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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 C.M. Y.G.,
12
13 Petitioner,
14 v.
15 CHRISTOPHER CHESTNUT, *et al.*,
Respondents.

No. 1:25-cv-001942-DJC-CSK HC

**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**

1 Petitioner is a citizen and national of Peru who entered the United States illegally. She is then an
2 “applicant for admission” who is subject to mandatory detention by ICE under 8 U.S.C. §
3 1225(b)(2)(A). *See generally Cortes Alonzo v. Noem et al.*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D.
4 Cal. Nov. 17, 2025).

5 Petitioner’s prior release in the discretion of DHS, even if the release document cited 8 U.S.C.
6 § 1226, does not have the effect of having converted petitioner’s presence in the United States into an
7 “admission.” “[A]n alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not
8 been admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

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

12 The issue before the Court, the application of 8 U.S.C. §§ 1225 and 1226, is currently pending
13 before the Ninth Circuit in *Rodriguez v. Bostock*, 779 F.Supp.3d 1239 (W.D. Wash. 2025), Ninth Circuit
14 docket no. 25-6842. Because the issues in *Rodriguez* are likely to be dispositive of the issues in this
15 case, Respondents ask that any further briefing deadlines be held abeyance until the resolution of the
16 *Rodriguez* case.

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18 Dated: December 23, 2025

Respectfully submitted,

ERIC GRANT
United States Attorney

By: /s/ Nicholas M. Fogg
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