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9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 E.A.D.G., a minor by and through
13 Rebecca Popuch., as Next Friend
14 of Minor,

15 Petitioner,

16 vs.

17 TROY MCNAIR, Residential Director of
Rancho San Antonio; LILIANA
18 RENTERIA, Federal Field Specialist,
Office of Refugee Resettlement; NIKY
HYMEL, Federal Field Specialist
19 Supervisor, Office of Refugee
Resettlement; ALEX J. ADAMS,
20 Assistant Secretary of the Administration
for Children and Families; ANGIE
21 SALAZAR, Acting Director of the
Office of Refugee Resettlement; and
22 ROBERT F. KENNEDY, JR., Secretary
23 of the U.S. Department of Health and
Human Service,

24 Respondents.
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Case No. 2:26-cv-07706-PA-AS

**PETITIONER'S RESPONSE TO
RESPONDENTS' EX PARTE
APPLICATION FOR EXTENSION
OF TIME TO RESPOND TO
PETITION**

[Proposed Order] filed concurrently]

Hon. Percy Anderson
United States District Judge

Hon. Alka Sagar
United States Magistrate Judge

I. BACKGROUND

Petitioner is an unaccompanied immigrant child (“UC”) who has been detained in the custody of the Office of Refugee Resettlement (“ORR”) since March 6, 2026. Petitioner’s mother is his ORR sponsor, and she has been working to have Petitioner released to her custody for the past four months. On July 17, 2026, Petitioner filed a Petition for Writ of Habeas Corpus based on the months-long delay in releasing him to the custody of his mother and the ongoing injury caused by the deprivation of his physical liberty, right to family unity, and statutory rights. *See ECF 1.*

On July 17, 2026, the Clerk’s Office issued the Notice of General Order 26-05 and Briefing Schedule in this case. *See ECF 9.* The order states that once a habeas petition has been docketed, the Clerk’s Office will promptly serve the petition on the United States Attorney’s Office via email and issue a notice of the Court’s standard scheduling order. *See ECF 9 at 4–5.* The briefing schedule states that Respondents shall file an answer to Petitioner’s habeas petition “no later than 7 days” from the date the notice was issued. *Id.* at 2.

On July 23, Respondents filed the ex parte application, requesting an extension of the deadline to file their answer. *ECF 13.* The application was served on counsel via email on July 24, the due date of their Response. *Declaration* of Miranda S. Finestone (“Finestone Decl.”) ¶ 3.

II. LEGAL STANDARD

Ex parte motions are solely for extraordinary relief and are justified in only limited circumstances. *Mission Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488, 490 (C.D. Cal. 1995); *see Reno Air Racing Ass’n., Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006) (“[C]ircumstances justifying the issuance of an ex parte order are extremely limited.”). A party filing an ex parte motion must support its request with: (1) “evidence . . . that the moving party’s cause will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion

procedures,” and (2) a showing “that the moving party is without fault in creating the crisis that requires ex parte relief, or that the crisis occurred as a result of excusable neglect.” *Mission Power Eng’g Co.*, 883 F. Supp. at 492.

III. ARGUMENT

Respondents are unable to meet their burden of establishing that they are entitled to an extension to the Scheduling Order. GO 26-05 has been in effect since April 1, 2026, implementing the same briefing schedule in effect in this case across all immigration habeas cases filed in this district. Respondents state that an extension is warranted because an AUSA was not assigned to this case until July 23, leaving inadequate time to obtain necessary information from ORR to respond to the petition. See ECF 13 at 3. But Respondents do not indicate when the United States Attorney’s Office received a copy of the Petition via email, or why there was a delay in assigning an AUSA. See ECF 9 at 1–2 (briefing schedule issued on July 17 states that the Clerk will effectuate “*immediate* service of the habeas petition . . . by emailing a copy of the habeas petition and this order to USACAC.ImmHabeas@usdoj.gov.”) (emphasis added).¹ GO 26-05 requires that counsel for Respondents file a notice of appearance within three days of the date the Clerk’s Office issues notice of the briefing schedule. ECF 9 at 2. Respondents have not met their burden of showing that they are “without fault in creating the crisis that requires ex parte relief, or that the crisis occurred as a result of excusable neglect.” *Mission Power Eng’g Co.*, 883 F. Supp. at 492.

The Court should deny the ex parte application for additional time, as any delay in filing an answer will extend Petitioner’s ongoing injuries. Petitioner is a child who has remained stuck in detention for over four months while ORR has unnecessarily prolonged the adjudication of Petitioner’s mother’s sponsorship application. Courts

¹ GO 26-05 states that the Clerk’s Office will “effectuate immediate service of the habeas petition filed in this case upon Respondent by emailing a copy of the habeas petition and this order to USACAC.ImmHabeas@usdoj.gov” and does not require any additional service by the Petitioner. See ECF 9 at 1-2.

1 have repeatedly recognized the uniquely damaging impact that prolonged detention
 2 and family separation have on children. *See Lucas R. v. Becerra*, 2022 WL 2177454,
 3 at *17 (C.D. Cal. Mar. 11, 2022); *Ms. L. v. U.S. Immigr. & Customs Enf't*, 310 F. Supp.
 4 3d 1133, 1144 (S.D. Cal. 2018).

5 Petitioner did not file an application for a temporary restraining order
 6 contemporaneously with his habeas petition because the intention of GO 26-05 is to
 7 “provide a prompt resolution to habeas petitions” without the need for a separate TRO.
 8 *See ECF 9 at 5*; Finestone Decl. ¶ 2. The Court should therefore maintain this standard
 9 expedited briefing schedule and not delay resolution.²

10 IV. CONCLUSION

11 Petitioner respectfully requests that this Court deny Respondents’ ex parte
 12 application for an extension of time to respond to Petitioner’s habeas petition.

14 Dated: July 24, 2026

THE TRIAL IMPACT PROJECT

16 By: /s/ Miranda S. Finestone

Marjorie J. Menza

Amy Xu

Miranda S. Finestone

Joshua Z. Behrens

27 ² Petitioner’s request to proceed before assigned United States Magistrate Judge
 28 Sagar for all purposes is currently pending, which, if granted, will further expedite
 this proceeding. *See ECF 10*.