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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FERNANDO ANGUIANO GARCIA,

Petitioner,

v.

CHRISTOPHER CHESTNUT, ET AL.,

Respondents.

CASE NO. 1:25-CV-01925-KES-SKO

OPPOSITION TO PETITIONER'S HABEAS
CORPUS PETITION AND MOTION FOR
TEMPORARY RESTRAINING ORDER;
RESPONSE TO ORDER TO SHOW CAUSE

I. INTRODUCTION

Petitioner Fernando Anguiano Garcia ("Petitioner") is a citizen of Mexico who entered the United States illegally. He 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).¹ The Court should deny the request for habeas corpus and motion for a temporary restraining order because the Petitioner is neither entitled to a pre-deprivation hearing nor release during the pendency of his immigration proceedings.

¹ The government recognizes that this and other courts have recently rejected similar arguments in cases involving other aliens detained under § 1225(b). *See Luis Alberto R.C. v. Murray*, No. 1:25-CV-01618-KES-SKO, 2025 WL 3648143 (E.D. Cal. Dec. 16, 2025); *Bilal A. v. Wofford*, No. 1:25-CV-01715-KES-HBK, 2025 WL 3648366 (E.D. Cal. Dec. 16, 2025); *Elmer Joel M.C. v. Wofford*, No. 1:25-CV-01622-KES-CDB, 2025 WL 3501200 (E.D. Cal. Dec. 6, 2025); *Guzman v. Andrews*, No. 1:25-CV-01015-KES-SKO, 2025 U.S. Dist. LEXIS 176145 (E.D. Cal. Sep. 9, 2025); *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB, 2025 U.S. Dist. LEXIS 162801 (E.D. Cal. Aug. 21, 2025); *Castellon v. Kaiser et. al.*, No. 1:25-CV-00968-JLT-EPG, 2025 U.S. Dist. LEXIS 157841 (E.D. Cal. Aug. 14, 2025); *Maklad v. Murray*, No. 1:25-CV-00946-JLT-SAB, 2025 U.S. Dist. LEXIS 153675 (E.D. Cal. Aug. 8, 2025); *Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 U.S. Dist. LEXIS 37929 (E.D. Cal. Mar. 3, 2025).

II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioner is a native and citizen of Mexico who entered the United States on or about June 13, 2002, near San Ysidro, California. Declaration of Deportation Officer Franklin Guzman (“Guzman Decl.”) ¶ 6. Petitioner has an extensive criminal history in the United States that spans several decades, which include convictions for driving under the influence of alcohol, battery and arrests for terroristic threats. *Id.* ¶ 7. On April 18, 2006, Petitioner was removed from the United States. *Id.* ¶ 9. He has been repeatedly deported or voluntarily returned to Mexico after unlawfully reentering the United States, including three times in 2009 and in 2013. *Id.* ¶¶ 9-11.

In April 2016, Petitioner again entered the United States without any legal entry documents. *Id.* ¶ 13. On October 19, 2016, the Immigration Judge granted a \$5,000 bond, allowing DHS the discretion to impose the Alternative to Detention Program. *Id.* ¶ 14. Petitioner was later enrolled in the Intensive Supervision Appearance Program (“ISAP”). *Id.* ¶ 15. There are mandatory compliance requirements for the ISAP and a failure to comply results in a redetermination of the release conditions or arrest and detention. *Id.* On December 3, 2025, Petitioner reported to the San Francisco ICE Office. *Id.* ¶ 16. Petitioner was taken into custody for being an ISAP violator with the following violations:

- January 2, 2017: Unauthorized Travel
- November 6, 2019: Missed Office Visit
- March 11, 2020: Tamper Alert; Failure to Report
- June 17, 2020: Missed Call Back
- October 16, 2020: Missed Call Back
- November 15, 2021: Failed Office Visit
- February 1, 2023: Failure to Report
- February 6, 2024: Missed Biometric Check-in
- February 20, 2024: Missed Biometric Check in
- January 27, 2025: Missed Check-in
- May 12, 2025: Missed Check-in

Id. Petitioner was later transferred to the California City Processing Center and is scheduled for a hearing in Immigration Court on February 17, 2026. *Id.* ¶ 17.

Attorneys for U.S. Immigration and Customs Enforcement (“ICE”) have confirmed that Petitioner is currently subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A). *Id.* ¶ 18.

Petitioner filed his § 2241 habeas corpus petition on December 18, 2025. ECF 1. In that petition, Petitioner challenges his detention as violative of his Fifth Amendment due process rights, because he was “released previously on immigration bond,” but then rearrested and detained on December 3, 2025. ECF 1 at 3, 5, 7.

Petitioner filed his Motion for a Temporary Restraining Order on December 20, 2025, seeking release from detention. ECF 6. In his motion, Petitioner admits that he is a Mexican citizen who entered the United States in 2016 without inspection. ECF 6 at 2.

On December 20, 2025, the Court ordered Respondents to Show Cause whether there are any factual or legal issues distinguishing this case from the Court’s prior similar orders. ECF 7 (citing *Luis Alberto R.C. v. Murray*, No. 1:25-CV-01618-KES-SKO, 2025 WL 3648143 (E.D. Cal. Dec. 16, 2025); *Bilal A. v. Wofford*, No. 1:25-CV-01715-KES-HBK, 2025 WL 3648366 (E.D. Cal. Dec. 16, 2025); *Elmer Joel M.C. v. Wofford*, No. 1:25-CV-01622-KES-CDB, 2025 WL 3501200 (E.D. Cal. Dec. 6, 2025). Accordingly, the Respondents file this response to the Court’s Order.²

III. LEGAL STANDARDS

A. The Standard for Temporary Restraining Orders.

The standard for issuing of a temporary restraining order is “substantially identical” to the standard for issuing a preliminary injunction. *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). Preliminary injunctions are extraordinary remedies “never awarded as of right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). “[P]laintiffs seeking a preliminary injunction face a difficult task in proving that they are entitled to this extraordinary remedy.” *Earth Island Inst. v. Carlton*, 626 F.3d 462, 469 (9th Cir. 2010) (internal quotation omitted). Petitioner’s burden is aptly described as “heavy.” *Id.* A preliminary injunction requires “substantial proof” and a “clear showing.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997).

“A plaintiff seeking a preliminary injunction must show that: (1) she is likely to succeed on the

² The Court also requested certain documents, which are attached as exhibits to the Guzman Declaration.

merits, (2) she is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in her favor, and (4) an injunction is in the public interest.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). Alternatively, a plaintiff can show “serious questions going to the merits and the balance of hardships tips sharply towards [plaintiff], as long as the second and third ... factors are satisfied.” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017)

B. Statutory Framework

The Immigration and Nationality Act (“INA”) defines an “applicant for admission” as an “alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival . . .).” 8 U.S.C. § 1225(a)(1); *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140 (2020) (explaining that “an alien who tries to enter the country illegally is treated as an ‘applicant for admission’” under 8 U.S.C. § 1225(a)(1)); *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (“an 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.’”) (citing 8 U.S.C. § 1225(a)(1)); *Matter of Lemus*, 25 I&N Dec. 734, 743 (BIA 2012) (“Congress has defined the concept of an ‘applicant for admission’ in an unconventional sense, to include not just those who are expressly seeking permission to enter, but also those who are present in this country without having formally requested or received such permission”).

Under Section 1225, applicants for admission may be removed from the United States by, *inter alia*, expedited removal under 8 U.S.C. § 1225(b)(1) or removal proceedings before an Immigration Judge under 8 U.S.C. § 1229a. These noncitizens “fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2),” both of which are subject to mandatory detention. *Jennings*, 583 U.S. at 287 (“[R]ead most naturally, §§ 1225(b)(1) and (b)(2) mandate detention for applicants for admission until certain proceedings have concluded.”).

IV. ARGUMENT

The Petitioner is lawfully detained pending adjudication of his asylum application and removal proceedings. As an applicant for admission, Petitioner is subject to mandatory detention and thus ineligible for a bond hearing. Therefore, there is no basis for habeas relief or a temporary restraining order.

1 The basic facts in this case are undisputed. The Petitioner is an alien who is present in the
2 United States and has not been admitted to the United States. Accordingly, the Petitioner is an applicant
3 for admission. Any alien who “is present” in the United States but “has not been admitted” to the
4 United States is “an applicant for admission.” 8 U.S.C. § 1225(a)(1); *see also Jennings*, 583 U.S. at 287.
5 Accordingly, Petitioner is subject to mandatory detention under statutory immigration law. 8 U.S.C. §
6 1225(b)(2)(A); *see generally Dominguez v. Noem*, No. 1:25-CV-1577-JDP, 2025 WL 3268507 (E.D.
7 Cal. Nov. 24, 2025).

8 The Petitioner argues he is entitled to continued release and a pre-deprivation hearing under the
9 Due Process Clause of the Constitution. At bottom, the Petitioner’s claim is that DHS previously treated
10 aliens like the Petitioner as subject to § 1226(a) and not § 1225(b)(2)(A), so therefore the Petitioner (and
11 all other similarly situated aliens) must always be subject to § 1226(a). This argument fails because the
12 fact that Executive Branch exercised discretion in one way in the past does not transform that
13 discretionary act into an entitlement. Instead, the “procedural due process” owed to the Petitioner “is
14 simply ‘[w]hatever the procedure authorized by Congress’ happens to be.” *Angov v. Lynch*, 788 F.3d
15 893, 898 (9th Cir. 2015) (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953)).
16 Here, § 1225 provides that process “[a]nd neither § 1225(b)(1) nor § 1225(b)(2) says anything
17 whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297. Accordingly, the Court should deny the
18 request for a temporary restraining order because the Petitioner cannot show a likelihood of success on
19 the merits where he must be detained under the operative statute, and he has no right to a pre-deprivation
20 hearing. *See Garcia v. County of Alameda*, 150 F.4th 1224, 1230 (9th Cir. 2025) (noting that the
21 likelihood of success on the merits is the most important factor in determining whether a preliminary
22 injunction is warranted).

23 As an applicant for admission, petitioner is subject to mandatory detention and thus ineligible for
24 a bond hearing. Therefore, the Petitioner’s petition for writ of habeas corpus and motion for a
25 temporary restraining order should be denied.

26 Counsel for the government has reviewed the cases cited in the Court’s minute order, and notes
27 that *Bilal A. v. Wofford*, No. 1:25-CV-01715, deals with a different subsection of § 1225—subsection
28 (b)(1), which deals with expedited removal. The remaining cases are in the same procedural posture as

1 this case, and also as the pending Ninth Circuit appeal in *Rodriguez v. Bostock*, 779 F.Supp.3d 1239
2 (W.D. Wash. 2025), Ninth Circuit docket no. 25-6842. Because the issues in *Rodriguez* are likely to be
3 dispositive of the issues in this case, Respondents ask that any further briefing deadlines be held
4 abeyance until the resolution of the *Rodriguez* case.

5 Additionally, as is noted above, Petitioner has a lengthy criminal history and committed multiple
6 violations of his release under the ISAP, which distinguish this case from the cases the Court cited.

7 **V. CONCLUSION**

8 For the foregoing reasons, Petitioner's Habeas Corpus Petition and request for a Temporary
9 Restraining Order should be denied.

10 Dated: December 29, 2025

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