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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **EASTERN DIVISION**

12 I.A.R., a minor, I.H.G., a minor,
13 X.A.R.G., a minor, I.N.R.G., a minor,
14 and D.G.L.G., a minor; by and through
Erica Santamaria as Next Friend of
Minors,

15 Petitioners,

16 v.

17 THELMA CANTU, Federal Field
Specialist, Office of Refugee
18 Resettlement; JESSICA BELTRAN,
Federal Field Specialist
19 Supervisor, NIKY HYMEL, Federal
Field Specialist Supervisor, Office of
20 Refugee Resettlement; ALEX J.
ADAMS, Assistant Secretary of the
21 Administration for Children and
Families; ANGIE SALAZAR, Acting
22 Director of the Office of Refugee
Resettlement; and ROBERT F.
23 KENNEDY, JR., Secretary of the U.S.
Department of Health and Human
24 Services,

25 Respondents,

Case No.: 5:26-cv-01068-ODW-ACCV

Hon. Angela C. C. Viramontes

**APPLICATION FOR ORDER TO
SHOW CAUSE AND MOTION TO
EXPAND THE RECORD AND FOR
AN EVIDENTIARY HEARING**

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I. Introduction

Pursuant to 28 U.S.C. § 2243, Petitioners respectfully request that this Court issue an Order to Show Cause, why their Petition for Writ of Habeas Corpus, filed on March 6, 2026, should not be granted.

The federal habeas corpus statute, 28 U.S.C. § 2243, provides that a court hearing a petition for writ of habeas corpus “shall *forthwith* award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto” (emphasis added). The order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* A hearing date shall be set “not more than five days after the return unless for good cause additional time is allowed.” *Id.*

In addition, as of April 1, 2026, the Central District of California adopted a General Order which “establishes a case assignment and scheduling procedure to address the influx of petitions for writ of habeas corpus filed by persons seeking immigration-related relief.” General Order 26-05 (Apr. 1, 2026), available at <https://www.cacd.uscourts.gov/sites/default/files/general-orders/GO%2026-05.pdf>. The General Order requires that, within three days after the Clerk’s Office issues a scheduling notice, Respondents must enter a Notice of Appearance, and within seven days of the scheduling notice, Respondents must file an Answer, after which time

1 Petitioner has three days to file a Reply. *Id.* Any deviation from this schedule requires
2 the parties to meet and confer and file a stipulation or joint statement containing “the
3 parties’ competing proposals for a briefing schedule.” *Id.*
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5 As described in the Petition filed with this Court on March 6, 2026, Petitioners,
6 all minor children, languished in continued detention in the custody of the Office of
7 Refugee Resettlement (“ORR”) for months. ECF No. 1 at 21:11-12. Petitioner I.A.R.,
8 a 5-year-old girl, was placed in ORR custody on August 5, 2025. *Id.* at 7:26-27. I.A.R.
9 was released to the custody of her mother, A.R.C., on March 28, 2026. *See*
10 Declaration of Marion Donovan-Kaloust (“Decl. of M.D.K.”) at 2:13-14. One day
11 before I.A.R.’s release to her mother, staff at New Life Foster Agency Colton
12 (“NLC”) informed our office that Homeland Security Investigations (“HSI”) agents
13 arrived at parent-sponsor A.R.C.’s home to inform her that she was to attend a
14 “welfare check” at an Immigration and Customs Enforcement (“ICE”) Sub-Office in
15 Mississippi on March 31, 2026. *Id.* at 2:14-18.
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20 Our office contacted Special Agent Smith at the Mississippi Sub-Office, who
21 stated that the purpose of the interview was to check on the welfare of Petitioner
22 I.A.R., and that if they had plans to detain A.R.C, they would have done so already.
23 *Id.* at 2:18-22. On March 31, 2026, just three days after I.A.R.’s release to her mother,
24 HSI detained both A.R.C. and I.A.R. at their scheduled “welfare check” in
25 Mississippi. *Id.* at 2:23-25. On April 1, 2026, A.R.C. and I.A.R. were moved to the
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1 Dilley Immigration Processing Center in Dilley, Texas (“Dilley”). *Id.* at 3:1-3. When
2 our office inquired about the reason for their arrest, Special Agent Smith gave
3 conflicting answers. *Id.* at 3:5-7. First, he stated that A.R.C.’s answers to his questions
4 were the reason for their detention but later stated that even if A.R.C. had declined
5 the interview, HSI would have detained her at a later point in time. *Id.* at 3:5-10.
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8 Petitioners X.A.R.G. and I.N.R.G. are 14- and 11-year-old siblings who were
9 placed in the custody of ORR on August 23, 2025. ECF No. 1 at 9:9-10. They were
10 released from ORR custody and reunified with their mother, A.D.R.G. on March 13,
11 2026. Decl. of M.D.K. at 4:8-9. They spent a total of 202 days in detention.
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13 Petitioner I.H.G. is a 16-year-old girl who was placed in ORR custody on August
14 25, 2025. ECF No. 1 at 10:25. She was released to her mother, M.A.H.G. on March
15 28, 2026. Decl. of M.D.K. at 4:10-11. I.H.G. spent a total of 215 days in detention.
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17 Petitioner D.G.L.G. is a 15-year-old boy who was placed in the custody of ORR
18 on August 29, 2025. ECF No. 1 at 12:13-14. He was released to his mother on March
19 12, 2026. Decl. of M.D.K. at 4:12-13. He spent a total of 195 days in detention.
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21 Although, after the filing of the instant Petition, Petitioners were reunified with
22 their parent-sponsors, these post-filing developments do not conclude this action.
23 When a defendant ceases the challenged conduct only after litigation has commenced,
24 courts apply the voluntary cessation doctrine, which recognizes that a defendant
25 “cannot automatically moot a case simply by ending its unlawful conduct once sued.”
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1 *City of Mesquite v. Aladdin's Castle, Inc.*, 455 U.S. 283, 289 (1982). Otherwise, a
2 defendant could engage in unlawful conduct, halt it to avoid judicial review, and then
3 resume the same or similar conduct after the case is dismissed. *Id.*
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5 The Ninth Circuit has emphasized that voluntary cessation does not moot a case
6 where the cessation arises because of the litigation and the defendant fails to
7 demonstrate that the challenged conduct cannot reasonably be expected to recur. *Sze*
8 *v. I.N.S.*, 153 F.3d 1005, 1008 (9th Cir. 1998) (quotation omitted). Where the
9 government changes course only after being sued, it bears a heavy burden of showing
10 that the challenged conduct will not resume. *City of Mesquite*, 455 U.S. at 289.
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13 Courts have applied these principles to the family separation, immigration-
14 separation, and immigration-custody context, where reunification occurs only after
15 judicial intervention. In *Ms. L. v. U.S. Immigration & Customs Enforcement*, the
16 government argued that post-filing reunification mooted the plaintiffs' claims. The
17 court rejected that argument, explaining that defendants "bear the burden of
18 demonstrating that the challenged conduct cannot reasonably be expected to start up
19 again," and holding that reunification achieved after litigation commenced did not
20 satisfy that burden. 302 F. Supp. 3d 1149, 1156 (S.D. Cal. 2018) (citing *City of*
21 *Mesquite*, 455 U.S. at 289).
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25 Petitioners' cases fit this pattern precisely, wherein they remained in ORR
26 custody for extended periods following ORR's receipt of their parent-sponsors'
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1 completed reunification applications, and nothing ultimately prevented prompt
2 reunification once this habeas action was filed. The sequence of events demonstrates
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4 that reunification occurred because of this litigation, not as a result of ordinary
5 administrative processing.

6 Nor have Respondents disavowed the practices Petitioners challenge –
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8 maintaining the detention of children in institutional custody for extended periods
9 after a parent seeks reunification, without issuing a timely, written, appealable
10 decision, or making the findings required by statute to justify continued custody.
11 Under *City of Mesquite* and *Ms. L.*, post-filing reunification does not deprive this
12 Court of authority to determine the legality of the challenged conduct.

14 Independent of voluntary cessation, this case remains live under the collateral
15 consequences doctrine. A habeas action is not moot where unlawful government
16 custody has produced continuing, nonspeculative consequences that a judicial
17 declaration regarding the legality of that custody can meaningfully address. *Sibron v.*
18 *New York*, 392 U.S. 40, 55-56 (1968); *Zadvydas v. Davis*, 533 U.S. 678, 690-91
19 (2001). ORR's own clinical records document, Petitioners suffered emotional
20 dysregulation, anxiety, profound sadness, and even physical deterioration while in
21 detention. *See generally* ECF No. 1 at 9-13. Petitioner I.A.R., for example, cried and
22 screamed uncontrollably because of how much she missed her mother while in ORR
23 care. *Id.* at 9:1-4. Now that I.A.R. is detained once more, she has consistently cried
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1 since her and her mother's detention. Decl. of M.D.K. at 4:5-6. These ongoing effects
2 confirm that the legality of Respondents' prolonged detention of Petitioners is not a
3 purely academic question, even after reunification.
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5 Respondents' post-filing reunification constitutes voluntary cessation and does
6 not moot this action. An order from this Court requiring Respondents to show cause
7 why this Petition should not be granted is therefore appropriate.
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9 **II. Motion to Expand the Record and for an Evidentiary Hearing**

10 Where a court orders a Return on a habeas petition, Habeas Rule 7 provides
11 that "the judge may direct the parties to expand the record by submitting additional
12 materials relating to the petition" which can include, but is not limited to, "letters
13 predating the filing of the petition, documents, exhibits, and answers under oath to
14 written interrogatories propounded by the judge." Rules Governing Section 2254
15 Cases in The United States District Courts ("Habeas Rules"), Rule 7(a), (b); *see also*
16 Rule 1(b) (the district court "may apply any or all of these rules to a habeas corpus
17 petition not covered by Rule 1(a)").
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20 In addition, the Advisory Committee Notes to the 2004 Amendments to Rule
21 7 indicate that "a court may wish to expand the record in order to assist it in deciding
22 an issue *other than the merits of the petition.*" (emphasis added). Here, this is exactly
23 what Petitioners are asking this Court to do: order that Respondents provide internal
24 documentation or correspondence between ORR and HSI, both before and after the
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1 Petition was filed, as it relates to HSI's plans to engage in pretextual "welfare checks"
2 on the other minor Petitioners in this case, as well as how such a plan unfolded
3 relating to I.A.R. and her mother, who are now both detained at Dilley.
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5 A Court in this judicial district has previously held that, "[b]ecause of the
6 nature and purpose of Habeas Rule 7, a party seeking to expand the record must
7 demonstrate entitlement to an evidentiary hearing pursuant to 28 U.S.C. §
8 2254(e)(2)" by demonstrating that a "factual predicate [exists] that could not have
9 been previously discovered through the exercise of due diligence." *Rollen v. Peery*,
10 No. 5:18-cv-01042-RGK-MAA, 2019 WL 13038201, at *2 (C.D. Cal. Sept. 10,
11 2019). In *Rollen*, the Court declined the petitioner's request to expand the record,
12 because he did "not articulate whether the documents he [sought] to add to the record
13 could not have been discovered previously." *Id.*
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17 Here, in contrast, without the intervention of this Court, there is no other
18 avenue for Petitioners to obtain the information they seek, and Petitioners respectfully
19 request that this Court use its discretion to apply Rule 7 to these proceedings. *See* 28
20 U.S.C. § 2243 ("The court shall summarily hear and determine the facts, and dispose
21 of the matter as law and justice require"); Habeas Rule 1(b). Petitioners are especially
22 concerned by the information sharing between ORR and HSI leading to detention of
23 their sponsors through "Operation Guardian Trace." Decl. of M.D.K. at 2:1-6. This
24 Operation ramped up in the wake of ORR's rescission of a portion of the
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1 Foundational Rule that prohibited ORR from sharing any information relating to
2 potential sponsors with law enforcement or immigration enforcement. *See* 2025-
3 04971 (90 FR 13554), *Unaccompanied Children Program Foundational Rule;*
4 *Update To Accord With Statutory Requirements* (Mar. 25, 2025), available at
5 <https://www.govinfo.gov/content/pkg/FR-2025-03-25/pdf/2025-04971.pdf>.
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8 The Operation seemingly “requires immigration officers to detain potential
9 caregivers if they are in the country without legal authorization and recommend that
10 they be deported.” Claudia Boyd-Barrett et al., *‘They tricked me’: a father was*
11 *chained after he went to ICE to reunite with his kids*, CNN (Mar. 24, 2026), available
12 at <https://www.cnn.com/2026/03/24/health/hhs-office-refugee-resettlement>
13 (emphasis added). The arrest of I.A.R. and her mother, who was not a “potential”
14 caregiver but an approved sponsor, suggests a further escalation of Operation
15 Guardian Trace that affects both parent-sponsors and unaccompanied children.
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18 Here, this Court should use its discretion to find that Petitioners are entitled
19 both to expansion of the record and an evidentiary hearing. Specifically, Petitioners
20 seek communications between ORR and HSI regarding their release from ORR
21 custody into the care and custody of their parent-sponsors; HSI’s intention to detain
22 their parent-sponsors despite, or because of, Petitioners’ release; HSI’s process in
23 ultimately detaining I.A.R. and her mother at a “wellness check” three days after her
24 release; and whether HSI intends to replicate this bait-and-switch with the other
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1 Petitioners named in the instant Petition.
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3 **III. Conclusion**

4 Therefore, based on the aforementioned, Petitioners respectfully request this
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6 Court grant this application for order to show cause and motion to expand the record
7 and for an evidentiary hearing.
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10 Dated: 04/07/2026 By: /s/ Mayra Alejandra Navarro

11 Mayra Alejandra Navarro
12 *Pro Bono* Counsel for Petitioners
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