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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

KARLA PAOLA PAREDES CHUMBIRIZO

Petitioner,

vs.

MOISES BECERRA, Field Office Director,
ICE/San Francisco;
LEANNA LUNDY Warden, Mesa Verde ICE
Processing Center;
KRISTI NOEM, Secretary of Homeland
Security;
PAMELA BONDI, Attorney General of the
United States

Respondents

Case No. 1:25-cv-01889-DJC-CSK

**PETITIONER'S REPLY TO ORDER TO
SHOW CAUSE AND
REQUEST TO CONVERT TEMPORARY
RESTRAINING ORDER
INTO PRELIMINARY INJUNCTION**

COURT: Hon. Daniel J. Calabretta

I. INTRODUCTION

On December 22, 2025, this Court issued an extraordinary but necessary Order **granting** **Petitioner's Motion for Temporary Restraining Order**, ordering her **immediate release from ICE custody without conditions**, enjoining Respondents from **re-arresting or re-detaining** Petitioner absent constitutional process, and directing Respondents to **show cause on or before December 29, 2025**, why a preliminary injunction should not issue on identical terms. **Respondents did not respond.** Respondents' failure to show cause standing alone supports conversion of the Temporary Restraining Order into a Preliminary Injunction. But the record goes further. Upon Petitioner's release, ICE issued **administrative paperwork directing future immigration check-ins and**

PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE

1 **reporting**, conduct **inconsistent with the express terms of this Court's Order** and confirming
2 that, absent a permanent injunction, Petitioner remains at ongoing risk of unconstitutional
3 restraint on her liberty.

4 Because Respondents failed to meet their burden under the Court's Order, and because post-
5 release conduct demonstrates a continuing need for judicial oversight, Petitioner respectfully
6 requests that the Court **convert the TRO into a Preliminary Injunction on identical terms**,
7 clarify that **no reporting, ATD, or check-in requirements may be imposed absent further**
8 **court order**, and require Respondents to **confirm compliance in writing**.

9 **II. RESPONDENTS FAILED TO SHOW CAUSE AS ORDERED**

10 The Court's December 22, 2025, Order unambiguously required Respondents to "**SHOW**
11 **CAUSE, on or before December 29, 2025, as to why this Court should not issue a**
12 **preliminary injunction on the same terms as this Order.**" Respondents filed **nothing**.

13 Failure to respond to an order to show cause permits the Court to draw adverse inferences and
14 grant the relief requested. See *Local Rule 230(c)*; *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.
15 1995) (court may grant relief where opposing party fails to respond). This principle carries even
16 greater force where, as here, the Court has already found that emergency relief was warranted to
17 prevent irreparable constitutional harm.

18 Respondents were given a full opportunity to justify continued detention authority, to dispute the
19 Court's findings, or to argue why injunctive relief was unnecessary. Their silence confirms that
20 they cannot.

21 **III. ICE'S POST-RELEASE CONDUCT CONFIRMS THE NECESSITY OF A** 22 **PRELIMINARY INJUNCTION**

23 Although Petitioner was released pursuant to the Court's Order, ICE simultaneously issued
24 administrative paperwork directing **future immigration check-ins and reporting obligations**.
25 These directives are **inconsistent with the TRO**, which ordered release **without conditions** and
26 expressly prohibited additional restrictions absent a future pre-deprivation or custody hearing.
27 Petitioner does not seek contempt at this stage. Rather, this conduct is relevant because it
28 demonstrates:

- 25 1. **A continuing risk of unconstitutional restraint**, even after judicial intervention;
- 26 2. That voluntary compliance by ICE cannot be assumed; and
- 27 3. That absent a Preliminary Injunction, Petitioner remains subject to coercive administrative
28 practices that undermine the Court's Order.

Courts routinely hold that post-order conduct inconsistent with interim relief weighs strongly in favor of converting temporary relief into a permanent or preliminary injunction. See *Rodriguez v. Hayes*, 591 F.3d 1105, 1123 (9th Cir. 2010) (injunction appropriate where ongoing practices risk continued constitutional violations).

IV. THE TRO FINDINGS SATISFY THE PRELIMINARY INJUNCTION STANDARD

The standard for a preliminary injunction mirrors that for a TRO. *Stuhlberg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). The Court has already found that standard satisfied. Nothing in the record undermines that conclusion.

A. Likelihood of Success on the Merits

The Court has already determined that Petitioner demonstrated a likelihood of success on her habeas claim. Respondents offered no contrary showing.

Prolonged immigration detention without a meaningful custody determination violates due process. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Rodriguez v. Robbins*, 715 F.3d 1127, 1138–39 (9th Cir. 2013). Habeas jurisdiction exists to remedy precisely this type of unlawful restraint. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).

B. Irreparable Harm

Loss of physical liberty constitutes irreparable harm as a matter of law. *Elrod v. Burns*, 427 U.S. 347, 373 (1976). So too does exposure to the ongoing risk of re-detention or coercive reporting absent constitutional safeguards. See *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

ICE's post-release conduct confirms that, without an injunction, the risk of renewed constitutional injury is not speculative—it is real and immediate.

C. Balance of Equities

The balance of equities overwhelmingly favors Petitioner. Maintaining her liberty under judicial supervision imposes no cognizable hardship on Respondents, while re-imposition of detention or coercive reporting would cause substantial and irreparable harm. See *Nken v. Holder*, 556 U.S. 418, 435 (2009).

D. Public Interest

The public interest is served by ensuring compliance with federal court orders and adherence to constitutional limits on executive detention. *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013).

V. A PRELIMINARY INJUNCTION IS NECESSARY TO PRESERVE THE STATUS QUO AND PREVENT FUTURE VIOLATIONS

The purpose of a preliminary injunction is to preserve the status quo and prevent irreparable harm pending final resolution. *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000). Here, the status quo ordered by this Court is **freedom without conditions**.

ICE's administrative practices threaten to erode that status quo unless expressly enjoined. A Preliminary Injunction on identical terms to the TRO is therefore necessary and appropriate.

VI. REQUESTED RELIEF

Petitioner respectfully requests that the Court:

1. **Convert the Temporary Restraining Order entered December 22, 2025, into a Preliminary Injunction on identical terms;**
2. **Clarify that Respondents and their agents may not impose reporting requirements, ATD conditions, check-ins, or other restrictions** absent further order of this Court following a pre-deprivation or custody hearing;
3. **Order Respondents to confirm compliance in writing** within a time certain; and
4. **Retain jurisdiction** to enforce the injunction and ensure compliance.

VII. CONCLUSION

Respondents failed to show cause. ICE's post-release conduct confirms the ongoing risk of unconstitutional restraint. The Court's findings supporting emergency relief remain unchallenged. For these reasons, the Temporary Restraining Order should be **converted into a Preliminary Injunction**.

Dated: **December 30, 2025**

Respectfully submitted,

/S/RobertG.Cummings
Robert G. Cummings
Attorney for Petitioner