

1 TODD BLANCHE
Deputy Attorney General
2 BILAL A. ESSAYLI
First Assistant United States Attorney
3 DAVID M. HARRIS
Assistant United States Attorney
4 Chief, Civil Division
DANIEL A. BECK
5 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
6 JOSEPH W. TURSI (Cal. Bar No. 300063)
Assistant United States Attorney
7 Federal Building, Suite 7516
300 North Los Angeles Street
8 Los Angeles, California 90012
Telephone: (213) 894-3989
9 E-mail: Joseph.Tursi@usdoj.gov

10 Attorneys for Federal Respondents

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 ISAUL ALTAMIRO RAMOS,

15 Petitioner,

16 v.

17 TODD LYONS, Acting Director,
Immigration Customs and Enforcement,
18 et al.,

19 Respondents.
20
21
22
23
24
25
26
27
28

No. 2:25-cv-09785-SVW-AJR

**FEDERAL RESPONDENTS'
OPPOSITION TO PETITIONER'S
MOTION FOR RECONSIDERATION**

Hearing Date: January 12, 2026
Hearing Time: 1:30 p.m.
Courtroom: 10A

Honorable Stephen V. Wilson
United States District Judge

OPPOSITION

I. INTRODUCTION

Petitioner Isaul Altamirano Ramos (“Petitioner”) seeks reconsideration of the Court’s November 12, 2025, Order Denying Ex Parte Application for a Temporary Restraining Order [Dkt. 8] (“the Order”) but fails to meet any of the narrow and exceptional bases for reconsideration under Local Rule 7-18. Petitioner instead simply disagrees with the Court’s prior analysis and seeks a second opportunity to relitigate arguments that were already presented – and rejected.

Petitioner first argues that the Court should have considered other authorities cited in his *ex parte* application (Dkt. 3), but overlooks that these cases are non-binding on this Court. Indeed, Petitioner identifies no controlling authority that the Court overlooked. Next, Petitioner erroneously states that he was arrested pursuant to an administrative warrant. Setting aside that the Order already analyzed the circumstances of Petitioner’s “encounter” with U.S. Immigration and Customs Enforcement (“ICE”) (*id.*, Ex. B at 2), such “facts” were available before the TRO ruling, and in any event does not alter the statutory framework governing Petitioner’s mandatory detention. Put differently, the Court’s conclusion that 8 U.S.C. § 1225 applies here was correct regardless of any administrative paperwork. Finally, Petitioner asks that the Court consider *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (“*Bautista*”). Nothing in *Bautista*, however, merits reconsideration of the Order here. In *Bautista*, the court did not issue a class-wide declaratory judgment, and it does not have preclusive effect on this case.

Respondents respectfully request that the Court deny Petitioner’s motion for reconsideration.

II. RELEVANT BACKGROUND

On June 12, 2025, Petitioner “was encountered” by ICE officials at a shopping center in Buena Park, California, where he was removed from his vehicle and detained for refusing to talk to the officials. See Dkt. 3, Ex. B at 2. Petitioner was transported to the Adelanto Detention facility, where he remains, pending removal proceedings. *Id.*

1 Petitioner was granted a bond hearing, which was held before an immigration judge (“IJ”)
2 on August 7, 2025. *Id.* However, the IJ did not reach the merits on the issue of bond,
3 finding a lack of jurisdiction because Petitioner was supposedly detained under the
4 mandatory detention provision of 8 U.S.C. § 1225(b)(2). *Id.*

5 On October 13, 2025, Petitioner filed a Petition for Writ of Habeas Corpus under
6 28 U.S.C. § 2241. Dkt. 1. The next day, Petitioner applied *ex parte* for a TRO, requesting
7 that the Court enjoin Respondents from continuing to detain him unless a bond hearing on
8 the merits before an IJ was provided within seven days. Dkt. 3 at 2. After full briefing
9 (Dkt. 4, 7), the Court issued the Order. Dkt. 8. As relevant here, the Court denied
10 Petitioner’s *ex parte* application after finding that he failed to show a likelihood of success
11 or serious question on the merits. *Id.* at 12. After careful analysis, the Court determined
12 that Petitioner was properly classified as a detainee under 8 U.S.C. § 1225(b)(2)(a), and
13 was therefore ineligible for a bond hearing under § 1226(a), such that no due process
14 violation occurred. *Id.* at 6-12.

15 Petitioner moved for reconsideration on November 26, 2025. Dkt. 12 (“Mot.”).

16 **III. LEGAL STANDARD**

17 Motions for reconsideration are governed by Fed. R. Civ. P. 59(e). Such motions
18 are “an extraordinary remedy, to be used sparingly in the interests of finality and
19 conservation of judicial resources.” *America Unites for Kids v. Lyong*, 2015 WL 5822578,
20 at *3 (C.D. Cal. Sept. 30, 2015) (citation and quotations omitted). “[A] motion for
21 reconsideration should not be granted absent highly unusual circumstances,” such as
22 where a district court “is presented with newly discovered evidence, committed clear error,
23 or if there is an **intervening change in the controlling law**.” *389 Orange St. Partners v.*
24 *Arnold*, 179 F.3d 656, 665 (9th Cir. 1999) (emphasis added).

25 Courts in this district have interpreted Local Rule 7-18 to be coextensive with Rules
26 59(e) and 60(b). *See Feltzs v. Cox Commc'ns Cal., LLC*, 562 F. Supp. 3d 535, 539 (C.D.
27 Cal. 2021). Under Local Rule 7-18, “[a] motion for reconsideration of an Order on any
28 motion . . . may be made only on the grounds of”:

1 (a) a material difference in fact or law from that presented to the Court that,
2 in the exercise of reasonable diligence, could not have been known to the
3 party moving for reconsideration at the time the Order was entered, or (b) the
4 emergence of new material facts or a change of law occurring after the order
5 was entered, or (c) a manifest showing of a failure to consider material facts
6 presented to the Court before the Order was entered.

7 No motion for reconsideration shall in any manner repeat any oral or written
8 argument made in support of or in opposition to the original motion.

9 “Unhappiness with the outcome is not included within the rule; unless the moving party
10 shows that one of the stated grounds for reconsideration exists, the Court will not grant a
11 reconsideration.” *Gish v. Newsom*, 2020 WL 6054912, at *2 (C.D. Cal. Oct. 9, 2020)
12 (citation omitted).

13 **IV. ARGUMENT**

14 **A. The Court Was Not Required to Follow Non-Binding Authority.**

15 Petitioner first argues that the Court did not address certain decisions cited in his
16 moving papers “in which 8 U.S.C. § 1226(a) was found to apply to individuals in nearly
17 identical facts to Petitioner.” Mot. at 4. Petitioner therefore implies that the Court should
18 have reached the same result here (thereby evincing that the purpose of this motion is
19 really a second attempt to relitigate arguments that were already rejected). Petitioner is
20 wrong. Each of the cited cases (two decisions from this District and one from the Western
21 District of Washington¹) are non-binding on this Court such that it was not required to
22 consider them. Indeed, “[a] decision of a federal district judge is not binding precedent in
23 either a different judicial district, the same judicial district, or even upon the same judge
24 in a different case.” *Camreta v. Greene*, 563 U.S. 692, 709 n.7 (2011).² What Petitioner

25
26 ¹ *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025), was cited in the
Order, but within the section entitled “The Jurisdictional Question.” See Dkt. 8 at 5.

27 ² On this point, the Court acknowledged that it had rejected Respondent’s arguments
28 in a different case. See Dkt. 8 at 6 (citation omitted). The Court noted, however, that “after
(footnote cont’d on next page)

1 has not shown is any *binding* authority that this Court did not consider.

2 And, while the three cited cases found that § 1226(a) applied to the petitioners in
3 those cases, other district court, including one other in this district, have found that it does
4 not. *See, e.g., Sandoval v. Acuna*, [2025 WL 3048926](#) (W.D. La. Oct. 31, 2025); *Hernandez*
5 *Cruz v. Noem, et al.*, No. 8:25-cv-02566-SB-MAA, [2025 WL 3482630](#) (C.D. Cal. Dec. 2,
6 2025) (denying *ex parte* application for TRO after finding petitioner subject to mandatory
7 detention under § 1225). Simply put, that other district courts that have considered similar
8 arguments have reached different results does not entitle Petitioner to the extraordinary
9 relief he seeks here. *See Kona Enterprises, Inc. v. Estate of Bishop*, [229 F.3d 877, 890](#) (9th
10 Cir. 2000) (“A [motion for reconsideration] may not be used to raise arguments or present
11 evidence for the first time when they could reasonably have been raised earlier in the
12 litigation.”).

13 **B. The Court Correctly Found that Petitioner Was Arrested Without a**
14 **Warrant And Petitioner Does Not Elicit New Facts To Show Otherwise.**

15 Petitioner next takes issue with the Court’s observation that he was arrested without
16 a warrant. *See* Mot. at 5 (citing Order at 8). Petitioner’s argument is unclear. He offers no
17 argument or analysis on this point. Instead, he cites to a Congressional website (which he
18 also attaches as an exhibit to the Motion). *See id.*, [Dkt. 12-1 at 4-10](#). It thus appears that
19 Petitioner is trying to assert that he was arrested pursuant to a warrant on June 12, 2025,
20 such that § 1226(a) would apply. But that is not what happened here.

21 As the Court correctly found, “Petitioner was not arrested pursuant to a warrant.”
22 Order at 8. Rather, he was “‘encountered’ by immigration officers, arrested without a
23 warrant, and taken into custody.” *Id.* (citing [Dkt. 3-1 at 9-10](#)). The Court goes on to analyze
24 the fact that an I-213 report notes that an administrative warrant and notice to appear was
25 later issued during Petitioner’s processing, “that administrative warrant was necessarily
26 issued after Petitioner was arrested and taken into custody. It therefore cannot be a warrant

27 _____
28 additional research and analysis, the court has concluded that Petitioner is subject to
mandatory detention under § 1225(b)(2)(a), and that Petitioner is not eligible for a bond
hearing under [8 U.S.C. § 1226\(a\)](#).” *Id.*

1 ‘leading to the alien’s arrest.’” *Id.* at 8 (citations omitted) (emphasis original).

2 Moreover, Petitioner does not explain how facts regarding the circumstances of his
3 arrest were unknown at the time he filed his *ex parte* application; Plaintiff therefore cannot
4 meet the Local Rule 7-18 motion for reconsideration requirements.

5 **C. *Bautista* Does Not Merit Reconsideration of the Order.**

6 As a final argument, Petitioner contends that the Court should consider two orders
7 issued by the *Bautista* court. Specifically, Petitioner observes that the *Bautista* court
8 certified a nationwide class of individuals “like Petitioner who entered the United States
9 without inspection as being eligible for bond under 8 U.S.C. § 1226(a).” Mot. at 6 (citation
10 omitted).

11 In *Bautista*, the court granted class certification and partial summary judgment for
12 the plaintiffs in that case, but did not issue a class-wide declaratory judgment nor did it
13 issue a class-wide injunction. *See Bautista*, Dkt. 81 (2025 WL 3288403) (C.D. Cal. Nov.
14 25, 2025)). Rather, the court set a January 9, 2026, joint status report deadline and January
15 16, 2026, status conference. 2025 WL 3288403, at *10. Until and unless the *Bautista* court
16 issues a class-wide declaratory judgment or injunction, the *Bautista* court’s opinion and
17 partial grant of summary judgment does not constitute a judgment. *See, e.g., Fed. R. Civ.*
18 P. 54(b) (judgment is not final if an order “adjudicates fewer than all the claims or the
19 rights and liabilities of fewer than all the parties”). As such, the *Bautista* opinions do not
20 have preclusive effect with respect to other cases like Petitioner’s. Rather, there is
21 currently no declaratory relief with respect to other cases filed by individuals who are now
22 *Bautista* class members raising claims concerning the proper interpretation of the
23 mandatory detention provisions.

24 Indeed, *Baustista* does not compel a custody redetermination (bond) hearing in this
25 case. While the issue is not yet resolved, it appears that (a) other habeas actions should
26 now be stayed or dismissed pending resolution of *Bautista*; since the certification of a Fed.
27 R. Civ. P. 23(b)(2) class precludes individual suits (like this one) for the same injunctive
28 or declaratory relief; and (b) the class certification order is not a “declaratory judgment”

1 because a court cannot grant declaratory relief prior to the entry of a final judgment, *i.e.*,
2 a declaratory judgment. *See Doran v. Salem Inn, Inc.*, 422 U.S. 922, 931 (1975) (“prior to
3 final judgment there is no established declaratory remedy comparable to a preliminary
4 injunction”).

5 In any event, the *Bautista* orders are not an intervening change to controlling
6 precedent that would merit reconsideration of the Order. *See 389 Orange St. Partners*, 179
7 F.3d at 665.

8 **V. CONCLUSION**

9 For the above reasons, the Court should deny the Motion. Additionally, as the Order
10 resolves the controversy, the Court should dismiss this action without prejudice. *See, e.g.*,
11 *Hernandez Cruz*, No. 8:25-cv-02566-SB-MAA (C.D. Cal.) [Dkt. 12].

12
13 Dated: December 15, 2025

Respectfully submitted,

14 TODD BLANCHE
Deputy Attorney General
15 BILAL A. ESSAYLI
First Assistant United States Attorney
16 DAVID M. HARRIS
Assistant United States Attorney
17 Chief, Civil Division
DANIEL A. BECK
18 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
19

20 /s/ Joseph W. Tursi
JOSEPH W. TURSI
21 Assistant United States Attorney

22 Attorneys for Federal Respondents

23 **L.R. 11-6.1 Certification**

24
25 The undersigned counsel of record for the Respondents certifies that this brief
26 contains 1,905 words, which complies with the word limit of L.R. 11-6.1.
27
28