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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' RESPONSE TO ORDER TO SHOW CAUSE RE: STATUS CONFERENCE (May 6, 2026 at 10:00 a.m.) [DKT. 22]

NOTICE OF SUGGESTED MOOTNESS

Status Conference:
Date: May 6, 2026
Time: 10:00 a.m.
Ctrm: 4, Riverside (via Zoom)

Honorable Angela C. C. Viramontes
United States Magistrate Judge

I. INTRODUCTION

Pursuant to General Order No. 05-07, further proceedings on the merits of Petitioner C.S.M.'s Habeas Petition have been referred to the Magistrate Judge assigned to this case. *See* Dkt. 18 (Order vacating preliminary injunction hearing). Respondents file this response in anticipation of the Status Conference (Dkt. 22) providing guidance of the posture of this Habeas Action and to allow the parties to prepare for a meaningful discussion at the Status Conference. Respondents also submit this notice explaining why this lawsuit is now moot and the Court can and should issue a Report and Recommendation recommending an Order of dismissal of the action. *See* 28 U.S.C. § 636; *see also* General Order 05-07.

As thoroughly explained in their Answer (Dkt. 23), Respondents, through the Office of Refugee Resettlement (ORR), do not have the authority to reassume custody of C.S.M. and ORR has no intention, presently or in the future, to reassume custody of her from her family.

Respondents' counsel of record conferred about this action on April 24, 2026, April 27, 2026, and April 29, 2026, but the parties were unable to reach an agreement on a resolution of the Habeas Petition.

II. BRIEF PROCEDURAL SUMMARY

On March 20, 2026, the Court held a hearing and granted the TRO. Dkt. 14. The TRO required release of C.S.M. "forthwith" and required Respondents to file a status report on the regarding the outcome of the DNA test and the outcome of any other investigation concerning the Sponsorship Application. *Id.* On the same day, Respondents complied with the release portion of the TRO. Dkt. 16. The reunification of C.S.M. to M.P.S.M. (Sponsor), occurred on March 20, 2026. *Id.*

On March 26, 2026, and after C.S.M. was released, the parties expressly stipulated that a preliminary injunction is no longer required, and the Court entered an order granting the parties' stipulation and vacating the hearing on the issuance of a preliminary injunction. *See* Dkt. 17-18.

The TRO expired on April 3, 2026, by operation of law after 14 days. *See* Fed. R. Civ. P. 65(b)(2). After the TRO lapsed, C.S.M. did not move for a preliminary injunction. As of the filing of this Response, C.S.M. has not sought further habeas relief in this action.

III. RESPONSE AND NOTICE OF SUGGESTED MOOTNESS

"A case becomes moot when interim relief or events have deprived the court of the ability to redress the party's injuries." *United States v. Alder Creek Water Co.*, 823 F.2d 343, 345 (9th Cir. 1987) *see also NASD Disp. Resol., Inc. v. Jud. Council*, 488 F.3d 1065, 1068 (9th Cir. 2007) (finding the appeal to be moot when the plaintiffs were already granted the relief that they sought). Further, a court has an obligation to consider mootness *sua sponte*, and it should deny the requested relief when it is superfluous. *See In re Burrell*, 415 F.3d 994, 997 (9th Cir. 2005).

The three claims in the Habeas Petition are moot. *See* Dkt. 1 ¶¶ 81-100. The Habeas Petition asserts subject matter jurisdiction pursuant to 28 U.S.C. § 2241. Dkt. 1. ¶ 10. During the lawsuit, C.S.M. requested *ex parte* relief to be immediately reunified with her sister as her sponsor, all based on allegations that the timeline of the sponsorship process violated her due process rights and her temporary placement in ORR custody eventually led to a violation of the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008.

As confirmed in the Status Report (Dkt. 16), the reunification of C.S.M. to M.P.S.M. (Sponsor), occurred on March 20, 2026. As such, C.S.M.'s procedural and substantive due process concerns as stated in the Habeas Petition have been resolved by the Court's TRO and by ORR's completion of the sponsorship application process (i.e. ORR received confirmation of the DNA tests and the internet background check of M.P.S.M. was clear). Moreover, C.S.M.'s claim for a violation of the TVPRA, 8 U.S.C. § 1232, is also moot as they were resolved by the Court's TRO because it compelled reunification. Further, the Secretary of HHS, through ORR, completed its evaluation of "…the custodian's identity and relationship to the child," by the DNA test confirmation and ORR has made "an independent finding that the individual has not engaged in any

activity that would indicate a potential risk to the child" by the internet background check of M.P.S.M. came back as clear. *See* 8 U.S.C. § 1232(c)(3)(A); *See* Dkt. 16-1 ¶ 4. The parties also agreed that a preliminary injunction was not needed in this case. *See* Dkt. 17.

This Court can also apply the doctrine of voluntary cessation to find this action as moot. Voluntary cessation of alleged misconduct moots a case only if (1) there is "no reasonable expectation that the alleged violation will recur," and (2) "interim relief or events have completely and irrevocably eradicated the effects of the alleged violation." *Am. Cargo Transp., Inc. v. United States*, 625 F.3d 1176, 1179 (9th Cir. 2010) (alterations removed) (quoting *County of Los Angeles v. Davis*, 440 U.S. 625, 631 (1979)).

ORR only has the authority to accept children in its custody upon a) a determination from another federal agency that the child is an unaccompanied alien child ("UAC"); and b) upon a referral from such agency. *See* 8 U.S.C. § 1232(b)(3). And as previously stated, ORR does not have the authority to reassume custody of C.S.M. and ORR has no intention, presently or in the future, to reassume custody of her from her family. *See* Dkt. 16-1 ¶ 5. Respondents also contend that even if the Court could assume that the Department of Homeland Security could re-detain C.S.M. as UAC, and then transfer her back to ORR custody, ORR will perform a *de novo* consideration of whether the minor should be released. *See* Dkt. 16-1 ¶ 6; *see also J.E.C.M. by and Through His Next Friend Saravia v. Lloyd*, 352 F. Supp. 3d 559, 578 (E.D. Va. 2018) ("Here, the three minor plaintiffs who have been released and the three sponsors to whom they have been released received the relief they sought in this litigation; they no longer possess the requisite stake to press their individual claims.") C.S.M.'s release from custody of ORR moots the requested habeas petition and voluntary cessation applies to the specific facts of this case. *See* 28 U.S.C. § 2241(c) ("The writ of habeas corpus shall not extend to a prisoner unless [h]e is in custody."); *see also Pinson v. Carvajal,* 69 F.4th 1059, 1077 (9th Cir. 2023) ("Because [petitioner's] claims lie outside the historic core of habeas corpus, we conclude the district court properly found it lacked jurisdiction to hear [the] petition."). A final judgment,

stipulated to or by court order, that would require ORR to release C.S.M. "forthwith" and requiring the Respondents to file a subsequent status report (which has already been done) would provide no actual relief at this stage in a habeas action.

Many judges in this District have recently considered this mootness issue generally in the habeas context. This District has frequently ruled that the grant of injunctive relief moots a preliminary injunction, and the habeas petition more generally. As C.S.M. brings this action pursuant to 28 U.S.C. § 2241, these cases can easily be found analogous here.

For example, the Hon. John W. Holcomb denied a preliminary injunction where the Petitioner had been released from detention and issued an order to show cause regarding the dismissal of the petition. *See Ghebreslassie v. Janecka*, No. 5:25-cv-03447-JWH-DTB, 2026 WL 220898, at *2 (C.D. Cal. Jan. 22, 2026).

The Hon. Judge Birotte Jr. dismissed a preliminary injunction as moot, where the petitioner had been ordered released pursuant to the Court's order upon an *ex parte* TRO application. *See Hezardastan v. Noem,* No. 5:25-cv-03424-AB-DTB [Dkt. No. 13] (Jan. 5, 2026) (order dismissing case as moot).

The Hon. Judge Wright, II also dismissed a preliminary injunction as moot following petitioner's release from custody. *See Woldegabriel v. Noem,* No. 5:25-03369-ODW-PVC [Dkt. No. 11] (Dec. 29, 2025).

Similarly, the Hon. Judge Vera dismissed a writ of habeas corpus as moot after the petitioner was released upon a motion for preliminary injunction. *See Hashemi v. Noem,* No. 2:25-cv-10335-HDV-SP [Dkt. No. 19] (Jan. 7, 2026).

The Hon. Judge Olguin likewise denied a preliminary injunction and writ of habeas corpus as moot following the petitioner's release, finding "[P]etitioner's release does not give rise to collateral consequences that are redressable by success on his original petition. And Petitioner's contention that Respondents will be able to re-arrest and re-detain him appears to be speculative and hypothetical." *See Trujillo v. Janecka,* No. 5:25-cv-03002-FMO-SSC, 2026 WL 84313, at 1-2 (C.D. Cal. Jan. 12, 2026) (cleaned up).

The Hon. Judge Valenzuela declined to issue a preliminary injunction after

petitioner's release, finding that petitioner could not show a likelihood of imminent irreparable harm. *See Petrosyan v. Bondi,* No. 5:25-cv-03240-CV-AS [Dkt. No. 11] (Dec. 31, 2025) (order discharging order to show cause).

Each of these dismissals did not lead to the Court immediately converting those habeas matters into a final judgment on the merits for the same reasons and on the same terms provided in the order granting preliminary relief.

IV. CONCLUSION

Accordingly, Respondents respectfully state that this Court should *sua sponte* issue a Report and Recommendation that recommends that the Court should deny the Habeas Petition as moot, and that the Court should dismiss the action without further briefing.

In the alternative, if the Court is not prepared to immediately issue a Report and Recommendation, Court can consider Respondents' Answer, Petitioner's anticipated Reply, and then the matter can stand being submitted for final recommendation of disposition.

Dated: April 29, 2026

Respectfully submitted,

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Local Rule 11-6.2 Certificate of Compliance

The undersigned counsel of record certifies that this Brief and Notice contain 1,591 words which comply with the word limit set by L.R. 11-6.1.

Dated: April 29, 2026

/s/ Alexander L. Farrell

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