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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE DUVAN HOLGUIN LEMUS,

Case No. 1:26-cv-05109-VC

Petitioner,

V.

CHRISTOPHER CHESTNUT, et al.,

**PETITIONER'S REPLY IN SUPPORT
OF PETITION FOR WRIT OF HABEAS
CORPUS AND MOTION FOR
TEMPORARY RESTRAINING ORDER**

Respondents.

TEMPORARY RESTRAINING ORDER

Petitioner Jose Duvan Holguin Lemus, by and through counsel, submits this Reply in support of his Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order (").

On July 6, 2026, the Court ordered Respondents to identify any factual or legal issue that renders this case distinct from the Court's prior orders in *Alauddin v. Chestnut*, *Ozturk v. Lyons*, and *Zheng v. Warden* and that would justify denial of a preliminary injunction and the Petition.

Dkt. 5 at 1.

Respondents answered that “there does not appear to be any substantive factual or legal issues in this case that materially distinguish it from the cases identified in the Order.” Dkt. 6 at

1 2. They further do not oppose converting the TRO motion into a motion for preliminary
2 injunction and request a decision on the current briefing and without a hearing. *Id.*

3 The Court framed the inquiry as whether any distinction would justify denial of the
4 requested preliminary injunction and the Petition. Respondents identified none. Their position
5 under 8 U.S.C. § 1225(b)(2) does not identify a case-specific factual or legal distinction from
6 the prior orders designated by the Court. Petitioner joins only Respondents' procedural request
7 for a decision on the present briefing; he does not join or concede their statutory or constitutional
8 arguments.

9 Rule 65(a)(2) permits the Court to advance and consolidate the merits with the request
10 for preliminary injunctive relief. Section 2243 directs the Court to summarily dispose of a habeas
11 petition as law and justice require. 28 U.S.C. § 2243; *Dzhabrailov v. Decker*, No. 20-cv-03118-
12 PMH, 2020 WL 2731966, at *4 (S.D.N.Y. May 26, 2020). Because Respondents identify no
13 material distinction or factual dispute, no hearing is necessary.

14 Accordingly, Petitioner respectfully requests that the Court advance and consolidate
15 resolution of the merits, grant the Petition for Writ of Habeas Corpus, order Petitioner's
16 immediate release, and enter judgment in his favor. Alternatively, Petitioner requests that the
17 Court convert the TRO motion into a motion for preliminary injunction and order his immediate
18 release pending final adjudication.

19
20 **Dated: July 9, 2026**

Respectfully submitted,
SALGADO & PERALTA, P.A.
/s/ Mario Salgado
Mario Salgado
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2026, I caused the foregoing document to be electronically filed through the Court's CM/ECF system, which automatically served all registered counsel of record.

Dated: July 9, 2026

/s/ Mario Salgado
Mario Salgado
Attorney for Petitioner