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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CINTHIA JESSICA CONDOR QUISPE,

Petitioner,

v.

CORECIVIC, INC, ET AL.,

Respondents.

CASE NO. 1:25-CV-1900-KES-SKO

**RESPONSE TO ORDER TO SHOW CAUSE;
MOTION TO DISMISS PETITION FOR WRIT
OF HABEAS CORPUS UNDER 28 U.S.C. § 2254
AND RULE 4; RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS; OPPOSITION TO
PRELIMINARY INJUNCTION; OPPOSITION
TO TEMPORARY RESTRAINING ORDER**

Petitioner is a citizen and national of Peru who entered the United States illegally. Respondents¹ assert that Petitioner is thus an “applicant for admission” who is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2)(A). *See generally Cortes Alonzo v. Noem et al.*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D. Cal. Nov. 17, 2025); *but see Ortiz Donis v. Chestnut*, No. 1:25-CV-01228-JLT-SAB, 2025 WL 2879514, at *6–*11 (E.D. Cal. Oct. 9, 2025) (holding § 1225(b)(2)(A) inapplicable to aliens living in United States for years).

Petitioner’s prior release in the discretion of DHS, even if the release document cited 8 U.S.C. § 1226, does not have the effect of having converted petitioner’s presence in the United States into an

¹ Respondents move to strike and to dismiss all unlawfully named officials under § 2241. A petitioner seeking habeas corpus relief is limited to name only the officer having custody of him as the respondent to the petition. 28 U.S.C. § 2242; *Rumsfeld v. Padilla*, 542 U.S. 426, 430 (2004); *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024) (holding, that the warden of the private detention facility at which a non-citizen alien was held was the proper § 2241 respondent).

1 “admission.” “[A]n alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not
2 been admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

3 As an applicant for admission, petitioner is subject to mandatory detention and thus ineligible for
4 a bond hearing. Therefore, the Petitioner’s petition for writ of habeas corpus, and motions for a
5 temporary restraining order and preliminary injunction should be denied.²

6 Counsel for the government has reviewed the cases cited in the Court’s minute order and
7 acknowledges that this matter is not substantively distinguishable from the facts of those cases. *See* Dkt.
8 No. 7 (citing *Clene C.D. v. Robbins*, No. 1:25-CV-01463-KES-SKO (HC), 2025 WL 3492118 (E.D.
9 Cal. Dec. 4, 2025); *J.A.E.M. v. Wofford*, No. 1:25-CV-01380-KES-HBK (HC), 2025 WL 3013377 (E.D.
10 Cal. Oct. 27, 2025)). Like the cases that the Court cites, this matter is also in the same factual and
11 procedural posture as the pending Ninth Circuit appeal in *Rodriguez v. Bostock*, 779 F.Supp.3d 1239
12 (W.D. Wash. 2025), Ninth Circuit docket no. 25-6842. Because the issues in *Rodriguez* are likely to be
13 dispositive of the issues in this case, Respondents ask that any further briefing deadlines be held
14 abeyance until the resolution of the *Rodriguez* case.³

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16 Dated: December 19, 2025

ERIC GRANT
United States Attorney

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18 By: /s/ CHARLES CAMPBELL
19 CHARLES CAMPBELL
Assistant United States Attorney

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26 ² Respondents oppose granting either a temporary restraining order or a preliminary injunction.
27 However, given the similar legal standards, this filing contains the entirety of the Respondents’
opposition to both forms of relief.

28 ³ Because this petition poses a mere question of law that is well-known to the Court,
Respondents believe that a hearing is not necessary and waive oral argument.