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

11 EDWIN ROLANDO RAMIREZ-LIMA,

12
13 Petitioner,

14 v.

15 TODD LYONS, Acting Director,
16 Immigration Customs and Enforcement;
17 and ERNESTO SANTACRUZ, JR.,
18 Field Office Acting Director of
19 Enforcement and Removal Operations,
20 Immigration and Customs Enforcement;

21 Respondents.
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Case No. 2:25-CV-09890-DOC-MBK

Honorable David O. Carter

**REPLY IN SUPPORT OF EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

REPLY MEMORANDUM OF POINTS AND AUTHORITIES

1. INTRODUCTION

Petitioner Edwin Rolando Ramirez-Lima (Petitioner or “Mr. Ramirez-Lima”) files this short Reply in support of his Ex Parte Application for a Temporary Restraining Order (“TRO”) to address the issue raised by the Government that this Court lacks jurisdiction to address the claims for relief raised in Petitioner’s TRO.

Respondents broadly claim that this Court cannot entertain challenges to executive actions or decisions. (Dkt. 6). Respondents claim that 8 U.S.C. § 1252(g) strips this Court of jurisdiction. (Dkt. 6 at 5). However, 8 U.S.C. § 1252(g), is narrow and only applies to claims “arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removals against any alien under this chapter.” 8 U.S.C. § 1252(g). The Supreme Court previously characterized § 1252(g) as a narrow provision, applying “only to three discrete actions that the Attorney General may take: her ‘decision or action’ to ‘commence proceedings, adjudicate cases, or execute removal orders.’” *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). The Supreme Court found it “implausible that the mention of three discrete events along the road to deportation was a shorthand way to referring to all claims arising from deportation proceedings.” *Id.*

Here, Petitioner does not challenge the decision to commence proceedings, adjudicate cases, or execute removal orders. Petitioner is challenging whether he is subject to continued, mandatory detention without a bond hearing on the merits. Thus, 8 U.S.C. § 1252(g) does not pose a bar to this Court’s jurisdiction. *See Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 171364, *11 (C.D.Cal. July 28, 2025) (finding that claims regarding whether Petitioners are subject to mandatory detention during the pendency of their removal proceedings do not fall under § 1252(g)’s prohibition on judicial review). *See also Tut v. Noem*, No. 5:25-cv-02701-DOC-AGR, 2025 U.S. Dist. LEXIS 204616, at *6-7

1 (C.D. Cal. Oct. 16, 2025) (holding that § 1252(g) does not bar judicial review
2 because Petitioner’s “bond denial claims do not challenge any decision to commence
3 proceedings, adjudicate cases, or execute removal orders. . .”).

4 Next, Respondents’ claim that 8 U.S.C. § 1252(b)(9) deprives this Court of
5 jurisdiction because the TRO should have been brought before a Federal Court of
6 Appeal. (Dkt. 6 at 7). However, the “zipper clause” at 8 U.S.C. §1252(b)(9), does not
7 apply here because that section applies only to review of orders of removal, and as
8 noted above, Petitioner does not seek review of a order of removal but of continued,
9 mandatory detention without a bond hearing on the merits. *See Bautista*, 2025 U.S.
10 Dist. LEXIS 171364 at *10 (finding that “[w]ithout an order of removal, §
11 1252(b)(9) alone does not bar this Court from reviewing Petitioners’ TRO regarding
12 the legality of the new DHS policy and Bond Orders applying § 1225 rather than §
13 1226(a)”). *See also Tut*, 2025 U.S. Dist. LEXIS 204616, at *5 (holding that
14 §1252(b)(9) does not apply “because no Petitioner has a final removal order”).
15 Overall, § 1252(b)(9) does not bar this Court from judicial review because Petitioner
16 does not seek review of an order of removal, does not challenge the decision to
17 detain him, and is “not even challenging any part of the process by which their
18 removability will be determined.” *Tut*, 2025 U.S. Dist. LEXIS 204616, at *5 (citing
19 *Jennings v. Rodriguez*, 583 U.S. 281 at *294-295).

20 Finally, Respondents argue that 8 U.S.C § 1252(a), titled “Judicial Review of
21 Orders of Removal,” requires “that any issue—whether legal or factual—arising
22 from any removal-related activity can be reviewed only through the [petition-for-
23 review] process.” (Dkt. 6 at 7). But, § 1252(a)(2) contains four subsections, which
24 outlines categories of claims that are not subject to judicial review. 8 U.S.C §
25 1252(a)(2)(A)–(D). None of these subsections apply to this matter, because they do
26 not cite to § 1225(b)(2)(A) or § 1226(a), which are the two provisions Petitioner
27 challenges. *See Bautista*, 2025 U.S. Dist. LEXIS 171364 at *12. Further, 8 U.S.C §
28 1252(a)(5) only applies to judicial review of an order of removal, which is plainly

1 inapplicable here. As in *Bautista*, no part of § 1252 deprives this Court of
2 jurisdiction.

3 Accordingly, the Court has jurisdiction over Petitioner's challenge to his
4 mandatory detention. Simply put, nothing in the Immigration and National Act
5 precludes this Court from granting the requested TRO. Petitioner respectfully asks
6 the Court to grant his TRO.

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8 DATED: November 3, 2025

By: /s/ Bianca de la Vega

9 Bianca de la Vega

10 *Attorney for Petitioner*
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