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

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SOMCHETH SAN YOK,

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Petitioner,

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v.

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DAVID MARIN, Warden, *et al.*,

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Respondents.

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No. 5:25-cv-03377-MWF-MAA

**RESPONDENTS' ANSWER TO
PETITION AND RESPONSE TO
ORDER TO SHOW CAUSE
REGARDING PRELIMINARY
INJUNCTION**

Honorable Michael W. Fitzgerald
United States District Judge

1 Petitioner, a detainee in immigration custody since January 2025, filed a petition
2 for writ of habeas corpus asking the Court to order his immediate release from ICE
3 custody. Dkt. 1 and 2 (Dkt. 1 was a form petition on the Court form AO 242 and Dkt. 2
4 was a typewritten petition). Petitioner then filed an *ex parte* application for a temporary
5 restraining order (the “TRO Application”) seeking immediate release from ICE custody
6 and an injunction forbidding Respondents from re-detaining Petitioner without obtaining
7 a legal travel document for him. Dkt. 11.

8 On January 8, 2026, the Court issued an Order granting Petitioner’s TRO
9 Application, ordering that he be immediately released from custody and enjoining
10 Respondents from re-detaining Petitioner unless Respondents have obtained a legal
11 travel document for him. Dkt. 15 at 9. The Court also ordered Respondents to file an
12 Answer to the Petition by January 9, 2026. *Id.* at 10. Lastly, the Court set a preliminary
13 injunction hearing for January 27, 2026, and ordered that Respondents file any brief
14 arguing why a preliminary injunction should not issue by January 15, 2026. *Id.*
15 Accordingly, Respondents file this Answer to the Petition and Response as to why
16 preliminary injunction should not issue.

17 On January 9, 2026, Petitioner was released from custody. Dkt. 17. Accordingly,
18 Petitioner has already obtained the complete relief sought in his Petition over which this
19 Court has jurisdiction. *See, e.g.*, Dkt. 2 at 13; *see also* 28 U.S.C. § 2241(c) (“The writ of
20 habeas corpus shall not extend to a prisoner unless [h]e is in custody.”). The Ninth
21 Circuit has been fairly clear about the scope of habeas relief, explaining that “release
22 from confinement is the only available remedy for claims at the writ’s core” *Pinson*
23 *v. Carvajal*, 69 F.4th 1059, 1070 (9th Cir. 2023), *cert. denied sub nom. Sands v. Bradley*,
24 144 S. Ct. 1382 (2024); *see also id.* at 1076 (“Because [petitioner’s] claims lie outside
25 the historic core of habeas corpus, we conclude the district court properly found it
26 lacked jurisdiction to hear [his] petition.”).

27 Because Petitioner has been released, the alleged injury—the detention itself—has
28 ended, and there is no further relief for this Court to provide. As the Supreme Court has

1 explained, once a challenged restraint has ceased to have any continuing effect,
2 “mootness . . . simply deprives us of our power to act; there is nothing for us to remedy,
3 even if we were disposed to do so.” *Spencer v. Kemna*, 523 U.S. 1, 18 (1998). “[T]he
4 Ninth Circuit [too] has long held that [] ‘the writ of habeas corpus is limited to attacks
5 upon the legality or duration of confinement.’” *Pinson*, 69 F.4th at 1065 (citing
6 *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)); *see also Preiser v. Rodriguez*, 411
7 U.S. 475, 484 (1973) (“It is clear . . . from the common-law history of the writ . . . that
8 the essence of habeas corpus is an attack by a person in custody upon the legality of that
9 custody, and that the traditional function of the writ is to secure release from illegal
10 custody.”); *Skinner v. Switzer*, 562 U.S. 521, 525 (2011) (“Habeas is the exclusive
11 remedy . . . for the prisoner who seeks immediate or speedier release from confinement.
12 Where the prisoner’s claim would not necessarily spell speedier release, . . . suit may be
13 brought under § 1983.” (cleaned up)).

14 Nor can Petitioner salvage either his habeas claim or his request for injunctive
15 relief by speculating that he might be re-detained unlawfully at some indefinite point in
16 the future. Article III requires a concrete, actual or imminent injury; mere speculation
17 about possible future injury is insufficient. *See, e.g., City of Los Angeles v. Lyons*, 461
18 U.S. 95, 102 (1983) (making plain that plaintiff must show an injury or threat of injury
19 that is “real and immediate,” not “conjectural” or “hypothetical”); *Whitmore v. Arkansas*,
20 495 U.S. 149, 158 (1990) (“Each of these cases demonstrates what we have said many
21 times before and reiterate today: Allegations of possible future injury do not satisfy the
22 requirements of Art. III. A threatened injury must be ‘certainly impending’ to constitute
23 injury in fact.”). Relatedly, the mere “possibility” of irreparable harm is insufficient to
24 sustain his burden here. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S.
25 7, 22 (2008). Instead, he must show “immediate threatened injury.” *Caribbean Marine*
26 *Servs. Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *L.A. Mem’l*
27 *Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)). He
28 cannot do so.

1 Indeed, “[i]ssuing a preliminary injunction based only on a possibility of
2 irreparable harm is inconsistent with [the Supreme Court’s] characterization of
3 injunctive relief as an extraordinary remedy that may only be awarded upon a clear
4 showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. “Absent a
5 sufficient likelihood that [he] will again be wronged *in a similar way*,” *Lyons*, 461 U.S.
6 at 111 (emphasis added), Petitioner cannot establish standing to seek an injunction much
7 less irreparable harm. *See, e.g., Miguel Angel Perez Lara v. Kristi Noem, et al.*, 5:25-cv-
8 03072-ODW-JC, Dkt. 11 (denying as moot petitioner’s request for preliminary
9 injunction where petitioner had been released from custody); *Hai Chieu Dam v. Timothy*
10 *Robbins*, 2:25-cv-08133-JWH-MAA, Docket No. 7 at 6 (C.D. Cal. Sept. 16, 2025)
11 (declining to address whether petitioner was “in custody” because petition for an
12 injunction barring re-detainment was not ripe). Recently, where a petitioner argued that
13 “his future detention is not speculative because the call-in for a physical appointment is a
14 typical ruse to re-detain noncitizens on supervised release, and that he still faces a risk of
15 unlawful future detention,” the court found that he “fail[ed] to sufficiently allege an
16 injury or threat of injury because the event giving rise to the Petition has passed and
17 Petitioner’s alleged threat of future injury is too speculative and unripe” and relatedly
18 that he “fail[ed] to present sufficient allegations or evidence of the threat of future injury
19 to confer Article III standing.” *J.P. v. Santacruz*, No. 8:25-CV-01640-FWS-JC, 2025
20 WL 2998305, at *4 (C.D. Cal. Oct. 24, 2025). Because Petitioner is no longer in
21 custody, cannot show any continuing collateral consequence that this Court could redress
22 via habeas, and relies only on speculative future harm, his habeas petition is rendered
23 moot. *See, e.g., Nam Su Hoang v. Ernesto Santa Cruz, et al.*, 5:25-cv-02766-JGB-DSR,
24 Dkt. 14 (dismissing petition as moot because petitioner had been released) and Dkt. 22
25 (denying motion for reconsideration where petitioner argued that the court failed to
26 consider his claims regarding re-detention, finding that it was too speculative to warrant
27 relief and reiterating that the court lacked jurisdiction as petitioner had been released).
28 Without a live underlying claim, he cannot show likelihood of success on the merits or

1 irreparable harm.

2 Accordingly, a preliminary injunction should be denied, and the Petition should be
3 dismissed.

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5 Dated: January 9, 2026

Respectfully submitted,

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17 **CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2**

18 The undersigned, counsel of record for Respondents, certifies that the
19 memorandum of points and authorities contains 1,152 words, which complies with the
20 word limit of L.R. 11-6.1.

21
22 Dated: January 9, 2026

23 */s/ Soo-Young SHin*
24 SOO-YOUNG SHIN