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9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12 HOMERO GARCIA,

13 Petitioner,

14 v.

15 KRISTI NOEM, Secretary, Department
16 of Homeland Security, et al.,

17 Respondents.
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No. 2:25-cv-09474-KK-AS

**FEDERAL RESPONDENTS'
RESPONSE TO ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

RESPONDENTS' OPPOSITION TO OSC RE: PRELIMINARY INJUNCTION

On October 9, 2025, the Court issued an order [Dkt. 7] providing that the Respondents are enjoined from continuing to detain the Petitioner unless they are provided bond hearings before an immigration judge pursuant to 8 U.S.C. § 1226(a). The Court's order further required Respondents to show cause as to why a preliminary injunction should not issue.

Respondents understand that Petitioner is scheduled for a custody redetermination hearing in Immigration Court today, October 16, 2025. Respondents anticipate shortly filing a supplemental notice updating the Court on the Petitioner's bond hearing status.

Providing the Petitioner with the 1226(a) bond hearing moots the requested preliminary injunction and this habeas petition more generally, as has been recognized in numerous other parallel cases raising this claim in this district. *See, e.g., Javier Gonzales et al. v. Kristi Noem et al.*, 5:25-cv-02054-ODW-BFM, Dkt. no. 16 (August 25, 2025 minute order by Hon. Judge Wright, denying as moot the petitioners' pending request for a preliminary injunction given their receipt pursuant to a TRO of 1226(a) bond hearings and issuing the petitioners an order to show cause re: dismissal); Dkt. no. 17 (notice of voluntary dismissal); and Dkt. no. 18 (order dismissing petition). *See also Moises Salomon Zaragoza Mosqueda v. Kristi Noem et al.*, 5:25-cv-002304-CAS-BFM, Dkt. no. 15 (September 17, 2025 minute order by Hon. Judge Snyder, denying preliminary injunction and issuing OSC re dismissal for mootness given the petitioners' receipt of immigration bond hearings); and Dkt. no. 16 (notice of voluntary dismissal).

While Respondents continue to oppose the issuance of a preliminary injunction pursuant to the legal positions stated in the Respondents' brief in opposition to the Petitioner's *ex parte* application for a temporary restraining order, and the Respondents maintain that those positions warrant denying a preliminary injunction on the merits, the issue is mooted in any event by the TRO's issuance and the subsequent provision of the bond hearing for the Petitioner.

1 Accordingly, following the provision of the hearing, the OSC re: preliminary
2 injunction should be discharged, and the Petitioner should either voluntarily dismiss their
3 Petition or else be required to respond to an OSC re: Dismissal.

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5 Respectfully submitted,

6 Dated: October 16, 2025

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10 /s/ Daniel A. Beck

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14 **LOCAL RULE 11-6.2 CERTIFICATE OF COMPLIANCE**

15 The undersigned, counsel of record for the Federal Respondents certifies that this
16 brief contains 345 words, which complies with the word limit of L.R. 11-6.1.

17
18 Dated: October 16, 2025

/s/ Daniel A. Beck
19 DANIEL A. BECK