

1 VENABLE LLP
2 Sarah S. Brooks (SBN 266292)
3 ssbrooks@venable.com
4 2049 Century Park East, Suite 2300
5 Los Angeles, CA 90067
6 Telephone: (310) 229-9900
7 Facsimile: (310) 229-9901

8 *Counsel for Enrique Mayoral*

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

11 ENRIQUE MAYORAL,

12 Petitioner,

13 v.

14 TODD LYONS, Acting Director,
15 Immigration Customs and Enforcement;
16 and ERNESTO SANTACRUZ, JR., Field
Office Acting Director for Enforcement
and Removal Operation

17 Respondents.

Case No. 2:25-cv-10459-SSS-BFM

Honorable Sykes

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

VENABLE LLP
2049 CENTURY PARK EAST, SUITE 2300
LOS ANGELES, CA 90067
310-229-9900

REPLY MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Petitioner Enrique Mayoral (“Petitioner” or “Mayoral”) files this Reply in support of his Ex Parte Application for a Temporary Restraining Order (“TRO”). Respondents’ Opposition reiterates its legal position taken in its opposition to the ex parte TRO application filed in the *Bautista* case, 5:25-cv-01873-SSS-BFM. (Dkt. 9 at 1). As this Court knows, the application for TRO was granted in *Bautista* and similarly should be granted here.

II. ARGUMENT

A. This Court Does Have Jurisdiction - 8 U.S.C. § 1252 is Not A Bar To Review

Respondents’ opposition raises two issues. First, Respondents argue that this Court lacks jurisdiction to address the claims for relief raised in Petitioner’s TRO. (Dkt. 9 at 2). Respondents claim that 8 U.S.C. § 1252(g) strips this Court of jurisdiction. (Dkt. 9 at 5). But, 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 removal orders 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 or action to ‘commence proceedings, adjudicate cases, or execute removal orders.’” Petitioner’s claims challenge whether he is subject to mandatory detention. Thus, 8 U.S.C. § 1252 (g) does not pose a bar to this Court’s jurisdiction. *See Bautista v. Santacruz*, No.

1 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 171364, *11 (C.D.Cal. July 28,
2 2025)(finding that claims regarding whether Petitioners are subject to mandatory
3 detention during the pendency of their removal proceedings do not fall under §
4 1252(g)’s prohibition on judicial review). *See also Zaragoza Mosqueda v. Noem*,
5 Case No. 5:25-cv-02304 CAS (BFM), 2025 U.S. Dist. LEXIS 174828 (C.D. Cal.
6 Sept. 8, 2025)(granting application for TRO and finding 8 U.S.C. § 1252 (g) and
7 (b)(9) not to present a jurisdictional bar to judicial review).

8 Next, Respondents’ claim that 8 U.S.C. § 1252(b)(9) deprives this Court of
9 jurisdiction because the TRO should have been brought before a Federal Court of
10 Appeal. (Dkt. 9 at 8-9). However, the “zipper clause” at 8 U.S.C. § 1252(b)(9),
11 does not apply here because that section applies only to review of removal orders,
12 and as noted above, Petitioner does not seek a review of an order of removal but of
13 mandatory detention. *See Bautista*, 2025 U.S. Dist. LEXIS 171364 at * 10.
14 (finding that “[w]ithout an order of removal, § 1252(b)(9) alone does not bar this
15 Court from reviewing Petitioners’ TRO regarding the legality of the new DHS
16 policy and Bond Orders applying § 1225 rather than § 1226(a)). *See also*
17 *Zaragoza*, 2025 U.S. Dist. LEXIS 174828 (granting application for TRO and
18 finding 8 U.S.C. § 1252 (b)(9) not to present a jurisdictional bar to judicial
19 review).

20 Finally, Respondents argue that 8 U.S.C. § 1252(a), titled “Judicial Review
21 of 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. 9 at 7). But, section 1252(a)(2) contains four subsections,
24 which outlines categories of claims that are not subject to judicial review. §
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. As in, *Bautista* no
28 part of § 1252 deprives this Court of jurisdiction.

As such, the Court has jurisdiction over Petitioner's challenge to his mandatory detention. Simply put, nothing in the Immigration and Nationality Act precludes this Court from granting the requested TRO. Petitioner respectfully asks the Court to grant his TRO.

B. Petitioner is Likely To Succeed On the Merits And Is Suffering Irreparable Harm

Second, Respondents claim that Petitioner fails to meet the high bar for injunctive relief. (Dkt. 9 at 9-14). Numerous Courts in this District have addressed the exact same legal issues presented here and have granted TROs in nearly identical circumstances. *See Bautista*, 2025 U.S. Dist. LEXIS 171364; *Ceja Gonzalez v. Noem*, No. 5:25-cv-2054-ODW-BFM (C.D. Cal. Aug. 13, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Benitez v. Noem*, No. 5:25-cv-2190-RGK-AS (C.D. Cal. Aug. 26, 2025); *Zaragoza*, 2025 U.S. Dist. LEXIS 174828; *Arreola Armenta v. Noem*, No. 5:25-cv-2416-JFW (SP) (C.D. Cal. Sept. 16, 2025); *Sandoval Hernandez v. Noem*, No. 5:25-cv-02563-FMO (AGRx) (C.D. Cal. Oct. 9, 2025).

The same result is warranted here. Petitioner respectfully asks that his application for TRO be granted and he be afforded a bond hearing on the merits pursuant to 8 U.S.C. 1226(a).

DATED: November 5, 2025

VENABLE LLP

By: /s/ Sarah S. Brooks

Sarah S. Brooks

Attorney for Enrique Mayoral