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

14 YU WANJIN,

15 Petitioner,

16 v.

17 TODD M. LYONS, et al.,

18 Respondents.
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No. 5:25-cv-03383-JGB-AGR

**OPPOSITION TO EMERGENCY
PETITION FOR WRIT OF HABEAS
CORPUS**

*[Declaration of Noah Kichak filed
concurrently]*

Honorable Jesus G. Bernal

1 **I. INTRODUCTION**

2 Respondents respectfully request that the Court deny the relief Petitioner seeks in
3 her Emergency Petition for Writ of Habeas Corpus (“TRO Application”) and dismiss her
4 habeas petition.

5 First, the Court has no jurisdiction over Petitioner’s habeas petition and related
6 TRO Application because she is not being detained in the Central District of California –
7 she is being detained in California City in the Eastern District of California. Dkt. 1 at 2;
8 Declaration of Noah Kichak (“Kichack Decl.”) ¶ 10.

9 Second, Petitioner is not subject to the Settlement Agreement in *Flores v. Reno*,
10 Central District of California, CV 85-4544-RJK(Px). The *Flores* Settlement Agreement
11 applies to minors (defined as being any person under the age of 18 years) in immigration
12 custody. Petitioner was 20 years old when she was taken into ICE custody. Kichack
13 Decl. ¶ 8. Petitioner claims an Immigration Judge ordered her to be released from
14 custody but has provided no copy of this written order.

15 Petitioner cannot show any entitlement to habeas relief from this Court because
16 she is not being detained in the Central District of California. The Court should dismiss
17 the Petition and deny the relief requested in the TRO Application.

18 **II. FACTUAL BACKGROUND**

19 Petitioner entered the United States on October 5, 2019 and was admitted as a
20 non-immigrant visitor for pleasure, authorized to remain in the United States until April
21 4, 2020. Kichack Decl. ¶ 5. Petitioner apparently overstayed her authorization to remain
22 in the United States. On August 23, 2025, Petitioner was arrested and charged with one
23 felony count of assault with a deadly weapon (not a firearm) in violation of California
24 Penal Code § 245(a)(1). *Id.* ¶ 6. Petitioner, who was 20 years at the time, was taken into
25 ICE custody on November 13, 2025. *Id.* ¶¶ 7-8. Petitioner was detained at the Adelanto
26 ICE Processing Center from November 15-24, 2025. *Id.* ¶ 9. On November 24, 2025,
27 Petitioner was transferred to the California City ICE Processing Center where she is
28 currently detained. *Id.* ¶ 10.

1 **III. ARGUMENT**

2 **A. The Court Has No Jurisdiction Over This Habeas Petition Because**
3 **Petitioner Is Not Detained In the Central District of California**

4 28 U.S.C. § 2241(a) states that “[w]rits of habeas corpus may be granted by ... the
5 district court and any circuit judge within their respective jurisdictions.” The writ is
6 “issuable only in the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 442
7 (2004) (citation and quotation marks omitted). Section 2241 habeas proceedings must
8 proceed in the district of confinement. *Id.* at 442-444. This applies to petitioners who are
9 challenging removal related detention. *Douglas v. Barr*, 2019 WL 6310270, at *3 (C.D.
10 Cal. Nov. 25, 2019). In *Douglas*, the Petitioner filed a habeas petition in the Central
11 District of California while he was in federal immigration custody in Ullin, Illinois,
12 which is within the territorial jurisdiction of the Southern District Illinois. *Id.* The Court
13 dismissed the habeas petition and the related request for a TRO, noting, “This Court is
14 not authorized to issue a writ of habeas corpus directed outside its territorial
15 jurisdiction.” *Id.* The Court must dismiss Petitioner’s habeas petition and cannot grant
16 the TRO Application for the same reason.

17 The Petition states that Petitioner is currently detained at the California City ICE
18 Detention Facility. Dkt. 1 at 2. Respondents agree that Petitioner is currently detained at
19 the California City ICE Processing Center. Kichack Decl. ¶ 10. California City is in
20 Kern County and is the Eastern District of California; venue would be appropriate at the
21 United States District Court for the Eastern District in Fresno.¹ Because Petitioner is not
22 being detained in the Central District of California, this Court has no jurisdiction over
23 this habeas petition and must dismiss the petition and may not enter the relief Petitioner
24 requests in her TRO Application.

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28 ¹ <https://www.caed.uscourts.gov/caednew/index.cfm/cmecf-e-filing/jurisdiction-and-venue/>

B. Petitioner is Not a *Flores* Class Member; To the Extent She Believes She Is Entitled to Relief, She Must Seek Relief in the *Flores* Court

The *Flores* Settlement Agreement (“FSA”)² defines class members as “all minors who are detained in the legal custody of the INS.” FSA at 7. “Minor” is defined as any person under the age of eighteen (18) years who is detained in the legal custody of INS. FSA at 4. Petitioner was 20 years old at the time she was taken into ICE Custody on November 13, 2025. Kichack Decl. ¶ 8. Petitioner is not a *Flores* class member. To the extent she believes she is, she may address this with *Flores* class counsel or seek further relief with the *Flores* court.

Petitioner further alleges that an Immigration Judge issued a written order requiring her release, yet fails to attach a copy of this written decision to her Petition or TRO Application.³ However, even if such an order did exist, Petitioner must seek habeas relief from the Court that presides over the district in which she is detained.

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² Available at:

https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_settlement011797.pdf.

³ As of the filing of this Opposition, Respondents’ counsel has been unable to confirm whether there is any such Immigration Judge order that exists.

1 **IV. CONCLUSION**

2 For the foregoing reasons, Respondents respectfully request that the Court dismiss
3 this habeas petition and deny the relief requested in the TRO Application.

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5 Dated: December 19, 2025

Respectfully submitted,

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16 *The undersigned, counsel of record for Federal Respondents, certifies that this brief
17 contains 876 words, which complies with the word limit of L.R. 11-6.1.
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