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11  
12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14  
15 JOSE ERNESTO BERMUDEZ DE  
EUGENIO

16 Petitioner,

17 v.

18 KRISTI NOEM, *et al.*,

19 Respondents.

No. 5:25-cv-03313-JAK-E

**RESPONDENTS' RESPONSE TO  
ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

Honorable Percy Anderson  
United States District Judge

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1 **RESPONDENTS' OPPOSITION TO OSC RE: PRELIMINARY INJUNCTION**

2 On December 12, 2025, the Court issued an order [Dkt. 9] directing that the  
3 Respondents provide Petitioner an individualized bond hearing before an immigration  
4 judge pursuant to 8 U.S.C. § 1226(a) by December 19, 2025. *Id.* at 9. The Court's order  
5 further required Respondents to show cause as to why a preliminary injunction should  
6 not issue. Respondents hereby show such cause.

7 Petitioner received a bond hearing on December 19, 2025. Petitioner's bond  
8 documents are attached hereto as Exhibit A. Providing Petitioner with the 1226(a) bond  
9 hearing, or otherwise releasing him from detention, moots the requested preliminary  
10 injunction and this habeas petition more generally. *See, e.g., Javier Gonzales et al. v.*  
11 *Kristi Noem et al.*, 5:25-cv-02054-ODW-BFM, Dkt. no. 16 (August 25, 2025 minute  
12 order by Hon. Judge Wright, denying as moot the petitioners' pending request for a  
13 preliminary injunction given their receipt pursuant to a TRO of 1226(a) bond hearings  
14 and issuing the petitioners an order to show cause re: dismissal); Dkt. no. 17 (notice of  
15 voluntary dismissal); and Dkt. no. 18 (order dismissing petition). *See Moises Salomon*  
16 *Zaragoza Mosqueda v. Kristi Noem et al.*, 5:25-cv-002304-CAS-BFM, Dkt. no. 15  
17 (September 17, 2025 minute order by Hon. Judge Snyder, denying preliminary  
18 injunction and issuing OSC re dismissal for mootness given the petitioners' receipt of  
19 immigration bond hearings); and Dkt. no. 16 (notice of voluntary dismissal).

20 While Respondents continue to oppose the issuance of a preliminary injunction  
21 pursuant to the legal positions stated in the Respondents' brief in opposition to the  
22 Petitioner's *ex parte* application for a temporary restraining order [Dkt. 7], and the  
23 Respondents maintain that those positions warrant denying a preliminary injunction on  
24 the merits, the issue is mooted in any event by the TRO's issuance [Dkt. 9] and the  
25 subsequent provision of the bond hearings for the Petitioner.

26 Accordingly, the OSC re: preliminary injunction should be discharged, and  
27 Petitioner should either voluntarily dismiss his Petition or else be required to respond to  
28 an OSC re: Dismissal.

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Dated: December 19, 2025

Respectfully submitted,

TODD BLANCHE  
Deputy Attorney General  
BILAL A. ESSAYLI  
First Assistant United States Attorney  
DAVID M. HARRIS  
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*/s/ Whitney Wakefield*  
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WHITNEY WAKEFIELD

Special Assistant United States Attorney

Attorneys for Respondents

**Table of Exhibits**

**Exhibits**

**A. Petitioner's Bond Documents**

**1-3**

# EXHIBIT A



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
ADELANTO IMMIGRATION COURT**

Respondent Name:

BERMUDEZ DE EUGENIO, JOSE  
ERNESTO

To:

Robinson, Emily Louise  
5012 Eagle Rock Blvd  
Los Angeles, CA 90041

A-Number:

Riders:

In Custody Redetermination Proceedings

Date:

12/19/2025

**ORDER OF THE IMMIGRATION JUDGE**

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

Granted. It is ordered that Respondent be:

released from custody on his own recognizance.

released from custody under bond of \$ 7,500.00

other:

ALTERNATIVES TO DETENTION AT DHS DISCRETION.

Other:

The bond hearing was held pursuant to a Temporary Restraining Order issued by Hon. Judge Kronstadt, in case 5:25-cv-03313-JAK (Ex). DHS conceded jurisdiction.



Immigration Judge: Matthew C. Chan 12/19/2025

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due:

**Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [ E ] Alien atty/rep. | [ E ] DHS

Respondent Name : BERMUDEZ DE EUGENIO, JOSE ERNESTO | A-Number : [REDACTED]

Riders:

Date: 12/19/2025 By: SIGALA, ALFRED, Court Staff