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

14 YUNXIANG QIAO et al.
15 v.
16 JAMES JANECKA, et al.,
17 Respondents.
18

No. 5:25-cv-03375-WLH-MAA

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

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

2 On January 8, 2026, the Court issued an order [Dkt. 7] providing that the
3 Respondents were ordered to release the Petitioner while the Court considered the merits
4 of the two Petitioners' custody claim. Dkt. 7. The Court's order further required
5 Respondents to show cause as to why a preliminary injunction should not issue.
6 Respondents hereby show such cause.

7 Pursuant to the Court's order, the two Petitioners have been granted release from
8 custody on January 12, 2026, on an OSUP. The Petitioners have therefore already
9 obtained the complete relief sought in their Petition over which this Court has
10 jurisdiction. *Cf. Pinson v. Carvajal*, 69 F.4th 1059, 1077 (9th Cir. 2023) ("Because
11 [petitioner's] claims lie outside the historic core of habeas corpus, we conclude the
12 district court properly found it lacked jurisdiction to hear [his] petition."), *cert. denied*
13 *sub nom. Sands v. Bradley*, 144 S. Ct. 1382 (2024); *id.* at 1070 (explaining that "release
14 from confinement is the only available remedy for claims at the writ's core"); *see also* 28
15 U.S.C. § 2241(c) ("The writ of habeas corpus shall not extend to a prisoner unless [h]e is
16 in custody.").

17 Because the government released the Petitioners from detention, the alleged
18 injury—the detention itself—has ended, and there is no further relief for this Court to
19 provide. As the Supreme Court has explained, once a challenged restraint has ceased to
20 have any continuing effect, "mootness . . . simply deprives us of our power to act; there
21 is nothing for us to remedy, even if we were disposed to do so." *Spencer v. Kemna*, 523
22 U.S. 1, 18 (1998). "[T]he Ninth Circuit [too] has long held that [] 'the writ of habeas
23 corpus is limited to attacks upon the legality or duration of confinement.'" *Pinson*, 69
24 F.4th at 1065 (citing *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)); *see also*
25 *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) ("It is clear . . . from the common-law
26 history of the writ . . . that the essence of habeas corpus is an attack by a person in
27 custody upon the legality of that custody, and that the traditional function of the writ is to
28 secure release from illegal custody."); *Skinner v. Switzer*, 562 U.S. 521, 525 (2011)

1 (“Habeas is the exclusive remedy . . . for the prisoner who seeks immediate or speedier
2 release from confinement. Where the prisoner’s claim would not necessarily spell
3 speedier release. . . suit may be brought under § 1983.” (cleaned up)).

4 Nor can the Petitioners salvage either their habeas claims or their requests for
5 injunctive relief by speculating that they might be re-detained unlawfully at some
6 indefinite point in the future. Article III requires a concrete, actual or imminent injury;
7 mere speculation about possible future injury is insufficient. *See, e.g., City of Los*
8 *Angeles v. Lyons*, 461 U.S. 95, 102 (1983) (making plain that plaintiff must show an
9 injury or threat of injury that is “real and immediate,” not “conjectural” or
10 “hypothetical”); *Whitmore v. Arkansas*, 495 U.S. 149, 158 (1990) (“Each of these cases
11 demonstrates what we have said many times before and reiterate today: Allegations of
12 possible future injury do not satisfy the requirements of Art. III. A threatened injury
13 must be ‘certainly impending’ to constitute injury in fact.”). Relatedly, the mere
14 “possibility” of irreparable harm is insufficient to sustain his burden here. *See Winter v.*
15 *Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008). Instead, they must
16 show “immediate threatened injury.” *Caribbean Marine Servs. Co., Inc. v. Baldrige*, 844
17 F.2d 668, 674 (9th Cir. 1988) (citing *L.A. Mem’l Coliseum Comm’n v. Nat’l Football*
18 *League*, 634 F.2d 1197, 1201 (9th Cir. 1980)). They cannot do so.

19 After all, “[i]ssuing a preliminary injunction based only on a possibility of
20 irreparable harm is inconsistent with [the Supreme Court’s] characterization of
21 injunctive relief as an extraordinary remedy that may only be awarded upon a clear
22 showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. “Absent a
23 sufficient likelihood that [he] will again be wronged *in a similar way*,” *Lyons*, 461 U.S.
24 at 111 (emphasis added), Petitioner cannot establish standing to seek an injunction much
25 less irreparable harm. *See, e.g., Hai Chieu Dam v. Timothy Robbins*, 2:25-cv-08133-
26 JWH-MAA, Docket No. 7 at 6 (C.D. Cal. Sept. 16, 2025) (declining to address whether
27 petitioner was “in custody” because petition for an injunction barring re-detainment was
28 not ripe). Recently, where a petitioner argued that “his future detention is not speculative

1 because the call-in for a physical appointment is a typical ruse to re-detain noncitizens
2 on supervised release, and that he still faces a risk of unlawful future detention,” the
3 court found that he “fail[ed] to sufficiently allege an injury or threat of injury because the
4 event giving rise to the Petition has passed and Petitioner’s alleged threat of future injury
5 is too speculative and unripe” and relatedly that he “fail[ed] to present sufficient
6 allegations or evidence of the threat of future injury to confer Article III standing.” *J.P.*
7 *v. Santacruz*, No. 8:25-CV-01640-FWS-JC, 2025 WL 2998305, at *4 (C.D. Cal. Oct. 24,
8 2025). Because Petitioners are not in custody, cannot show any continuing collateral
9 consequence that this Court could redress via habeas, and rely only on speculative future
10 harm, their habeas Petition does not present an Article III case-or-controversy that this
11 Court can redress. Without a live claim, they cannot show likelihood of success on the
12 merits or irreparable harm.

13 Accordingly, a preliminary injunction should not issue, the order-to-show-cause
14 (OSC) should be discharged, and the Petition should be dismissed.

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16 Dated: January 13, 2026

Respectfully submitted,

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* The undersigned, counsel of record for the Federal Respondents certifies that this brief contains 931 words, which complies with the word limit of L.R. 11-6.1.