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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JENIFER NOHELIA HERNANDEZ LOPEZ,

Petitioner,

v.

SERGIO ALBARRAN, ET AL.,

Respondents.

CASE NO. 1:25-CV-01890-DAD-SCR

**OPPOSITION TO PETITIONER'S MOTION
FOR PRELIMINARY INJUNCTION**

Oral Argument Waived

Respondents oppose Petitioner's motion for a preliminary injunction and respectfully request that the Court deny Petitioner's motion or, in the alternative, clarification in the Court's order to enable Respondents to carry out their lawful duties in the event that immigration courts order Petitioner removed.

Respondents oppose Petitioner's Motion for Preliminary Injunction on the basis of the same facts and arguments advanced in Respondents' Opposition to Petitioner's Motion for a Temporary Restraining Order. ECF No. 9.

If the Court grants the Motion for a Preliminary Injunction or grants the Habeas Corpus petition, Respondents request clarification language in the Court's order to enable Respondents to detain Petitioner for the sole purpose of complying with the federal statute governing the removal process. Under 8 U.S.C. § 1231(a)(1)(A), "when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days." And under 8 U.S.C. § 1231(a)(2)(A), "During the removal period, the Attorney General *shall detain the alien.*" (Emphasis added). *See also*

1 *Prieto-Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008) (noting mandatory nature of detention
2 during removal period). In the Court’s order granting Petitioner’s Motion for a Temporary Restraining
3 Order, the Court ordered that Respondents “are ENJOINED AND RESTRAINED from re-detaining
4 petitioner for any purpose, absent exigent circumstances, without providing petitioner notice and a pre-
5 detention hearing before a neutral adjudicator.” Out of an abundance of a caution, Respondents request
6 that the Court consider including the following proposed language in any order granting Petitioner’s
7 Motion for Preliminary Injunction that they believe would enable Respondents to fully comply with
8 federal statute:

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10 “Respondents are not enjoined and restrained from detaining Petitioner in the event that
11 the immigration court issues a final order of removal and the Petitioner receives notice of
12 this order. In such an event, Respondents may detain Petitioner for the sole and limited
13 purpose of executing removal pursuant to the final order of removal.”
14

15 Respondents believe that such language will assure the efficient execution of a final order of
16 removal – if one is issued following the completion of due process before an immigration court – and in
17 a manner that sufficiently safeguards Petitioner’s rights and liberties consistent with federal statute.

18 For the foregoing reasons, the United States respectfully requests that the Court deny Petitioner’s
19 application for a TRO and deny Petitioner’s Habeas petition. The government consents to the conversion
20 of this TRO to a motion for preliminary injunction.
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22 Dated: February 6, 2026

ERIC GRANT
United States Attorney

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24 By: /s/ CALVIN LEE
25 CALVIN LEE
26 Assistant United States Attorney
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