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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

Karina Albino Tito

Petitioner,

vs.

SERGIO ALBARRAN, Field Office Director of the San Francisco Immigration and Customs Enforcement Office; TODD LYONS, Acting Director of United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the United States Department of Homeland Security; PAMELA BONDI, Attorney General of the United States, acting in their official capacities,

Respondents.

Case No. 3:26-cv-2178 - TLT

REPLY TO COURT'S REQUEST FOR A LIST OF CASES THAT SUPPORT A PRELIMINARY INJUNCTION

Petitioner respectfully submits the below case citation and distinguishing arguments as to Respondents' offerings of new citations to support their contention that this case does not have sufficient standing or ripeness:

First, this Court requested Petitioner provide any citation to a case involving a petitioner who was found to have standing and a ripe claim for habeas relief where there was a concern of re-detention but presumably no unique indication that there were changed circumstances clearly justifying a re-detention.

As argued in Petitioner's reply to the government's opposition, the court in *He v. Lyons* dealt with

a petitioner with similar standing as Petitioner in this case. *He v. Lyons*, 3:25-cv-10639-JSC,(N.D. Cal. Feb. 3, 2026).

The petitioner in *He v. Lyons* had complied with the conditions of her order including all check-ins. She also received an impromptu check-in appointment with the Immigration & Customs Enforcement ("ICE") and when her attorney contacted ICE to inquire about their intention to re-detain her, she did not receive a response. *Id.* As such, the petitioner's counsel filed a habeas petition and temporary restraining order motion seeking to enjoin ICE from re-detaining her absent prior notice and a pre-deprivation hearing. *Id.* The government there made the same arguments as they are here, yet the court felt no oral argument was necessary and granted the preliminary injunction.

Second, Respondents provided two cases to support their contention that Petitioner's challenge is purely based on stories. While one of these cases is distinguished below, the other one was unobtainable by Petitioner's counsel within the tight filing deadline of this response. Petitioner's attorneys worked diligently to obtain a copy and even asked opposing counsel for a copy, but opposing counsel replied that it is accessible on PACER only. Petitioner's attorneys attempted to access it on PACER but were denied viewing rights as they are not a party to that action, whereas Respondents are. For this reason, Petitioner requests this Court disregard that citation as it is in no way binding precedent and Respondents have not served Petitioner with a copy of this authority, they are leaning on to support their arguments.

In the case of *Sepulveda v. Bondi*, that court denied a temporary restraining order to a green card applicant fearful of attending his interview the next day because of stories heard in the news and two accounts of other immigration attorneys who had their own clients arrested at similar interviews. *Sepulveda v. Bondi*, No. 26CV573-LL-DDL, 2026 WL 353356, at *1 (S.D. Cal. Feb. 9, 2026). Yet in that case, the petitioner had no pre-existing relationship with the Immigration & Customs Enforcement ("ICE") as Petitioner does here. *Id.* That petitioner's relationship with the government only existed via the U.S. Citizenship & Immigration Services, which is not ICE, and therefore not responsible for enforcement activities. *Id.* There was no order of supervision that ICE was using to scrutinize that

petitioner, let alone any escalation determination indicating that ICE was even more interested in him than other green card applicants. *Id.* That petitioner's fears had no bearing on his unique circumstances, and so it was for this reason that the court found the temporary restraining order could not be granted "without more concrete or individualized facts." *Id.* at *2.

Here, ICE has a direct relationship with Petitioner and has escalated their supervision, which implies they are scrutinizing Petitioner more closely for potential enforcement action. The *Sepulveda* petitioner had received no such individualized assessment of ICE's interest in him. *Id.* In fact, in that case, the government backed up their claim that he had no cause for concern specifically because they went on the record saying that they did "not have planned enforcement operations at the USCIS San Diego Field Office on February 10, 2026," which was the date his interview was set to take place. *Id.* As emphasized in oral argument today, Respondents have repeatedly refused to make such a statement, which could easily resolve Petitioner's concerns.

For the foregoing reasons, there is precedent for the validity of Petitioner's procedural posture as a noncitizen with a concrete, individualized concern of a re-detention that has not been formally declared by the government. As such, the government has failed to comply with this Court's order to show cause and the preliminary injunction should be granted.

Dated: March 26, 2026

Geri N. Kahn, Esq.

/s/ Geri Kahn

By: _____
Geri N. Kahn

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