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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JAROLD MAVERICH

RUEDA PADILLA, [REDACTED],

Petitioner,

v.

MARK BOWEN, ACTING WARDEN,
ADELANTO ICE PROCESSING
CENTER; ERNESTO SANTACRUZ,
JR., ACTING FIELD OFFICE
DIRECTOR, UNITED STATES
IMMIGRATION AND CUSTOMS
ENFORCEMENT, ICE LOS
ANGELES FIELD OFFICE; TODD M.
LYONS, ACTING DIRECTOR,
UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT;
KRISTI NOEM, SECRETARY,
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; AND
PAMELA JO BONDI, ATTORNEY
GENERAL,

Respondents.

Case No. 2:25-cv-10780-CAS-SK

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

**PETITIONER’S REPLY TO RESPONDENTS’ RESPONSE AND
OPPOSITION TO ORDER TO SHOW CAUSE RE: PRELIMINARY
INJUNCTION AND SUGGESTION OF MOOTNESS**

Petitioner Jarold Maverich Rueda Padilla, through counsel, files his Reply to the Respondents’ Response to Order to Show Cause Re: Preliminary Injunction and Suggestion of Mootness, pursuant to this Court’s Order of November 21, 2025.

On November 21, 2025, the Court granted the Petitioner’s Application for Temporary Restraining Order and Order to Show Cause Re: Preliminary Injunction in the above-captioned matter. The Court directed the Respondents to “effectuate Petitioner’s immediate release from custody;” barred the Respondents from “re-arrest[ing] or re-detain[ing] [the] Petitioner without a pre-deprivation notice describing the change of circumstances necessitating Petitioner’s arrest and detention, and a timely hearing[;]” and enjoined the Respondents from “transferring, relocating, or removing Petitioner outside of the Central District of California pending final resolution of this case[.]” Order, a pp. 16-17. The Court’s Order required the Respondents, through counsel, to show cause “as to why the Court should not issue a preliminary injunction in this case[.]” on or before November 28, 2025. *Id.*, at p. 17.

On November 26, 2025, the Respondents, through counsel, filed the Federal Respondents’ Response to Order to Cause Re: Preliminary Injunction in the above-captioned matter. In their Response, the Respondents, through counsel, argue that the Petitioner’s release from federal immigration custody under the Court’s Order “moots the requested preliminary injunction and this habeas petition more generally.” Resp., at p. 1. Accordingly, the Respondents contend that the “OSC re: preliminary injunction should be discharged, and the Petitioner should either

1 voluntarily dismiss the Petition or else be required to respond to an OSC re:
2 Dismissal.” Id.

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4 The Court should reject the Respondents’ arguments, as it retains the power
5 to issue effective relief to Mr. Rueda Padilla on his habeas corpus action. Article
6 III of the United States Constitution “limits federal-court jurisdiction to ‘cases’ and
7 ‘controversies.’” Campbell-Ewald Co. v. Gomez, 577 U.S. 153, 160 (2016)
8 (quoting U.S. Const., Art. III, § 2). The Supreme Court has construed this
9 constitutional requirement “to demand that ‘an actual controversy...be extant at all
10 stages of review, not merely at the time the complaint is filed.’” Id. at 160 (quoting
11 Arizonans for Official English v. Arizona, 520 U.S. 43, 67 (1997)) (other internal
12 citations omitted); see also United States v. Yepez, 108 F.4th 1093, 1099 (9th Cir.
13 2024) (noting that Article III “limits the jurisdiction of federal courts to ‘actual,
14 ongoing cases or controversies[]’”) (quoting Lewis v. Continental Bank Corp., 494
15 U.S. 472, 477 (1990)).

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17 To maintain an ongoing case or controversy under Article III, “‘the parties
18 must continue to have a personal stake in the outcome[]’” of the lawsuit. Yepez,
19 108 F.4th at 1099 (quoting Lewis, 494 U.S. at 477) (other internal citations and
20 quotation marks omitted). When “‘an intervening circumstance deprives the
21 plaintiff of a personal stake in the outcome of the lawsuit, at any point during
22 litigation, the action can no longer proceed and must be dismissed as moot.’”
23 Campbell-Ewald, 577 U.S. at 160-61 (quoting Genesis HealthCare v. Symczyk,
24 569 U.S. 66, 72 (2013)) (other internal citations and quotation marks omitted)); see
25 also Yepez, 108 F.4th at 1099 (same).
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1 However, the “burden of demonstrating mootness is a heavy one.” Yepez,
2 108 F.4th at 1099 (quoting Cantrell v. City of Long Beach, 241 F.3d 674, 678 (9th
3 Cir. 2001)). An action in federal court becomes moot “only when it is impossible
4 for a court to grant any effectual relief whatever to the prevailing party[,]”
5 Campbell-Ewald, 577 U.S. at 160-61 (quoting Knox v. Service Employees, 567
6 U.S. 298, 307 (2012)), not when “the precise relief sought” becomes unavailable.
7 Yepez, 108 F.4th at 1099-1100 (quoting Bayer v. Neiman Marcus Group, Inc., 861
8 F.3d 853, 862 (9th Cir. 2017)) (other internal citations and quotation marks
9 omitted). If the parties “have a concrete interest, however small, in the outcome
10 of the litigation, the case is not moot.” Campbell-Ewald, 577 U.S. at 161 (quoting
11 Chafin v. Chafin, 568 U.S. 165, 172 (2013)).
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13 A federal court’s decision to grant temporary injunctive relief in a habeas
14 corpus action, including a petitioner’s release from detention, does not render a
15 habeas petition moot if the petitioner remains at risk of rearrest or re-detention by
16 federal authorities. See Bautista v. Santacruz, U.S.D.C. No. 5:25-cv-01873-SSS-
17 BFM, __ F. Supp. 3d __, 2025 U.S. Dist. LEXIS 233085, at *12-*13 (C.D. Cal.
18 Nov. 20, 2025); Carlos v. Noem, U.S.D.C. No. 2:25-cv-01900-RFB-EJY, __ F.
19 Supp. 3d __, 2025 U.S. Dist. LEXIS 209494, at *11-*12 (D. Nev. Oct. 24, 2025);
20 Martinez v. Walmsley, U.S.D.C. No. 2:25-cv-01822-TMC, __ F. Supp. 3d __,
21 2025 U.S. Dist. LEXIS 201309, at *9 (W.D. Wash. Oct. 10, 2025). In Nielsen v.
22 Preap, a plurality of the United States Supreme Court held that the noncitizen
23 plaintiffs’ challenge to their mandatory detention in federal immigration custody
24 under 8 U.S.C. § 1226(c) did not become moot when a federal district court
25 directed their release on bond in a preliminary injunction order. See Nielsen v.
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1 Preap, 586 U.S. 392, 403 (2019). The Court explained that “[u]nless that
2 preliminary injunction was made permanent and was not disturbed on appeal, these
3 individuals faced the threat of re-arrest and mandatory detention[,]” and could
4 continue to seek permanent relief in federal court. Id.; see also Rodriguez-Diaz v.
5 Garland, 53 F.4th 1189, 1195 n.2 (9th Cir. 2022) (holding that the Government’s
6 compliance with a district court’s order to release a noncitizen petitioner on bond
7 “does not moot its appeal[.]”) (citing United States v. Golden Valley Elec. Ass’n,
8 689 F.3d 1108, 1112-13 (9th Cir. 2012)); Carafas v. LaVallee, 391 U.S. 234, 238
9 (1968) (declaring that “once the federal jurisdiction has attached in the District
10 Court, it is not defeated by the release of the petitioner prior to completion of
11 proceedings on such [habeas] application[.]”). Likewise, the Ninth Circuit has held
12 that a habeas petition “continue[s] to present a live controversy after the
13 petitioners’ release” when there is “some remaining ‘collateral consequence’ that
14 may be redressed by success on the petition.” Abdala v. INS, 488 F.3d 1061, 1063-
15 64 (9th Cir. 2007) (quoting Spencer v. Kemna, 523 U.S. 1, 7 (1998), and citing
16 Zegarra-Gomez v. INS, 314 F.3d 1124, 1126-27 (9th Cir. 2003)).

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19 Mr. Rueda Padilla’s release from federal immigration custody does not
20 render his requests for more permanent injunctive relief moot, as his discharge
21 from detention resulted from the Court’s Temporary Restraining Order. See
22 Martinez, 2025 U.S. Dist. LEXIS 201309, at *9 (citing Fed. R. Civ. P. 65(b)(2)).
23 The Court’s Temporary Restraining Order expires on December 5, 2025, unless
24 the Court, “for good cause, extends it for a like period[.]” Fed. R. Civ. P. 65(b)(2).
25 When the Temporary Restraining Order expires, “and absent ‘permanent’ relief
26 from unlawful detention in the form of a final judgment,” Mr. Rueda Padilla “could
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1 suffer ‘collateral consequences’ and face an ongoing threat of actual injury[.]”
2 arising from “‘the threat of re-arrest and mandatory detention’” under the same
3 statutory scheme that the Court has temporarily precluded the Respondents from
4 applying to him. Martinez, 2025 U.S. Dist. LEXIS 201309, at *9 (quoting Preap,
5 586 U.S. at 403, and Abdala, 488 F.3d at 1061); see also Carlos, 2025 U.S. Dist.
6 LEXIS 209494, at *12 (ruling that “the issuance of a TRO ordering Petitioner’s
7 release with an expiration date certainly does not moot the need for a preliminary
8 injunction[.]” barring Carlos’ mandatory detention under 8 U.S.C. § 1225(b)(2)
9 because “Respondents would be able to rearrest and re-detain Petitioner under 8
10 U.S.C. § 1225(b)(2) without running afoul of this Court’s Order”).
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13 The prospect of detention is not speculative, as the Respondents have not
14 rescinded their unlawful construction of the detention statutes under the
15 Immigration and Nationality Act. See Carlos, 2025 U.S. Dist. LEXIS 209494, at
16 *10. Instead, the Board of Immigration Appeals held that noncitizens “who are
17 present in the United States without admission are applicants for admission as
18 defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must
19 be detained for the duration of their removal proceedings[.]” without bond, even if
20 the noncitizens resided in the United States for a number of years. Matter of Yajure
21 Hurtado, 29 I. & N. Dec. 216, 220-21 (BIA 2025). Published decisions of the
22 Board of Immigration Appeals “are binding on all officers and employees of DHS
23 or immigration judges in the administration of the immigration laws of the United
24 States[.]” 8 C.F.R. § 1003.1(g)(1) (2025), and “serve as precedents in all
25 proceedings involving the same issue or issues.” 8 C.F.R. § 1003.1(g)(2) (2025).
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1 In fact, the Court in this case found that “administrative exhaustion of
2 Petitioner’s claim that he is unlawfully subject to mandatory detention pursuant to
3 § 1225(a) would be futile in light of the BIA’s binding decision in Matter of Yajure
4 Hurtado,” Order, at p. 16, and habeas actions around the United States “confirm
5 that Respondents are redetaining – and subjecting to their new mandatory detention
6 policy – individuals previously released[]” from detention. Carlos, 2025 U.S. Dist.
7 LEXIS 209494, at *12 (collecting cases); see also Bautista, 2025 U.S. Dist. LEXIS
8 233085, at *13 (noting that Petitioners cited to “four instances” in which
9 “Respondents have again arrested and re-detained similarly situated individuals
10 and subjected them to mandatory detention[]” under Matter of Yajure Hurtado).
11 Since Mr. Rueda Padilla “remains vulnerable to re-detention,” under the
12 Respondents’ interpretation of its detention authority under 8 U.S.C. § 1225(b)(2),
13 his claim “is not moot even after his release.” Carlos, 2025 U.S. Dist. LEXIS
14 209494, at *11 (citing Preap, 586 U.S. at 403).

17 Moreover, the Court’s Order bars the Respondents from “re-arrest[ing] or
18 re-detain[ing] [the] Petitioner without a pre-deprivation notice describing the
19 change of circumstances necessitating Petitioner’s arrest and detention, and a
20 timely hearing[,]” in addition to directing Mr. Rueda Padilla’s immediate release
21 from the Respondents’ custody. Order, at p. 16. At that hearing, the Court has
22 required that “the government shall bear the burden of establishing, by clear and
23 convincing evidence, that Petitioner poses a danger to the community or a risk of
24 flight, and Petitioner shall be allowed to have counsel present[.]” Id., at pp. 16-17.
25 If the Respondents rearrest and re-detain Mr. Rueda Padilla without adequate
26 procedural safeguards, the Court can intervene, by ordering the Respondents to
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1 afford Mr. Rueda Padilla a pre-deprivation hearing that comports with due process.
2 The “effective relief” that the Court could afford to Mr. Rueda Padilla, Yepez, 108
3 F.4th at 1099, to enforce the Court’s additional Order, distinguishes the present
4 case from Tut v. Noem, U.S.D.C. No. 5:25-cv-02701-DOC-AGR, ___ F. Supp. 3d
5 ___, 2025 U.S. Dist. LEXIS 204616, at *17 (C.D. Cal. Oct. 16, 2025), cited by
6 Government counsel, in which the Court only enjoined the petitioners’ continued
7 detention in ICE custody without bond hearings, and precludes a dismissal of Mr.
8 Rueda Padilla’s habeas petition for mootness.
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11 Respectfully Submitted,

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13 Dated: December 3, 2025

/s/ Lori B. Schoenberg

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**CERTIFICATE OF COMPLIANCE, PURSUANT TO U.S. DIST. CT.
CIVIL LOCAL RULES, L.R. 11-6.2**

The undersigned, counsel of record for Petitioner Jarold Maverich Rueda Padilla, hereby certifies that this brief contains 1,781 words, which complies with the word limit of U.S. Dist. Ct., Civil Local Rules, L.R. 11-6.1.

Respectfully Submitted,

Dated: December 3, 2025

/s/ Lori B. Schoenberg

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