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

14 Yemane Berhane Woldegabriel,

15 Petitioner,

16 v.

17 Kristi NOEM, Secretary, Department of  
18 Homeland Security; Todd LYONS, in his  
19 official capacity as Acting Director of U.S.  
20 Immigration and Customs Enforcement  
21 (ICE); Pam BONDI, Attorney General of the  
22 United States; Jaime RIOS, Director, Los  
23 Angeles ICE Field Office; and Fereti  
24 SEMAIA, Warden, Adelanto ICE Processing  
25 Center.

26 Respondents.

No. 5:25-cv-03369-ODW-PVC

PETITIONER'S REPLY TO  
RESPONDENTS' RESPONSE TO  
ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION

Immigration Case

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1           Petitioner Yemane Woldegabriel hereby replies to Respondents'  
2 December 26, 2025 Response to Order to Show Cause Re: Preliminary  
3 Injunction. Dkt # 9. As noted, this Court has already granted Petitioner's  
4 Application for Temporary Restraining Order, ordering his release from  
5 detention. Dkt # 8. As discussed below, this case is not moot and the Court  
6 should grant a preliminary injunction and writ of habeas corpus.

7           Petitioner's release pursuant to this Court's December 19, 2025 temporary  
8 restraining order does not moot the petition for writ of habeas corpus. Dkt # 8. A  
9 petition for writ of habeas corpus is moot when a detainee is released from custody.  
10 *Munoz v. Rowland*, 104 F.3d 1096, 1098 (9th Cir. 1997); *Sila v. Warden*, No.  
11 EDCV 22-1632 RSWL (AS), 2023 WL 2504476, at \*2-3 (C.D. Cal. Feb 13, 2023).  
12 "Although the word 'custody' is elastic, all definitions of it incorporate some  
13 concept of ongoing control, restraint, or responsibility by the custodian." *See*  
14 *Samirah v. O'Connell*, 335 F.3d 545, 549 (7th Cir. 2003) *citing* Black's Law  
15 Dictionary 384 (6th ed.1990). Federal courts have interpreted "custody"  
16 for habeas purposes broadly and have found a petitioner to be in "custody" where  
17 he is "subject both to 'significant restraints on liberty ... which are not shared by the  
18 public generally,' along with 'some type of continuing governmental supervision.'  
19 " *Obado v. New Jersey*, 328 F.3d 716, 717 (3d Cir. 2003). "Restraints short of  
20 incarceration may satisfy the 'in custody' requirement for habeas relief, but the  
21 restraint must significantly compromise the individual's 'liberty to do those things  
22 which in this country free men are entitled to do.'" *Lopez Lopez v. Charles*, No. 12-  
23 cv-101445, 2020 WL 419598, at \*3 (D. Mass. Jan. 26, 2020) *citing* *Jones v.*  
24 *Cunningham*, 371 U.S. 236, 243, 83 S.Ct. 373, 9 L.Ed.2d 285 (1963).

25           This is not a case where Petitioner sought a bond hearing before an  
26 immigration judge, and therefore there is no other relief to provide.  
27 Petitioner is still *in custody* based on the Order of Supervision and ankle  
28 monitor device (Brewer Dec. Exhs. A-C), which demonstrates that

1 Petitioner is “subject both to ‘significant restraints on liberty ... which are  
2 not shared by the public generally,’ along with ‘some type of continuing  
3 governmental supervision.’ ” *Obado v. New Jersey*, 328 F.3d 716, 717 (3d  
4 Cir. 2003). The Order of Supervision requires regular appearances before  
5 ICE, restricts travel to 75 miles outside of the area and to trips of less than  
6 48 hours. Brewer Dec. Exh. A. He has also been subjected to a GPS ankle  
7 monitor. Brewer Dec. Exhs. B, C. He is clearly still in custody and his  
8 liberty is restricted, and this case is not moot. *Rodriguez v. Hayes*, 591 F.3d  
9 1105, 1118 (9th Cir. 2010) reversed on other grounds by *Jennings v.*  
10 *Rodriguez*, 583 U.S. 281, 314, 138 S. Ct. 830, 852, 200 L. Ed. 2d 122  
11 (2018) (“The strict limitations on Petitioner's freedom, therefore, provide an  
12 additional reason why his case presents a live controversy.”); *Orellana*  
13 *Juarez v. Moniz*, No. 25-CV-11266-MJJ, 2025 WL 1698600, at \*4 (D.  
14 Mass. June 11, 2025) (“Mr. Orellana Juarez lives in reasonable fear that a  
15 violation may result in physical detention, and ultimately trigger removal  
16 proceedings against him.”); *Flores Salazar v. Moniz*, No. CV 25-11159-  
17 LTS, 2025 WL 1703516, at \*5 (D. Mass. June 11, 2025) (“Plainly, these  
18 conditions substantially limit Flores Salazar's liberty and vastly exceed  
19 restraints experienced “by the public generally.” ...The record establishes  
20 that Flores Salazar remains in “custody” for purposes of § 2241. His petition  
21 is not moot.”)

22 Petitioner requests that the Court order he be returned to the terms  
23 of his original Order of Supervision, without the imposition of additional  
24 requirements, such as an ankle monitor device (Brewer Dec. Exhs. B, C).  
25 *See, e.g., Zhang Haixiang v. DHS, et. al.*, No. ED CV 25-1890-JLS(E), 2025  
26 WL 3683126, at \*4 (C.D. Cal. Dec. 2, 2025), *report and recommendation*  
27 *adopted sub nom. Zhang v. Dept. of Homeland Sec.*, No. ED CV 25-1890-  
28 JLS(E), 2025 WL 3679184 (C.D. Cal. Dec. 18, 2025); *Do v. Scott*, No. C25-

1 2187RSL, 2025 WL 3496909, at \*6 (W.D. Wash. Dec. 5, 2025) (“Petitioner  
2 shall continue under the same conditions of her prior Order of Supervision);  
3 *Shadalo v. Mattos*, No. 2:25-CV-02076-RFB-BNW, 2025 WL 3568234, at  
4 \*8 (D. Nev. Dec. 14, 2025); *Zadori v. Noem, et al.*, No. 5:25-CV-02832-  
5 MRA-DFM, 2025 WL 3724456, at \*6 (C.D. Cal. Nov. 19, 2025); *El Abed v.*  
6 *Noem et al.*, No. 5:25-CV-02361-FWS-JDE, 2025 WL 3691910, at \*6 (C.D.  
7 Cal. Oct. 28, 2025).

8 Last, the case is not moot under the doctrine of voluntary cessation. The only  
9 reason that Petitioner is out of custody is because this Court issued a Temporary  
10 Restraining Order, and if this case is dismissed, then nothing prevents Respondents  
11 from re-detaining Petitioner again without any evidence that removal is reasonably  
12 foreseeable. A case becomes moot—and therefore no longer a ‘Case’ or  
13 ‘Controversy’ for purposes of Article III—‘when the issues presented are no longer  
14 live or the parties lack a legally cognizable interest in the outcome.’ ” *Already, LLC*  
15 *v. Nike, Inc.*, 568 U.S. 85, 91, 133 S.Ct. 721, 184 L.Ed.2d 553 (2013) *citing*  
16 *Murphy v. Hunt*, 455 U.S. 478, 481, 102 S.Ct. 1181, 71 L.Ed.2d 353 (1982). A  
17 voluntary change to the challenged conduct does not ordinarily render a case moot  
18 because a dismissal for mootness would permit a resumption of the challenged  
19 conduct as soon as the case is dismissed.” *Rosebrock v. Mathis*, 745 F.3d 963, 971  
20 (9th Cir. 2014) *citing Knox v. Serv. Emps. Int’l Union, Local 1000*, 567 U.S. 298,  
21 307, 132 S.Ct. 2277, 2287, 183 L.Ed.2d 281 (2012); *see also Friends of the Earth,*  
22 *Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 189, 120 S.Ct. 693, 145  
23 L.Ed.2d 610 (2000) (“It is well settled that a defendant's voluntary cessation of a  
24 challenged practice does not deprive a federal court of its power to determine the  
25 legality of the practice.” (internal quotation marks omitted)). Voluntary cessation  
26 can yield mootness if a “stringent” standard is met: “A case might become moot if  
27 subsequent events made it absolutely clear that the allegedly wrongful behavior  
28 could not reasonably be expected to recur.” *Friends of the Earth*, 528 U.S. at 189,

1 120 S.Ct. 693. The party asserting mootness bears a “heavy burden” in meeting this  
2 standard. *Id.* There was no voluntary change in Respondents’ position because it  
3 took this Court’s grant of the temporary restraining order to release Petitioner from  
4 detention, and Respondents make no representation that they will not detain  
5 Petitioner if there is no such order from the Court. Hence, if the case is dismissed as  
6 moot, it appears that Petitioner is once again subject to detention by Respondents.  
7 The only way to assure that unlawful detention will not happen is by ordering that  
8 the petition be granted. *See Fed. Bureau of Investigation v. Fikre*, 601 U.S. 234,  
9 241 (2024)(“Were the rule more forgiving, a defendant might suspend its  
10 challenged conduct after being sued, win dismissal, and later pick up where it left  
11 off; it might even repeat ‘this cycle’ as necessary until it achieves all of its allegedly  
12 ‘unlawful ends.’”); *Pro Publica, Inc. v. Bligh*, No. 22-CV-1455-BTM-KSC, 2025  
13 WL 2638530, at \*4 (S.D. Cal. Sept. 12, 2025) (“The voluntary cessation doctrine's  
14 heavy burden would hardly be a burden at all if the Government could overcome it  
15 simply by changing course and then invoking the doctrine.”). A case is only moot  
16 where there is no “reasonable expectation” that Respondents’ conduct will return to  
17 its own ways. *Fed. Bureau of Investigation v. Fikre*, 601 U.S. 234, 241 (2024). As  
18 such, the Court should grant the preliminary injunction and petition for writ of  
19 habeas corpus.

20  
21 Dated: December 26, 2025

Respectfully Submitted,

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