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

13 ALMA MARTINEZ CRUZ,
14 Petitioner,
15 v.
16 TODD LYONS; *et al.*,
17 Respondents.

No. 5:25-cv-02879-MCS-MBK

**OPPOSITION TO PETITIONER'S
MOTION FOR LEAVE FOR
EXPEDITED DISCOVERY**

Honorable Mark C. Scarsi
United States District Judge

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20 Respondents oppose Petitioner's Motion for Leave for Expedited Discovery (Dkt.
21 13), which was filed in disregard of the requirements of the Local Rules, the Federal
22 Rules of Civil Procedure, and *Mission Power Engineering v. Cont'l Casualty Co.*, 883 F.
23 Supp. 488 (C.D. Cal. 1995). Petitioner's violations are so flagrant that Respondents
24 submit this immediate opposition and respectfully request that the Motion be stricken.
25 After the Motion was filed, as a courtesy, the undersigned defense counsel called
26 Petitioner's counsel, Jean Reisz, and requested that Petitioner withdraw the Motion. The
27 request was declined.
28

1 As a preliminary matter, Petitioner was released on November 5, 2025, soon after
2 the Court orally ordered Petitioner's release at the hearing on Petitioner's *ex parte*
3 application for a temporary restraining order. Because Petitioner has been released and is
4 thus no longer in immigration custody, there is no further relief this Court can provide.
5 *See Picrin-Peron v. Rison*, 930 F.2d 773, 775-76 (9th Cir. 1991). Therefore, the case is
6 moot and should be dismissed.¹

7 As Petitioner's counsel acknowledge in the Motion, they failed to comply with the
8 meet and confer requirements of Local Rule 7-3. *See CarMax Auto Superstores*
9 *California LLC v. Hernandez*, 94 F. Supp. 3d 1078, 1087 (C.D. Cal. 2015) (citing cases)
10 ("When a party fails to comply with Local Rule 7-3, the court can, in its discretion,
11 refuse to consider the motion."). What Petitioner's counsel does not state in their Motion
12 is that they disregarded the Local Rules, *even after being reminded of their obligations*
13 *by defense counsel*. *See Exhibit A* (11/10/2025 email between counsel). Moreover, the
14 team of lawyers representing Petitioner did not include a notice of motion, a Local Rule
15 7-3 compliance statement, or notice the Motion for a hearing date, as required by the
16 Local Rules. They also failed to serve a copy of the requested interrogatories prior to
17 filing the Motion.

18 The Motion seeks expedited *ex parte* relief but Petitioner has failed to establish
19 good cause under *Mission Power Engineering Co. v. Continental Cas. Co.*, 883 F. Supp.
20 488, 490 (C.D. Cal. 1995). *Mission Power* warned of how *ex partes* "pose a threat to the
21 administration of justice," calling out situations where "the moving party's papers reflect
22 days, even weeks, of investigation and preparation; the opposing party has perhaps a day
23 or two... The goal often appears to be to surprise opposing counsel or at least to force
24

25 ¹ The case or controversy requirement of Article III of the Constitution deprives
26 federal courts of jurisdiction to hear moot cases. *See Iron Arrow Honor Society v.*
27 *Heckler*, 464 U.S. 67, 70 (1983). A case becomes moot if the "issues presented are no
28 longer 'live' or the parties lack a legally cognizable interest in the outcome." *Murphy v.*
Hunt, 455 U.S. 478, 481 (1982). Federal courts do not have the power to decide a case
that does not affect the rights of a litigant in the case before it. *See Mitchell v. Dupnik*, 75
F.3d 517, 527-28 (9th Cir. 1996).

1 him or her to drop all other work to respond on short notice.” *Mission Power*, 883 F.
2 Supp. at 490. That is precisely what happened here. Petitioner proceeded with filing the
3 motion hours before the start of a federal holiday. Petitioner, who has already been
4 released, has not shown how she will be prejudiced by proceeding on a normal motion
5 schedule.

6 Finally, Petitioner wholly fails to establish good cause for early discovery on an
7 expedited schedule. A party seeking to conduct discovery in advance of the Rule 26(f)
8 conference “has the burden of showing good cause for the requested departure from
9 usual discovery procedures.” *Haddock v. Countrywide Bank, N.A.*, 2014 WL 12617276,
10 at *2 (C.D. Cal. Dec. 19, 2014) (internal quotation and citation omitted). “[I]n every
11 case, the court has the discretion, in the interests of justice, to prevent excessive or
12 burdensome discovery.” *Am. LegalNet, Inc. v. Davis*, 673 F. Supp. 2d 1063, 1067 (C.D.
13 Cal. 2009) (citation omitted). Here, Petitioner failed to carry her burden to demonstrate
14 good cause, especially given that this case should be dismissed as moot. *See, e.g., Javier*
15 *Gonzales et al. v. Noem*, 5:25-cv-02054-ODW-BFM, Dkt. 16 (in another case filed by
16 Petitioner’s counsel, August 25, 2025 minute order by Hon. Judge Wright, denying as
17 moot the petitioners’ pending request for a preliminary injunction given their receipt
18 pursuant to a TRO of 1226(a) bond hearings and issuing the petitioners an order to show
19 cause re: dismissal); Dkt. 17 (notice of voluntary dismissal); and Dkt. 18 (order
20 dismissing petition). *See also Moises Salomon Zaragoza Mosqueda v. Noem*, 5:25-cv-
21 002304-CAS-BFM, Dkt. 15 (September 17, 2025 minute order by Hon. Judge Snyder,
22 denying preliminary injunction and issuing OSC re dismissal for mootness given the
23 petitioners’ receipt of immigration bond hearings); and Dkt. 16 (notice of voluntary
24 dismissal).

25 In conclusion, Respondents respectfully request that the Motion be denied, or
26 alternatively stricken, for its egregious disregard of numerous Local Rules.

1 Dated: November 10, 2025

Respectfully submitted,

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