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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 JUAN CARLOS HIDALGO SOLIS,

12 Petitioner,

13 v.

14 WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, ET
15 AL.,

16 Respondents.
17

CASE NO. 1:25-CV-01924-TLN-CKD

RESPONDENTS'S OPPOSITION TO
MOTION FOR TEMPORARY RESTRAINING
ORDER

DATE:

TIME:

COURT: Hon. Troy L. Nunley

18 **OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER**

19 On December 18, 2025, Petitioner Juan Carlos Hidalgo Solis ("the petitioner") filed
20 an *ex parte* motion for temporary restraining order (TRO). ECF 3 ("Mot."). Based on his
21 status as an applicant for admission, he is ineligible for release. *See* 8 U.S.C.
22 § 1225(b)(1). This Court should deny the TRO because petitioner's detention is proper
23 under § 1225(b).

24 On December 18, 2025, after a preliminary review of the record, the Court issued a
25 Minute Order. *See* ECF 6. In the Order, the Court asked Respondents to indicate:
26 (1) whether Respondents were amenable to converting the TRO into a motion for
27 preliminary injunction; (2) whether Respondents were requesting a hearing on the
28 motion; and (3) whether petitioner is a member of the certified class in *Maldonado*

Bautista, et al. v. Santacruz, et al., Case No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025).

Accordingly, and because Respondents are amenable to converting the TRO into a motion for preliminary injunction, the United States files this streamlined opposition and waives oral argument. Respondents also argue that because petitioner was apprehended upon arrival, he is not a *Bautista* class member.

ARGUMENT

Petitioner is an alien who is present in the United States. This is undisputed. And, petitioner has not been admitted to the United States. Accordingly, the petitioner is an applicant for admission. Any alien who “is present” in the United States but “has not been admitted” to the United States is “an applicant for admission.” 8 U.S.C. § 1225(a)(1); *see also 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.’ § 1225(a)(1).”).

The fact that the petitioner is an applicant for admission resolves the dispute in this case because applicants for admission must be detained and they are not entitled to bond hearings. “Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.” *Jennings*, 583 U.S. at 297. “And neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297. Therefore, because the petitioner is an applicant for admission, he is subject to detention under 8 U.S.C. § 1225(b)(1), and he is not entitled to a bond hearing.

The petitioner argues that he is entitled to a bond hearing. In essence, the petitioner’s claim is that DHS previously treated aliens like the petitioner as subject to § 1226(a) and not § 1225(b)(1) so therefore the petitioner (and all other similarly situated aliens) must always be subject to § 1226(a). This argument fails because the fact that Executive Branch exercised discretion in one way in the past, does not transform that discretionary act into an entitlement. Similarly, the fact that Congress granted the

1 Executive Branch discretion to utilize § 1225 and § 1226, does not render § 1226
2 superfluous. Accordingly, the prior exercise of discretion under § 1226 does not entitle
3 the petitioner to force the Executive Branch's deployment of discretion. The petitioner is
4 covered by § 1225 and therefore detention is mandatory and he is not entitled to a bond
5 hearing.

6 **CONCLUSION**

7 For the above-stated reasons, the Court should deny the motion for a temporary
8 restraining order.

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10 Dated: December 23, 2025

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