CRAIG H. MISSAKIAN (CABN 125202)
United States Attorney
PAMELA T. JOHANN (CABN 145558)
Chief, Civil Division
MICHAEL J. STARRETT (NYBN 5444575)
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7073
michael.starrett@usdoj.gov

Attorneys for Respondents

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

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| YANLING XIE,<br><br>Petitioner,<br><br>v.<br><br>SERGIO ALBARRAN, *et al.*,<br><br>Respondents, | No. 5:26-cv-07571-EKL<br><br>**RESPONDENTS' SUPPLEMENTAL BRIEFING** |

Respondents respectfully submit this supplemental brief to address five questions posed by the Court in an order issued following the August 3, 2026 Order to Show Cause hearing. Dkt. No. 20.

**A. *Rauda* Precludes This Court from Staying Petitioner's Removal**

**Question 1:** "In *Rauda v. Jennings*, the Ninth Circuit concluded that it lacked subject matter jurisdiction in part because the Board of Immigration Appeals ("BIA") had already denied petitioner's motion to stay removal pending resolution of a motion to reopen. 55 F.4th 773, 780 (9th Cir. 2022) ("[A]lthough the alien is entitled to file a motion to reopen and seek a stay of removal from the agency until that motion is decided, our court lacks jurisdiction to intervene if the stay is denied" (emphasis added)). If Petitioner's motion to stay is still pending with the BIA[1], does *Rauda* preclude this Court from exercising jurisdiction?" Dkt. No. 20 at 1.

**Response to Question 1:** Yes, this Court is precluded from exercising jurisdiction. In *Rauda*, the Ninth Circuit concluded that "Congress has explicitly precluded [judicial] review" over claims where an alien "seeks to enjoin the government from removing him—or in other words, enjoin 'action by the Attorney General to ... execute removal orders against'" him. *Rauda v. Jennings*, 55 F.4th 773, 777 (9th Cir. 2022) (quoting 8 U.S.C. § 1252(g)). The Court reasoned that courts of appeal lack "jurisdiction to intervene if the stay is denied precisely because an alien's presence in the United States is not required for adjudication of the motion to reopen to take place." *Id.* at 780 (citation omitted). This language reiterates that the Court of Appeals lacks jurisdiction to entertain a petition for review from the BIA's denial of a motion for stay of removal because it is not a final order. *Id.* (citing *Shaboyan v. Holder*, 652 F.3d 988, 991 (9th Cir. 2011)); *see also id.* at 781 ("Congress, at least, seems to have anticipated this problem in its decision to limit judicial review in a way that does not permit this court to review interim, non-final orders like motions to stay pending the resolution of motions to reopen—even if petitioners present their requests dressed as petitions for habeas relief."). The district courts' jurisdiction is even more limited, as 8 U.S.C. § 1252(b)(9) "zips judicial review of immigration proceedings into one action in the court of appeals." *Singh v. Gonzales*, 499 F.3d 969, 976 (9th Cir. 2007) (quotations omitted).

Here, Petitioner filed a motion to reopen with the immigration court, as well as a motion to stay her removal while the motion to reopen is pending. Dkt. No. 2-2 at 10. As of the date of this filing, those motions remain pending. For this Court to have jurisdiction over ICE's decision to execute a removal order for the brief time a stay motion is pending before the agency, but not if it's been denied or hasn't

[1] Petitioner's motion to stay is currently pending before an immigration judge. This does not alter the analysis.

been filed, would require a stretched interpretation of the holding in *Rauda*. *See* 55 F.4th at 776 ("Matias moved the BIA for an emergency stay. One week later, the BIA denied his request for a stay.")

The relief that Petitioner is requesting from this Court—to "stay her removal from the United States, and enjoin Respondents from executing her removal, unless and 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 at 2, is the exact relief that the *Rauda* Court bars for lack of jurisdiction. *See Rauda*, 55 F.4th at 775 ("In the district court, Matias argued that deportation *prior to a ruling on his motion to reopen* would violate his due process rights []. In denying his motion, the district court concluded that it lacked jurisdiction to reach Matias's claims. We agree with the district court and affirm.") (emphasis added). That is because even when Petitioner has a motion to reopen or motion to stay removal pending before the immigration court, she is still asking this Court to enjoin ICE's discretionary authority to decide when to effectuate the removal order, which it does not have jurisdiction to do.

**B. The Prior Injunction**

**Question 2:** "Must Respondents seek and obtain vacatur, dissolution, or modification of the existing injunction entered in the Eastern District of California before re-detaining and removing petitioner? *See Yan-Ling X. v. Lyons*, No. 1:25-cv-1412, 2026 WL 1198417, at *1 (E.D. Cal. May 1, 2026) (["Prior Injunction")]. May this Court rule on the merits of the petition while that injunction remains in force?" Dkt. No. 20 at 2.

**Response to Question 2:** Respondents do not need to vacate, dissolve, or modify the Prior Injunction as it specifically allows for Petitioner's re-detention under specific circumstances, which were met here. *See Yan-Ling X.*, 2026 WL 1198417, at *1. Additionally, the Prior Injunction does not prohibit Petitioner's removal. *See id.*

Here, nothing about the re-detention requires vacatur, dissolution, or modification of the first injunction, nor approval of the first court. The U.S. District Court for the Eastern District of California ("Eastern District")'s directive was clear: Respondents may not re-detain Petitioner unless specific conditions are met. *Id.* This is a "conditional prohibition"; if the conditions are met, it is tantamount to permission. *See Pons v. Walter Kidde Portable Equip. Inc.*, No. 23-cv-3436, 2026 WL 932653, at *2 & n.1 (N.D. Cal. Apr. 6, 2026) ("The permission required to create a safe harbor need not be expressed in affirmative terms. Rather, such permission may also be expressed by a conditional prohibition.");

*Mayor, Aldermen & Commonalty of City of New York v. Miln*, 36 U.S. 102, 161 (1837) (the phrase in Article I, Section 10 of the Constitution "'no state shall, without the consent of congress,' is merely a conditional prohibition; when the consent is given, the condition is performed; and the power of the state remains as if no condition had ever been exacted).

The conditions imposed by the Eastern District were met here. *See* Dkt. Nos. 13 ¶¶ 14–15, 20; 13-2–13-4. As such, Respondents' authority to detain Petitioner "remains as if no condition had ever been exacted" in the first injunction. Accordingly, Petitioner's re-detention was consistent with the terms of the injunction.

To the extent the Court is questioning whether the first injunction must be modified or dissolved because it is inconsistent with the relief that this Court has imposed, any such inconsistency must be resolved in favor of the first-filed case. "When an injunction sought in one federal proceeding would interfere with another federal proceeding, considerations of comity require more than the usual measure of restraint, and such injunctions should be granted only in the most unusual cases." *Bergh v. State of Wash.*, 535 F.2d 505, 507 (9th Cir. 1976) (citing *Kahn Co. v. Switzer Bros.*, 201 F.2d 55 (6th Cir. 1952). "Where, as here, the two federal courts are of coordinate jurisdiction, and their decisions are reviewed by the same Court of Appeals, the issuance of such an injunction is rarely, if ever, justified." *Id.* (citation omitted). Under generally recognized principles of comity, a district court will, in the absence of exceptional circumstances, stay, transfer or dismiss a case in deference to a previously filed complaint in another district "involving the same parties and issues." *Pacesetter Sys., Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94-95 (9th Cir. 1982); *see Intersearch Worldwide, Ltd. v. Intersearch Group, Inc.*, 544 F. Supp. 2d 949, 957 (N.D. Cal. 2008) (there exists a "'strong presumption across the federal circuits that favors the forum of the first-filed suit under the first-filed rule'") (quoting *Church of Scientology of Cal. v. Dept. of Army*, 611 F.2d 738, 750 (9th Cir. 1979). When considering whether the first-to-file rule applies, "a court analyzes three factors: chronology of the lawsuits, similarity of the parties, and similarity of the issues." *Kohn L. Grp., Inc. v. Auto Parts Mfg. Mississippi, Inc.*, 787 F.3d 1237, 1240 (9th Cir. 2015) (citation omitted). Where these threshold conditions are satisfied, the court in the second-filed case should decline jurisdiction or stay the case in favor of the earlier-filed action unless an

exception to the doctrine is apparent. *Intersearch*, 544 F. Supp. 2d at 957.[2]

This is especially true here, where Petitioner's claim relates specifically to the prior habeas proceeding and raises a challenge to putative detention *in violation of that prior injunction*. Petitioner has not alleged that re-detention in accordance with the Prior Injunction and governing regulations would be unlawful. Because the Prior Injunction remains in effect, any suggestion that it may be violated could and should have been raised as a motion to enforce the prior injunction. It is well-settled in the Ninth Circuit that a district court has continuing jurisdiction to enforce its injunction. *See Crawford v. Honig*, 37 F.3d 485, 488 (9th Cir. 1994). As such, Petitioner should have sought relief from the Eastern District if she believed Respondents were poised to violate the Prior Injunction, as opposed to a successive habeas petition raising the same issues between the same parties in a new court. *See Lapin v. Shulton, Inc.*, 333 F.2d 169, 172 (9th Cir. 1964) ("considerations of comity and orderly administration of justice demand that the nonrendering court should decline jurisdiction of such an action and remand the parties for their relief to the rendering court"); *see also id.* ("it is clear, as a matter of comity and of the orderly administration of justice, that this court should refuse to exercise its jurisdiction to interfere with the operation of a decree of another federal court.").

A claim that the re-detention might violate the existing injunction is in any event more appropriately brought as a motion to enforce because when the current habeas petition was filed, Petitioner was not in detention but was challenging her future confinement. The new petition, therefore, untethered to the prior detention on which the original petition was predicated, falls outside the scope of habeas jurisdiction. *See Ortega v. Kaiser, et al.*, No. 25-cv-5259, 2026 WL 2149718, at *1 (N.D. Cal. July 27, 2026) ("Upon reflection, the Court believes it likely erred in finding jurisdiction, because Ortega was not in physical custody and he was not challenging his confinement. Accordingly, the Court lacked jurisdiction over his habeas petition. A federal court lacks jurisdiction over a habeas petition where the petitioner is not in custody or suffers no present restraint from a conviction.") (citation modified); *see also Munaf v. Geren*, 553 U.S. 674, 693 (2008) ("Habeas is at its core a remedy for

[2] Courts have generally recognized three exceptions to the first-to-file rule, none of which are applicable here: "(1) bad faith; (2) anticipatory suit; and (3) forum shopping." *Campbell v. Annie's Homegrown, Inc.*, No. 17-cv-1736, 2017 WL 6406703, at *5 (S.D. Cal. Dec. 15, 2017).

unlawful executive detention.").

Indeed, because the Prior Injunction addresses precisely the same issue that is the subject of the current Petition, this Court should dismiss this Petition as successive. *See Alaimalo v. United States*, 645 F.3d 1042, 1049 (9th Cir. 2011) ("Under the abuse of the writ doctrine, a successive petition that raises identical grounds for relief as a prior petition must be dismissed unless the petitioner can show (1) cause for bringing a successive petition and that prejudice would result or (2) that a fundamental miscarriage of justice would result from failure to entertain the claim."); *see also Victor Manuel U.M. v. Warden, Golden State Annex Det. Facility*, No. 26-cv-4358, 2026 WL 2030177, at *1 (E.D. Cal. July 14, 2026), report and recommendation adopted, 2026 WL 2171703 (E.D. Cal. July 28, 2026) (recommending dismissal of successive habeas petition because "the instant petition presents the same issues that were decided in the earlier action). Petitioner cannot show prejudice here as she has already received a permanent injunction for the relief requested here. *See Yan-Ling X.*, 2026 WL 1198417, at *1. The proper vehicle for Petitioner, to the extent she believed that she might have been detained in violation of the Prior Injunction, was to have filed a motion to enforce the Prior Injunction.

Notably, in the current petition, Petitioner seeks an order from this Court enjoining Respondents "from re-detaining Petitioner 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(1), 241.13(i), and any other applicable statutory and regulatory procedures." Dkt. No. 2 at 2. This is precisely the relief she had *already obtained* from the Eastern District. *Yan-Ling X.*, 2026 WL 1198417 at *1 (finding that re-detention under these circumstances would not be a deprivation of liberty would afford Petitioner appropriate due process). To the extent that Petitioner is asking this Court to review and revisit the decision of the Eastern District of California, it lacks jurisdiction to do so. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283 (2005) ("Federal district courts, we noted, are empowered to exercise original, not appellate, jurisdiction."); *Holgerson v. Paramo*, No. 19-cv-2286, 2020 WL 434316, at *2 (S.D. Cal. Jan. 28, 2020) ("This Court cannot overturn or modify the decision of another District Court."). Petitioner is seeking an injunction from this Court that is duplicative of an injunction she already obtained. As such, this Court should dismiss the instant habeas petition in the interest of judicial economy. *See Slack v. McDaniel*, 529 U.S. 473, 478 (2000) (Federal courts "retain broad

powers to prevent duplicative or unnecessary litigation."); *see also Bakhronov v. Warden, Golden State Annex*, No. 26-cv-4342, 2026 WL 1826486, at *2 (E.D. Cal. June 24, 2026) (denying request for TRO and dismissing second habeas petition under the first-to-file rule).

**C. Ibarra Perez**

**Question 3:** "Address the applicability of the Ninth Circuit's holding in *Ibarra-Perez v. United States*, 154 F.4th 989 (9th Cir. 2025), that due process claims are not barred by 8 U.S.C. § 1252(g)." Dkt. No. 20 at 2.

**Response to Question 3:** Respondents do not contest that due process claims are not barred by 8 U.S.C. § 1252(g). However, the § 1252(g) analysis in *Ibarra-Perez* is not applicable because in that case the plaintiff did not challenge the discretionary decision of whether or when to remove him, but rather sought tort damages for an alleged illegal removal to a third country to which he not been ordered removed by an immigration judge. In those circumstances, the due process claims "do not arise from a 'decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien,' but instead constitute 'general collateral challenges to unconstitutional practices and policies used by the agency.'" *Walters v. Reno*, 145 F.3d 1032, 1052 (9th Cir. 1998). Here, by contrast, ICE seeks to detain Petitioner to effectuate her removal to the country to which the immigration judge ordered her removed. ICE's decision to detain Petitioner to remove her pursuant to a valid removal order cannot be separated from ICE's discretionary decision of when to remove her. Petitioner's challenge to her detention is essentially an attempt to stay her removal. The claims therefore arise from the decision to execute the removal order, and this Court does not have jurisdiction to intervene in that decision.

In *Ibarra-Perez*, the Ninth Circuit held that 8 U.S.C. § 1252(g) did not prevent the district court from hearing a Cuban-citizen plaintiff's challenge of his removal to Mexico, when an immigration judge had ordered him removed to Cuba only. 154 F.4th at 991, 996–97 ("Because Mexico was not mentioned in the order of removal, Ibarra-Perez does not challenge the 'execution' of his removal order."). Specifically, the Court found Ibarra-Perrez's suit was not barred under § 1252(g) because he did "not challenge ICE's discretionary authority to decide 'when' or 'whether' to execute a removal order" but instead "he challenges ICE's separate decision about *where* to send him. *Id.* at 997 (emphasis in original). Here, Petitioner is in a much different situation, as she is challenging her detention for the

purpose of executing her removal to China, the only country an immigration judge explicitly ordered her removed to. Specifically, she is asking the Court to dictate *when* ICE executes that removal order. *See* Dkt. Nos. 1 at 20 ("Stay Petitioner's removal from the United States, and enjoin Respondents from executing her removal, unless and until the immigration court adjudicates her pending motion[s] . . . and for a reasonable period thereafter"); 2 at 2 (same).

A petitioner seeking habeas relief must demonstrate that "he is in custody in violation of the Constitution or laws or treaties of the United States". 28 U.S.C. § 2241(c)(3). The protections of habeas corpus extend to those in immigration detention. *See Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075-76 (9th Cir. 2006). "[D]istrict courts retain jurisdiction under 28 U.S.C. § 2241 to consider habeas challenges to immigration detention that are sufficiently independent of the merits of [a] removal order." *Lopez-Marroquin*, 955 F.3d at 759; *see also Limpin v. United States*, 828 Fed. App'x 429 (9th Cir. 2020) (holding district court properly dismissed action under 8 U.S.C. § 1252(g) "because claims stemming from the decision to arrest and detain an alien at the commencement of removal proceedings are not within any court's jurisdiction"); *see also Sissoko v. Rocha*, 509 F.3d 947 (9th Cir. 2007) (holding that the district court lacked jurisdiction over the Sissokos' Fourth Amendment-based damages claim because it "aris[es] from the decision or action by the Attorney General to commence [removal] proceedings.") (citing 8 U.S.C. § 1252(g)). The decision to detain a noncitizen to execute a removal order and the decision to execute a removal order are inextricably linked.

Petitioner cannot avoid § 1252(g)'s jurisdictional bar by arguing that she is not challenging the removal order itself but instead the detention to effectuate removal. "No matter how [Petitioner] frames it, his challenge is to the Attorney General's exercise of his discretion to execute [his] removal order, which we have no jurisdiction to review." *Rauda*, 55 F.4th at 778; *see also Xiaoyuan Ma v. Holder*, 860 F. Supp. 2d 1048, 1059 (N.D. Cal. 2012) ("Clearly, the relief she seeks—and the claim(s) upon which that relief is based—is one that that is connected 'directly and immediately' to a 'decision or action' by the Attorney General to execute a removal order."); *id.* ("the Court is also forced to conclude that § 1252(g) bars the grant of habeas relief because the section applies to a 'decision or action' to 'execute removal orders.' This is exactly what Petitioner seeks to stay in her prayer of relief.") (quoting 8 U.S.C.

§ 1252(g)). As Petitioner's due process claims arising of the revocation of her OSUP fail on the merits, the Court is bound by the jurisdiction-limiting provision at 8 U.S.C. § 1252(g) to enjoin Petitioner's detention for removal.

**D. This Court Lacks Jurisdiction under the All Writs Act**

**Question 4:** "Address the Court's jurisdiction to stay removal pending decision on the habeas petition pursuant to the All Writs Act, 28 U.S.C. § 1651. *See, e.g., Qu v. Mullin*, No. EDCV 26- 1302 CAS (PVC), 2026 WL 1658501, at *1-2 (C.D. Cal. June 5, 2026)." Dkt. No. 20 at 2.

**Response to Question 4:** Congress has explicitly precluded review when a noncitizen "seeks to enjoin the government from removing him—or in other words, enjoin 'action by the Attorney General to ... execute removal orders against [Petitioner].'" *Rauda*, 55 F.4th at 777 (quoting 8 U.S.C. § 1252(g)). In so many words, the statute explicitly encompasses 28 U.S.C. § 1651, the All Writs Act, in its preclusive scope: Section 1252(g) precludes review "notwithstanding any other provision of law . . . including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and *1651 of such title*." 8 U.S.C. § 1252(g) (emphasis added); *see also* 8 U.S.C. § 1252(f)(2) ("Notwithstanding any other provision of law, no court shall enjoin the removal of any alien pursuant to a final order under this section unless the alien shows by clear and convincing evidence that the entry or execution of such order is prohibited as a matter of law."). "While the All Writs Act authorizes employment of extraordinary writs, it confines the authority to the issuance of process 'in aid of' the issuing court's jurisdiction. . .; the Act does not enlarge that jurisdiction." *Clinton v. Goldsmith*, 526 U.S. 529, 534–35 (1999). As such, the All Writs Act does not expand the Court's jurisdiction allowing it to stay removal.

In *Qu*, a TRO was in place, and the district court had not yet ruled on the habeas petition or whether a preliminary injunction should issue. 2026 WL 1658501 at *1. The district court issued a stay of removal pending determination on the habeas petition, seemingly disposing of any adjudication on a preliminary injunction. *Id.* Notably, in *Qu,* the district court stayed removal solely until it could decide if it had subject matter jurisdiction to rule on the pending petition. *Id.* at 2 (enjoining removal until Petition is decided and order Petitioner to show cause why the Petition shouldn't be dismissed). Similarly, a stay of removal here would solely be to determine if the Court has jurisdiction, which it will likely do in any order on the motion for preliminary injunction. But if the Court were to grant the preliminary injunction, it would not be able to enjoin removal as it lacks jurisdiction to do so. *See* 8 U.S.C. §§ 1252(f)(2), (g);

*see also Doe v. Bondi*, No. 25-cv-805, 2025 WL 1870979, at *2 (S.D. Cal. June 11, 2025) (finding that "a limited-duration stay to maintain the status quo is appropriate" until the Court can determine whether it has jurisdiction); *Garrido v. Mullin*, No. 26-cv-2230, 2026 WL 1250271, at *1 (C.D. Cal. May 1, 2026) ("the Court denied Petitioner's request for a preliminary injunction, concluding that it lacked jurisdiction to enjoin execution of Petitioner's final order of removal under *Rauda*").

"A stay 'simply suspend[s] judicial alteration of the status quo,' while injunctive relief 'grants judicial intervention that has been withheld by lower courts.'" *Nken v. Holder,* 556 U.S. 418, 429 (2009) (quoting *Ohio Citizens for Responsible Energy, Inc. v. NRC*, 479 U.S. 1312, 1313 (1986) (Scalia J., in chambers)). The Supreme Court has held appellate courts may enter a stay of removal pending adjudication of a petition for review. *Nken v. Holder*, 556 U.S. 418, 429 (2009). However, this Court, like the district court in *Qu*, is not an appellate court, and lacks jurisdiction to review Petitioner's removal order. *See Nasrallah v. Barr*, 590 U.S. 573, 580 (2020) ("[F]inal orders of removal may not be reviewed in district courts, even via habeas corpus, and may be reviewed only in the courts of appeals.") (citing 8 U.S.C. § 1252(a)(5). As such, any stay of removal issued by this Court can only be for the purposes of preserving the Court's jurisdiction until it can determine whether it has jurisdiction over the action, which Respondents contend it does not. *See also Munaf v. Geren*, 553 U.S. 674, 690–91 (2008) ("we hold that it was an abuse of discretion for the District Court to grant a preliminary injunction on the view that the "jurisdictional issues" in Omar's case were tough, without even considering the merits of the underlying habeas petition.").

### E. Jurisdiction Over Mental-Health Related Safeguards

**Question 5:** "Address the Court's jurisdiction to impose mental-health related safeguards on removal. *See, e.g., Garrido v. Mullin*, No. 5:26-cv-02230-AB-AJR, 2026 WL 1250271, at *1, *5 (C.D. Cal. May 1, 2026) ('Courts have permitted injunctive relief addressing medical needs and disability accommodations during removal proceedings.')." Dkt. No. 20 at 2.

**Response to Question 5:** Respondents contend that the Court lacks jurisdiction to impose mental-health related safeguards on removal because it is not a question before the Court and falls under ICE's discretion to execute a removal order. Petitioner has not raised these issues, nor requested injunctive relief to supply any safeguards. Additionally, the Court's ability to place conditions or safeguards on removal is outside the scope of habeas.

28 U.S.C. § 2241 allows a federal prisoner or immigration detainee "to challenge 'the legality or duration' of confinement." *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (quoting *Preiser v. Rodriguez,* 411 U.S. 475, 484 (1973)). As discussed above, 8 U.S.C. § 1252(g) limits the Court's jurisdiction over ICE's execution of a removal order.

In *Garrido*, "Petitioner . . . filed a new *ex parte* application for a temporary restraining order . . . [which] seeks relief directed primarily at the conditions of Petitioner's custody and transport". 2026 WL 1250271 at *1. The *Garrido* court went on to note that "the record reflects that Respondents attempted to transport Petitioner without necessary medications, failed to diagnose or treat her kidney infection for approximately one month, withheld prescribed lupus medications for multiple consecutive days, and contemplated removal during an active course of antibiotic treatment without documented specialist clearance." *Id.* at *6. In sum, the injunctive relief regarding medical care during Petitioner's removal was a question specifically put before the Court based on documented past concerns. *See De Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945) ("It is not an injunction in the cause, and it deals with a matter lying wholly outside the issues in the suit."). Here, Petitioner has not identified medical concerns that occurred during her detention for removal, nor could she as her habeas petition and motion for temporary restraining order were filed prior to any re-detention.

The "core of habeas" pertains only to claims where release is the only available remedy. *See Pinson v. Carvajal*, 69 F.4th 1059, 1070 (9th Cir. 2023). Recently, a court in this district found that "*Pinson* leaves open the question of whether a conditions of confinement claim could be brought in a petition for writ of habeas corpus where the conditions render civil detention punitive in a manner that can only be remedied by release." *Guillermo M.R. v. Albarran*, No. 25-cv-5436, 2026 WL 1486580, at *5 (N.D. Cal. May 27, 2026). However, here Petitioner was not detained when she filed her habeas petition and therefore cannot challenge the conditions of confinement. As such, any future mental-health safeguards would be outside the scope of habeas. *Cf. Hassan v. Blanche*, No. C25-2444, 2026 WL 2137283, at *7 (W.D. Wash. July 24, 2026) (granting habeas relief based on medical conditions when "Petitioner has now been detained for a year, during which time his medical condition has deteriorated, he has been diagnosed with end-stage renal disease, and he has come to require continuous, life-preserving therapy.").

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Respectfully submitted,

CRAIG H. MISSAKIAN
United States Attorney

*/s/ Michael J. Starrett*
MICHAEL J. STARRETT
Special Assistant United States Attorney

Attorneys for Respondents