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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

**RESPONDENTS' OPPOSITION TO
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

[Declaration of Deportation Officer filed
concurrently]

Hearing Date: November 24, 2025
Hearing Time: 9 a.m.
Location: 7C

Honorable Mark C. Scarsi
United States District Judge

RESPONDENTS' OPPOSITION TO OSC RE: PRELIMINARY INJUNCTION

On November 6, 2025, the Court entered an order [[Dkt. 12](#)] releasing Petitioner Alma Martinez Cruz from detention and enjoining Respondents from re-detaining Petitioner without providing her a pre-detention hearing before a neutral immigration judge. The Court's order further required Respondents to show cause as to why a preliminary injunction should not issue.

Petitioner was released on November 5, 2025, the same day on which the Court orally ordered Petitioner's release at the conclusion of the hearing on Petitioner's TRO application. Attached is the Declaration from a Deportation Officer Leticia Pompa explaining that after release, Petitioner reported to Alternatives to Detention (ATD) on November 12, 2025 and that she is scheduled to report back to ATD on December 19, 2025. Ex. 1 (Pompa Decl.) ¶ 15. In addition, after Petitioner's release, Petitioner's removal case was transferred to the non-detained docket and is pending a new hearing date before an Immigration Judge. *Id.* ¶ 14. According to Petitioner, she is represented by counsel in her removal proceedings. [Dkt. 2-2](#), Ex. I, ¶ 6.

Releasing Petitioner moots the requested preliminary injunction and this habeas petition more generally. *See Iron Arrow Honor Society v. Heckler*, [464 U.S. 67, 70](#) (1983); *United States v. Geophysical Corp. of Alaska*, [732 F.2d 693, 698](#) (9th Cir. 1984) ("We cannot take jurisdiction over a claim as to which no effective relief can be granted."); *see also Machuca-Tellez v. Holder*, [388 Fed. App'x 609, 610](#) (9th Cir. 2010) (section 2241 petition challenging immigration detention mooted by petitioner's removal).

Petitioner argues that the case is not moot because Petitioner could theoretically be re-detained. However, after her release, Petitioner reported back to ICE and was not re-detained. Pompa Decl. ¶ 15. The same argument for continuing to litigate a habeas petition after release has been made by Petitioner's counsel in other recent habeas petitions and has been rejected. For example, the Honorable Judge Carter granted a TRO but then denied the PI as moot in *Franciso Coc Tut v. Noem*, 5:25-cv-02701-DOC, [Dkt.](#)

1 13 (Oct. 13, 2025) (attached hereto as Exhibit 2). Judge Carter addressed the re-detention
2 argument and rejected it as a basis to sustain a habeas action, explaining, “The Court
3 understands Petitioners’ concerns regarding re-detention. Petitioners may seek relief
4 from the Court should they be re-detained by immigration officials and held without
5 bond pursuant to the Government’s new policy.” *Id.* at 3. Other judges in this District
6 have also denied the theoretical prospect of re-detention as a basis for sustaining a
7 habeas petition in which the petitioner has obtained the relief requested. *See Javier*
8 *Gonzales v. Noem*, 5:25-cv-02054-ODW, [Dkt. 16](#) (Aug. 25, 2025 minute order by Hon.
9 Judge Wright, denying as moot the petitioners’ pending request for a PI given their
10 receipt pursuant to a TRO of 1226(a) bond hearings and issuing the petitioners an order
11 to show cause re: dismissal), [Dkt. 17](#) (notice of voluntary dismissal); *Moises Salomon*
12 *Zaragoza Mosqueda v. Noem*, 5:25-cv-002304-CAS, [Dkt. 15](#) (Sept. 17, 2025 minute
13 order by Hon. Judge Snyder, denying PI and issuing OSC re dismissal for mootness
14 given the petitioners’ receipt of immigration bond hearings), [Dkt. 16](#) (notice of voluntary
15 dismissal).

16 The Honorable Judge Slaughter reached a similar result in *J.P. v. Santacruz*, No.
17 8:25-CV-01640-FWS-JC, [2025 WL 2998305](#), at *1 (C.D. Cal. Oct. 24, 2025), a case
18 where the petitioner requested notice and a hearing before a neutral adjudicator prior to
19 his potential future re-detention and/or re-arrest. Judge Slaughter dismissed the case for
20 lack of subject matter jurisdiction, finding, “To the extent Petitioner challenges his future
21 detention and/or arrest at another physical appointment, the court finds Petitioner fails to
22 present sufficient allegations or evidence of the threat of future injury to confer Article
23 III standing.” *Id.* at *4. Similarly, here, Petitioner reported to ICE on November 12,
24 2025, but was not re-detained. *See Pompa Decl.* ¶ 15.

25 Finally, Respondents must address the allegation that the “government lured
26 Petitioner with official process regarding her asylum claim.” [Dkt. 12](#) (Court’s TRO,
27 Nov. 6, 2025). Petitioner’s allegation that she was “lured” has proven to be
28 unsubstantiated now that the government has had time to review the record. (The

1 government had less than three business days to respond to the TRO application.)

2 The notice of credible fear interview was issued by the Asylum Division of
3 USCIS (i.e. not ICE), and it was only on September 17, 2025, the day of the scheduled
4 interview, that the Asylum Division determined that USCIS did not have jurisdiction to
5 conduct a credible fear interview. Furthermore, the allegation that Petitioner was
6 somehow “deprive[d] ... her opportunity to advance her asylum claim” is also not
7 supported by the evidence. Petitioner is represented by counsel in her present removal
8 proceedings and was also represented by counsel in 2014. In June 2014, Petitioner,
9 through her attorney, advised the Immigration Judge that she was not prepared to
10 proceed with the relief that she had filed with the immigration court. Pompa Decl. ¶ 7.
11 While the proceeding was administratively closed in June 2015, Petitioner could have
12 moved to re-calendar the proceedings, i.e. restart them, at any time and pursue her
13 relief,¹ but she chose not to do so. *See* 8 C.F.R.1003.18(c)(2) (Recalendaring before
14 immigration judges).

15 While Respondents continue to oppose the issuance of a preliminary injunction
16 pursuant to the legal positions stated in the Respondents’ brief (Dkt. 9) in opposition to
17 the Petitioner’s *ex parte* application for a temporary restraining order, and the
18 Respondents maintain that those positions warrant denying a preliminary injunction on
19 the merits, the issue is mooted in any event by the TRO’s issuance and the Petitioner’s
20 subsequent release. Accordingly, the OSC re: preliminary injunction should be
21 discharged, and the Petitioner should either voluntarily dismiss the Petition or else be
22 required to respond to an OSC re: Dismissal.

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27 ¹ Under 8 CFR § 208.4(a)(2), an asylum application must be filed within one year
28 of the date of the applicant’s arrival in the United States. If Petitioner seeks asylum
relief, she missed the one-year deadline. *See* Pompa Decl. ¶¶ 4-5 (stating that Petitioner
sought admission on May 23, 2012, but did not apply for relief until Dec. 13, 2013).

1 Dated: November 21, 2025

Respectfully submitted,

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11 * The undersigned counsel of record certifies that this brief contains 1,021 words,
12 which complies with the word limit of L.R. 11-6.1.
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