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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

YANLING XIE, Petitioner, v. SERGIO ALBARRAN, *et al.*, Respondents,	No. 3:26-cv-07571 **RESPONDENTS' RESPONSE TO EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER**

Petitioner's motion for a Temporary Restraining Order ("TRO") should be denied as she is unable to establish that she is likely to suffer irreparable harm. Petitioner has already petitioned for and received a writ of habeas corpus from the U.S. District Court for the Eastern District of California. *See Yan-Ling X. v. Lyons*, No. 1:25-cv-1412, 2026 WL 1198417 (E.D. Cal. May 1, 2026). As such, Respondents are already "ENJOINED and RESTRAINED from re-detaining Petitioner Yan-Ling X. unless and until they obtain a travel document for her removal, and unless and until they follow all procedures set forth in 8 C.F.R. §§ 241.4(l), 241.13(i), and any other applicable statutory and regulatory procedures." *Id.* at *1. Similarly, this Court lacks appellate jurisdiction over the decision by the U.S. District Court for the Eastern District of California. *See Celotex Corp. v. Edwards*, 514 U.S. 300, 313 (1995) ("We have made clear that [i]t is for the court of first instance to determine the question of the validity of the law, and until its decision is reversed for error by orderly review, either by itself or by a higher courts, it orders based on its decisions are to be respected.") (internal quotation marks omitted) (alteration in original).

Petitioner's motion should also be denied for lack of jurisdiction. Petitioner must establish Article III standing to seek prospective injunctive relief. *See Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 412 (2013). That means they must show a future injury that is "imminent, not conjectural or hypothetical." *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992). Petitioner cannot make that showing.

Petitioner lacks standing because they have suffered no injury in fact but instead seek relief for conjectural or hypothetical injuries that they believe may occur at some point in the future. Petitioner's claims are not ripe because the events of which they complain have not occurred and may not occur as they anticipate or at all. Both standing and ripeness are required for the Court to adjudicate Petitioner's claims. Because those are lacking, Petitioner's claim is not likely to prevail or even reach a merits analysis before this Court.

An injury in fact requires "'an invasion of a legally protected interest' that is 'concrete and particularized' and 'actual or imminent, not conjectural or hypothetical.'" *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016) (quoting *Lujan*, 504 U.S. at 560); *Sierra Club v. Morton*, 405 U.S. 727, 734–35 (1972); *see also Czyzewski v. Jevic Holding Corp.*, 580 U.S. 451, 464 (2017) ("For standing purposes, a loss of even a small amount of money is ordinarily an 'injury.'").

In light of the facts that Petitioner has presented, therefore, they cannot establish that any future injury is imminent and reasonably certain. *See J.P. v. Santacruz*, No. 25-cv-1640, 2025 WL 2998305, at *4 (C.D. Cal. Oct. 24, 2025) (dismissing petitioner's challenge to "his future detention and/or arrest at another physical appointment" because petitioner "fails to present sufficient allegations or evidence of the threat of future injury to confer Article III standing"). Because the "alleged threat of future injury is too speculative and unripe," *id.*, at *4, Petitioner does not have standing before this Court.

Petitioner argues that Respondents have failed to comply with the procedures set forth in 8 C.F.R. §§ 241.4(*l*) and 241.13(i). Dkt. No. 2-2 at 11. However, Petitioner's scheduled appointment where she is afraid this will happen is scheduled for 2:00 p.m. today, so U.S. Immigration and Customs Enforcement ("ICE") has not yet had the opportunity to comply with the regulations before Petitioner alleges that ICE violated them. The regulations provide that supervised release can be revoked for one of two reasons: (1) for a "violation of the conditions of release" or (2) for "revocation for removal." 8 C.F.R. §§ 241.4(*l*)(1), (2)(iii) ("Revocation of Release"). Here, "[r]elease may be revoked in the exercise of discretion when, in the opinion of the revoking official: The purposes of release have been served [or] . . . It is appropriate to enforce a removal order." 8 C.F.R. §§ 241.4(*l*)(2)(i), (iii). ICE can make this determination that the purpose for release has been served and revocation is necessary to enforce a removal order because ICE now has a travel document for Petitioner. *See* Ex. 1. However, based on this record, that decision has not been made.

Once release is revoked and the alien is returned to custody, the alien will be notified of the reasons for the revocation and the Service will conduct an informal interview to allow the alien to respond to the reasons for revocation. 8 C.F.R. § 241.4(*l*)(1). The alien is provided an "opportunity to respond to the reasons for revocation stated in the notification." *Id.* All of this occurs *after* Petitioner would be returned to custody, so ICE cannot violate the process described in the regulations in advance of the time at which that process actually occurs. Petitioner has alleged no specific facts that ICE does not intend to comply with the regulations and the order of another District Court.

Next, the majority of Petitioner's motion argues that Petitioner is subject to detention under 8 U.S.C. § 1226(a), and that mandatory detention under 8 U.S.C. § 1225(b)(2) would violate her due process rights. *See* Dkt. No. 2-2 at 5–21. However, since Petitioner is subject to a final removal, the

controlling detention authority is 8 U.S.C. § 1231. Additionally, contrary to the allegation, Petitioner is not currently detained. *Compare* Dkt. No. 2-2 at 10 ("Petitioner is detained within this District"), *with id.* (Petitioner is scheduled to appear for an ICE check-in on July 22, 2026 at 2:00 p.m. On information and belief, Respondents plan to re-detain her").

Finally, Petitioner also seeks an order from this Court enjoining Petitioner's removal "until the immigration court adjudicates her pending motion to reopen and motion for stay of removal, and for a reasonable period thereafter sufficient to permit any administrative appeal and judicial review." Dkt. No. 2-1. However, 8 U.S.C. § 1252(g) strips this Court of jurisdiction to stay a Petitioner's removal while a motion to reopen proceedings is pending before the immigration court. *See Rauda v. Jennings*, 55 F.4th 773, 778 (9th Cir. 2022) ("The district court correctly concluded that § 1252(g) deprived it of jurisdiction to hear [petitioner]'s claims."); *id.* at 777 ("[Petitioner] asserts that applying the plain text of § 1252(g) and refusing to enter a stay of removal pending the resolution of his motion to reopen 'would deprive a noncitizen [of] his statutory right to file a motion to reopen.' But that's not true.") (citation omitted in original); *see also Willian Matias Rauda v. David Jennings, et al.*, No. 21-cv-3897, 2021 WL 2413006, at *3 (N.D. Cal. June 14, 2021), aff'd sub nom. *Rauda*, 55 F.4th ("Mr. Matias's habeas petition and his motion for a TRO both ask the Court to enjoin the government from executing his removal order. Because his claims arise from the government's 'decision or action' to 'execute' his removal order, § 1252(g) bars the Court from hearing them.") (internal citations omitted).

For the foregoing reasons, Petitioner's motion for a TRO should be denied and her habeas Petition dismissed.

DATED: July 22, 2026

Respectfully submitted,

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