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11 UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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14 YURI DECYATNIK,

15 Petitioner,

16 v.

17 KRISTI NOEM, et al.

18 Respondents.  
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No. 2:25-cv-10027-AH-PD

**RESPONDENTS' RESPONSE TO  
ORDER TO SHOW CAUSE WHY  
PRELIMINARY INJUNCTION  
SHOULD NOT BE ISSUED**

Hon. Anne Hwang  
United States District Judge

1       Petitioner, a detainee who was in immigration custody since May 2025 and who  
2 has a final removal order, filed a petition for writ of habeas corpus asking the Court to  
3 order his release. *See* Pet. for a Writ of Habeas Corpus (“Petition”), Docket No. 1.  
4 Petitioner then filed his Motion for Preliminary Injunction and Temporary Restraining  
5 Order (“TRO Application”) requesting the same relief, Docket No. 3. On December 27,  
6 2025, the Court granted Petitioner’s Application, ordering that he be immediately  
7 released from custody and reinstating Petitioner’s prior order of supervision. *See*  
8 *generally* Order Granting Application (“TRO”), Docket No. 24. The Court also ordered  
9 Respondents to show cause as to why a preliminary injunction should not issue in the  
10 case. *Id.* at 5.<sup>1</sup>

11       Pursuant to the TRO, Petitioner has since been released from custody.  
12 Accordingly, Petitioner has already obtained the complete relief sought in his Petition  
13 over which this Court has jurisdiction. *See, e.g.*, Petition ¶ at 9; *see also* 28 U.S.C. §  
14 2241(c) (“The writ of habeas corpus shall not extend to a prisoner unless [h]e is in  
15 custody.”). The Ninth Circuit has been fairly clear about the scope of habeas relief,  
16 explaining that “release from confinement is the only available remedy for claims at the  
17 writ’s core . . . .” *Pinson v. Carvajal*, 69 F.4th 1059, 1070 (9th Cir. 2023), *cert. denied*  
18 *sub nom. Sands v. Bradley*, 144 S. Ct. 1382 (2024); *see also id.* at 1076 (“Because  
19 [petitioner’s] claims lie outside the historic core of habeas corpus, we conclude the  
20 district court properly found it lacked jurisdiction to hear [his] petition.”).

21       Because government has already released Petitioner, the alleged injury—the  
22 detention itself—has ended, and there is no further relief for this Court to provide. As the  
23 Supreme Court has explained, once a challenged restraint has ceased to have any  
24 continuing effect, “mootness . . . simply deprives us of our power to act; there is nothing  
25 for us to remedy, even if we were disposed to do so.” *Spencer v. Kemna*, 523 U.S. 1, 18  
26 (1998). “[T]he Ninth Circuit [too] has long held that [ ] ‘the writ of habeas corpus is

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28       <sup>1</sup> Respondents sincerely apologize for not filing this response to the Order to Show Cause on January 7, 2026.

1 limited to attacks upon the legality or duration of confinement.” *Pinson*, 69 F.4th at  
2 1065 (citing *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)); *see also Preiser v.*  
3 *Rodriguez*, 411 U.S. 475, 484 (1973) (“It is clear . . . from the common-law history of  
4 the writ . . . that the essence of habeas corpus is an attack by a person in custody upon  
5 the legality of that custody, and that the traditional function of the writ is to secure  
6 release from illegal custody.”); *Skinner v. Switzer*, 562 U.S. 521, 525 (2011) (“Habeas is  
7 the exclusive remedy . . . for the prisoner who seeks immediate or speedier release from  
8 confinement. Where the prisoner’s claim would not necessarily spell speedier release, . .  
9 . suit may be brought under § 1983.” (cleaned up)).

10 Nor can Petitioner salvage either his habeas claim or his request for injunctive  
11 relief by speculating that he might be re-detained unlawfully at some indefinite point in  
12 the future. Article III requires a concrete, actual or imminent injury; mere speculation  
13 about possible future injury is insufficient. *See, e.g., City of Los Angeles v. Lyons*, 461  
14 U.S. 95, 102 (1983) (making plain that plaintiff must show an injury or threat of injury  
15 that is “real and immediate,” not “conjectural” or “hypothetical”); *Whitmore v. Arkansas*,  
16 495 U.S. 149, 158 (1990) (“Each of these cases demonstrates what we have said many  
17 times before and reiterate today: Allegations of possible future injury do not satisfy the  
18 requirements of Art. III. A threatened injury must be ‘certainly impending’ to constitute  
19 injury in fact.”). Relatedly, the mere “possibility” of irreparable harm is insufficient to  
20 sustain his burden here. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S.  
21 7, 22 (2008). Instead, he must show “immediate threatened injury.” *Caribbean Marine*  
22 *Servs. Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *L.A. Mem’l*  
23 *Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)). He  
24 cannot do so.

25 Indeed, “[i]ssuing a preliminary injunction based only on a possibility of  
26 irreparable harm is inconsistent with [the Supreme Court’s] characterization of  
27 injunctive relief as an extraordinary remedy that may only be awarded upon a clear  
28 showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. “Absent a

1 sufficient likelihood that [he] will again be wronged *in a similar way*,” *Lyons*, 461 U.S.  
2 at 111 (emphasis added), Petitioner cannot establish standing to seek an injunction much  
3 less irreparable harm. *See, e.g., Hai Chieu Dam v. Timothy Robbins*, 2:25-cv-08133-  
4 JWH-MAA, Docket No. 7 at 6 (C.D. Cal. Sept. 16, 2025) (declining to address whether  
5 petitioner was “in custody” because petition for an injunction barring re-detainment was  
6 not ripe). Recently, where a petitioner argued that “his future detention is not speculative  
7 because the call-in for a physical appointment is a typical ruse to re-detain noncitizens  
8 on supervised release, and that he still faces a risk of unlawful future detention,” the  
9 court found that he “fail[ed] to sufficiently allege an injury or threat of injury because the  
10 event giving rise to the Petition has passed and Petitioner’s alleged threat of future injury  
11 is too speculative and unripe” and relatedly that he “fail[ed] to present sufficient  
12 allegations or evidence of the threat of future injury to confer Article III standing.” *J.P.*  
13 *v. Santacruz*, No. 8:25-CV-01640-FWS-JC, 2025 WL 2998305, at \*4 (C.D. Cal. Oct. 24,  
14 2025). *See also Nam Su Hoang v. Santacruz*, No. 5:25-cv-02766-JGB-DSR, Docket No.  
15 22 at 1 (C.D. Cal. Jan. 7, 2026) (dismissing habeas petition for lack of Article III  
16 standing following release from custody because claims concerning re-detention and  
17 third country removal are “too speculative to warrant relief”). Because Petitioner is no  
18 longer in custody, cannot show any continuing collateral consequence that this Court  
19 could redress via habeas, and relies only on speculative future harm, his habeas petition  
20 is rendered moot. Without a live underlying claim, he cannot show likelihood of success  
21 on the merits or irreparable harm.

22 Accordingly, a preliminary injunction should be denied and the Petition should be  
23 dismissed.

1 Dated: January 8, 2026

Respectfully submitted,

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