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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

C.S.M., a minor, by and through M.P.S.M., as Next Friend of Minor,

Petitioner,

v.

RUBY HERNANDEZ, *et al.*,

Respondents.

No. 5:26-cv-01144-JWH-ACCV

RESPONDENTS' OPPOSITION TO PETITIONER'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER [DKT. 2]

Declaration of Toby Biswas filed concurrently herewith

Hearing on *Ex Parte* Application
Date: March 20, 2026
Time: 8:30a.m.
Ctrm: 9D

Honorable John W. Holcomb
United States District Judge

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The minor Petitioner identified in the caption, C.S.M., is an unaccompanied alien child (UAC) who entered the United States on September 2, 2025, and referred into the care and custody of the Office of Refugee Resettlement (ORR) on September 3, 2025, which eventually placed her into Marsell Wellness Center-Riverside, an ORR Transitional Foster Care provider in Fullerton, California. That is the status quo.

This habeas action is brought by her sister M.P.S.M. The Habeas Petition (Dkt. 1) and her *ex parte* application (Dkt. 2) complain of delays in the processing of a sponsorship application that was filed four months ago (i.e. and only six months since the Petitioner had been taken into ORR's custody and care).

The evidence demonstrates, and which is at least acknowledged in Petitioner's pleadings (Dkt. 1 ¶¶ 24-32), that ORR has been diligently communicating with Petitioner's family and then processing the sponsorship application since its submission in November 2025 and that the delay has been occasioned, in part, by the delay of Petitioner's family members completing fingerprinting and DNA tests. **ORR is awaiting the results of Petitioner's sister's DNA test and expects to reach a final decision on the sponsor application by March 27, 2026, nearly in a week, and this decision could lead to C.S.M.'s immediate release to her family.** *See* Declaration of Toby Biswas ("Biswas Decl.") ¶ 35.

Yet, on the same day of filing the Complaint, Petitioner filed an *ex parte* TRO Application [Dkt. no. 2] seeking a TRO that would (1) alter the status quo; (2) via a mandatory preliminary injunction/TRO; that (3) grants the ultimate relief sought by the Petition, i.e. immediately releasing Petitioner into the custody of M.P.S.M. ORR simply needs a few more days to finish its processing and evaluation of the sponsor's application. The TRO relief sought is a type that is almost always improper, particularly against an unresolved process.

As explained below, ORR promptly identified M.P.S.M. as a potential sponsor and worked to try to arrange for a potential reunification, including providing the application materials. The Petitioner complains that this application has not been decided quickly enough. That complaint of delay is not a valid basis for a TRO Application seeking mandatory relief that disrupts the existing status quo by granting the ultimate relief requested, all of which could be afforded within one week.

For unaccompanied minors, ORR cannot presume that a subsequent sponsor applicant, even when closely related (as with a biological sister), is able to adequately and properly take care of their needs. ORR must follow the proper processes and investigation. And while M.P.S.M. insists that C.S.M. must now be released to her *immediately*, by a TRO, and even in the alternative withholding any decision on a TRO by essentially a week may resolve this case.

The process needs to be followed and brought to a timely conclusion that will advantage the minor Petitioner at issue, ensuring their proper care and custody. The *ex parte* TRO Application should be denied accordingly.

II. LEGAL STANDARD FOR AN *EX PARTE* TRO APPLICATION

"[A] preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, *by a clear showing*, carries the burden of persuasion." *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (emphasis in original) (internal citation omitted); *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 21–22 (2008). To meet that showing, the moving party must make "a clear showing" that "he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter*, 555 U.S. at 21–22. Where the government is a party, the balance of equities and the public interest factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

"A preliminary injunction can take two forms." *Marlyn Nutraceuticals v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878 (9th Cir. 2009). "A prohibitory injunction prohibits a party from taking action and 'preserve[s] the status quo pending a

determination of the action on the merits.'" *Id.* (quoting *Chalk v. U.S. Dist. Court*, 840 F.2d 701, 704 (9th Cir. 1988)). In contrast, a "mandatory injunction 'orders a responsible party to take action.'" *Id.* at 879 (quoting *Meghrig v. KFC W., Inc.*, 516 U.S. 479, 484 (1996)). "A mandatory injunction 'goes well beyond simply maintaining the status quo *pendente lite* [and] is particularly disfavored.'" *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1320 (9th Cir. 1994) (quoting *Anderson v. United States*, 612 F.2d 1112, 1114 (9th Cir. 1980)). To this end, where "a party seeks mandatory preliminary relief that goes well beyond maintaining the status quo *pendente lite*, courts should be extremely cautious about issuing a preliminary injunction." *Martin v. Int'l Olympic Comm.*, 740 F.2d 670, 675 (9th Cir. 1984); *Comm. of Cent. Am. Refugees v. Immigr. & Naturalization Serv.*, 795 F.2d 1434, 1441 (9th Cir. 1986) (same). For mandatory preliminary relief to be granted, Plaintiffs "must establish that the law and facts *clearly favor* [thei]r position …." *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (*en banc*) (emphasis in original); *see also Marlyn Nutraceuticals*, 571 F.3d at 879 ("In general, mandatory injunctions 'are not granted unless extreme or very serious damage will result and are not issued in doubtful cases …."") (quoting *Anderson*, 612 F.2d at 1115).

Here, the status quo is that the minor Petitioner has been within the custody of ORR for about six months. The Petition does not actually allege that C.S.M. was unlawfully referred into that custody, nor was she came to the United States as unaccompanied child. Instead, M.P.S.M. claims there has been "undue delay" in processing the sponsor application shortly after C.S.M. was place in custody. The dispute raised by the Petition is over that application to *change* the custody status quo. A TRO is not the proper procedural mechanism for that.

Finally, it is improper to seek the ultimate relief for a lawsuit in the form of a mandatory preliminary injunction. A TRO or PI is intended to preserve the status quo until the case can be judged on the merits. Thus "judgment on the merits in the guise of preliminary relief is a highly inappropriate result." *Senate of California v. Mosbacher*, 968

F.2d 974, 978 (9th Cir. 1992). Yet the requested relief in the Habeas Petition would lead to same result that M.P.S.M. seeks via the TRO Application filed here.

III. LEGAL FRAMEWORK

A. The Homeland Security Act of 2002

With the enactment of the HSA, Congress created DHS and transferred most immigration functions formerly performed by INS to DHS and its components, including U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement ("ICE"). See HSA; Department of Homeland Security Reorganization Plan Modification of January 30, 2003, H.R. Doc. No. 108-32 (2003) (also set forth as a note to 6 U.S.C. § 542). Notably, Congress transferred to [ORR] the responsibility for the care of any UAC "who [is] in Federal custody by reason of [his or her] immigration status." 6 U.S.C. §§ 279(a), (b)(1)(A). The HSA also transferred to ORR the responsibility for making all placement decisions for UACs, required ORR to coordinate these placement decisions with DHS, and required ORR to ensure that UACs are not released upon their own recognizance. See 6 U.S.C. §§ 279(b)(1)(C), (D), (b)(2).

B. The Trafficking Victims Protection Reauthorization Act of 2008

The TVPRA, which was signed into law on December 23, 2008, contains statutory protections relating to unaccompanied alien children (UACs) and codified protections related to the processing and detention of UACs. The TVPRA built on the split of duties in the HSA and further requires that "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services." 8 U.S.C. § 1232(b)(1). It also provides that in most instances, "any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child." 8 U.S.C. § 1232(b)(3).

The TVPRA makes clear that HHS is responsible for all placement decisions for UACs in its custody, and for conducting suitability assessments for those placements. 8

U.S.C. § 1232(c). It requires that UACs in HHS custody be "promptly placed in the least restrictive setting that is in the best interest of the child," and it provides guidelines for the reunification of UACs with their families by HHS. 8 U.S.C. § 1232(c)(2), (3).

C. The Foundational Rule (2024)

In April 2024, ORR promulgated the Unaccompanied Children Program Foundational Rule, codified at 45 C.F.R. Part 410, to establish comprehensive regulations governing its UAC program. The Foundational Rule also implements provisions of the *Flores Settlement Agreement* ("FSA") relevant to ORR's care and custody of UAC and conditionally and partially terminated the FSA as to ORR in June 2024. Effective July 1, 2024, the Foundational Rule formalized previously informal procedures, including those related to ORR's release policies and practices.

The Foundational Rule provides that ORR identifies a standard program placement for the UAC upon notification from any federal department or agency that a child in its custody is an UAC and therefore must be transferred to ORR custody. 45 C.F.R. § 410.1101(b). ORR works with the referring federal government department or agency to accept transfer of custody of the UAC, consistent with the statutory requirements at 8 U.S.C. § 1232(b)(3) and 45 C.F.R. § 410.1101(c). ORR places each UAC in the least restrictive setting that is in the best interest of the child and appropriate to the unaccompanied child's age and individualized needs. 45 C.F.R. § 410.1103(a). ORR may place a child in a shelter facility, foster home or group home (which may be therapeutic), heightened supervision facility or secure facility (including residential treatment centers), or other care facility that can provide for their specific individualized needs, including an out-of-network ("OON") placement (which may be restrictive or non-restrictive). 45 C.F.R. § 410.1102; UAC Policy Guide § 1.2. ORR also considers several factors that are relevant to the UAC's placement, including but not limited to: danger to self; danger to the community/others; runaway risk; trafficking in person or other safety concerns; age; and gender. 45 C.F.R. § 410.1103(b).

While the UAC remains in ORR custody, ORR seeks to release the UAC from

its custody "[s]ubject to an assessment of sponsor suitability," 45 C.F.R. § 410.1201, which includes "verification of the potential sponsor's identity," 45 C.F.R. § 410.1202(b), "verification of the employment, income, or other information provided by the potential sponsor as evidence of the ability to support the child," 45 C.F.R. § 410.1202(c), and "[i]n all cases, ORR shall require background and criminal records checks," *id.*, which may include a criminal history check based on fingerprints. The Foundational Rule reinforces congressional intent articulated in the HSA and TVPRA that HHS ensure UAC protection from human traffickers and release UAC only to those sponsors capable of protecting their well-being. 45 C.F.R. § 410.1003.

D. ORR Release Policies and Practice

To carry out its statutory mandate under the HSA and TVPRA, ORR has developed policies and procedures for identifying, and conducting suitability assessments of, potential sponsors. These procedures are generally set out in the ORR's publicly available UAC Bureau Policy Guide (UAC Policy Guide). *See* ORR Unaccompanied Alien Children Bureau Policy Guide, *available at* https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide. A full assessment of a potential sponsor's suitability is particularly appropriate because ORR is not a law or immigration enforcement agency and lacks the authority to hold individuals accountable by reassuming care if the sponsor abuses or neglects a child after a UAC has been released from ORR custody. Rather, ORR only takes children into its custody upon referral by another federal agency, as described in statute. In this regard, ORR is also very different from state child welfare agencies, which typically retain such authority post-placement. Accordingly, ORR must front-load child safety considerations in its identity verification and sponsor-vetting policies.

In light of ORR's obligation to protect UAC from smugglers, traffickers, and others who may seek to victimize them, "safe and timely release . . . involves several steps, including: the identification of sponsors; sponsor application; interviews; the assessment (evaluation) of sponsor suitability, including verification of the sponsor's

identity and relationship to the child (if any), background checks, and in some cases home studies; and post-release planning." UAC Policy Guide § 2.1. There are four categories of potential sponsors: (1) Category 1, consisting of parents or legal guardians; (2) Category 2A, consisting of siblings, half-siblings, grandparents, immediate relatives (such as aunts, uncles, and cousins) who previously served as a primary caregiver, and other biological relatives and relatives through marriage; (3) Category 2B, consisting of immediate relatives (including biological relatives and relatives through marriage) who did not previously serve as a primary caregiver; (4) Category 3, consisting of other sponsors, such as distant relatives and unrelated adult individuals. UAC Policy Guide § 2.2.1. ORR (through its care providers) conducts a suitability assessment of the potential sponsor, including a review of the sponsor's strengths, resources, risk factors, and special concerns within the context of each child's needs, strengths, resources, risk factors, and relationship to the sponsor. UAC Policy Guide §§ 2.2.2, 2.4.

A potential sponsor, such as a family member, must complete a Sponsorship Application ("SA"), provide unexpired government-issued identification documentation for the sponsor and any other adults living in the household or identified in a sponsor care plan, and, along with any adult living in his or her household, undergo a background check. UAC Policy Guide §§ 2.2.4, 2.5.

All potential sponsors must also submit proof of address, income, sponsor-child relationship, and criminal history documents (if applicable). UAC Policy Guide § 2.2.4. Additionally, in certain circumstances a home study, which consists of interviews, a home visit, and a written report containing the home-study case worker's findings, is performed. UAC Policy Guide § 2.4.2.

Once the assessment of the potential sponsor is complete, the care provider makes a release recommendation. UAC Policy Guide § 2.7. The recommendation must take into consideration all relevant information, including the report and recommendations from a home study, if conducted, laws governing the process, and other facts in the

case. ORR makes the final release decision. UAC Policy Guide § 2.7. Release decisions include: (1) approve release to sponsor; (2) approve release with post-release services; (3) conduct a home study before a final release decision; (4) deny release; or (5) remand for further information. UAC Policy Guide § 2.7. ORR denies release if: (1) the potential sponsor is not willing or able to provide for the child's physical or mental well-being; (2) the potential sponsor is not willing to complete the mandatory fingerprint check; (3) the physical environment of the home presents a risk to the child's safety or well-being; or (4) release of the UAC would present a risk to him or herself, the sponsor, household, or community. UAC Policy Guide § 2.7.4.

IV. FACTUAL AND PROCEDURAL BACKGROUND

As noted above, C.S.M., entered the United States on September 2, 2025, and was referred into the care and custody of the ORR. As set forth in the Declaration of Toby Biswas, filed herewith, ORR has acted with diligence and with care as to the custody and potential release of C.S.M.

C.S.M. entered ORR custody on September 3, 2025, and transferred to Crittenton Shelter in Orange County, California. Biswas Decl. ¶ 18. On October 15, 2025, CSM was subsequently transferred to Marsell Wellness Center-Riverside, an ORR Transitional Foster Care provider in Fullerton, California, where the minor currently resides. *Id.* At the time of this initial placement, ORR began its normal sponsorship verification process to release C.S.M. to a viable sponsor. *Id.*

Between September 5 and September 9, 2025, the sponsor, M.P.S.M., presented herself to ORR. *Id.* ¶ 19. M.P.S.M. initially identified herself as C.S.M.'s maternal *aunt*. After several attempted calls to M.P.S.M. and to the mother of C.S.M by the case manager, M.P.S.M. eventually disclosed she is the *sister*, not the aunt of C.S.M. *Id.* On September 9, 2025, ORR sent M.P.S.M. the sponsor application. *Id.*

Between September 23 and September 30, 2025, ORR sent Authorization for Release of Information ("ARI") forms to the household members and alternative caregiver. *Id.* ¶ 19. The sponsor completed her ARI and attended a fingerprint

appointment on September 23, 2025. *Id.* The sponsor's fingerprints were cleared on September 30, 2025. *Id.*

On October 14, 2025, two household members ("HHM") (i.e., people living in the home with the sponsor) and alternative care giver ("ACG"), who also lives in the home, completed their ARIs. *Id.* ¶ 20. ORR scheduled the HHMs and the ACG for their fingerprint appointments. *Id.*

On October 15, 2025, the sponsor submitted the Sponsor Application. *Id.* ¶ 21.

On October 16, 2025, the ACG, Joel, attended his fingerprint appointment. *Id.* ¶ 22. ORR received the results the same day, which came back as "appears clear." *Id.*

On October 22, 2025, the HHM, Eliseo, attended his fingerprint appointment. *Id.* ¶ 23. The results came back the same day as "appears clear." *Id.*

On October 30, 2025, the HHM, Francisco, attended a rescheduled fingerprinting appointment after missing the first appointment. *Id.* ¶ 24. ORR received the fingerprint results on October 31, 2025, which came back as "appears clear." *Id.*

On November 6, 2025, ORR referred the sponsor for DNA testing and for an in-person ID check. *Id.* ¶ 25.

On January 2, 2026, ORR reviewed the sponsor's application to ensure the sponsor, HHMs, and ACG submitted the required social security numbers or ITINs. *Id.* ¶ 26.

The FFS continued to provide updates to the sponsor and the child on efforts to schedule the in-person ID and DNA testing appointments. *Id.* ¶ 27. During this time, the child continued to attend public school and received weekly individual psychotherapy sessions, consistent with the required services identified in 45 C.F.R. § 410.1302. *Id.*

On March 6, 2026, the Federal Field Specialist ("FFS") assigned to M.P.S.M.'s sponsor application attempted to contact the sponsor but received no answer. *Id.* ¶ 28. The FFS sent the sponsor a text message with an update. *Id.*

On March 9, 2026, the FFS spoke with C.S.M.'s attorney, Stephanie Pelivon Palacios. *Id.* ¶ 29.

On March 10, 11, and 12, 2026, the FFS attempted to call the sponsor, household members, and the alternative caregiver without success, and voicemails were left for the sponsor and one household member. *Id.* ¶ 30. On March 10, 2026, the FFS attempted to call the sponsor with no answer and sent a text message requesting a callback regarding the identity verification and DNA appointment. *Id.*

On March 13, 2026, the FFS collected the sponsor's DNA sample and submitted it. *Id.* ¶ 31.

On March 16, 2026, the FFS collected C.S.M.'s DNA sample and submitted it. *Id.* ¶ 32. As of the date of the declaration. an internet background check ("IBC") is pending for the sponsor M.P.S.M. *Id.* ¶ 33.

ORR anticipates that the results of the DNA test are expected back on March 24, 2026. *Id.* ¶ 34. ORR anticipates that if the DNA test is a match for their familial relationship and the background check is clear, C.S.M. may be released as soon as March 27, 2026. *Id.* ¶ 35.

V. ARGUMENT

A. The TRO Application is Procedurally and Substantively Defective

The Petition essentially presents a claim for unreasonable agency delay claim in the processing of the biological sister's application for custody, i.e. her SA. That delay complaint, however, is not a valid basis for seeking a mandatory TRO that disrupts the status quo. It does not suffice to establish that the current custody is *unlawful*. Much less does it clearly establish such alleged unlawfulness to the extent that a mandatory TRO granting the ultimate relief requested is warranted and necessary.

C.S.M. was already unaccompanied when she entered the United States; she were not in their mother's or other adult family member's care at that time. As set forth in the Biswas Declaration, ORR has been proactively seeking out, arranging for, and facilitating the sister's application from very shortly after the unaccompanied minor

Petitioner arrived in the United States, identifying the sister as a potential sponsor as of May 6, 2025, and consistently facilitating the application process thereafter. *See* Biswas Decl., ¶¶ 17-35. ORR also identified potential sponsor and investigated her and the HHMs and needs approximately a week to confirm DNA testing and to complete an internet background check. *Id.* ¶¶ 33-35.

Following the receipt of the sister's completed SA packet on October 15, 2025, it has taken time to go through ORR's process. The sponsor and several HHMs had delays in the process of fingerprinting and ID checks.

On January 2, 2026, ORR reviewed the sponsor's application to ensure the sponsor, HHMs, and ACG submitted the required social security numbers or ITINs. *Id.* ¶ 26. The FFS continued to provide updates to the sponsor and the child on efforts to schedule the in-person ID and DNA testing appointments. *Id.* ¶¶ 27-30. During this time, the child continued to attend public school and received weekly individual psychotherapy sessions, consistent with the required services identified in 45 C.F.R. § 410.1302. *Id.* ¶ 27. **Again, it is hoped and anticipated that a final decision will be made within days.** *Id.* ¶ 35.

But the TRO Application does not meet the requirement of showing *unlawfulness* in custody. Nowhere does it establish that the current custody arrangement is contrary to the law. Lacking that, the *ex parte* TRO Application repeatedly argues that the Petitioner is in "detention," but being in custody is not inherently "detention" (to take an obvious example, individuals under supervised release are in 'custody' but are not detained). Dkt. 1 ¶¶ 38, 57, 60, 64, 66, 72. Unaccompanied children may be placed by ORR in various different types of facilities by regulation, "including but not limited to shelters, group homes, individual family homes, heightened supervision facilities, or secure facilities, including RTCs" 45 CFR § 410.1102. Not being in a single preferred sponsor applicant's custody is not "detention."

In essence, the *ex parte* TRO Application depicts C.S.M. not being within the

sister's custody as if that is inherently an intolerable deprivation of their liberty. Placing children into the care of their immediate family members is certainly an ideal outcome when possible. But insofar as the *ex parte* TRO Application portrays the status quo as an automatic grave violation of their liberty, again, the minor Petitioner was already unaccompanied and separated from her family when she entered the United States. That status quo was not the government's decision.

In response, ORR promptly took affirmative steps to locate sponsors, including her sister, and facilitated the application process so that C.S.M. could be *released* to her potential sponsor. *See* Biswas Decl., ¶¶ 17-35.

Insofar as the TRO Application portrays any delay in processing a SA as if that delay and the investigations required for it is somehow inherently endless and unlawful, it is also noteworthy that in another recent habeas petition filed in this District, involving numerous different minor petitioners making similar claims against ORR, almost all of the many petitioners were thereafter released to sponsors, on a prompt timeframe, mooting their claims as their applications were resolved in due course. *See G.M.M. et al. v. Jessica Beltran et al.*, 5:26-cv-00085-SVW-PVC. The process takes some time, particularly when specific sponsor applicant also has numerous HHMs, but ORR's process does not violate Due Process.

To be clear, the timely processing of applications is an important goal, particularly when it bears on the well-being of children. But TROs are not the answer relative to a longstanding status quo. The TRO Application wholly fails to meet its extremely heavy burden of proving *unlawfulness* in the current custody arrangement.

B. The Balance of Equities and Public Interest Supports Denial of a TRO

The final two factors required for a preliminary injunction or TRO—balancing of the harm to the opposing party and the public interest—merge when the Government is the opposing party. *See, e.g., Nken, supra*, at 435. Courts must "pay particular regard for the public consequences in employing the extraordinary remedy of injunction." *Weinberger v Romero-Barcelo*, 456 U.S. 305, 312-13 (1982). Moreover, any order that

grants "particularly disfavored" relief by enjoining the governmental entity from administering the statute it is charged with enforcing, constitutes irreparable injury to the Defendants and weighs heavily against the entry of injunctive relief. *Cf. New Motor Vehicle Bd. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1351 (1977) (Rehnquist, J., in chambers).

Here, Petitioner seeks to disrupt the status quo by forcing ORR to abdicate its statutory obligations on a TRO basis. That is not appropriate, nor is it required. C.S.M. is not facing irreparable harm from the current longstanding status quo. And again, **ORR expects to reach a final decision on the sponsor application by March 27, 2026, nearly in a week, and this decision could lead to C.S.M.'s immediate release to her family.** *See* Biswas Decl. ¶ 35.

In sum, the TRO Application fails to satisfy the many demanding requirements for seeking TRO relief, much less the extreme remedy of a mandatory TRO that disrupts the status quo and grants the ultimate relief at issue.

C. In the Alternative, the Court Should Stay its Decision on the *Ex Parte* TRO Application Until a Status Report is Filed

If the Court is inclined to grant the TRO, in the alternative, Respondents request that the Court withhold its ruling for about a week while ORR finishes its statutorily mandated process. Respondents offer to file a status report by March 30, 2026, that would provide the Court and Petitioner's counsel with an update on the agency's ability to release C.S.M. to her sponsor. At that time, the Court can fully consider the merits of the briefing and the most updated status of ORR's process.

VI. CONCLUSION

For all the reasons explained, Respondents respectfully request that the TRO Application should be denied in its entirety. Alternatively, Respondents request that the Court withhold its ruling on the TRO and consider its ruling after the Respondents file a status report by March 30, 2026.

Dated: March 17, 2026

Respectfully submitted,

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Local Rule 11-6.2 Certificate of Compliance

The undersigned counsel of record certifies that this Opposition Brief contains 4,396 words which complies with the word limit set by L.R. 11-6.1.

Dated: March 17, 2026

/s/ Alexander L. Farrell
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