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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ISABO LABRADOR-PRATO,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondents.

CASE NO. 1:25-CV-01598-DC-SCR

**OPPOSITION TO MOTION FOR TEMPORARY
RESTRAINING ORDER**

COURT: Hon. Dena M. Coggins

I. INTRODUCTION

The Government submits this Opposition to Petitioner Isabo Labrador-Prato's (the "Petitioner") Motion for Temporary Restraining Order ("TRO"). On November 19, 2025, Petitioner filed a writ of habeas corpus and TRO seeking an order releasing her from custody or providing a bond hearing. The Court should deny the TRO because the Petitioner is subjected to Section 1225's mandatory detention procedures and is unlikely to prevail on the merits of her petition for the reasons set forth below. The Government waives oral argument.

II. ARGUMENT

Petitioner is an alien from Venezuela who is present in the United States. This is undisputed. *See* ECF 1 at 4. Petitioner was charged with entering the United States without admission or inspection after crossing the Rio Grande. *Id.* On September 5, 2025, she appeared in Immigration Court for a bond redetermination hearing before an immigration judge. ECF 1, Ex. B. The immigration judge denied her

request for custody redetermination and detained her under Section 1225. *Id.* Her next immigration court hearing is set for January 16, 2026. ECF 1 at 5. Accordingly, the Court should deny the TRO because: (A) the Petitioner is an “applicant for admission” and thus subject to Section 1225’s detention procedures; and (B) the Petitioner failed to establish that he will succeed on the merits.

A. Section 1225 Applies to Petitioner because She is an Alien Who Has Not been Admitted.

Any alien who “is present” in the United States but “has not been admitted” to the United States is “an applicant for admission.” 8 U.S.C. § 1225(a)(1); *see also Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (“an alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been admitted,’ is treated as ‘an applicant for admission.’” § 1225(a)(1).”).

Section 1225 defines that “applicant for admission” as “[a]n alien present in the United States who has not been admitted or who arrives in the United States ... whether or not at a designated port of arrival.” *Altamirano Ramos v. Lyons et al.*, No. 2:25-CV-09785-SVW-AJR, 2025 WL 3199872, at *4 (C.D. Cal. Nov. 12, 2025) (citing 8 U.S.C. § 1225(a)(1)). “Thus, the statute identifies two categories of aliens: (1) those “present in the United States who ha[ve] not been admitted”; and (2) those “who arrive[] in the United States ... whether or not at a designated port of arrival.” *Id.* “The statute expressly treats a person in either category as an ‘applicant for admission.’ *Id.* (quoting *Matter of Lemus-Losa*, 25 I. & N. Dec. 734, 743 (BIA 2012) (“Congress has defined the concept of an ‘applicant for admission’ in an unconventional sense, to include not just those who are expressly seeking permission to enter, but also those who are present in this country without having formally requested or received such permission”).

“The suggestion that petitioner may evade the designation of ‘applicant for admission’ merely because he has already entered the United States elides the fact that he was never lawfully admitted, regardless of what steps he actually took to acquire that status.” *Oliverio Cortes Alonzo v. Kristi Noem et al.*, No. 1:25-CV-01519-WBS-SCR, 2025 WL 3208284, at *4 (E.D. Cal. Nov. 17, 2025).¹

¹ The court in *Oliverio Cortes Alonzo* found that the petitioner had failed to establish that he was likely to succeed on the merits when it denied the TRO. *Oliverio Cortes Alonzo*, 2025 WL 3208284, at *5. The United States acknowledges that the court did not make an affirmative endorsement of the Government’s interpretation of Section 1225 and that this Court has rejected similar arguments in cases involving other aliens detained under § 1225(b)(1). *See, e.g., Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at *8 (E.D. Cal. Mar. 3, 2025); *M.V. v. Wofford, et al.*, No. 1:25-cv-01381-KES-SAB (E.D. Cal. Nov. 4, 2025); *Sabi Polo v. Chestnut et al.*, 1:25-cv-01342-JLT-HBK (E.D. Cal. Oct 17,

1 Here, it is undisputed that the Petitioner is charged with entering the United States without
2 admission or inspection. On September 5, 2025, she was ordered detained by an immigration judge in
3 immigration court after considering her request for a custody redetermination. The fact that she was out
4 of custody at any point before her detention in September 2025 does not change the fact that she was never
5 lawfully admitted. Section 1225 applies broadly to all aliens—including Petitioner here—who are “present
6 in the United States who ha[ve] not been admitted” *Altamirano Ramos*, 2025 WL 3199872, at *4.
7 Therefore, Petitioner is subject to detention under Section 1225, and not entitled to a bond hearing, because
8 he is an “applicant for admission.”

9 **B. The TRO Should be Denied because Petitioner is Unlikely to Succeed on the Merits.**

10 Preliminary injunctions are “an extraordinary remedy that may only be awarded upon a clear
11 showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20
12 (2008) (citations omitted). “A plaintiff seeking a preliminary injunction must establish that he is likely to
13 succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that
14 the balance of equities tips in his favor, and that an injunction is in the public interest.” *Id.*

15 A plaintiff seeking a preliminary injunction must establish:

- 16 (1) that he is likely to succeed on the merits;
17 (2) that he is likely to suffer irreparable harm in the absence of preliminary relief;
18 (3) that the balance of equities tips in his favor; and
19 (4) that an injunction is in the public interest.

20 *Id.* at 20 (citations omitted); *See also Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015).

21 These factors apply to Petitioner’s TRO. *See Altamirano Ramos v. Lyons et al.*, No. 2:25-CV-
22 09785-SVW-AJR, 2025 WL 3199872, at *1 (C.D. Cal. Nov. 12, 2025); *Oliverio Cortes Alonzo v. Kristi*
23 *Noem et al.*, No. 1:25-CV-01519-WBS-SCR, 2025 WL 3208284, at *1 (E.D. Cal. Nov. 17, 2025).

24 Here, Petitioner’s TRO should be denied because she has failed to establish that she is unlikely to
25 prevail on the merits. “[A]n alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has
26 not been admitted,’ is treated as ‘an applicant for admission.’” *Oliverio Cortes Alonzo*, 2025 WL 3208284,
27
28 2025).

1 at *4 (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018)). This applies to Petitioner here because
2 she is charged with entering the United States without admission or inspection under Section 1225. She
3 had a hearing before an immigration judge and that immigration judge denied her request for a change in
4 custody status and order that she remained detained. Therefore, the TRO should be denied because
5 Petitioner is unlikely to succeed on the merits.

6 **III. CONCLUSION**

7 For the reasons set forth above, Petitioner Isabo Labrador-Prato's Motion for a Temporary
8 Restraining Order should be denied.

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10 Dated: November 24, 2025

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12 By: /s/ CODY S. CHAPPLE
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