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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHILBER PEDROZO MUNOZ,

Petitioner,

v.

CHRISTOPHER CHESTNUT, ET AL.,

Respondents.

CASE NO. 1:25-CV-1908-DC-EFB

**RESPONSE TO ORDER TO SHOW CAUSE;
RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS; OPPOSITION TO
PRELIMINARY INJUNCTION; OPPOSITION
TO TEMPORARY RESTRAINING ORDER**

Petitioner is a citizen and national of Columbia who entered the United States illegally. Respondents 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, 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 “admission.” “[A]n alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

As an applicant for admission, petitioner is subject to mandatory detention and thus ineligible for a bond hearing. Therefore, the Petitioner’s petition for writ of habeas corpus, and motions for a

1 temporary restraining order and preliminary injunction should be denied.¹

2 Counsel for the government has reviewed the cases cited in the Court's minute order and
3 acknowledges that this matter is not substantively distinguishable from those cases. *See* Dkt. No. 6
4 (citing *Labrador-Prato v. Noem, et al.*, 1:25-cv-01598-DC-SCR, 2025 WL 3458802 (E.D. Cal. Dec. 2,
5 2025), *Selis Tinoco v. Noem, et al.*, 1:25-cv-01762-DC-JDP, 2025 WL 3567862 (E.D. Cal. Dec. 14,
6 2025)). Like the cases that the Court cites, this matter is also in the same factual and procedural posture
7 as the pending Ninth Circuit appeal in *Rodriguez v. Bostock*, 779 F.Supp.3d 1239 (W.D. Wash. 2025),
8 Ninth Circuit Dkt. No. 25-6842. Because the issues in *Rodriguez* are likely to be dispositive of the
9 issues in this case, Respondents ask that any further briefing deadlines be held abeyance until the
10 resolution of the *Rodriguez* case.²

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12 Dated: December 22, 2025

ERIC GRANT
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14 By: /s/ CHARLES CAMPBELL
15 CHARLES CAMPBELL
Assistant United States Attorney
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25 ¹ Respondents oppose granting either a temporary restraining order or a preliminary injunction.
26 However, if this Court grants Petitioner's request for a temporary restraining order, the Respondents do
not oppose converting the order into a preliminary injunction.

27 ² Because this petition poses a mere question of law that is well-known to the Court,
28 Respondents believe that a hearing is not necessary. *See* Dkt. No. 6 (indicating that this matter is not
currently set for a hearing)