAP/ADT program, because she
6 missed a check-in on her tracking device. Petitioner then checked-in later that same day, incurring a
7 violation of the ISAP/ADT program, because she checked in outside of the check-in zone. Cruz Dec. ¶
8 16.

9 On August 28, 2024, Petitioner incurred a violation of the ISAP/ADT program, because she
10 checked in outside of the check-in zone. Cruz Dec. ¶ 17.

11 On September 26, 2024, Petitioner incurred a violation of the ISAP/ADT program, because she
12 missed a check-in on her tracking device. Petitioner then checked-in later that same day, incurring a
13 violation of the ISAP/ADT program, because she checked in outside of the check-in zone. Cruz Dec. ¶
14 18.

15 On October 24, 2024, December 19, 2024, March 13, 2025 and June 5, 2025, Petitioner incurred
16 violations of the ISAP/ADT program, because she missed a check-in on her tracking device. Cruz Dec.
17 ¶¶ 19-22.

18 On July 2, 2025, July 30, 2025 and August 27, 2025, Petitioner incurred a violations of the
19 ISAP/ADT program, because she checked in outside of the check-in zone. Cruz Dec. ¶¶ 23-25.

20 On October 25, 2025, Petitioner was arrested by ERO officers for her multiple violations of the
21 ISAP/ATD program. Cruz Dec. ¶ 26.

22 Petitioner remains subject to detention pursuant to pursuant to INA § 235(b)(1), 8 U.S.C.
23 § 1225(b)(1). Cruz Dec. ¶ 27.

24 III. STANDARD OF REVIEW

25 Temporary restraining orders are governed by the same standard applicable to preliminary
26 injunctions. *See Cal. Indep. Sys. Operator Corp. v. Reliant Energy Servs., Inc.*, 181 F. Supp. 2d 1111,
27 1126 (E.D. Cal. 2001). Preliminary injunctions are “extraordinary remedies.” *Winter v. Nat. Res. Def.*
28 *Council, Inc.*, 555 U.S. 7, 24 (2008). Therefore, movants “seeking a preliminary injunction face a

1 difficult task in proving that they are entitled to this ‘extraordinary remedy.’” *Earth Island Inst. v.*
2 *Carlton*, 626 F.3d 462, 469 (9th Cir. 2010).

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

9 A court must exercise “heightened scrutiny” where a party seeks mandatory injunction.”⁴ *Dahl*
10 *v. HEM Pharms. Corp.*, 7 F.3d 1399, 1403 (9th Cir. 1993). If “a party seeks mandatory preliminary
11 relief that goes well beyond maintaining the status quo *pendente lite*, courts should be extremely
12 cautious about issuing a preliminary injunction.” *Martin v. Int’l Olympic Cmte.*, 740 F.2d 670, 675 (9th
13 Cir. 1984); *see also Cmte of Cent. Am. Refugees v. INS*, 795 F.2d 1434, 1441 (9th Cir. 1986).

14 IV. ARGUMENT

15 A. Petitioner Improperly Seeks a Determination on the Merits

16 As a threshold matter, Petitioner’s motion for a temporary restraining order is an inappropriate
17 request for an ultimate determination on the merits. The purpose of a preliminary injunction is to
18 preserve the status quo between the parties pending a resolution of a case on the merits. *U.S. Philips*
19 *Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th Cir. 2010). To that end, “judgment on the merits in
20 the guise of preliminary relief is a highly inappropriate result.” *Senate of Cal. v. Mosbacher*, 968 F.2d
21 974, 978 (9th Cir. 1992).

22 In her petition, Petitioner does not seek to maintain the status quo against irreparable injury
23 pending a determination on the merits. Rather, Petitioner requests the same relief she seeks on the
24 merits, i.e., release from detention. ECF Nos. 1, 2. Presenting the claim to the Court in this manner
25 deprives the Court of complete and considered briefing on the merits of Petitioner’s claim and
26

27 ⁴ “A mandatory injunction orders a responsible party to take action, while [a] prohibitory injunction
28 prohibits a party from taking action and preserves the status quo pending a determination of the action
on the merits.” *Ariz. Dream Act Coal v. Brewer*, 757 F.3d 1053, 1060-61 (9th Cir. 2014).

1 inappropriately seeks “judgment on the merits in the guise of preliminary relief.” *Senate of Cal.*, 968
2 F.2d at 978. Accordingly, the Court should deny the preliminary injunction motion. *See Keo v. Warden*
3 *of Mesa Verde ICE Processing Center*, No. 1:24-cv-00919-HBK, 2024 WL 3970514 (E.D. Cal. Aug. 28,
4 2024) (denying the TRO of an in-custody detainee who sought the same relief as in the habeas petition
5 finding “it is generally inappropriate for a federal court at the preliminary-injunction stage to give a final
6 judgment on the merits.”); *but see Maidel Arostegui Castellon v. Kaiser*, No. 1:25-CV-00968-JLT-EPG,
7 2025 WL 2373425 (E.D. Cal. Aug. 14, 2025) (distinguishing *Keo*’s reliance on *Mosbacher*).

8 **B. Petitioner is Not Likely to Succeed on the Merits**

9 1. Petitioner is Subject to Mandatory Detention

10 An alien who arrives in the United States or is present in the country but has not been admitted,
11 is treated as an applicant for admission under the Immigration and Nationality Act (“INA”). *Jennings v.*
12 *Rodriguez*, 583 U.S. 281, 287 (2018); 8 U.S.C. § 1225(a)(1). The INA explicitly requires that applicants
13 for admission such as the petitioner be subjected to mandatory detention for the duration of their
14 removal proceedings. 8 U.S.C. § 1225(b)(1)(B)(ii); *Jennings*, 583 U.S. at 300 (stating that section
15 1225(b)(1) “unequivocally” mandates detention during the duration of removal proceedings); *Matter of*
16 *Yajure Hurtado*, 29 I & N Dec. 216, 218 (BIA 2025) (stating that Immigration Judges lack authority to
17 entertain a request to be released from detention on a bond that is filed by an applicant for admission).

18 The Supreme Court has flatly rejected the Ninth Circuit’s interpretation that 8 U.S.C. § 1225(b)
19 includes an implicit 6-month time limit on the length of mandatory detention. *Jennings*, 583 U.S. at
20 302-03. Prior to *Jennings*, the Ninth Circuit had held in *Rodriguez v. Robbins*, 715 F.3d 1137, 1138-44
21 (9th Cir. 2013), that mandatory detention under 8 U.S.C. § 1225(b) is implicitly time-limited and expires
22 after six months, citing the canon of constitutional avoidance. But in *Jennings*, the Supreme Court
23 expressly rejected that notion and found that the Ninth Circuit misapplied the constitutional avoidance
24 canon to find a statutory right to “periodic bond hearings every six months in which the Attorney
25 General must prove by clear and convincing evidence that the alien’s continued detention is necessary.”
26 *Jennings*, 583 U.S. at 304, 306. However, the Court declined to consider whether the Due Process
27 Clause imposes any limitation on the length of an applicant for admission’s mandatory detention under
28 section 1225(b)(1).

1 2. Petitioner’s Parole Had Expired and Petitioner Violated the Conditions of Parole

2 Congress authorized parole under 8 U.S.C. § 1182(d)(5)(A) for “urgent humanitarian reasons or
3 significant public benefit any alien applying for admission to the United States, but such parole of such
4 alien shall not be regarded as an admission of the alien” “[W]hen the purpose of the parole has
5 been served, “the alien shall forthwith return or be returned to the custody from which he was paroled
6 and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant
7 for admission.” *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (citing 8 U.S.C. § 1182(d)(5)(A)).

8 Petitioner was initially paroled on an Interim Notice Authorizing Parole on December 14, 2022.
9 *See* ECF No. 1-4. By its terms, Petitioner “was released from service custody pending a final decision
10 in [Petitioner’s] exclusion/deportation hearing.” *Id.* “[Petitioner’s] parole authorization is valid for one
11 year beginning from the date on this notice and will automatically terminate at the end of the one-year
12 period unless ICE provides you with an extension at its discretion.” *Id.* Accordingly, Petitioner’s
13 parole was revoked automatically effective December 14, 2023 and it was not renewed. Thus, Petitioner
14 was returned to custody and the case continues in the same manner as that of any other applicant for
15 admission. 8 C.F.R. § 212.5(e).

16 Additionally, Petitioner incurred sixteen (16) violations of her conditions of parole by failing to
17 appear at check-ins, checking in late or checking in outside of the check-in zone.

18 3. Petitioner’s Due Process Challenge Fails

19 As an initial matter, Petitioner fails to identify the source of her liberty interest in freedom from
20 detention during her removal proceedings. “The distinction between an alien who has effected an entry
21 into the United States and one who has never entered” is a fundamental one that “runs throughout
22 immigration law.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Here, Petitioner was never admitted
23 to the United States—she was intercepted after illegally entering near a port of entry and was deemed
24 inadmissible by border authority due to lack of documentation. DHS granted Petitioner parole that was
25 automatically terminated after one-year returning her to her status before parole was granted.
26 However, “such parole of such alien shall not be regarded as an admission of the alien” *Id.* For
27 immigration law purposes, the Petitioner continues to be categorized as an applicant for admission, even
28 though she has been physically present within the United States since November 2022. *Barrera-*

1 *Echavarria v. Rison*, 44 F.3d 1441, 1450 (9th Cir. 1995) (en banc); *United States v. Thuraissigiam*, 591
2 U.S. 103, 139 (2020).

3 And that carries significant implications for the contours of her due process rights. An alien who
4 has not effected a legal entry, i.e., has not been admitted into the United States, is entitled only to
5 “[w]hatever the procedure authorized by Congress is.” *Shaughnessy v. United States ex rel. Mezei*, 345
6 U.S. 206, 212 (1953) (quoting *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950));
7 *see also Thuraissigiam*, 591 U.S. at 140 (an alien detained after unlawful entry “has only those rights
8 regarding admission that Congress has provided by statute”); *Angov v. Lynch*, 788 F.3d 893, 898 (9th
9 Cir. 2015) (for “those . . . who have never technically ‘entered’ the United States . . . procedural due
10 process is simply whatever the procedure authorized by Congress happens to be” (cleaned up)). This
11 makes sense, since “an alien seeking initial admission to the United States requests a privilege and has
12 no constitutional rights regarding his application.” *Barrera-Echavarria*, 44 F.3d at 1449.

13 Put succinctly, “applicants for admission have virtually no constitutional rights regarding their
14 applications.” *Valencia v. Mukasey*, 548 F.3d 1261, 1263 (9th Cir. 2008) (citing *Landon v. Plasencia*,
15 459 U.S. 21, 33-34 (1982)). “Whatever the procedure authorized by Congress is, it is due process as far
16 as an alien denied entry is concerned.” *Shaughnessy*, 338 U.S. at 544. Thus, when it “involve[s] an
17 asylum applicant who had not ‘technically entered the United States,’ [the Court] examine[s] only
18 whether the government violated the statutory rights that Congress afforded such applicants.”
19 *Grigoryan v. Barr*, 959 F.3d 1233, 1241 (9th Cir. 2020) (citation omitted).

20 And the government violated no statutory rights here. In detaining Petitioner, DHS simply
21 followed the plain language of § 1225(b)(1), which mandates detention during removal proceedings.
22 *Jennings*, 583 U.S. at 297. Petitioner’s removal proceedings are still ongoing. Further, the government
23 has not violated Petitioner’s statutory rights by refusing to release her. Section 1225(b) detention does
24 not permit—let alone compel—release based on a determination of lack of dangerousness or flight risk,
25 rather, it only permits parole in the Attorney General’s sole discretion “for urgent humanitarian reasons
26 or significant public benefit.” 8 U.S.C. § 1225(d)(5)(A); *Jennings*, 583 U.S. at 299-300.

27 Moreover, even assuming Petitioner has a protected liberty interest, Petitioner’s due process
28 claim fails under the traditional due process set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). The

1 first factor does not weigh strongly in Petitioner’s favor. The Ninth Circuit interprets the Due Process
2 Clause “consistent with longstanding precedent recognizing that the process due aliens must account for
3 the government’s countervailing interests in immigration enforcement – considerations that do not apply
4 to U.S. citizens.” *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1205-06 (9th Cir. 2022). It is well-
5 established that “Congress may make rules as to aliens that would be unacceptable if applied to
6 citizens.” *Demore v. Kim*, 538 U.S. 510, 522 (2003). This is true because “any policy toward aliens is
7 vitally and intricately interwoven with contemporaneous policies in regard to the conduct of foreign
8 relations, the war power, and the maintenance of a republican form of government, which are core
9 sovereign powers.” *Id.* “The Supreme Court has accordingly long upheld Congress’s authorization of
10 ‘detention during deportation proceedings as a constitutionally valid aspect of the deportation process.’”
11 *Id.* at 523. “[D]etention during deportation proceedings [is] a constitutionally valid aspect of the
12 deportation process.” *Demore*, 538 U.S. at 523; *see also Reno v. Flores*, 507 U.S. 292, 306 (1993);
13 *Carlson v. Landon*, 342 U.S. 524, 538 (1952). Here, Petitioner has only been detained under section
14 1225(b) since March 20, 2025, when the Immigration Judge reopened his removal proceedings. Muñoz
15 Declaration ¶ 19; Habeas Petition ¶ 31. And detention under section 1225(b) is not indefinite because,
16 by law, it ends once his removal proceedings are completed. 8 U.S.C. § 1225(b)(1); *Jennings*, 583 U.S.
17 at 299 (§ 1225(b) “provide[s] for detention for a specified period of time”). This is in contrast to
18 detention under section 1231(a)(6), which the Supreme Court held raised the concern of indefinite
19 detention. *See Zadvydas*, 533 U.S. at 690-91, 698 (noting the concern “indefinite, perhaps permanent,
20 detention” under section 1231(a)(6) and establishing a presumptively reasonable six-month detention
21 period to effectuate removal). Petitioner has only been detained since October 25, 2025, and there are
22 no allegations that the immigration case is not proceeding normally.

23 The second factor likewise does not weigh in favor of Petitioner. As discussed above, aliens
24 who have not legally entered the country are only entitled to the due process that Congress has
25 statutorily created. “[A]n alien at the threshold of initial entry cannot claim any greater rights under the
26 Due Process Clause.” *Thuraissigiam*, 591 U.S. at 107. And because detention is mandatory, and
27 § 1225(b) only allows release through parole under narrow circumstances, any additional hearings could
28 not provide relief to Petitioner. *See Poonjani v. Shanahan*, 319 F. Supp. 3d 644, 649 (S.D.N.Y. 2018)

1 (holding that “for aliens on the ‘threshold of initial entry,’ due process is whatever procedure has been
2 ‘authorized by Congress,’” and “because the immigration statutes at issue here do not authorize a bond
3 hearing, *Mezei* dictates that due process does not require one here”); *compare Gonzalez-Fuentes*, 607
4 F.3d at 894 (the law “provide[d] a valid, independent basis for the deprivation of liberty” and thus any
5 procedural due process violation could not vindicate petitioner’s liberty interest or justify habeas relief).

6 Finally, the Government has a significant interest in Petitioner’s detention. “The government’s
7 interest in efficient administration of the immigration laws” is “weighty,” and “it must weigh heavily in
8 the balance that control over matters of immigration is a sovereign prerogative, largely within the
9 control of the executive and the legislature.” *Landon v. Plasencia*, 459 U.S. 21, 34 (1982). Further, the
10 government’s interest in protecting the public and preventing deportable non-citizens from fleeing are
11 strong and compelling. *See e.g., Rodriguez Diaz*, 53 F.4th at 1208 (9th Cir. 2022) (stating that the
12 government’s interests in “protecting the public from dangerous criminal aliens” and “increas[ing] the
13 chance that, if ordered removed, the aliens will be successfully removed” are “interests of the highest
14 order that only increase with the passage of time”). The system Congress devised requires detention
15 until Petitioner’s removal proceedings are completed, and forbids release absent narrow circumstances
16 not applicable here.

17 4. Petitioner Cannot Challenge Her Conditions of Detention in a Habeas Proceeding

18 Petitioner alleges harm from her conditions of detention, including for food, hygiene and sleep
19 deprivation. She alleges that she has developed medical conditions. ECF No. 2, p. 9. However, a
20 habeas petition is not the proper mechanism for challenging conditions of detention. *Pinson v. Carvajal*,
21 69 F.4th 1059, 1065, 1073-75 (9th Cir. 2023); *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (holding
22 that a habeas petition was not “the proper method of challenging ‘conditions of . . . confinement’”).
23 Conditions of detention/confinement challenges, rather, are properly brought in a civil rights action.
24 *Pinson*, 69 F.4th at 1075-76; *Badea*, 931 F.2d at 574; *Brown v. Blanckensee*, 857 F. App’x 289, 290 (9th
25 Cir. 2021); *Alcala v. Rios*, 434 F. App’x 668, 669-70 (9th Cir. 2011). Even if a challenge was plausible,
26 the “appropriate remedy for such constitutional violations, if proven, would be a judicially mandated
27 change in conditions and/or an award of damages, but not release from confinement.” *Crawford v. Bell*,
28 599 F.2d 890, 892 (9th Cir. 1979). Thus, to the extent Petitioner relies on conditions of confinement as

1 a basis for habeas relief, her petition fails.

2 **C. Petitioner Has Not Met Her Burden to Show Likely Irreparable Harm**

3 Immigration laws have long authorized immigration officials to charge aliens as removable from
4 the country, to arrest aliens subject to removal, and to detain aliens pending removal. *Demore*, 538 U.S.
5 at 523-26. Through the Immigration and Nationality Act, Congress created a multi-layered statutory
6 scheme for detention of noncitizens during removal, including mandatory detention for those whose
7 removal orders have been reinstated. *See* 8 U.S.C. § 1231(a)(2), (a)(5); *Johnson*, 594 U.S. at 529-30.
8 “Detention is necessarily a part of [the] deportation procedure.” *Carlson v. Landon*, 342 U.S. 524, 538
9 (1952). And removal proceedings “would be in vain if those accused could not be held in custody
10 pending the inquiry into their true character.” *Demore*, 538 U.S. at 523; *cf. Flores*, 507 U.S. at 306
11 (“Congress eliminated any presumption of release pending deportation, committing that determination to
12 the discretion of the Attorney General.”). Petitioner cannot establish irreparable harm because she is
13 being detained as expressly required by 8 U.S.C. § 1225(b).

14 Petitioner has been in immigration custody for less than two months under 8 U.S.C.
15 § 1225(b)(1).

16 **D. The Balance of Equities and Public Interest⁵**

17 The balance of the equities and public interest do not tip toward petitioner simply because she
18 has alleged a due process violation. Even where constitutional rights are implicated, where a petitioner
19 has not shown a likelihood of success on the merits of a claim, a court should not grant a preliminary
20 injunction. *See Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005). “The government’s interest
21 in efficient administration of the immigration laws” is “weighty,” and “it must weigh heavily in the
22 balance that control over matters of immigration is a sovereign prerogative, largely within the control
23 of the executive and the legislature.” *Plasencia*, 459 U.S. at 34. Further, the government’s interest in
24 protecting the public and preventing deportable non-citizens from fleeing are strong and compelling.
25 *See e.g., Rodriguez Diaz*, 53 F.4th at 1208 (stating that the government’s interests in “protecting the
26 public from dangerous criminal aliens” and “increas[ing] the chance that, if ordered removed, the

27 _____
28 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).

1 aliens will be successfully removed” are “interests of the highest order that only increase with the
2 passage of time”).

3 V. CONCLUSION

4 For the foregoing reasons, the Court should deny Petitioner’ motion for a preliminary injunction.

5 Dated: December 4, 2025

ERIC GRANT
United States Attorney

7 By: /s/ Brendon L.S. Hansen
8 Brendon L.S. Hansen
Assistant United States Attorney