

1 BILAL A. ESSAYLI
First Assistant United States Attorney
2 DAVID M. HARRIS
Assistant United States Attorney
3 Chief, Civil Division
DANIEL A. BECK (Cal. Bar No. 204496)
4 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
5 Federal Building, Suite 7516
300 North Los Angeles Street
6 Los Angeles, California 90012
Telephone: (213) 894-8974
7 E-mail: Daniel.Beck@usdoj.gov
8 Attorneys for Federal Respondents

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

12 GERMAN ESPINOZA MAXIMO,

13 Petitioner,

14 v.

15 FERETI SEMAIA, Warden of the Geo
16 Group Adelanto ICE Processing Center,
17 et al.,

18 Respondents.

No. 2:25-cv-10299-WLH-SK

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

Honorable Wesley L. Hsu
United States District Judge

RESPONDENTS' OPPOSITION TO OSC RE: PRELIMINARY INJUNCTION

On November 10, 2025, the Court issued an order [[Dkt. 8](#)] providing that the Respondents are enjoined from continuing to detain the Petitioner unless he is provided a bond hearing before an immigration judge pursuant to [8 U.S.C. § 1226\(a\)](#) within seven days—meaning by November 17, 2025. The Court's order further required Respondents to show cause as to why a preliminary injunction should not issue, and set a hearing for 2:00 p.m. on November 14, 2025. Respondents hereby show such cause.

At the outset, Respondents suggest that it is impractical to schedule a preliminary injunction hearing on November 14, 2025, when that is just four days after the TRO was issued, and well before the deadline set for their compliance with the TRO, which is November 17, 2025. In almost all other similar cases in this District involving this issue (there have been dozens), the Respondents' deadline to respond to an OSC re: PI has been set several days *after* expiration of the TRO's seven-day deadline for providing bond hearings; in turn, a PI hearing is then scheduled about two weeks after the TRO is issued. Bond hearings have been provided in each such case to date by the end of the TRO's seven-day deadline. At that point, the petitioner then either voluntarily dismisses the case, having obtained their bond hearing, or else the Respondents submit an OSC response explaining that the bond hearing has been provided (and typically attaching the resulting bond hearing order), such that the pending OSC re: preliminary injunction and its hearing have been mooted.

Here, the Respondents anticipate that (as with other cases) Petitioner will receive a bond hearing by the TRO's seven-day deadline, which will moot this case and the preliminary injunction. However, that bond hearing is unlikely to happen by November 14, 2025; if it does, it would probably be held on November 14 (i.e. it may not be before the PI hearing that the Court has scheduled for the afternoon of November 14).

In connection with this OSC response, the Respondents thus would respectfully propose that the current PI hearing in this Court be moved until the end of next week, i.e. November 21, 2025, when it will almost certainly have been mooted by the provision of a

1 bond hearing within the TRO's deadline, rendering the PI hearing unnecessary.

2 Providing the Petitioner with the § 1226(a) bond hearing, or otherwise releasing
3 them from detention, moots the requested preliminary injunction and this habeas petition
4 more generally. *See, e.g., Javier Gonzales et al. v. Kristi Noem et al.*, 5:25-cv-02054-
5 ODW-BFM, Dkt. no. 16 (August 25, 2025 minute order by Hon. Judge Wright, denying
6 as moot the petitioners' pending request for a preliminary injunction given their receipt
7 pursuant to a TRO of 1226(a) bond hearings and issuing the petitioners an order to show
8 cause re: dismissal); Dkt. no. 17 (notice of voluntary dismissal); and Dkt. no. 18 (order
9 dismissing petition). *See also Moises Salomon Zaragoza Mosqueda v. Kristi Noem et al.*,
10 5:25-cv-002304-CAS-BFM, Dkt. no. 15 (September 17, 2025 minute order by Hon. Judge
11 Snyder, denying preliminary injunction and issuing OSC re dismissal for mootness given
12 the petitioners' receipt of immigration bond hearings); Dkt. no. 16 (notice of voluntary
13 dismissal); *Coc Tut v. Kristi Noem*, 5:25-cv-02701-DOC (October 30, 2025 order denying
14 preliminary injunction as moot and issuing OSC re: dismissal where bond hearings were
15 provided to detainees pursuant to TRO).

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

19
20 Respectfully submitted,

21 Dated: November 11, 2025

BILAL A. ESSAYLI
First Assistant United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
DANIEL A. BECK
Assistant United States Attorney
Chief, Complex and Defensive Litigation Section

25 /s/ Daniel A. Beck*

26 DANIEL A. BECK
27 Assistant United States Attorney

28 Attorneys for Federal Respondents